

**Proposed Amendment to Rules Governing Plumber Licensing, *Minnesota Rules*, Chapter 4716,  
Revisor's ID number R-04365  
OAH Docket Number: 8-9001-35569**

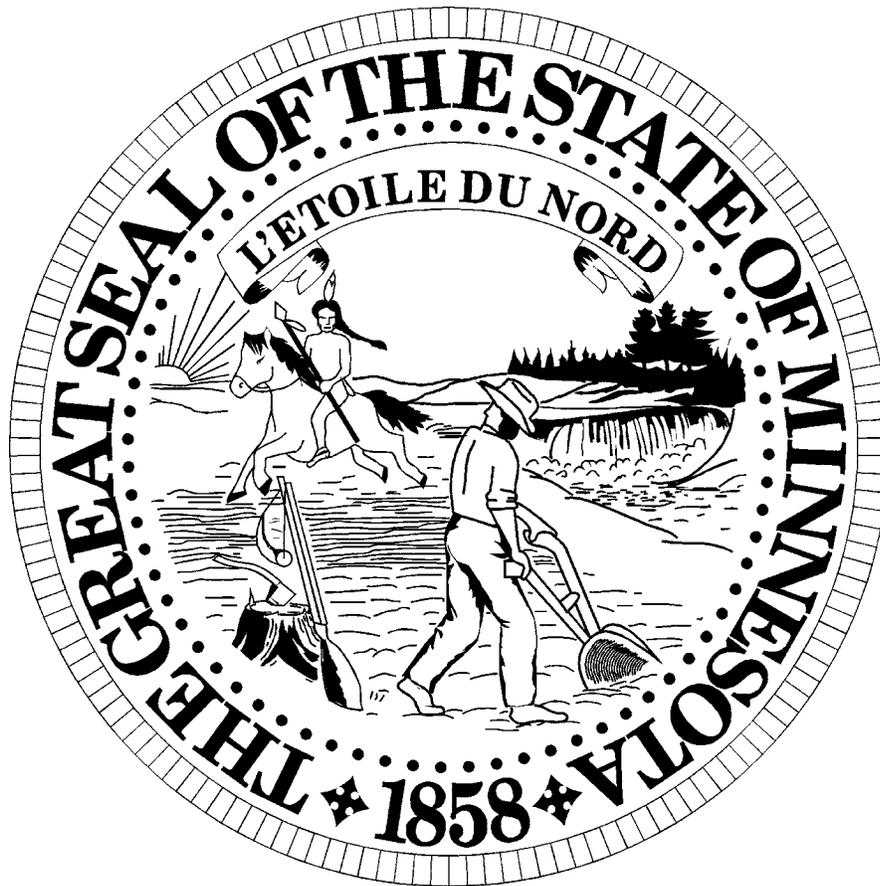
**EXHIBIT LIST**

<b>Exhibit</b>	<b>Page #</b>	<b>Description</b>
A.	001-034	<b>Request for Comments</b> published in the State Register on October 30, 2017 (42 SR 507)
B.	035	<b>Statement of no petition for rulemaking</b>
C.	036-047	<b>The proposed rule</b> , including the revisor's approval, dated August 29, 2018
D.	048-065	<b>The Statement of Need and Reasonableness</b> , signed November 13, 2018
<b>Exhibits D-2 through D-5 are printed pages of the cites linked in the Statement of Need and Reasonableness (except cites to revisor page links)</b>		
D-2	066-129	Comments submitted in response to the Request for Comments cited in SONAR Footnote 3
D-3	130-164	Plumbing Board meeting minutes for March 12, 2018; June 12, 2018; and August 28, 2018, cited in SONAR Footnote 4
D-4	165-183	Four articles and information cited in SONAR Footnote 17
D-5	184-210	Four websites cited in Attachment A
E.	211-231	<b>The certificate</b> of e-mailing the Statement of Need and Reasonableness to the Legislative Reference Library
F.	232-258	<b>The dual notice</b> as mailed and as published in the State Register, published November 26, 2018 (43 SR 585); and the Board resolution authorizing the Chair to publish the dual notice
G.	259-264	<b>The certificate</b> of accuracy of the mailing list and of mailing the dual notice to the Plumbing rulemaking list
G-2	265-288	<b>The certificate</b> of accuracy of the plumbing rulemaking e-mail list and of e-mailing the dual notice to the Plumbing rulemaking e-mail list
H.	289-306	<b>The certificate</b> of e-mailing the dual notice to the organizations listed in the approved additional notice plan
H-2	307-313	<b>The certificate</b> of e-mailing the dual notice to persons who have requested to be on the Board's Interested Parties list
I.	314-342	<b>Timely requests</b> for hearing on the proposed rule received by the agency during the comment period; the agency did not receive any untimely requests for hearing or comments
J.	343-358	A copy of the letter to Chief ALJ Pust requesting authorization to omit the text of the proposed rule from publication in the State Register dated October 5, 2018, and <b>her order authorizing such omission</b> dated October 26, 2018
K.	359-395	<b>The certificate</b> of sending the dual notice and the Statement of Need and Reasonableness to legislators and the legislative coordinating commission
K-2	396	<b>The certificate</b> of posting the Statement of Need and Reasonableness and Dual Notice on the Board's rulemaking docket
K-3	397	<b>The certificate</b> of posting the 8/29/2018 rule draft on the Board's rulemaking docket

K-4	398-400	<b>The certificate</b> of mailing a notice of hearing to those who requested a hearing; this was a courtesy notice that was not required because the Board published a Dual Notice
K-5	401-404	<b>The certificate</b> of e-mailing a notice of hearing to those who requested a hearing via e-mail; this was a courtesy notice that was not required because the Board published a Dual Notice
K-6	405-437	<b>Letter to Minnesota Management and Budget</b> dated September 13, 2018, and the Minnesota Management and Budget response dated October 31, 2018
K-7	438-473	A copy of the letter dated October 25, 2018, asking Chief ALJ Pust to schedule a hearing, assign an Administrative Law Judge, and approve the Additional Notice Plan and the Dual Notice, with enclosures
K-8	474-475	A copy of the accompanying letter and Order on Review of Additional Notice Plan and Dual Notice, dated November 1, 2018, signed by Administrative Law Judge Eric L. Lipman
K-9	476-502	Plumbing Board Meeting Minutes of the July 21, 2015, meeting, authorizing the Board Chair to publish a Request for Comments
K-10	503-531	Plumbing Board Meeting Minutes of the April 18, 2017, meeting
K-11	532-541	Plumbing Board Meeting Minutes of the July 18, 2017, meeting
K-12	542-546	Plumbing Board Meeting Minutes of the October 17, 2017, meeting
K-13	547-548	Ad Hoc Code Review & Rulemaking Committee Meeting Minutes of the November 21, 2017, meeting
K-14	549-556	Plumbing Board Meeting Minutes of the January 16, 2018, meeting
K-15	557-558	Ad Hoc Code Review & Rulemaking Committee Meeting Minutes of the March 15, 2018, meeting
K-16	559-573	Ad Hoc Code Review & Rulemaking Committee Meeting Minutes of the April 17, 2018, meeting
K-17	574-575	Ad Hoc Code Review & Rulemaking Committee Meeting Minutes of the May 30, 2018, meeting
K-18	576-586	Plumbing Board Meeting Minutes of the July 17, 2018, meeting

# Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;  
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;  
Official Notices; State Grants & Loans; State Contracts;  
Non-State Public Bids, Contracts and Grants**

**Monday 30 October 2017  
Volume 42, Number 18  
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# Minnesota State Register

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The *Minnesota State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Vetoed Rules
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

### Printing Schedule and Submission Deadlines

Vol. 42 Issue Number	PUBLISH DATE ( <b>BOLDFACE</b> shows altered publish date)	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical- Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
# 19	Monday 6 November	Noon Tuesday 31 October	Noon Thursday 26 October
# 20	Monday 13 November	Noon Tuesday 7 November	Noon Thursday 2 November
# 21	Monday 20 November	Noon Tuesday 14 November	Noon Thursday 9 November
# 22	Monday 27 November	Noon <b>Monday</b> 20 November	Noon Thursday 16 November

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#### Senate Public Information Office

(651) 296-0504  
State Capitol, Room 231, St. Paul, MN 55155  
<http://www.senate.mn>

#### Minnesota State Court System

Court Information Office (651) 296-6043  
MN Judicial Center, Rm. 135,  
25 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
<http://www.mncourts.gov>

#### House Public Information Services

(651) 296-2146  
State Office Building, Room 175  
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
<https://www.house.leg.state.mn.us/hinfo/hinfo.asp>

#### Federal Register

Office of the Federal Register (202) 512-1530; or (888) 293-6498  
U.S. Government Printing Office – Fax: (202) 512-1262  
[http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html)

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# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the State Register

The State Register is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the State Register. Published every Monday, the State Register makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the State Register.

An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (Minnesota Statutes §§ 14.101). It does this by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as Proposed Rules, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the State Register. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the State Register as Adopted Rules. These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the State Register, the issue the rule appeared in as proposed, and later as adopted.

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive (issue #26 cumulative for issues #1-26); issues #27-38 inclusive (issue #39, cumulative for issues #1-39); issues #40-52 inclusive, with final index (#1-52, or 53 in some years). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the State Register, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757. TTY relay service phone number: (800) 627-3529.

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# Expedited Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for normal rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the conditions. Expedited rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain conditions.

Expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited rules detail the agency's rulemaking authority.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

**Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Office of Administrative Hearings

### Workers' Compensation Division

#### Proposed Expedited Permanent Rules Governing Workers' Compensation Litigation Procedures: Resolution of Claims with Intervenors; Notice of Intent to Adopt Expedited Rules without a Public Hearing

**Proposed Expedited Permanent Rules Governing Workers' Compensation Litigation Procedures: Resolution of Claims with Intervenors, *Minnesota Rules*, 1420.1850; Revisor's ID Number RD4493**

**Introduction.** The Office of Administrative Hearings (Agency) intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until November 29, 2017.

**Agency Contact Person.** You may submit comments or questions on the rules to the Agency contact person. The Agency contact person is:

Katie Lin  
Rulemaking Coordinator  
Office of Administrative Hearings  
PO Box 64620  
St. Paul, MN 55164  
Phone: (651) 361-7911  
TDD: (651) 361-7878  
Fax: (651) 539-0310  
Email: [Katie.Lin@state.mn.us](mailto:Katie.Lin@state.mn.us)

You may also review the proposed rules and submit written comments via the Office of Administrative Hearings Rulemaking e-Comments website at <https://minnesotaoah.granicusideas.com/>

**Subject of the Expedited Rules and Statutory Authority.** The proposed expedited rules are about workers' compensation intervention practices. The rules allow counsel for the employee and/or employer/insurer to jointly file a partial stipulation. The statutory authority to adopt the rules is Minn. Stat. 176.83, subd. 12. The statutory authority to adopt the rules under the expedited rulemaking process is 2017 Minnesota Laws Chapter 94, Article 5, Section 4. A copy of the proposed rules is published in the State Register and attached to this notice as mailed. The proposed expedited rules may be also viewed at <https://minnesotaoah.granicusideas.com/>.

**Comments.** You have until **4:30 p.m. on Wednesday, November 29, 2017**, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the Agency contact person by the due date. The Agency encourages comment. Your comment

# Expedited Rules

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should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also make any comments that you have on the legality of the proposed rules during this comment period.

**Modifications.** The Agency may modify the proposed expedited rules using either of two avenues: The Agency may modify the rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c). Or the Agency may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the State Register, the Agency will publish a notice of adoption in the State Register. If the final rules are different from the rules originally published in the State Register, the Agency must publish a copy of the changes in the State Register. If the proposed expedited rules affect you in any way, the Agency encourages you to participate in the rulemaking process.

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the Agency contact person at the address or telephone number listed above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 18006573889.

**Adoption and Review of Expedited Rules.** The Agency may adopt the rules at the end of the comment period. The Agency will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the Agency submits the rules. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the Agency to receive notice of future rule proceedings, submit your request to the Agency contact person listed above.

Dated: October 19, 2017

Signed by: Tammy L. Pust, Chief Judge  
Office of Administrative Hearings

## 1420.1850 RESOLUTION OF CLAIMS WITH INTERVENORS; HEARINGS.

Subpart 1. **Stipulations without agreement of all intervenors or potential intervenors.** A stipulation for settlement that does not include the agreement of all intervenors or that seeks to preclude rights of potential intervenors must meet the requirements of this subpart.

*[For text of item A, see M.R.]*

B. Where other parties have reached an agreement to settle a claim but have been unable to reach agreement with an intervenor, or obtain the intervenor's signature on the stipulation, the requirements of subitem (1) or (2) must be met.

(1) If the stipulation is signed by the intervenor, the stipulation must include a statement that the parties negotiated with the intervenor in good faith but the intervenor chooses not to enter into an agreement and reserves the right to petition for hearing on the merits under subpart 3. ~~By signing the stipulation in this manner, the intervenor is waiving the right to a Parker/Lindberg hearing under subpart 2, but not waiving the right to a hearing on the merits under subpart 3.~~

(2) If the stipulation, or a letter of agreement attached to the stipulation, is not signed by the intervenor, ~~the stipulation must include a statement that the parties were unable to obtain a response from the intervenor despite good faith efforts, or were unable to reach agreement with the intervenor despite the belief that the parties negotiated with the intervenor in good faith and made a reasonable offer to settle the intervention claim. At the time the stipulation is filed for approval, a copy of the stipulation must be served on the intervenor. An affidavit of service of the stipulation must accompany the stipulation when it is filed for approval. the parties must file a partial stipulation for settlement that com-~~

plies with Minnesota Statutes, section 176.521, subdivision 2b.

Subp. 2. [See repealer.]

Subp. 3. **Intervenor hearing on the merits.**

A. If the parties have not fully resolved the intervenor claim following the ~~procedures procedure~~ in ~~subparts subpart 1 and 2~~ and there is no action pending at the office, a party must file a written petition under Minnesota Statutes, section 176.291, for a hearing on the merits of the intervening party's claim. The petition must be filed within 30 days after an award on stipulation is served and filed. ~~If a petition is pending at the time an award on stipulation is served and filed under subpart 2, the office shall schedule the intervenor claims for a hearing on the merits for at least one-half day.~~

*[For text of item B, see M.R.]*

*[For text of subp 4, see M.R.]*

**REPEALER.** Minnesota Rules, part 1420.1850, subpart 2, is repealed.

## Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the State Register. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Department of Transportation

### Proposed Exempt Permanent Rules Relating to Modifying Local State-Aid Route Standards

8820.0200 DEFINITIONS.

*[For text of subs 1 to 16, see M.R.]*

Subp. 16a. **Curb reaction distance.** "Curb reaction distance" means the distance measured from the edge of the outside through-traffic lane to the adjacent face of curb.

*[For text of subs 17 and 18, see M.R.]*

Subp. 19. **District state-aid engineer.** "District state-aid engineer" means a registered licensed engineer employed as

# Exempt Rules

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the district state-aid engineer of the Minnesota Department of Transportation, or a designated representative.

Subp. 19a. **Excess sum.** “Excess sum” has the meaning given in Minnesota Statutes, section 162.07, subdivision 1a.  
*[For text of subps 20 to 25, see M.R.]*

Subp. 26. **Natural preservation route.** “Natural preservation route” means an existing or proposed roadway that has been designated as a natural preservation route in accordance with Minnesota Statutes, section 162.021, by the commissioner upon petition by a county board and that possesses sensitive or unique scenic, environmental, pastoral, or historical characteristics. Examples may include, but are not limited to, roads along lakes, rivers, wetlands, or floodplains or through forests or hilly, rocky, or bluff terrain.

*[For text of subps 27 to 29, see M.R.]*

Subp. 30. **Reconditioning.** “Reconditioning” includes resurfacing, replacement, or rehabilitation of the pavement structure to extend the life of the roadway and effectively address critical safety and operations needs through minor improvements to the existing facility. Reconditioning projects generally utilize the existing horizontal and vertical alignment, may entail minor widening or geometric improvement, and normally require little or no additional right-of-way. Reconditioning may include changes in vertical or horizontal alignment involving no more than 20 percent of the length of the project. Reconditioning may include curb replacement along no more than 20 percent of the length of the project, not including curb replacement for purposes of meeting the Americans with Disabilities Act of 1990, United States Code, title 42, section 12101 et seq requirements. Work does not normally extend beyond the existing ditch bottom.

*[For text of subp 31, see M.R.]*

Subp. 31a. **Rural.** “Rural” means a roadway that includes ditches and is located in an area that is not presently, nor will it be in the foreseeable future, sufficiently developed to warrant that use of an urban design.

*[For text of subps 32 to 34, see M.R.]*

Subp. 35. *[See repealer.]*

Subp. 36. **State-aid engineer.** “State-aid engineer” means a registered licensed engineer employed as the state-aid engineer of the Minnesota Department of Transportation, or a designated representative.

*[For text of subps 37 to 43, see M.R.]*

Subp. 43a. **Urban.** “Urban” means a roadway that includes a curb and gutter and is, or will be in the foreseeable future, located in an area that is sufficiently developed to warrant an urban design.

*[For text of subps 44 to 46, see M.R.]*

## 8820.0400 LOCAL HIGHWAY AND STREET DEPARTMENTS.

Each county and each urban municipality shall establish and maintain a highway or street department. These departments must be adequately organized, staffed, and equipped to administer for the county or urban municipality matters relating to the operations of the state-aid program and to exercise all functions incidental thereto, in accordance with law. Preparation of plans and specifications and supervision of construction and maintenance must be under the control and direction of a professional engineer, registered licensed in the state of Minnesota and employed or retained for that purpose.

## 8820.0800 ROUTE DESIGNATION PROCEDURES; TURNBACKS; REVOCATION.

Subpart 1. **Resolution and certification.** ~~With regard to~~ Route designations, for county state-aid highways (CSAH) and municipal state-aid streets (MSAS) must be selected by the respective boards of county commissioners or governing bodies of urban municipalities. The highway or street selections must be reviewed by the district state-aid engineer of that area and the engineer’s recommendation must be filed with the commissioner. Upon preliminary approval of the commissioner, the respective boards or governing bodies shall establish the route by designation. For MSAS routes to be designated on county roadways, the designation must be approved in the form of a resolution by the county board and the resolution filed with the commissioner. After receipt of each board action requesting designation, the commissioner

shall approve all or part of the highway or street designations that comply with the criteria set out in this chapter. The commissioner shall certify to the respective boards of county commissioners or governing bodies of urban municipalities the approved portion of the highway or street designation. Highways or streets so approved become a part of the CSAH system or the MSAS system, subject to additions or revisions as may be, from time to time, requested and approved.

Subp. 1a. **Route revisions.** Route revisions must be completed in accordance with subpart 1, except that revisions may be made on the basis of a construction plan, approved by a state-aid engineer, without action of the respective governing body if the designated route is relocated and the function of the designated route at the previous location is transferred to the new location.

*[For text of subp 2, see M.R.]*

Subp. 3. **Payback on revoked state-aid routes.** If a local unit of government revokes a state-aid route for which state-aid construction money has been spent, the district state-aid engineer shall determine the remaining life of the project and compute the value of the items that were financed with state-aid money. This computed value must be subtracted from the next state-aid contract let by the local unit of government. For this determination, (1) the life of a construction and reconstruction project is 25 years, (2) the life of a bridge project is 35 years, and (3) the life of a surfacing or reconditioning project is ten years. ~~Payback is not required if the state-aid construction was a special resurfacing project.~~

## 8820.1000 MONEY NEEDS AND APPORTIONMENT DETERMINATION.

Subpart 1. **Construction cost ~~estimates~~ data.** To provide data to implement the formulas for state-aid apportionment, each county highway engineer and city engineer ~~shall prepare cost estimates of construction required to~~ must provide the commissioner actual cost data for all construction projects that improve the county state-aid or municipal state-aid system to approved standards.

Subp. 2. **Incidental costs.** In addition to the direct construction or maintenance costs permitted under law, the ~~cost~~ costs of the following incidental items ~~is~~ are eligible for inclusion in the ~~total estimate of~~ determining money needs:

- A. right-of-way;
- B. automatic traffic control signals;
- C. lighting of roadways and bridges within approved standards; and
- D. drainage costs.

Subp. 3. [Repealed, 20 SR 1041]

## 8820.1400 MAINTENANCE, CONSTRUCTION, ~~TOWN BRIDGE, AND TURNBACK TOWN ROAD~~ ACCOUNTS; STATE-AID PAYMENTS.

*[For text of subps 1 to 8, see M.R.]*

## 8820.1500 CONSTRUCTION FUNDS.

Subpart 1. [Repealed by amendment, 8 SR 2146]

Subp. 2. **State-aid contracts.** Upon receipt of an abstract of bids, a certification as to the execution of a contract that includes a requirement for bond, and a payment request, the commissioner shall promptly release from the funds available to the county or urban municipality up to 95 percent of the state-aid portion of the contract. Upon further receipt of a signed supplemental agreement, change order, or work order, including by means of an electronic signature, for a major addition to the contract, or appraised values for additional right-of-way costs, the commissioner shall promptly release from the funds available to the county or urban municipality up to 95 percent of the state-aid portion of the supplemental agreement, change order, work order, or right-of-way appraised value. The commissioner shall keep the remaining percentage of the state-aid share of the contract, except of approved right-of-way claims which will be paid in full upon

# Exempt Rules

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proof of acquisition and availability of funds, until the project is 95 percent or more completed as substantiated and requested by the county or city engineer.

Upon receipt of the final project acceptance and final cost determination by the county or city engineer, and upon concurrence of project acceptance by the district state aid engineer, the commissioner shall promptly release from the funds available any remaining money due to the state-aid portion of the contract.

*[For text of subps 3 to 12, see M.R.]*

## **8820.1800 TRANSFER FOR HARDSHIP CONDITION OR LOCAL OTHER USE.**

*[For text of subp 1, see M.R.]*

Subp. 2. **Other local use.** When the county board or governing body of an urban municipality desires to use a part of its state-aid allocation on local roads or streets not on an approved state-aid system, it shall certify to the commissioner that its state-aid routes are improved to state-aid standards or are in an adequate condition ~~that does not have needs other than additional surfacing or shouldering needs identified in its respective state-aid needs report. The state-aid engineer must concur before state-aid funds are expended.~~ That portion of the county or city apportionment attributable to needs must not be used on the local system.

A construction project for a local road or street not on an approved state-aid system and not designed to state-aid standards must not be given final approval by the State Aid for Local Transportation Division unless the plan is accompanied by a resolution from the respective county board or urban municipality that indemnifies, saves, and holds harmless the state of Minnesota and its agents and employees from claims, demands, actions, or causes of action arising out of or by reason of a matter related to constructing the local road or street as designed. The resolution must be approved by the respective county board or urban municipality and agree to defend at the sole cost of the county or urban municipality any claim arising as a result of constructing the local road or street.

Payment for the project must be made in accordance with part 8820.1500, subparts 1 to 5.

## **8820.2100 DISASTER ACCOUNT.**

~~The commissioner must authorize the disaster board to inspect the disaster area if the requesting county or urban municipality damage estimate exceeds ten percent of the current road annual state-aid allotment to the county or urban municipality. The disaster board must consider the availability of any state and federal disaster relief funds before making its recommendation. A disaster appropriation approved by the commissioner for a county or urban municipality in accordance with law, must be promptly paid after a work plan for each project under this part is submitted, up to 95 percent of its estimate to the county or urban municipality for which the appropriation was authorized. The funds so allotted and paid to the county or urban municipality may only be spent for the purpose for which they were authorized, and within a reasonable time specified by the commissioner. Immediately upon completion of the work for which the disaster payment was made or the expiration of the time specified for doing the work, whichever occurs first, the county or urban municipality shall file a report certifying the extent of the authorized work completed and showing the total expenditure made. If the total disaster allotment was not required or used for the purpose specified or if state or federal disaster aid is later received, the remainder and an amount equal to the state or federal aid received must be promptly reimbursed to the commissioner for redeposit in the county state-aid highway fund disaster account or the municipal state-aid street fund, as the case may be, and apportioned by law. Damage estimates submitted by a county or urban municipality must exceed ten percent of the current annual state-aid allotment to the county or urban municipality before the commissioner shall authorize the disaster board to inspect the disaster area. The disaster board shall consider the availability of any available federal disaster relief funds before making its recommendation disaster account.~~

## **8820.2300 TURNBACK, TOWN BRIDGE, AND TOWN ROAD ACCOUNTS.**

*[For text of subps 1 to 2, see M.R.]*

Subp. 2a. **Town road account allocation.** The amounts to be distributed to the counties from the town road account must be determined according to the formula prescribed by Minnesota Statutes, section 162.081, subdivisions 2 and 4.

A: The funds apportioned to a county from the town road account must be distributed to the treasurer of each eli-

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gible town within 30 days of the receipt of the funds by the county treasurer, according to a distribution formula adopted by the county board. The county board must consider each town's levy for road and bridge purposes, its population, length of town roads road mileage, and other factors considered advisable to the interest of achieving equity among the towns. The county treasurer is the treasurer for eligible unorganized towns.

B. If a county board does not adopt a distribution formula, the funds must be distributed to the town according to subitems (1) to (4) items A and B.

(1) The county auditor shall certify to the commissioner the name of each town that has levied 0.04835 percent of taxable market value of the town for road and bridge purposes in the year preceding the allocation year.

(2) The county auditor shall certify to the commissioner the name of each unorganized town in which the county has levied 0.04835 percent of taxable market value of the unorganized town for town road and bridge purposes in the year preceding the allocation year.

A.

(3) Fifty percent of the funds apportioned to a county must be distributed to an eligible town based upon the percentage that its population bears to the total population of the eligible towns in the county.

B.

(4) Fifty percent of the funds apportioned to a county must be distributed to eligible towns based upon the percentage of the length of town roads of each town to the total length of town roads of eligible towns in the county.

*[For text of subps 3 to 6, see M.R.]*

Subp. 6a. **In lieu payment.** In lieu of contracting work or force account work, the commissioner, with concurrence of the receiving agency, may enter into an agreement to pay a lump sum payment from the turnback account to the receiving agency's road and bridge account, or encumbered within the turnback account to be paid as county or municipal construction, equal to the net value of eligible turnback costs for a project to be constructed within 20 years of the release date.

*[For text of subp 7, see M.R.]*

## 8820.2400 TRANSFER TO COUNTY REGULAR ACCOUNT FUND.

Upon receipt of a certified copy of a county board resolution under Minnesota Statutes, section 162.08, requesting the transfer of part or all of the total accumulated amount in the county municipal account fund; to the county regular account fund, the commissioner shall transfer the funds; ~~provided the county submits a written request to the commissioner and holds a public hearing within 30 days of the request to receive and consider objections by the governing body of a city within the county, having a population of less than 5,000, and:~~

~~A. no written objection is filed with the commissioner within 14 days of that hearing; or~~

~~B. within 14 days of the public hearing held by the county, a city having a population of less than 5,000 files a written objection with the commissioner identifying a specific county state-aid highway within the city which is requested for improvement and the commissioner investigates the nature of the requested improvement and finds:~~

~~(1) the identified highway is not deficient in meeting minimum state-aid street standards;~~

~~(2) the county has shown evidence that the identified highway has been programmed for construction in the county's five-year capital improvement budget in a manner consistent with the county's transportation plan; or~~

# Exempt Rules

(3) there are conditions created by or within the city beyond the control of the county that prohibit programming or reconstruction of the identified highway.

## 8820.9920 MINIMUM DESIGN STANDARDS; RURAL AND SUBURBAN UNDIVIDED; NEW OR RECONSTRUCTION PROJECTS.

When the road authority has determined that the roadway will be specifically designed to include on-road bicycle facilities, and only if the roadway surface is paved, the appropriate design criteria in the current MnDOT Bikeway Facility Design Manual are recommended for design purposes to accommodate the bicycle facility.

New or reconstruction projects for rural and suburban undivided roadways must meet or exceed the minimum dimensions indicated in the following design chart. Where two dimensions are indicated, the larger values within the ranges are desirable.

Projected ADT (a)	Lane Width (b)	Shoulder Width	In-slope (b)(c)	Clear Zone (e)(d)	Minimum Design Speed (d)(e)	Sur-facing	Structural Design Strength	Bridges to Remain (e)(f) Width Curb to Curb
	feet	feet	rise:run	feet	mph		tons	feet
0-49	<del>11</del> 12	1	1:3	7	30- <del>60</del>	Agg.		22
50-149	<del>11</del> 12	3	1:4	9	40- <del>60</del>	Agg.		22
150-299	<del>11</del> 12	4	1:4	15	40- <del>60</del>	Agg./Paved	7-ton/10-ton- Staged (g)(h)	28
300-749	<del>11</del> 12	4	1:4	15	40- <del>60</del>	Paved	10-ton Staged (g)(h)	28
750-1499	<del>11</del> 12	4	1:4	25	40- <del>60</del>	Paved	10-ton Staged (g)(h)	28
1500 and over	<del>11</del> 12	6( <del>f</del> )6(g)	1:4	30	40- <del>60</del>	Paved	10	30

Engineering judgment should be used to choose a lane-width, on-road bicycle facility, or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider include safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, on-street parking, intersection and driveway spacing, rights-of-way constraints, vehicle turn lane configuration, sight distance, sight lines, bus routes, other nonmotorized uses, functional classification, or other factors. Dimensions less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

For rural divided roadways, use the geometric design standards of the Mn/DOT Road Design Manual, with a minimum ten tons structural design and minimum 40 mph design speed.

(a) Use the existing traffic for highways not on the state-aid system.

(b) The state-aid engineer may approve lane widths of ten feet on roads classified as local or collector if truck and bus volumes are relatively low, rights-of-way are constrained, design speeds are 35 mph or less, and ADT is less than 1,500.

(b)(c) Applies to slope inslope within the clear zone only. Approach roadway sideslopes in the clear zone must be 1:4 or flatter. Mn/DOT Road Design Manual clear zone may be used.

(e)(d) Culverts with less than 30-inch vertical height allowed without protection in the clear zone. Mn/DOT Road

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Design Manual clear zone widths may be used in lieu of the values in the table in this part.

Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the existing ADT exceeds 400 or the bridge clear width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

For roadways in suburban areas as defined in part 8820.0200, the clear zone may be reduced to a width of ten feet for projected ADT under 1,000 and to 20 feet for projected ADT of 1,000 or over. Wherever the legal posted speed limit is 40 45 mph or less, the clear zone may be reduced to a width of ten feet.

~~(d)~~ (e) Subject to terrain. In suburban areas, the minimum design speed may be equal to the current legal posted speed where the legal posted speed is 30 mph or greater.

~~(e)~~ Inventory rating of H-15 is required. ~~(f)~~ Bridges to remain must have a load rating factor of at least 0.75 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level. A bridge narrower than these widths may remain in place if the bridge is not deficient structurally or hydraulically.

~~(f)~~ (g) Shoulders are required to be a minimum width of eight feet for highways classified as minor arterials and principal arterials with greater than 1,500 ADT projected, at least two feet of which must be paved. ~~If the roadway is designated as a bicycle facility by the road authority, at least four feet of the shoulder shall be paved.~~

~~(g)~~ (h) Except within municipal corporate limits, ten-ton staged structural design must be able to carry ten-ton axle loads except during spring load-restriction periods, or year-round if needed for system continuity. Roadbed width must accommodate ultimate ten-ton pavement overlay thickness and ultimate 1:4 sideslope. Within municipal corporate limits, minimum structural design must support nine-ton axle strength.

~~Approach sideslopes must be 1:4 or flatter when the ADT exceeds 400.~~

~~HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed bridges must be no less than either the minimum required lane plus shoulder widths or the proposed lane plus shoulder widths, whichever is greater. HL-93 loading in the AASHTO LRFD (load and resistance factor design) Specifications is required for new or reconstructed bridges. Rehabilitated bridges must have a load rating factor of at least 0.9 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level. The curb-to-curb minimum width for new or reconstructed bridges must be equal to the proposed lane plus shoulder widths, but in no case less than the minimum lane widths plus four feet, and in no case less than required per Minnesota Statutes, section 165.04.~~

~~Vehicular roadway bridge and underpass structures when two-way bicycle traffic is accommodated: on bridge or underpass sidewalks, the sidewalk clear width shall be no less than eight feet, but preferably ten feet. Whenever practicable, the shoulder/clear zone of an off-road shared use path should be carried across bridges and through underpasses and the minimum structure clear width must be 12 feet. When the full width of the approach shared use path (surface width plus shoulder/clear zone) is greater than the proposed clear width of the structure, then lead-in bicycle safety railing is required at each end of the bridge or underpass. As an alternative to lead-in bicycle safety railing, the surface width of the approach shared use path may be narrowed at a 1:50 taper while maintaining minimum surface width and shoulder/clear zone through the structure.~~

## **8820.9922 MINIMUM DESIGN STANDARDS; NEW BRIDGE, BRIDGE REPLACEMENT, OR BRIDGE REHABILITATION PROJECTS AND APPROACH ROADWAYS ON RURAL OR SUBURBAN UNDIVIDED ROADWAYS THAT ARE NOT ON THE STATE-AID SYSTEM.**

New bridge, bridge replacement, or bridge rehabilitation projects and approach roadways on rural or suburban undivided roadways that are not on the state-aid system must meet or exceed the minimum dimensions indicated in the following design chart.

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Existing ADT (a)	Lane Width(b)	Shoulder Width	Inslope (b) (c)	Clear Zone (e) (d)	Minimum Design Speed (d) (e)
	(feet)	(feet)	(rise: run)	(feet)	(mph)
0-49 (f)	11	1	1:3	7	30-60
50-149	11	3	1:4	9	30-60
150-400	<del>11</del> 12(f)	4	1:4	<del>15</del> (e) 15(g)	30-60

Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider may be safety, speed, population, land use, benefit/cost analysis, traffic mix, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

(a) For existing ADT greater than 400, part 8820.9920 standards apply.

(b) The state-aid engineer may approve lane widths of ten feet on roads classified as local or collector where truck and bus volumes are relatively low, rights-of-way are constrained, design speeds are 35 miles per hour or less, and ADT is less than 1,500.

(b) (c) Applies to slope within the clear zone only.

(e) (d) Culverts with less than 30-inch vertical height allowed without protection in the clear zone. Mn/DOT Road Design Manual clear zone widths may be used in lieu of the values in the table in this part.

(d) (e) Subject to terrain.

(f) Where two dimensions are shown, the larger values within the range are desirable.

(e) (g) For roadways in suburban areas, the clear zone may be reduced to a width of ten feet for projected ADT under 1,000 and to 20 feet for projected ADT of 1,000 or over. Wherever the legal posted speed limit is ~~40~~ 45 miles per hour or less, the clear zone may be reduced to a width of ten feet.

~~HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed bridges must be equal to the proposed lane plus shoulder widths, but in no case less than the minimum lane width plus four feet, and in no case less than required per Minnesota Statutes, section 165.04.~~

Bridge structures Bridges and approach roadways of minimum 20-foot clear width and 20-foot width to the outsides of the shoulders may be constructed where existing ADT is less than 50, potential for increasing ADT is low, and the local government agency finds that the bridge width can operate effectively at that width for the expected life of the bridge.

HL-93 loading in the AASHTO LRFD (load and resistance factor design) Specifications is required for new or reconstructed bridges. Rehabilitated bridges must have a load rating factor of at least 0.9 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level. The curb-to-curb minimum width for new or reconstructed bridges must be equal to the proposed lane plus shoulder widths, but in no case less than (1) the minimum lane width plus four feet, and (2) the width required under Minnesota Statutes, section 165.04.

## 8820.9926 MINIMUM DESIGN STANDARDS: RURAL AND SUBURBAN UNDIVIDED; RECONDITIONING PROJECTS.

Subpart 1. **Minimum reconditioning standards.** Reconditioning projects for rural or suburban undivided roadways must meet or exceed the minimum dimensions indicated in the following design chart. See part 8820.0200, subpart 30, for the description of activities allowed.

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Existing ADT	Statutory or Regulatory Posted Speed	Lane Width (Paved)	Combined Lane (Paved) and Shoulder Width
1-749	<del>Under 50 mph</del> 45 mph or less	10 feet	11 feet
1-749	50 mph or over	10 feet	12 feet
750 and over	<del>Under 50 mph</del> 45 mph or less	10 feet	12 feet
750 and over	50 mph & <u>and</u> over	11 feet	14 feet

When the road authority has determined that the roadway will be specifically designed to include on-road bicycle facilities, and only if the roadway surface is paved, the appropriate design criteria in the current MnDOT Bikeway Facility Design Manual are recommended for design purposes.

Engineering judgment should be used to choose a lane-width, on-road bicycle facility, or shoulder width dimension other than the widths indicated in the chart. Factors to consider include safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, on-street parking, intersection and driveway spacing, rights-of-way constraints, vehicle turn lane configuration, sight distance, sight lines, bus routes, other nonmotorized uses, functional classification, or other factors. Dimensions less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

Widths of bridges to remain in place must equal roadway pavement width. Bridges narrower than these widths may remain in place provided that the bridge does not qualify for federal-aid bridge funds. ~~H-15 inventory rating is required.~~ Bridges to remain must have a load rating factor of at least 0.75 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level.

Any highway that was previously built to state-aid or state standards, that was granted a variance to standards in effect at the time of construction or reconstruction, or that is a trunk highway turnback, may be reconditioned.

The proposed structural design strength must accommodate a minimum of seven tons per axle.

Subp. 2. [Repealed, 23 SR 1455]

## 8820.9936 MINIMUM DESIGN STANDARDS, URBAN; NEW OR RECONSTRUCTION PROJECTS.

New or reconstruction projects for urban roadways without a designated on-road bicycle facility must meet or exceed the minimum dimensions indicated in the following design chart.

<del>Functional Classification and Projected Traffic Volume</del>	Design Speed	Lane Width (a)	Curb Reaction Distance <del>(e)</del> (c)	Parking Lane Width(e)
	mph	feet	feet	feet
<del>Collectors or Locals with ADT &lt; 10,000</del>	<del>30-40</del> 30-45	(b) <del>11-10-11</del>	<del>2</del> 1-2 (d)	<del>8</del> 7-8
	50 or over 40	<del>11-12</del>	2	<del>10</del> 8-10
<del>Collectors or Locals with ADT ≥ 10,000 and Arterials</del>	<del>30-40</del> 30-35	(b) <del>11-10-11</del>	<del>(e) 4</del> 1-2 (d)	<del>10</del> 7-10
	over 40 40-45	<del>11-12</del>	<del>(e) 4</del> 1-4	<del>(d) 10</del> 7-10
	50 or over	11-12	2-4	Not allowed

Engineering judgment may be used to choose a lane-width dimension other than the widths indicated in the chart for roadways. Factors to consider include safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

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(a) Twelve feet should be considered in industrial areas. One-way turn lanes must be at least ten feet wide, except 11 feet is required if the design speed is over 40 50 mph or higher.

(b) Wherever possible, lane widths of 12 feet, rather than 11 feet, should be used. Ten feet may be considered where truck or bus volumes are relatively low, rights-of-way are constrained, and design speeds are 35 mph or less. Eleven feet minimum is required on four-lane, undivided facilities.

(c) May be reduced to two feet if there are four or more traffic lanes and on one-way streets.

(d) No parking is allowed for six or more traffic lanes or when the posted speed limit exceeds 45 mph.

(e) (c) Curb reaction must be provided only where parking is not provided.

(d) The state-aid engineer may approve a zero foot curb reaction distance where the cross-section is constrained, appropriate curb types are used, and drainage collection is adequate. The curb must be constructed without a gutter or monolithically with the adjacent traveled way.

(e) The roadway ADT and the vehicle mix must be considered when determining parking lane width. In commercial or industrial areas, the minimum parking lane width is eight feet.

One-way streets must have at least two through-traffic lanes.

When a median is included in the design of the two-way roadway, a one-foot minimum curb reaction distance to the median is required on either side of the median. Minimum median width is four feet.

Urban design roadways must be a minimum nine tons structural axle load design.

Roadways not on the state-aid system are not subject to the minimum structural design strength requirements.

The minimum curb-to-curb width of a new bridge must be the required street width, but in no case less than required per Minnesota Statutes, section 165.04. HS-25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges and a minimum of HS-18 loading is required for all rehabilitated bridges. HL-93 loading in the AASHTO LRFD (load and resistance factor design) Specifications is required for new or reconstructed bridges. Rehabilitated bridges must have a load rating factor of at least 0.9 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level. Where the new bridge approach roadway includes elements for the accommodation of pedestrians or bicycles, the new bridge width must also provide for pedestrians or bicycles unless pedestrians or bicycles are otherwise accommodated.

For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and curb reaction distance. Bridges to remain must have a load rating factor of at least 0.75 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level.

Clearance of 1.5 feet from the face of the curb to fixed objects must be provided when the posted design speed is 40 to 45 mph. A ten-foot clear zone measured from the driving lane must be provided when the posted design speed exceeds 45 is 50 mph or higher.

For volumes greater than 15,000 projected ADT, at least four through-traffic lanes are required, unless a capacity analysis demonstrates that a different lane configuration achieves level of service D or better. Unless four lanes are provided, an engineering traffic study is required for traffic volumes greater than 15,000 projected ADT to determine lane configuration and lane use.

## **8820.9941 MINIMUM DESIGN STANDARDS: ON-ROAD BICYCLE FACILITY FOR URBAN; NEW OR RECONSTRUCTION PROJECTS.**

The bicycle facility design standard in this part applies when the road authority has determined that the roadway will

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be specifically designed to include an on-road bicycle facility and only if the roadway surface is paved.

New or reconstruction projects for urban roadways must meet or exceed the dimensions indicated in the following design chart.

Functional Classification and Projected Traffic Volume	Design Speed	Lane Width (a)	Curb Reaction Distance (d) (c)	Parking Lane Width (f) (e)	Bikeway Design Roadways with Two Travel Lanes Urban Curb and Gutter		Bikeway Design Roadways with Four or more Travel Lanes Urban Curb and Gutter
					(ADT)	(feet)	
Collectors or Locals with ADT <2,000	25-30	<del>10-12</del> (e)10-11 (b)	<del>21-2</del> (d)	<del>7-10</del> 7-8	<500	SL	N/A
					500-2,000	WOL 14-16 or BL 5-6	
	<del>35-40</del> 35-45	<del>11-12</del> 10-11 (b)	<del>21-2</del> (d)	<del>8-10</del> 7-8	<500	SL or BL 5	BL 5-6
					500-2,000	WOL 14-16 or BL 5-6	
	<del>50 or over 40</del>	<del>12</del> 11-12	2	<del>10</del> 8-10		BL 5-6	BL 5-6
Collectors or Locals With ADT 2,000-5,000	25-30	<del>10-12</del> (e)10-11 (b)	<del>21-2</del> (d)	<del>7-10</del> 7-8		WOL 14-16 or BL 5-6	WOL 14-16 or BL 5-6
	<del>35-40</del> 35-45	<del>11-12</del> 10-11 (b)	<del>21-2</del> (d)	<del>8-10</del> 7-8		BL 5-6	BL 5-6
	<del>50 or over 40</del>	<del>12</del> 11-12	2	<del>10</del> 8-10		BL-6	BL 6
Collectors or Locals with ADT 5,000-10,000	25-30	<del>10-12</del> (e)10-11 (b)	<del>21-2</del> (d)	<del>7-10</del> 7-8		BL 5-6	WOL 14-16 or BL 5-6
	<del>35-40</del> 35-45	<del>11-12</del> 10-11 (b)	<del>21-2</del> (d)	<del>8-10</del> 7-8		BL 5-6 or PS 8	BL 5-6
	<del>50 or over 40</del>	<del>12</del> 11-12	2	<del>10</del> 8-10		BL 6 or PS 8 or SUP	BL 6 or PS 8 or SUP
Collectors or Locals with ADT >10,000 and Arterials	<del>30-40</del> 30-35	<del>11-12</del> 10-11 (b)	<del>4(b)1-2</del> (d)	<del>10</del> 7-10		BL 6 or PS 8 8-10 or SUP	BL 6 or PS 8 8-10 or SUP
	<del>over 40</del> 40-45	<del>12</del> 11-12	<del>4(b)1-4</del>	<del>10(c)7-10</del>		BL 6 or PS 8 8-10 or SUP	BL 6 or PS 8 8-10 or SUP
	<del>50 or over</del>	<del>11-12</del>	<del>2-4</del>	<del>Not allowed</del>		BL 6 or PS 8-10 or SUP	BL 6 or PS 8-10 or SUP

(SL = shared lane; BL = bicycle lane; WOL = wide outside lane; PS = paved shoulder; SUP = shared use path)

Engineering judgment should be used to choose a lane-width, on-road bicycle facility, or shoulder width dimension other than the widths indicated in the chart. Factors to consider include safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, on-street parking, intersection and driveway spacing, rights-of-way constraints, vehicle turn lane

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configuration, sight distance, sight lines, bus routes, other nonmotorized uses, functional classification, or other factors. Dimensions less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

(a) Twelve feet should be considered in industrial areas. Eleven feet minimum is required on four-lane, undivided facilities. One-way turn lanes must be at least ten feet wide, except 11 feet is required if the design speed is over 40 50 mph or over.

(b) Curb reaction distance may be reduced to two feet if there are four or more traffic lanes and on one-way streets. A combination of all minimum widths for the driving lane, on-road bicycle lane, and parking lane is only permissible with a variance. Ten feet may be considered where truck and bus volumes are relatively low, rights-of-way are constrained, and design speeds are 35 mph or less.

(c) No parking is allowed on streets with six or more traffic lanes or when the posted speed limit exceeds 45 mph.

(d) (c) Curb reaction shall be provided unless on-street parking, a bicycle facility, or a wide outside lane are provided adjacent to the curb. The dimensions for wide outside lanes include the curb reaction distance.

(e) When creating a multimodal design with a combination of vehicle lane, parking lane, and bikeway lane widths, if a vehicle lane width of less than 11 feet is used, the parking and bikeway lanes shall be at least one foot wider than the minimum widths. Engineering judgment should be used to choose a vehicle lane width of less than 11 feet. Additional factors to consider include the types of vehicles (buses, trucks, etc.), peak hour counts, turning movements, population/land use, crash history/analysis, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, and snow storage.

(d) The state-aid engineer may approve a zero foot curb reaction distance where the cross-section is constrained, appropriate curb types are used, and drainage collection is adequate. The curb must be constructed without a gutter or monolithically with the adjacent traveled way.

(f) (e) In determining the parking lane width, the roadway ADT and the vehicle mix shall be taken into consideration for residential. In commercial and/or or industrial areas, or for a mixed-use thereof the minimum parking lane width is eight feet.

One-way streets must have at least two through-traffic lanes.

When a raised median is included in the design of the two-way roadway, a one-foot minimum curb reaction distance to the median is required on either side of the median. Minimum median width is four feet.

Urban design roadways must accommodate a minimum nine tons structural axle load design.

Roadways not on the state-aid system are not subject to the minimum structural design strength requirements.

The minimum curb-to-curb width of a new bridge must be the required street width, but in no case less than required per Minnesota Statutes, section 165.04. HS 25 loading with AASHTO Standards Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges and a minimum of HS 18 loading is required for all rehabilitated bridges. HL-93 loading in the AASHTO LRFD (load and resistance factor design) Specifications is required for new or reconstructed bridges. Rehabilitated bridges must have a load rating factor of at least 0.9 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level. When the new bridge approach roadway includes elements for the accommodation of pedestrians or bicycles, the new bridge width must also provide for pedestrians or bicycles unless pedestrians or bicycles are otherwise accommodated.

For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus one-half the sum of the shoulders, parking lane, and curb reaction distance. Bridges to remain must have a load rating factor of at least 0.75 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level.

Clearance of 1.5 feet from the face of the curb to fixed objects must be provided when the posted speed is 40 to 45

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mph. A ten foot clear zone measured from the driving lane must be provided when the posted speed exceeds 45 is 50 mph or over.

For volumes greater than 15,000 projected ADT, at least four through-traffic lanes are required, unless a capacity analysis demonstrates that a different lane configuration achieves level of service D or better. Unless four lanes are provided, an engineering traffic study is required for volumes greater than 15,000 projected ADT to determine lane configuration and lane use.

**Structures:** Vehicular roadway bridge and underpass structures when two-way bicycle traffic is accommodated: on bridge or underpass sidewalks, the sidewalk clear width shall be no less than eight feet, but preferably ten feet. Whenever practicable, the shoulder/clear zone of an off-road shared use path should be carried across bridges and through underpasses. The minimum structure clear width must be 12 feet. When the surface width plus shoulder/clear zone full width of the approach shared use path is greater than the proposed clear width of the structure, a lead-in bicycle safety railing is required at each end of the bridge or underpass. As an alternative to lead-in bicycle safety railing, the surface width of the approach shared use path may be narrowed at a 1:50 taper while maintaining minimum surface width and shoulder/clear zone through the structure.

## 8820.9946 MINIMUM DESIGN STANDARDS, URBAN; RECONDITIONING PROJECTS.

Subpart 1. **Two-way streets.** In the following design chart, total width is from face-to-face of curbs.

Reconditioning projects for two-way urban roadways must meet or exceed the minimum dimensions indicated in the chart.

Number of Through Lanes, Functional Class, and Present Traffic Volume	Total Width with No Park- ing	Total Width with Parking on One Side	Total Width with Parking on Both Sides	Proposed Structural Design Strength
	(feet)	(feet)	(feet)	(tons)
2-Lane Collector or Local with ADT < 10,000	26 <u>22</u>	32 <u>28</u>	38 <u>34</u>	(b) 9
4-Lane Collector or Local with ADT < 10,000	44	52 <u>51</u>	60 <u>58</u>	(b) 9
2-Lane Collector or Local with ADT ≥ 10,000 or 2-Lane Arterial (a)	26 <u>22</u>	32 <u>28</u>	42 <u>34</u>	9
4-Lane Collector or Local with ADT ≥ 10,000 or 4-Lane Arterial	44	54 <u>51</u>	64 <u>58</u>	9
6-Lane Collectors or Arterials	66	(c)	(c)	9

Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider include safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

(a) Permissible for present traffic volumes less than 15,000 ADT.

(b) When ADT is less than 5,000, seven tons is allowable.

(c) No parking is allowed.

When a median is included in the design of the two-way roadway, a one-foot reaction distance to the median is required on either side of the median. Minimum median width is four feet.

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For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and curb reaction distance. Bridges to remain must have a load rating factor of at least 0.75 using the AAS-HTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level.

Subp. 2. **One-way streets.** In the following design chart, total width is from face-to-face of curbs.

Reconditioning projects for one-way urban roadways must meet or exceed the minimum dimensions indicated in the chart.

Number of Through Lanes and Functional Class	Present ADT	Total Width with No Parking (feet)	Total Width with Parking on One Side (feet)	Total Width with Parking on Both Sides (feet)	Proposed Structural Design Strength (tons)
2-Lane Collector or Local with ADT < 10,000	< 5,000	21	29	37	7
	5,000-10,000	23	31	39	9
2-Lane Collector or Local with ADT ≥ 10,000 or 2-lane Arterial	< 15,000	23	31	39	9
	10,000-15,000 ≥ 15,000	24	32	40	9
3-Lane Arterial or Collector	All	34	42	50	9

For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and curb reaction distance. Bridges to remain must have a load rating factor of at least 0.75 using the AAS-HTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level.

Subp. 3. **Exception.** Any street that was previously built to state-aid or state standards, or that was granted a variance to standards in effect at the time of construction or reconstruction, or that is a trunk highway turnback, but does not meet current standards, may be reconditioned regardless of subparts 1 and 2.

## 8820.9951 MINIMUM DESIGN STANDARDS, ON-ROAD BICYCLE FACILITIES FOR URBAN; RECONDITIONING PROJECTS.

The bicycle facility design standard in this part applies when the road authority has determined that the roadway will be specifically designed to include an on-road bicycle facility, ~~and only if the roadway surface is paved.~~

Reconditioning projects for urban roadways must meet or exceed the minimum dimensions indicated in the following design chart.

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Number of Through Lanes, Functional Class, and Present Traffic Volume	Design Speed	Lane Width(a)	Parking Lane Width (e)(d)	Proposed Struc- tural Design Strength	Bikeway Design	
					(ADT)	(feet)
Two-Lane Collectors or Locals with ADT <10,000	25-30	<del>10-12 (d)</del> <u>10-11</u> (b)-(c)	<del>7-10</del> <u>7-8</u>	9 (b) (e)	<1,000	SL
					1,000- 5,000	WOL 14- 16 or BL 5-6
					5,000- 10,000	BL 5-6
	<del>35- 40</del> <u>35-45</u>	<del>11-12</del> <u>10-11</u> (b)-(c)	<del>8-10</del> <u>7-8</u>	9 (b) (e)	<500	SL or BL 5-6
					500- 10,000	BL 5-6 or PS 8
	<u>50 or over 40</u>	11-12	<del>10</del> <u>8-10</u>	9 (b) (e)	<10,000	BL 5-6 or PS 8 or SUP
Two-Lane Collectors or Locals With ADT >10,000 or Two-Lane Arterials (a)	25-30	<del>10-12 (d)</del> <u>10-11</u> (b)-(c)	7-10	9	>10,000	BL 5-6
	<del>35- 40</del> <u>35-45</u>	<del>11-12</del> <u>10-11</u> (b)-(c)	<del>8-10</del> <u>7-10</u>	9	>10,000	BL 5-6 or PS 8 or SUP
	<u>50 or over 40</u>	11-12	<del>10</del> <u>Not al- lowed</u>	9	>10,000	BL 6 or PS 8 8-10 or SUP
Four-Lane Collectors or Lo- cals with ADT <10,000	25-30	<del>10-12 (d)</del> <u>10-11</u> (b)-(c)	<del>7-10</del> <u>7-8</u>	9 (b) (e)	<10,000	WOL 14- 16 or BL 5-6
	<del>35- 40</del> <u>35-45</u>	<del>11-12</del> <u>10-11</u> (b)-(c)	<del>8-10</del> <u>7-8</u>	9 (b) (e)	<10,000	BL 5-6
	<u>50 or over 40</u>	11-12	<del>10</del> <u>8-10</u>	9 (b) (e)	<10,000	BL 6 5-6 or PS 8 or SUP
Four-Lane Collectors or Lo- cals with ADT >10,000	<del>30- 40</del> <u>30-45</u>	<del>11-12</del> <u>10-11 (c)</u>	<del>10</del> <u>7-10</u>	9	>10,000	BL 6 or PS 8 8-10 or SUP
	<u>50 or over 40</u>	11-12	<del>10</del> <u>Not al- lowed</u>	9	>10,000	BL 6 or PS 8 8-10 or SUP
Six-Lane Collectors or Arte- rials		<del>12</del> <u>11-12</u>	(e) <u>Not allowed</u>	9	Not allowed	SUP

(SL = shared lane; BL = bicycle lane; WOL = wide outside lane; PS = paved shoulder; SUP = shared use path)

Engineering judgment should be used to choose a lane-width, on-road bicycle facility, or shoulder width dimension other than the widths indicated in the chart. Factors to consider include safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, on-street parking, intersection and driveway spacing, rights-of-way constraints, vehicle turn lane configuration, sight distance, sight lines, bus routes, other nonmotorized uses, functional classification, or other factors.

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Dimensions less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

(a) ~~A road may be reconditioned under this part if present traffic volumes are less than 15,000 ADT. Eleven feet minimum is required on four-lane, undivided facilities. Twelve feet should be considered in industrial areas.~~

(b) ~~When ADT is less than 5,000, seven-ton axle load structural design strength is allowable. Ten feet may be considered where truck and bus volumes are relatively low, rights-of-way are constrained, and design speeds are 35 mph or less.~~

(c) ~~No parking is allowed for six-lane collectors or arterials. A combination of all minimum widths for the driving lane, on-road bicycle lane, and parking lane is only permissible with a variance.~~

(d) ~~When creating a multimodal design with a combination of vehicle lane, parking lane, and bikeway lane widths, if a vehicle lane width of less than 11 feet is used, the parking and bikeway lanes shall be at least one foot wider than the minimum widths. Engineering judgment should be used to choose a vehicle lane width of less than 11 feet. Additional factors to consider include the types of vehicles (buses, trucks, etc.), peak hour counts, turning movements, population/land use, crash history/analysis, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, and snow storage.~~

(e) ~~(d) In determining the parking lane width, the roadway ADT and the vehicle mix shall be taken into consideration for residential, commercial and/or industrial areas, or for a mixed use thereof. The minimum parking lane width is eight feet.~~

(e) When ADT is less than 5,000, seven-ton axle load structural design strength is permissible.

A minimum curb reaction of one foot shall be provided unless on-street parking, a bicycle facility, or a wide outside lane are provided adjacent to the curb. The dimensions for wide outside lanes include the curb reaction distance. When a raised median is included in the design of the two-way roadway, a one-foot minimum curb reaction distance to the median is required on either side of the median. Minimum median width is four feet.

For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus one-half the sum of the shoulders, parking lane, and curb reaction distance. Bridges to remain must have a load rating factor of at least 0.75 using the AAS-HTO Manual for Bridge Evaluation, LRF (load and resistance factor rating) for inventory level.

## 8820.9981 MINIMUM DESIGN STANDARDS: NATURAL PRESERVATION ROUTES, DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS, AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; NEW OR RECONSTRUCTION PROJECTS.

Subpart 1. **Type I route.** New or reconstruction projects for type I natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

Surface Type	<u>Minimum</u> Design Speed	Lane Width	Shoulder Width	Inslope	Clear Zone	Design Strength	Bridge to Remain
	(mph)	(feet)	(feet)	(rise: run)	(feet)	(tons)	(feet)
			(a)	(b)	(c)		(d)
Aggregate	30	11	1	1:3	3		22
Paved	30	11	2	1:3	9	9	22

Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider include safety, speed, population, land use, benefit-cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic,

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other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance under parts 8820.3300 and 8820.3400.

(a) If the route has scenic vistas that will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable. The designer will provide a four-foot paved shoulder if the route is a popular bicycle route.

(b) Applies to slope within the clear zone only. Other design features, such as guardrails or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060.

(c) Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the existing ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

~~(d) Inventory rating of HS 15 is required. Bridges to remain must have a load rating factor of at least 0.75 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level. A bridge narrower than these widths may remain in place if the bridge is not deficient structurally or hydraulically.~~

~~HS 20 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required for all rehabilitated bridges. HL-93 loading in the AASHTO LRFD (load and resistance factor design) Specifications is required for new or reconstructed bridges. Rehabilitated bridges must have a load rating factor of at least 0.9 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level. The curb-to-curb minimum width for new or reconstructed bridges is the sum of the lane and shoulder widths plus four feet.~~

Ditch depths and widths must be kept to the minimum required to function hydraulically and to provide for adequate snow storage when a standard ditch would negatively impact the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless otherwise required for special conditions.

Curb and gutter may be used in lieu of a ditch section under the paved option. The lane width, shoulder width, and clear zone must be maintained.

For designated national forest highways within national forests, and state park access roads within state parks, this subpart applies only where the projected ADT is less than 100, unless the route has been designated as a natural preservation route.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

Subp. 2. **Type II route.** New or reconstruction projects for type II natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

Surface Type	Minimum Design Speed	Lane Width	Shoulder Width	Inslope	Clear Zone	Design Strength	Bridge to Remain
	(mph)	(feet)	(feet)	(rise: run)	(feet)	(tons)	(feet)
			(a)	(b)	(c)		(d)
Aggregate	30	11	2	1:3	9		22
Paved (e)	30/40	11	3	1:4	9	9	22
Paved	40	11	3	1:4	9	9	22

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Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider include safety, speed, population, land use, benefit-cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance under parts 8820.3300 and 8820.3400.

(a) The designer will provide a six-foot paved shoulder if the route is a popular bicycle route. If the route has scenic vistas that will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable.

(b) Applies to slope within clear zone only. Other design features, such as guardrail or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must be 1:4 or flatter within the clear zone when the ADT exceeds 400.

(c) Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the existing ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

~~(d) This standard may be applied only when the project is located in a subdivided area.~~

~~(e) Inventory rating of HS 15 is required.~~ (d) Bridges to remain must have a load rating factor of at least 0.75 using the AASHTO Manual for Bridge Evaluation, LRF (load and resistance factor rating) for inventory level. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds.

(e) A 30 mph design speed may be applied only when the project is located in a suburban area.

~~HS 20 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required for all rehabilitated bridges. HL-93 loading in the AASHTO LRFD (load and resistance factor design) Specifications is required for new or reconstructed bridges. Rehabilitated bridges must have a load rating factor of at least 0.9 using the AASHTO Manual for Bridge Evaluation, LRF (load and resistance factor rating) for inventory level.~~ The curb-to-curb minimum width for new or reconstructed bridges is the sum of the lane and shoulder widths, but may not be less than 30 feet.

Ditch depths and widths must be kept to the minimum required to function hydraulically, to be traversable if within the clear zone, and to provide for adequate snow storage when a standard ditch would negatively impact the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless required for special conditions.

For designated national forest highways within national forests, and state park access roads within state parks, this subpart may be applied only where the projected ADT is less than 300, unless the route has been designated as a natural preservation route.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

Subp. 3. **Type III route.** New or reconstruction projects for type III natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

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Surface Type	Minimum Design Speed	Lane Width	Shoulder Width	Inslope	Clear Zone	Design Strength	Bridge to Remain
	(mph)	(feet)	(feet)	(rise:run)	(feet)	(tons)	(feet)
			(a)	(b)	(c)		(d)
Aggregate	30	11-12	3	1:4	10		24
Paved (e)	30	12	4	1:4	10	9	24
Paved (e)	40	11-12	4	1:4	15	9	24

Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider include safety, speed, population, land use, benefit-cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance under parts 8820.3300 and 8820.3400.

(a) The designer will provide a six-foot paved shoulder if the route is a popular bicycle route. If the route has scenic vistas which will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable.

(b) Applies to slope within the clear zone only. Other design features, such as guardrail or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must be 1:4 or flatter within the clear zone when the ADT exceeds 400.

(c) Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the existing ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

~~(d) Inventory rating of HS-15 is required. Bridges to remain must have a load rating factor of at least 0.75 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds.~~

~~(e) This standard may be applied only when the project is located in a subdivided area or an area in a detailed development process, and physical restraints are present that prevent reasonable application of another level of these standards. A design speed of 30 mph and a clear zone of ten feet may be applied when the project is located in a suburban area.~~

~~HS-25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new bridges. HS-18 loading is required for all rehabilitated bridges. HL-93 loading in the AASHTO LRFD (load and resistance factor design) Specifications is required for new or reconstructed bridges. Rehabilitated bridges must have a load rating factor of at least 0.9 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level. The curb-to-curb minimum width for new or reconstructed bridges is the sum of the lane and shoulder widths, but may not be less than 32 feet.~~

Ditch depths and widths must be kept to the minimum required to function hydraulically, to be traversable if within the clear zone, and to provide for adequate snow storage when a standard ditch would negatively affect the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless required for special conditions.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

# Exempt Rules

## 8820.9986 MINIMUM DESIGN STANDARDS: NATURAL ~~RESERVATION~~ PRESERVATION ROUTES, DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS, AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; RECONDITIONING PROJECTS.

Reconditioning projects for natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

TYPE I, II, OR III ROUTE

Proposed Design Strength (tons)	Pavement Width (feet)	Shoulder-to-Shoulder Width (feet)
7	22 (a)	26 (a)

Engineering judgment may be used to choose dimensions other than those indicated in the chart for roadways. Factors to consider include safety, speed, population, land use, benefit-cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Dimensions less than those indicated in the chart under this part require a variance under parts 8820.3300 and 8820.3400.

(a) Natural preservation routes may be reconditioned to existing pavement and shoulder widths.

Widths of bridges to remain in place must equal pavement width. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds. H 15 loading is required. Bridges to remain must have a load rating factor of at least 0.75 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level.

## 8820.9995 MINIMUM ~~BICYCLE OFF-ROAD AND SHARED USE~~ PATH STANDARDS.

Minimum Bicycle Path Standards<sup>(a)</sup>

For Off-Road Bike <u>Shared Use</u> Path Design, the following shall apply:	
Minimum Surface Width (two-way)	8 ft <del>(b)</del> <u>(a)</u>
Shoulder/Clear Zone	2 ft <del>(b)</del> <u>(c)</u> <del>(d)</del>
Inslope	Maximum 1:2 (rise:run)
Design Speed	20 mph <del>(e)</del> <u>(d)</u>
Vertical Clearance over lane and shoulder	<u>9 ft-9 in 10 ft nominal</u> <del>(7 ft-9 in 8 ft nominal</del> if passage of emergency or maintenance vehicles is not required) <u>(e)</u>

(a) For on-road bicycle facilities, the current Minnesota Department of Transportation bicycle design guidelines are recommended for design purposes:

~~(b)~~ (a) Ten feet is desired for a combined bicycle/pedestrian shared use path. Five feet is required for a one-way bicycle shared use path.

~~(c) Whenever practicable, the shoulder/clear zone of an off-road bike path should be carried across bridges and through underpasses. Minimum structure clear width must be 12 feet. When the full width of the approach bike path (surface width plus shoulder/clear zone) is greater than the proposed clear width of the structure, then lead-in bicycle safety railing is required at each end of the bridge or underpass. As an alternative to lead-in bicycle safety railing, the surface width of the approach bike path may be narrowed at a 1:50 taper while maintaining minimum surface width and shoulder/clear zone through the structure.~~ (b) For vehicular roadway bridges or underpasses accommodating an off-road bicycle path or shared use path, the total width (minimum surface width plus shoulder/clear zone) is eight feet minimum, with ten feet being desirable. However, whenever practicable, the shoulder/clear zone of an off-road bike or shared use

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# Exempt Rules

path should be carried across or under a vehicular bridge. When the clear zone of an off-road bike or shared use path cannot practicably be carried across or under the bridge, a lead-in guardrail must be provided, unless the surface width of the approach path is narrowed at a maximum 1:50 taper while providing the minimum travel lane and shoulder/clear zone widths through the structure.

For a separate off-road bicycle path or shared use path, the shoulder/clear zone must be carried across bridge or underpass structures. Minimum structure clear width must be 12 feet. When the surface width plus shoulder/clear zone width of the approaching off-road bike or shared use path is greater than the proposed clear width of the structure, then lead-in bicycle safety railing is required, unless the surface width of the approach path is narrowed at a maximum 1:50 taper while providing the minimum travel lane and shoulder/clear zone widths through the structure.

(d)(c) Clear zone is measured from the edge of the bicycle travel lane.

(e)(d) Use a 30 mph design speed for grades longer than 500 feet and greater than four percent, from the uphill point where the grade equals four percent to 500 feet beyond the downhill point where the grade becomes less than four percent. The maximum allowable grade is 8.3 percent.

(e) When an off-road bicycle or shared use path continues through a box culvert structure, up to three inches of bituminous surfacing may be used through the structure. The minimum vertical clearance for box culvert structures is nine feet, nine inches, or seven feet, nine inches if passage of emergency or maintenance vehicles is not necessary.

REPEALER, Minnesota Rules, parts 8820.0200, subpart 35; and 8820.1900, are repealed.

## Commissioner's Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners orders are compiled in the year-end subject matter index for each volume of the *State Register*.

## Department of Natural Resources

### Commissioner's Order 17-02: Middle Lake, Kandiyohi County (DOW# 34020800) – Slow-no wake only

**Date:** October 30, 2017

**Statutory authority:** *Minnesota Statutes*, section 97A.101 subd. 4

Supersedes

Supplements Commissioner's Order 14-03

#### BACKGROUND

The Commissioner can restrict watercraft use on Designated Wildlife Lakes per M.S. 97A.101, subdivision 4 after a public meeting has been held and news releases announcing the meeting and proposed restrictions have been published. The statutory requirements to implement such restrictions on Middle Lake have been met.

#### ORDER

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including *Minnesota Statutes*, section 97A.101, subdivision 4, that watercraft use on Middle Lake (DOW #34020800) is slow-no wake only. Slow- no wake means operation of a watercraft at the slowest possible speed necessary to maintain steerage, but in no case greater than five miles per hour.

Date: Oct. 18, 2017

Tom Landwehr, Commissioner

# Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

## Department of Human Services (DHS)

### Health Care Administration

#### Public Notice Regarding Changes to Payment Rates and Methodologies, and Services under the Medical Assistance (MA) Program

This notice is published pursuant to Code of Federal Regulations, title 42, part 447, section 205 (42 C.F.R. § 447.205), which requires publication of a notice when there is any significant proposed change in the methods and standards for setting payment rates for Medicaid services.

This notice corrects an error in the June 26, 2017, edition of the *State Register* describing payment rates for pressure and non-pressure support ventilators. The June 26 notice incorrectly described a change to the payment rate for non-pressure support ventilators. The notice said, "...the Commissioner shall pay for pressure and non-pressure support ventilators at the lower of the submitted charge or the Medicare fee schedule rate plus 47 percent."

Effective July 1, 2017, the Commissioner shall pay for pressure support ventilators at the lower of the submitted charge or the Medicare fee schedule rate plus 47 percent. There is no change to the payment methodology for non-pressure support ventilators.

This notice also corrects an error in the August 21, 2017, edition of the *State Register* describing payment rates for the administration of vaccines provided to children. The August 21 notice included an incorrect statement of fiscal impact. The notice said that the changes would result in a net spending increase of \$28,000 in the MA program for fiscal year 2018.

The new payment methodology for vaccine administration effective January 1, 2018, will result in a net savings of \$55,000 in the MA program for calendar year 2018.

For more information, or questions about submitting or reviewing comments, please contact Sean Barrett at 651-431-2298 or [sean.barrett@state.mn.us](mailto:sean.barrett@state.mn.us). Comments may also be mailed to Sean Barrett at P.O. Box 64983, St Paul, MN 55164. Copies of this notice, and any comments received, may be reviewed by appointment at the Elmer L. Anderson Human Services building located at 540 Cedar St, St Paul, MN 55101.

## Department of Labor & Industry (DLI)

### Notice of Prevailing Wage Determinations for Highway/Heavy Construction Projects

The Commissioner has identified and certified prevailing wage rates for Highway & Heavy construction projects in all 10 state regions on October 30, 2017.

Wage rate determinations are available online at: <http://www.dli.mn.gov/LS/PrevWageHwyH.asp>

Questions regarding determinations may be directed to the following:

Division of Labor Standards & Apprenticeship  
443 Lafayette Road N  
St. Paul, MN 55155  
Phone: 651-284-5091  
Email: [dli.prevwage@state.mn.us](mailto:dli.prevwage@state.mn.us)

## Minnesota Comprehensive Health Association (MCHA) Official Meeting Notice

The Minnesota Comprehensive Health Association (MCHA), administrator for the Minnesota Premium Security Plan, will hold an Actuarial Committee meeting on **Tuesday, November 7th, 2017 at 1:30 P.M.**

For additional information on attendance at this meeting please call MCHA at 952-593-9609.

## Minnesota Comprehensive Health Association (MCHA) Official Meeting Notice

The Minnesota Comprehensive Health Association (MCHA), administrator for the Minnesota Premium Security Plan, will hold a Finance Committee meeting on **Friday, November 17th, 2017 at 9:00 A.M.**

For additional information on attendance at this meeting please call MCHA at 952-593-9609.

## Minnesota Plumbing Board REQUEST FOR COMMENTS for Possible Amendments to Rules Governing Plumber Licensing, *Minnesota Rules*, Chapter 4716; Revisor's ID Number R-04365

**Subject of Rules.** The Minnesota Plumbing Board requests comments on its possible amendments to rules governing plumber licensing. The Board is considering the following rule amendments: (1) rules on the new classification of registered unlicensed individuals for water conditioning installation; (2) rules on continuing education for registered unlicensed individuals; (3) amendments to afford licensees and registrants broader access to remote and online continuing education course offerings; (4) amendments for consistency with changes that have been made in Minnesota Statutes chapter 326B and in the Plumbing Code; and (5) other amendments that the Board determines are needed.

**Persons Affected.** The amendments to the rules would likely affect individuals and contractors currently licensed, certified or registered in Minnesota under Chapter 4716, individuals and contractors who would like to be licensed, certified or registered under Chapter 4716, individuals who perform water conditioning installation but are not licensed, certified or registered, providers of continuing education courses, and the general public.

**Statutory Authority.** *Minnesota Statutes*, section 326B.435, subd. 2(a)(5), authorizes the Board to adopt rules to regulate licensure, certification, or registration of plumbing contractors, journey workers, unlicensed individuals, master plumbers, restricted master plumbers, restricted journey workers, restricted plumbing contractors, backflow prevention rebuilders and testers, water conditioning contractors, and water conditioning installers, and other persons engaged in the design, installation, and alteration of plumbing systems or engaged in or working at the business of water conditioning installation or service, or engaged in or working at the business of medical gas system installation, maintenance, or repair, except for those individuals licensed under section 326.02, subdivisions 2 and 3. *Minnesota Statutes*, section 326B.555, which was enacted in 2017, creates a new category of registered unlicensed individuals to perform water conditioning installation and authorizes the Board to adopt rules for the registration of these unlicensed individuals. The Board's authority to adopt rules regulating continuing education was amended in 2017 to include continuing education for all registered unlicensed individuals. Specifically, *Minnesota Statutes*, section 326B.435, subd. 2(a)(6), as amended in 2017, authorizes the Board to adopt rules that regulate continuing education for individuals licensed as master plumbers, journey workers, restricted master plumbers, restricted journey workers, registered unlicensed individuals, water conditioning masters, and water conditioning journey workers, and for individuals certified under sections 326B.437 and 326B.438.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Board intends to adopt or to withdraw the rules. The Board will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Board does not plan to appoint an advisory committee to comment on the possible rules.

# Official Notices

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The Board is also interested in learning whether local governments might be required to adopt or amend an ordinance or other regulation to implement these rules and therefore requests that local governments provide the Board with relevant information about their ordinances.

The Board is interested in determining whether the cost of complying with the rule in the first year after the rule takes effect will cost will exceed \$25,000 for any small city or small business under *Minnesota Statutes*, section 14.127, subd. 1. A small city is a statutory or home rule charter city that has less than ten full-time employees and a small business means a business that has less than 50 full-time employees.

**Rules Drafts.** The Department has not yet drafted the possible rule amendments.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to: Suzanne Todnem at Minnesota Department of Labor and Industry, 443 Lafayette Road North, Saint Paul, MN 55155, 651.284.5006, and *email dli.rules@state.mn.us*.

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submit comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: October 17, 2017

Richard Jacobs, Chair  
Minnesota Plumbing Board

## Minnesota Department of Revenue

### Official Notice: Cigarette Sales Tax – Rate Change; Cigarette Excise Tax – Rate Change

Pursuant to *Minnesota Statutes*, section 297F.25, the Commissioner of Revenue has determined that the new cigarette sales tax rate will be 57.4 cents per pack of 20 cigarettes. For packs of cigarettes with other than 20 cigarettes, the tax must be adjusted proportionally. This rate is effective for sales on or after January 1, 2018.

2016 *Minnesota Statutes*, section 297F.05, subdivision 1a, which required the Commissioner of Revenue to annually adjust the cigarette excise tax rate, was repealed effective July 1, 2017. As a result, the cigarette excise tax rate will remain at 152 mills on each cigarette.

Publication Date: October 30, 2017

## Teachers Retirement Association

### Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on **Wednesday, November 15, 2017 at 9:30 a.m.** in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board. Board members may participate by telephone.

## Teachers Retirement Association

### TRA Audit Committee

#### Notice of Meeting

The Minnesota Teachers Retirement Association Audit Committee will hold a meeting on **Tuesday, November 14, 2017 at 9:30 a.m.** in Room 414, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the committee. Committee members may participate by telephone.

## State Contracts

**Informal Solicitations:** Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Website at [www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us) for informal solicitation announcements.

**Formal Solicitations:** Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

**Requirements:** There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements: \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600 \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days; \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

## Minnesota State Colleges and Universities (Minnesota State)

### Metropolitan State University

#### Notice of Request for Proposals (RFP) for the GROW-IT Center Project Design

Metropolitan State University is soliciting proposals from qualified architectural and engineering consulting firms to provide services for the design and construction to remodel and construct an addition to its greenhouse. The full Request for Proposals (RFP) can be downloaded at: <http://www.minnstate.edu/vendors/index.html>

A mandatory project informational meeting has been scheduled for 2:00 PM, Monday, November 13, 2017, Founders Hall Room 301 at Metropolitan State University, 700 East 7th Street, Saint Paul, MN.

Proposals must be delivered to:

**Mark Bollinger**  
**Director of Operations**  
**Suite 321 Founders Hall**  
**Metropolitan State University**  
**700 East 7th Street**  
**Saint Paul, MN 55106-5000**

Proposals must be received NO later than **2:00 PM, Tuesday, November 28, 2017**; late responses will not be considered. Metropolitan State University reserves the right to reject any or all proposals, to waive any irregularities or informalities, and to cancel the solicitation if it is considered to be its own best interest. This Request for Proposals does not obligate Metropolitan State University to award a contract.

# State Contracts

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## Minnesota State Colleges and Universities (Minnesota State) St. Cloud Technical & Community College Formal Request for Proposal for Snow Removal Services

Response Due Date and Time: **Monday, November 6, 2017 at 12:00 p.m. Central Time**

The complete Request for Proposal will be available on Monday, October 23, 2017 on the website  
<http://www.sctcc.edu/rfp>.

Title of Project: Snow Removal

Geographic Location Requirements: St. Cloud Technical & Community College, 1540 Northway Drive, St. Cloud, MN 56303

Responses must be received at the location listed below:

St. Cloud Technical & Community College  
1540 Northway Drive  
St. Cloud, MN 56303  
Susan Meyer, Purchasing Agent, Room 1-401  
Phone: (320) 308-5973  
Fax: (320) 308-5027  
E-mail: [smeyer@sctcc.edu](mailto:smeyer@sctcc.edu)

Contact for questions: Susan Meyer, Phone: (320) 308-5973 e-mail: [smeyer@sctcc.edu](mailto:smeyer@sctcc.edu)

Your response to this Request for Proposal (RFP) must be returned sealed. Sealed responses must be received no later than the due date and time specified above. Late responses cannot be considered and the responses will be rejected.

The laws of Minnesota and MnSCU Board of Trustees policies and procedures apply to this RFP.

All attached General RFP Terms and Conditions, Specifications and Special Terms and Conditions are part of the RFP and will be incorporated into any contract(s) entered into as a result of this RFP.

All responses to this RFP must be prepared as stated herein and properly signed. **Address all correspondence and inquiries regarding this RFP to the Contact person above. This is a request for responses to an RFP and is NOT a purchase order.**

## Minnesota House of Representatives and Minnesota Senate Requests for Bids for printing the Official Directory of the Minnesota Legislature

The Minnesota House of Representatives and the Minnesota Senate are seeking bids from qualified printers to provide printing services for the Official Directory of the Minnesota Legislature.

The size of the publication will be 4" x 6". The Official Directory of the Minnesota Legislature will contain approximately 424 pages plus cover.

All bids must be submitted on the forms accompanying the specifications in a sealed envelope and delivered to 175 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155-1298 no later than **November 13, 2017 at 2 p.m. (CT)** Bid submittals will be opened publicly on that date and time.

A copy of the Request for Bid packet can be obtained by contacting: Barry LaGrave, 175 State Office Building, St. Paul, Minnesota 55155-1298, phone: 651-297-1338, email: [barry.lagrave@house.mn](mailto:barry.lagrave@house.mn).

Other department personnel are NOT allowed to discuss the Request for Bid with anyone, including responders, before the proposal submission deadline.

## **Metropolitan Council Request for Bids for Green Line LRT Extension (“Southwest LRT”) Civil Construction**

### **Invitation for Bid #15P307A (Rebid)**

The Metropolitan Council intends to re-solicit sealed bids for Civil Construction of the Southwest Light Rail Transit Line, an approximately 15-mile line that will serve the Twin Cities metropolitan region of Minnesota, operating from downtown Minneapolis through the southwestern suburban cities of St. Louis Park, Hopkins, Minnetonka, and Eden Prairie.

The anticipated issue date for the Invitation for Bids is October 30, 2017. Visit [www.metrocouncil.org](http://www.metrocouncil.org) (see Doing Business) for additional information.

Questions may be directed to Auburn Dees, IFB Administrator, [auburn.dees@metc.state.mn.us](mailto:auburn.dees@metc.state.mn.us) or 651-602-1346.

## **Minnesota Department of Transportation (Mn/DOT) Engineering Services Division**

### **Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)**

This document is available in alternative formats for persons with disabilities by calling Kelly Arneson at (651) 366-4774; for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects.

Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT’s Consultant Services web site, indicated below, to expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and applications forms are available on Mn/DOT’s Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Kelly Arneson  
Consultant Services  
Office of Technical Support  
Minnesota Department of Transportation  
395 John Ireland Blvd. - Mail Stop 680  
St. Paul, MN 55155

# State Contracts

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## Minnesota Department of Transportation (Mn/DOT)

### Engineering Services Division

#### Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices

**NOTICE TO ALL:** The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult)

New Public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.



#### Several convenient ways to order:

- **Retail store** Open 8 a.m. - 3 p.m. Monday - Friday, 660 Olive Street, St. Paul
- **Phone** (credit cards): 8 a.m. - 4 p.m. Monday - Friday, 651.297.3000 (Twin Cities) or 1.800.657.3757 (nationwide toll-free)
- **On-line orders:** [www.minnesotasbookstore.com](http://www.minnesotasbookstore.com)
- **Minnesota Relay Service:** 711
- **Fax** (credit cards): 651.215.5733 (fax line available 24 hours)
- **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155

**Minnesota's Bookstore accepts VISA, MasterCard, American Express & Discover for all purchases.**

**PREPAYMENT REQUIRED.** *Prices and availability subject to change.* **Fax and phone orders** require credit card.

Please allow 1-2 weeks for delivery. For **mail orders**, complete order blank and send to address above.

Enclose payment - for security reasons, we do not recommend mailing credit card information.

Please allow 2-3 weeks for delivery.

Please make checks payable to "Minnesota's Bookstore."

A \$20.00 fee will be charged for returned checks.

No petition for rulemaking is submitted because the Plumbing Board did not receive a petition for rulemaking.

1.1 **Plumbing Board**1.2 **Proposed Permanent Rules Governing Plumbing Licensing**1.3 **4716.0010 DEFINITIONS.**1.4 *[For text of subs 1 to 5, see M.R.]*

1.5 Subp. 6. **Registered unlicensed plumber.** "Registered unlicensed plumber" means  
1.6 an individual who performs plumbing work for a contractor or employer, does not hold any  
1.7 class of plumber license, is not a plumber's apprentice as described in Minnesota Statutes,  
1.8 section 326B.42, subdivision 6, and is registered with the commissioner under part  
1.9 4716.0050.

1.10 **4716.0020 EXAMINATION AND LICENSING OF PLUMBERS.**

1.11 Subpart 1. **Examinations.** An applicant for a plumber's license, other than a restricted  
1.12 journeyworker or restricted master plumber license, must satisfactorily pass an examination  
1.13 given by the commissioner. ~~Examinations for journeyworker and master plumber licenses~~  
1.14 ~~shall be held in March and September of each year. Applications for the March examination~~  
1.15 ~~must be filed not later than February 15 and for the September examination not later than~~  
1.16 ~~August 15.~~

1.17 A. An applicant for the master plumber examination must have:

1.18 (1) ~~a current Minnesota journeyworker plumber license and five years of~~  
1.19 ~~practical plumbing experience~~ at least one year of practical plumbing experience as a licensed  
1.20 journeyworker plumber as described in subpart 2;

1.21 *[For text of subitems (2) and (3), see M.R.]*

1.22 B. An applicant for the journeyworker examination:

1.23 (1) must be registered as a plumber's apprentice in Minnesota as described  
1.24 in Minnesota Statutes, section 326B.42, subdivision 6, or must be a registered unlicensed

2.1 plumber as described in part 4716.0010, subpart 6, and must have at least four years of  
 2.2 recorded practical plumbing experience, as specified in subpart 2, item F;

2.3 *[For text of subitems (2) and (3), see M.R.]*

2.4 Subp. 2. **Experience.** This subpart applies to all practical plumbing experience  
 2.5 described in subpart 1.

2.6 *[For text of items A to D, see M.R.]*

2.7 E. If the applicant is a licensed restricted journeyworker plumber or a licensed  
 2.8 restricted master plumber, subitems (1) ~~to (3)~~ and (2) apply.

2.9 (1) The practical plumbing experience must include at least the following  
 2.10 number of hours in the plumbing aspects specified in units (a) to (c). The remaining required  
 2.11 hours of practical plumbing experience may be in any aspect of plumbing work included  
 2.12 in the definition of plumbing in UPC section 218.0 as incorporated by reference in part  
 2.13 4714.0050; however, the applicant must include in the application the type of plumbing  
 2.14 work and corresponding number of hours:

2.15 (a) water distribution system installation, 1,000 hours;

2.16 (b) drain, waste, and vent system installation, 1,000 hours; and

2.17 (c) fixture installation, 500 hours.

2.18 *[For text of subitem (2), see M.R.]*

2.19 ~~(3) The applicant must have completed the entire two years of practical~~  
 2.20 ~~plumbing experience within the four years before the applicant takes the examination.~~

2.21 F. If the applicant is a registered ~~plumber's apprentice~~ unlicensed plumber, subitems  
 2.22 (1) ~~to (3)~~ and (2) apply.

3.1 (1) The practical plumbing experience must include at least the following  
3.2 number of hours in the plumbing aspects specified in units (a) to (c). The remaining required  
3.3 hours of practical plumbing experience may be in any aspect of plumbing work included  
3.4 in the definition of plumbing in UPC section 218.0 as incorporated by reference in part  
3.5 4714.0050; however, the applicant must include in the application the type of plumbing  
3.6 work and corresponding number of hours:

3.7 (a) water distribution system installation, 2,000 hours;

3.8 (b) drain, waste, and vent system installation, 2,000 hours; and

3.9 (c) fixture installation, 1,000 hours.

3.10 (2) ~~Except for experience qualifying under subitem (3),~~ The applicant must  
3.11 have been a registered ~~plumber's apprentice~~ unlicensed plumber at all times while obtaining  
3.12 the practical plumbing experience; or the applicant must have obtained the practical plumbing  
3.13 experience in one of the following ways:

3.14 (a) during military service, and the applicant's military officer certifies  
3.15 the experience;

3.16 (b) as part of a plumbing education class approved by the commissioner,  
3.17 and an authorized representative of the plumbing educational institution certifies the  
3.18 experience; or

3.19 (c) as a plumber's apprentice in another state where the experience is  
3.20 verified by a state agency that regulates plumbing licensing in that state or by a federal  
3.21 agency.

3.22 (3) ~~Up to 24 months of practical plumbing experience gained before the~~  
3.23 ~~effective date of the applicant's initial registration as a plumber's apprentice will be credited~~  
3.24 ~~if the applicant gained some of the experience during the 12-month period immediately~~  
3.25 ~~prior to the effective date of the applicant's initial registration and if:~~

4.1 ~~(a) the applicant gained the plumbing experience during military service,~~  
 4.2 ~~and the applicant's military officer certifies the experience;~~

4.3 ~~(b) the applicant gained the plumbing experience as part of a plumbing~~  
 4.4 ~~education class approved by the commissioner, and an authorized representative of the~~  
 4.5 ~~educational institution certifies the experience; or~~

4.6 ~~(c) the applicant gained the plumbing experience as a plumber's~~  
 4.7 ~~apprentice in another state where the experience is verified by a state agency in that state~~  
 4.8 ~~or by a federal agency.~~

4.9 G. Except as provided in item F, subitem ~~(3)~~ (2), units (a) to (c), all practical  
 4.10 plumbing experience must be certified by the licensed master plumber ~~or plumbing contractor~~  
 4.11 who is responsible for the work performed. A restricted master plumber cannot certify the  
 4.12 restricted master plumber's own experience. The employer of a journeyworker plumber,  
 4.13 restricted master plumber, restricted journeyworker plumber, or ~~plumber's apprentice~~  
 4.14 registered unlicensed plumber is responsible for:

4.15 *[For text of subitems (1) and (2), see M.R.]*

#### 4.16 **4716.0040 EXPIRATION OF LICENSES.**

4.17 Subpart 1. **Issuance and expiration.** Initial and ~~renewal~~ renewed journeyworker  
 4.18 plumber's licenses and renewed restricted journeyworker plumber's licenses expire on  
 4.19 December 31 of each odd-numbered year after issuance or renewal. Initial and renewed  
 4.20 master plumber's licenses, and renewal restricted journeyworker and renewed restricted  
 4.21 master plumber's licenses, shall be issued for the calendar year for which application is  
 4.22 made and shall expire on December 31 of such year each even-numbered year after issuance  
 4.23 or renewal. Any journeyworker plumber, master plumber, restricted journeyworker plumber,  
 4.24 or restricted master plumber who submits a renewal application after December 31 shall  
 4.25 not work as a plumber until the person has submitted an application, fee, and penalty fee.

5.1 Any licensed journeyworker or master plumber who does not renew the license within two  
 5.2 years is no longer eligible for renewal. The person must retake and pass the examination  
 5.3 before a new license will be issued. Any licensed restricted journeyworker or restricted  
 5.4 master plumber who does not renew the license within ~~12 months~~ two years of the license  
 5.5 expiration will permanently forfeit the restricted plumber license.

5.6 Subp. 2. **License renewals.** Applications for license renewal must be submitted to  
 5.7 the commissioner on forms prepared by the commissioner no later than December 31 of  
 5.8 ~~the year preceding~~ the year for in which ~~application is made~~ the license expires. The  
 5.9 application must be accompanied by the required fee. Journeyworker and master plumbers  
 5.10 who submit their license renewal applications after expiration of their license but within  
 5.11 two years after expiration of the previously issued license must pay all past due renewal  
 5.12 fees plus the required late fee. Restricted journeyworker and restricted master plumbers  
 5.13 who submit their license renewal applications after expiration of their license but within ~~12~~  
 5.14 ~~months~~ two years after expiration of the previously issued license must pay the past due  
 5.15 renewal fee plus the required late fee.

5.16 **4716.0050 REGISTRATION OF ~~PLUMBER'S APPRENTICE~~ REGISTERED**  
 5.17 **UNLICENSED PLUMBER.**

5.18 Subpart 1. **Scope.** Subpart 2 ~~shall~~ does not apply to a registered plumber's ~~apprentices~~  
 5.19 apprentice under Minnesota Statutes, section 326B.47, subdivision 1, ~~clause (1)~~ paragraph  
 5.20 (a).

5.21 Subp. 2. **Registration requirements.** No person shall work as a ~~plumber's apprentice~~  
 5.22 registered unlicensed plumber until that person has submitted an application and fee for  
 5.23 registration to the commissioner. Registration must be renewed annually and shall be for  
 5.24 the period from July 1 of each year to June 30 of the following year. Applications for initial  
 5.25 and renewal registration must be submitted to the commissioner before July 1 of each  
 5.26 registration period on forms provided by the commissioner, and must be accompanied by

6.1 the required fee. A ~~plumber's apprentice~~ registered unlicensed plumber who submits a  
6.2 registration application after July 1 in any year must pay the ~~past-due~~ renewal fee plus the  
6.3 required late fee.

6.4 A. A ~~plumber's apprentice~~ registered unlicensed plumber must be at least 18 years  
6.5 of age or be a high school graduate, except that ~~an apprentice~~ a registered unlicensed plumber  
6.6 employed and supervised by the ~~apprentice's~~ registered unlicensed plumber's parent must  
6.7 be at least 16 years of age.

6.8 B. At the time of registration, ~~an apprentice~~ a registered unlicensed plumber must  
6.9 provide a name, address, date of birth, Social Security number, and information about  
6.10 education and practical plumbing experience.

#### 6.11 **4716.0091 DEFINITIONS.**

6.12 Subpart 1. Scope. The terms used in parts 4716.0090 to 4716.0092 have the meanings  
6.13 given them in this part, UPC sections 201.0 to 228.0 as incorporated by reference in part  
6.14 4714.0050, and Minnesota Statutes, section 326B.50.

6.15 Subp. 2. Registered unlicensed water conditioner. "Registered unlicensed water  
6.16 conditioner" means an individual who performs water conditioning work for a contractor  
6.17 or employer, does not hold any class of water conditioning license, and is registered with  
6.18 the commissioner under part 4716.0093.

#### 6.19 **4716.0092 LICENSURE.**

6.20 Subpart 1. **Water conditioning contractor.** An applicant for a water conditioning  
6.21 contractor license must designate a ~~water conditioning~~ responsible licensed master ~~or master~~  
6.22 ~~plumber, licensed by the commissioner, as the individual responsible for the water~~  
6.23 ~~conditioning contractor's compliance with this part, chapter 4714, Minnesota Statutes,~~  
6.24 ~~sections 326B.50 to 326B.59, and all orders issued under Minnesota Statutes, section~~  
6.25 ~~326B.082~~ as defined in Minnesota Statutes, section 326B.50. The responsible ~~water~~

7.1 ~~conditioning licensed master or master plumber~~ must give a minimum 15-day notice to the  
7.2 water conditioning contractor and the department before resigning as the responsible ~~water~~  
7.3 ~~conditioning licensed master or master plumber~~ for the contractor. The contractor and  
7.4 responsible ~~water conditioning licensed master or master plumber~~ must immediately notify  
7.5 the department upon the termination or separation of the contractor's responsible ~~water~~  
7.6 ~~conditioning licensed master or master plumber~~. The water conditioning contractor shall  
7.7 have 60 days from the last day of employment of its previous responsible ~~water conditioning~~  
7.8 ~~licensed master or master plumber~~ to employ another responsible ~~water conditioning licensed~~  
7.9 ~~master or master plumber~~. The water conditioning contractor shall submit written notification  
7.10 to the department that it has designated a different ~~water conditioning responsible licensed~~  
7.11 ~~master or master plumber~~ as the individual responsible for the contractor's compliance with  
7.12 ~~this part, chapter 4714, and Minnesota Statutes, sections 326B.50 to 326B.59~~. If the water  
7.13 conditioning contractor is unable to acquire a replacement responsible ~~water conditioning~~  
7.14 ~~licensed master or master plumber~~, the water conditioning contractor's license is invalid  
7.15 and the contractor shall cease and desist from performing any water conditioning work and  
7.16 return the contractor's license for voluntary termination. Upon acquiring a replacement  
7.17 responsible ~~water conditioning licensed master or master plumber~~, the water conditioning  
7.18 contractor may request reinstatement of the terminated license under Minnesota Statutes,  
7.19 section 326B.096.

7.20 *[For text of subp 2, see M.R.]*

7.21 Subp. 3. **Water conditioning journeyworker.** An applicant for a water conditioning  
7.22 journeyworker license must satisfactorily pass an examination given by the commissioner.  
7.23 An applicant for the water conditioning journeyworker examination must have been a  
7.24 registered unlicensed water conditioner at all times while obtaining at least six months of  
7.25 practical experience as listed in subpart 4, item C, subitem (2), except as permitted in subpart  
7.26 4, item A, subitem (4). The applicant is responsible for verifying practical experience.

8.1 Subp. 4. **Experience.** For the purposes of the experience required under subparts 2  
8.2 and 3, the following requirements apply.

8.3 *[For text of items A to C, see M.R.]*

8.4 D. If the applicant is a registered unlicensed water conditioner:

8.5 (1) the applicant must have been a registered unlicensed water conditioner  
8.6 at all times while obtaining the practical water conditioning experience, except as allowed  
8.7 under Minnesota Statutes, section 326B.555, subdivision 2; and

8.8 (2) all practical water conditioning experience must be certified by the licensed  
8.9 water conditioning master who is responsible for the work performed. Practical water  
8.10 conditioning experience includes installation, servicing, and training hours. The commissioner  
8.11 may require work records, time cards, pay records, or other documentation necessary to  
8.12 evaluate experience. The commissioner shall make the final determination about the adequacy  
8.13 and acceptability of an applicant's experience.

8.14 E. The employer of a water conditioning journeyworker or registered unlicensed  
8.15 water conditioner is responsible for:

8.16 (1) recording the practical water conditioning experience worked by each  
8.17 employee; and

8.18 (2) maintaining the records of practical water conditioning experience for at  
8.19 least six years after the employee's last recorded experience.

8.20 *[For text of subps 5 and 6, see M.R.]*

8.21 **4716.0093 UNLICENSED WATER CONDITIONER REGISTRATION.**

8.22 Subpart 1. **Registration requirements.** No person shall work as a registered unlicensed  
8.23 water conditioner until that person has submitted an application and fee for registration to  
8.24 the commissioner. Registration must be renewed annually and shall be for the period from

9.1 July 1 of each year to June 30 of the following year. Applications for initial and renewal  
 9.2 registration must be submitted to the commissioner before July 1 of each registration period  
 9.3 on forms provided by the commissioner, and must be accompanied by the required fee. A  
 9.4 registered unlicensed water conditioner who submits a registration application after July 1  
 9.5 in any year must pay the renewal fee plus the required late fee.

9.6 A. A registered unlicensed water conditioner must be at least 18 years of age or  
 9.7 a high school graduate, except that a registered unlicensed water conditioner employed and  
 9.8 supervised by the registered unlicensed water conditioner's parent must be at least 16 years  
 9.9 of age.

9.10 B. An applicant for registration under this part must provide a name, address, date  
 9.11 of birth, Social Security number, and information about education and practical water  
 9.12 conditioning experience on a form provided by the commissioner.

9.13 **4716.0205 REQUIREMENTS.**

9.14 **Subpart 1. Continuing education; content.**

9.15 A. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
 9.16 individuals who hold the following license types are required to obtain 16 hours of continuing  
 9.17 education instruction during the license period before the license may be renewed:

- 9.18 (1) master plumber;
- 9.19 (2) journeyworker plumber; and
- 9.20 (3) restricted plumber.

9.21 At least ~~12~~ eight hours of instruction must pertain to the Plumbing Code, and ~~at least four~~  
 9.22 ~~hours of instruction must pertain to the~~ remainder must pertain to the Plumbing Code,  
 9.23 technical topics related to plumbing installations and equipment, this chapter, the Minnesota  
 9.24 State Building Code, or Minnesota Statutes, sections 326B.41 to ~~326B.49~~ 326B.59.

10.1 Continuing education hours obtained by any electronic media must ~~not exceed four hours~~  
10.2 ~~during the renewal period~~ comply with Minnesota Statutes, sections 326B.098 to 326B.099.

10.3 B. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
10.4 individuals who hold the following license types are required to obtain four hours of  
10.5 continuing education instruction during the license period before the license may be renewed:

10.6 (1) water conditioning master; and

10.7 (2) water conditioning journeyworker.

10.8 ~~At least two hours of instruction~~ must pertain to the Plumbing Code and the remainder must  
10.9 pertain to the Plumbing Code, technical topics related to water conditioning installation and  
10.10 servicing, this chapter, or Minnesota Statutes, sections 326B.50 to 326B.59. Continuing  
10.11 education hours obtained by any electronic media must comply with Minnesota Statutes,  
10.12 sections 326B.098 to 326B.099.

10.13 C. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
10.14 individuals who hold the following registration types are required to obtain continuing  
10.15 education instruction during the registration period before the registration can be renewed:

10.16 (1) registered unlicensed plumbers; and

10.17 (2) registered unlicensed water conditioners.

10.18 The registered unlicensed plumber must obtain at least two hours of continuing education  
10.19 instruction that must pertain to the Plumbing Code.

10.20 The registered unlicensed water conditioner must obtain at least two hours of continuing  
10.21 education instruction. At least one hour of instruction must pertain to the Plumbing Code,  
10.22 and the remainder must pertain to the Plumbing Code, technical topics related to water  
10.23 conditioning installation and servicing, this chapter, or Minnesota Statutes, sections 326B.50



# Office of the Revisor of Statutes

## Administrative Rules



**TITLE:** Proposed Permanent Rules Governing Plumbing Licensing

**AGENCY:** Plumbing Board

**REVISOR ID:** R-4365

**MINNESOTA RULES:** Chapter 4716

The attached rules are approved for  
publication in the State Register

*Sheree Speer*

Sheree Speer  
Assistant Deputy Revisor

## Minnesota Plumbing Board

### STATEMENT OF NEED AND REASONABLENESS

#### Proposed Amendment to Rules Governing Plumber Licensing, Minnesota Rules, chapter 4716; Revisor's ID Number R-04365

#### INTRODUCTION

The Minnesota Plumbing Board (“Board”) intends to adopt rules regulating the registration of unlicensed individuals who perform water conditioning installation, registration of unlicensed individuals who perform plumbing, examination and licensing of both plumbers and water conditioners, and continuing education requirements for licensed individuals and registered unlicensed individuals.

In 2017, the Minnesota Legislature granted the Board rulemaking authority over a new category of registered unlicensed individuals who perform water conditioning installation and authorized the Board to adopt rules for the registration of these unlicensed individuals.<sup>1</sup> Additionally, the Minnesota Legislature newly granted the Board authority to regulate continuing education requirements for all registered unlicensed individuals.<sup>2</sup>

There are two notable changes in the proposed rule amendments. First, the Board’s proposed amendments provide the requirements for the registration of unlicensed water conditioners (registration of unlicensed plumbers is already in rule). The Board anticipates that some registered unlicensed individuals will apply their work experience to pursue licensure while some registered unlicensed individuals will not. The proposed rules facilitate the Department’s tracking of individuals’ work experience to determine when individuals have obtained sufficient experience to qualify them to take the appropriate licensing exam. Second, the proposed rules require minimal continuing education hours for registered unlicensed individuals to ensure they stay current with industry and Plumbing Code changes.

The Board published a Request for Comments on October 30, 2017. In response to the Request for Comments, the Board received one comment that requested that the Board support legislation that would change the licensing requirements for backflow prevention assembly rebuilders in Minnesota. The Board received 61 comments about the continuing education requirements for registered unlicensed plumbers.<sup>3</sup> The Board addressed those concerns at Board meetings and in the rule-by-rule analysis below.<sup>4</sup>

The Minnesota Department of Labor and Industry (“Department”) is required to provide support to the Board, including for rulemaking.<sup>5</sup>

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<sup>1</sup> See Minn. Laws, [2017 c. 94 art 2 s 14](#). This law became effective August 1, 2017.

<sup>2</sup> See Minn. Laws, [2017 c. 94 art 2 s 8](#). This law became effective August 1, 2017.

<sup>3</sup> All comments submitted in response to the Request for Comments are available here <http://www.dli.mn.gov/sites/default/files/pdf/4716-comment.pdf>.

<sup>4</sup> See Board meeting minutes for March 12, 2018; June 12, 2018, August 28, 2018 at <http://www.dli.mn.gov/about-department/boards-and-councils/plumbing-board>

<sup>5</sup> See [Minn. Stat. § 326B.435, subd. 2\(c\) \(2018\)](#).

## ALTERNATIVE FORMAT

Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact Suzanne Todnem at the Department of Labor and Industry, 443 Lafayette Road North, Saint Paul, MN 55155-4342, or by telephone 651-284-5006, or email to: [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us).

## STATUTORY AUTHORITY

The Board's statutory authority to adopt rules related to licensure, certification, or registration is stated in *Minnesota Statutes*, section 326B.435, subd. 2(a)(5), which authorizes the Board to:

adopt rules that regulate the licensure, certification, or registration of plumbing contractors, journeyworkers, unlicensed individuals, master plumbers, restricted master plumbers, restricted journeyworkers, restricted plumbing contractors, backflow prevention rebuilders and testers, water conditioning contractors, and water conditioning installers, and other persons engaged in the design, installation, and alteration of plumbing systems or engaged in or working at the business of water conditioning installation or service, or engaged in or working at the business of medical gas system installation, maintenance, or repair, except for those individuals licensed under section 326.02, subdivisions 2 and 3.

*Minnesota Statutes*, section 326B.435, subd. 2(a)(6) was amended in 2017 to authorize the Board to adopt rules regulating continuing education for registered unlicensed individuals. Specifically, the Board has the authority to “adopt rules that regulate continuing education for individuals licensed as master plumbers, journeyworker plumbers, restricted master plumbers, restricted journeyworker plumbers, registered unlicensed individuals, water conditioning masters, and water conditioning journeyworkers, and for individuals certified under sections 326B.437 and 326B.438.”<sup>6</sup> While the Board's authority to regulate continuing education for licensed individuals is not new, the authority to regulate continuing education for registered unlicensed individuals is new.

*Minnesota Statutes*, section 326B.47, subd. 3, authorizes the Board to prescribe rules for the registration of unlicensed individuals.<sup>7</sup> The Board has been regulating registered unlicensed individuals who perform plumbing as a different classification than plumber's apprentices since 2010.<sup>8</sup>

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<sup>6</sup>See [Minn. Stat. § 326B.435, subd. 2 \(2018\)](#).

<sup>7</sup>See [Minn. Stat. § 326B.47, subd. 3 \(2018\)](#).

<sup>8</sup> See [Minn. Laws, 2010 c 280 s 27](#) at <https://www.revisor.mn.gov/laws/2010/0/280/> and [Minn. R. part 4716.0050](#).

*Minnesota Statutes*, section 326B.555, which was enacted in 2017, creates a new category of registered unlicensed individuals to perform water conditioning installation and authorizes the Board to adopt rules for the registration of these unlicensed individuals.<sup>9</sup>

Because specific portions of the Board’s rulemaking authority was new in 2017, effective August 1, 2017, those portions are subject to the 18-month time limit in *Minnesota Statutes*, section 14.125. The Board will publish a notice of intent to adopt rules or a notice of hearing within 18 months of the effective date.

Under these statutes, the Board has the necessary statutory authority to adopt the proposed rules.

## **REGULATORY ANALYSIS**

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (8) below quote these factors and then give the agency’s response.

### **(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule**

The proposed amendments to the rules would likely affect individuals and contractors currently licensed, certified or registered in Minnesota under Chapter 4716; individuals and contractors who would like to be licensed, certified or registered under Chapter 4716; individuals who perform water conditioning installation but are not licensed, certified or registered; providers of continuing education courses; and the general public.

### **(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues**

Although the Board has the authority to adopt plumbing licensing rules, it does not implement or enforce the licensing rules. The Department currently administers and enforces the licensing rules. Any additional costs the Department incurs to implement and enforce the proposed rules will be offset by additional registration fees collected from registered unlicensed individuals. The Department does not anticipate increased costs to administer the rule except for the newly regulated individuals. The costs to enforce registration of the newly regulated individuals will be offset by the registration fees.

### **(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule**

The Board has determined there is no less costly or less intrusive method for achieving the purposes of the proposed rules. The proposed rule utilizes existing infrastructure for licensing,

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<sup>9</sup>See Minn. Laws, [2017 c 94 art 2 s 14](https://www.revisor.mn.gov/laws/2017/0/Session+Law/Chapter/94/) at <https://www.revisor.mn.gov/laws/2017/0/Session+Law/Chapter/94/>. This law became effective August 1, 2017.

registration and enforcement. The proposed rules are anticipated to be less intrusive and reduce some costs of compliance compared to the current rule. For example, licensed plumbers may take all of the required continuing education using electronic media. Also, a one-day continuing education course on the Plumbing Code satisfies the minimum Code-related continuing education requirement instead of a two-day course on the Plumbing Code (or 1.5-day course) because the minimum requirement for Code-related continuing education has been changed from 12 hours to 8 hours.

**(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule**

No alternative methods for achieving the purpose of the proposed rule were identified. The Board determined that the existing requirements and procedures used have been successful and should be maintained. The same or similar procedures are used in other similar industries as well.

**(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals**

The probable costs of complying with the proposed rule are anticipated to be minimal. Registered unlicensed individuals who perform water conditioning work will be subject to the same \$14 initial registration fee and \$19 renewal registration fee that registered unlicensed plumbers and electricians are currently required to pay. Other regulated parties under this proposed rule are anticipated to see the same or lower costs to comply with the proposed rule.

**(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals**

The probable costs or consequences of not adopting the proposed rule are fewer avenues for unlicensed individuals to qualify for journeyworker licensing exams and fewer work options for individuals seeking employment in the water conditioning industry, which could limit the pool of qualified workers available to businesses that provide water conditioning services to the public.

Another consequence of not adopting the proposed rule is that the Board would lose its statutory authority to regulate certain parties. The legislature would then need to pass new legislation, which may have costs associated with it. Without rules to address the newly regulated party in statute, there would be confusion for anyone interested in hiring or becoming a registered unlicensed water conditioner.

**(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference**

There are no federal regulations that apply.

**(8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule. . . . ‘[C]umulative effect’ means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules. Cumulative effects can result from individually minor but collectively significant rules adopted over a period of time.**

The proposed rules cover areas that are not addressed by federal law or other Minnesota state laws. Therefore, this consideration is not applicable to this proposed rule.

## **PERFORMANCE-BASED RULES**

The Board carefully considered the directives of the legislature requiring performance-based standards to the extent possible. Because this is a licensing rule and not a code, performance-based and prescriptive are not applicable. However, to the extent possible, the Board considered and discussed performance and prescriptive elements. The proposed rules are prescriptive in that they establish a specific number of continuing education hour requirements for registered unlicensed individuals. The proposed rules are as performance-based as possible by allowing flexibility in the method and topics of continuing education while remaining clear and enforceable.

## **ADDITIONAL NOTICE**

This Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in a November 1, 2018 Order on Review of Additional Notice Plan and Dual Notice by Administrative Law Judge Eric L. Lipman.

Our Notice Plan also includes giving notice required by statute. We will mail or e-mail the Notice of Intent to Adopt to everyone who has registered to be on the Department’s rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a. We will also give notice to the Legislature per Minnesota Statutes, section 14.116. We will also e-mail the rules and Notice of Intent to Adopt to the following organizations and trade groups:

- a. Associated Builders and Contractors
- b. Local chapter of the Association of Minnesota Building Officials (AMBO)
- c. Minnesota Mechanical Contractors Association
- d. Association of General Contractors of Minnesota
- e. Builders Association of Minnesota (BAM)
- f. Builders Association of the Twin Cities
- g. Minnesota State Fire Chiefs Association
- h. Minnesota Plumbing, Heating and Cooling Contractors Association
- i. American Society of Plumbing Engineers – Minnesota Chapter
- j. American Society of Civil Engineers – Minnesota Section
- k. Association of Minnesota Counties
- l. Building Owners and Managers (BOMA), Minneapolis
- m. Building Owners and Managers (BOMA), St. Paul
- n. League of Minnesota Cities

- o. American Council of Engineering Companies of Minnesota
- p. Minnesota Pipe Trades Association
- q. Minnesota State Fire Marshal Division
- r. Minnesota Water Quality Association (MWQA)
- s. Minnesota Society of Professional Engineers (MNSPE)

Our Notice Plan did not include notifying the Commissioner of Agriculture because the rules do not affect farming operations per Minnesota Statutes, section 14.111.

### **CONSULTATION WITH MMB ON LOCAL GOVERNMENT IMPACT**

As required by Minnesota Statutes, section 14.131, the Board consulted with Minnesota Management and Budget (MMB). The Board did this by sending MMB copies of the documents that we sent to the Governor’s Office for review and approval on the same day we sent them to the Governor’s office. We did this before publishing the Notice of Intent to Adopt. The documents included: the Governor’s Office Proposed Rule and SONAR Form; the proposed rules; and the near-final SONAR. MMB Executive Budget Officer Marianne Conboy responded, in part, as follows in a letter dated October 31, 2018: “There appears to be no direct fiscal impact or fiscal benefit from this rule amendment to local units of government.”

Because local governments are not actively engaged in the regulation of businesses and individuals in the plumbing and water conditioning industry, the financial impact to them is minimal. To the extent that local governments inspect the installation of water conditioning systems, the proposed rules might improve the inspection process by enhancing the knowledge of individuals working in the industry.

The Board will submit a copy of the cover correspondence and the response received from MMB to OAH at the hearing or with the documents it submits for Administrative Law Judge (“ALJ”) review.

### **DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION**

Minnesota Statutes, section 14.128 requires agencies to determine whether a local government will have to adopt or amend an ordinance or other regulation to comply with a proposed agency rule and submit this determination for ALJ approval. An agency must make this determination before the close of the hearing record or before the agency submits the record to the administrative law judge if there is no hearing. The Board has determined that no local government will have to adopt or amend an ordinance or other regulation to comply with the proposed rule. Plumber and water conditioner licensing and registration is enforced at the state level so no local government or municipality will be required to adopt or amend a local ordinance as a result of the proposed rule.

## COST OF COMPLYING FOR SMALL BUSINESS OR CITY

### Agency Determination of Cost

As required by Minnesota Statutes, section 14.127, the Board has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city.<sup>10</sup> The Board asked the public to submit comments specifically regarding whether the cost of complying with the rule in the first year after the rule takes effect will exceed \$25,000 in the Request for Comments published on October 30, 2017. The Board did not receive any comments addressing this issue. The Board has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city.

The proposed rule amendments are anticipated to keep the cost of complying with the rule the same or less with the exception of the continuing education requirements for registered unlicensed individuals (water conditioners and plumbers).

Small cities are not anticipated to incur any costs. It is not anticipated that a small city would employ a registered unlicensed individual. Therefore, even if there are minimal increased costs for registered unlicensed individuals or employers of registered unlicensed individuals, small cities will not be affected. Furthermore, because plumber and water conditioner licensing is administered and enforced at the state level, it is not anticipated that any city, including a small city, would incur any costs to comply with the proposed rule from an administrative perspective.

Small businesses already have to track the hours worked by their individual employees so there is no additional cost anticipated in the normal course of maintaining employment records.<sup>11</sup>

The rule does not require employers to pay the registration costs or continuing education costs. However, if the employer chooses to pay the registration cost, assuming all possible employees are registered unlicensed individuals, the maximum annual cost for a small business would be \$19 x 49 employees<sup>12</sup> = \$931, which is well below the \$25,000 threshold.<sup>13</sup>

The average cost for a two-hour continuing education course is \$ 49.00.<sup>14</sup> Again, the cost for two hours of continuing education may be paid by the registrant or the employer. If the employer chooses to pay this cost, again assuming the maximum number of employees are registered unlicensed individuals, the maximum annual cost, on average, would be \$ 49.00 x 49 employees = \$ 2,401.00. This total is again well below the \$25,000 threshold. The combined total of annual

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<sup>10</sup> A small business is defined as “any one business that has less than 50 full-time employees” and a small city is defined as “any one statutory or home rule charter city that has less than ten full-time employees.” [Minn. Stat. § 14.127, subd. 1 \(2018\)](#).

<sup>11</sup> See [Minn. Stat. § 326B.47, subd. 1\(c\) \(2018\)](#).

<sup>12</sup> At least one employee would have to be a licensed journeyworker or master plumber. This example is for illustrative purposes only. A small business is unlikely to have 49 registered unlicensed individuals.

<sup>13</sup> The initial registration fee is currently set at \$14 per registrant and the annual renewal fee is \$19. For illustrative purposes, the estimate uses only the renewal fee, which is the higher of the two fees.

<sup>14</sup> See Attachment A.

registration fees and continuing education costs is approximately \$ 3,332.00, which is well below the \$25,000 threshold.

## **LIST OF WITNESSES**

If these rules go to a public hearing, the Department anticipates having the following witnesses testify in support of the need for and reasonableness of the rules:

1. Mr. Richard Jacobs, Plumbing Board Chair, will testify about the Board's interest in amending the code.
2. Mr. Charlie Durenberger, Assistant Director, CCLD, will testify about the technical aspects of the proposed amendments.
3. Other Board members or Department of Labor and Industry staff, if necessary.

## **RULE-BY-RULE ANALYSIS**

### **4716.0010 DEFINITIONS**

The proposed rule amendment adds a subpart 6 to codify the term, "Registered unlicensed plumber." Although registered unlicensed individuals who perform and assist in plumbing have been regulated under Minn. Stat. § 326B.47 since 2010, the proposed rule amendment formally names and clarifies this category of individuals.<sup>15</sup>

### **4716.0020 EXAMINATION AND LICENSING OF PLUMBERS**

#### **Subpart 1. Examinations.**

The proposed rule amendment deletes language that states two specific times of the year in which journeyworker and master plumber licensing exams will be held. The Department began offering journeyworker and master plumber licensing examinations on a weekly basis several years ago in an effort to increase the availability of exams to those seeking licensure. As result, the current rule requirement that exams be given in March and September is outdated and no longer necessary. The proposed rule amendment is necessary and reasonable because it modernizes the rule part and deletes unnecessary language.

#### **Subpart 1(A)(1)**

The proposed rule amendment clarifies that an applicant for the master plumber examination must have worked as a licensed journeyworker plumber for at least one year before he or she can qualify to take the master plumber license examination. The current language that an applicant for the master plumber examination be a licensed Minnesota journeyworker plumber license and have "five years of practical plumbing experience" has the same meaning because four years of practical plumbing experience is required to qualify for the journeyworker plumber examination and the fifth year comes the year after an individual becomes a licensed journeyworker plumber. The proposed rule states that requirement more clearly.

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<sup>15</sup> See [Minn. Laws, 2010 c 280 s 27](https://www.revisor.mn.gov/laws/2010/0/280/) at <https://www.revisor.mn.gov/laws/2010/0/280/>

### **Subpart 1(B)(1)**

The proposed rule amendment clarifies the distinction between a plumber’s apprentice defined in Minn. Stat. § 326B.42, subd. 6, and the registered unlicensed plumber, which is a newly formalized term.<sup>16</sup> See 4716.0010 analysis above. The requirement is substantively the same but clarifies the two categories of applicants and clarifies that the four years of practical plumbing experience must be recorded as required in Minn. Stat. § 326B.47, subd. 1(c).

## **Subp. 2. Experience**

### **Subpart 2(E)**

The proposed rule amendment corrects the subitems referenced here to correspond with the proposed rule below.

#### **Subpart 2(E)(1)**

The proposed rule amendment adds the word “plumbing” before “work” to clarify that the qualifying hours must be obtained performing plumbing work, as described in the list (a) through (c).

#### **Subpart 2(E)(3)**

The current rule requires applicants who are licensed restricted journeyworker plumbers or licensed restricted master plumbers to have completed the entire two years of practical plumbing experience within the four years before the applicant takes the examination. The proposed rule amendment deletes subitem 3 because removing this timeframe encourages licensed restricted journeyworker plumbers and licensed restricted master plumbers to take the regular licensed journeyworker plumber and licensed master plumber examinations. The proposed rule amendment broadens the pool of possible applicants. A shortage of skilled laborers is anticipated according to industry experts and economists.<sup>17</sup> The proposed rule amendment is necessary and reasonable because the applicants are still subject to examination to ensure competent licensed plumbers.

#### **Subpart 2(F)**

The proposed rule amendment deletes reference to plumber’s apprentice and replaces it with registered unlicensed plumber because only registered unlicensed plumbers will have a situation subject to subitems (1) and (2) that follow. Because a registered plumber’s apprentice, as defined in Minn. Stat. § 326B.42, subd. 6, is part of a formal, approved apprenticeship, subitems (1) and (2) are moot issues to them. The proposed rule amendment also corrects the subitems referenced here to correspond with the proposed rule below. The proposed rule amendment is necessary and reasonable because the distinction between a registered plumber’s apprentice and registered unlicensed plumber should be clear.

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<sup>16</sup> Minn. Stat. § 326B.42, subd. 6 (2018) provides a definition of “plumber’s apprentice and defines it as “any individual who is employed in the practical installation of plumbing under an apprenticeship agreement approved by the department under section 178.07.”

<sup>17</sup> See <https://mn.gov/deed/data/data-tools/employment-outlook/>; <https://mn.gov/deed/newscenter/publications/review/june-2018/job-outlook-2026.jsp>; <https://www.bls.gov/ooh/construction-and-extraction/plumbers-pipefitters-and-steamfitters.htm>; and <http://www.startribune.com/worse-than-dating-twin-cities-builders-go-all-out-to-find-workers/432561123/>.

### **Subpart 2(F)(1)**

The proposed rule amendment adds the word “plumbing” before “work” to clarify that the qualifying hours must be obtained performing plumbing work, as described in the list (a) through (c).

### **Subpart 2(F)(2)**

The proposed rule amendment deletes the reference to subitem (3) because subitem (3) is deleted in the proposed rule. Again, the reference to “plumber’s apprentice” is deleted and “unlicensed plumber” is added because only registered unlicensed plumbers will have a situation subject to subitems (1) and (2) that follow.

The proposed rule amendment provides for alternate options for an applicant to have obtained the practical plumbing experience as listed in items (a) through (c). The alternate options are substantively the same as the language that is deleted in subpart 2(F)(3). The language was removed from subitem (3) and moved to subitem (2) because combining subitems (2) and (3) into one subitem, and removing the timing requirements in subitem (3), clarifies the two avenues through which an applicant may obtain the practical plumbing experience. That is, the practical experience must be obtained as a registered unlicensed plumber or through one of the ways listed in (2)(a) through (c). There is minimal substantive change to subitems (2) and (3) as the intent is to clarify the different acceptable ways to obtain the practical plumbing experience.

### **Subpart 2(G)**

The proposed rule amendment corrects the reference numbering to reflect the proposed amendments. For example, the reference to subitem (3) is replaced with subitem “(2), units (a) to (c)” because the proposed rule amendment moves the content in subitem (3) to subitem (2), units (a) to (c). The word “master” is added and “or plumbing contractor” is deleted because a plumbing contractor is a business entity and a human being must provide the certification. The reference to “plumber’s apprentice” is deleted and “registered unlicensed plumber” is added to be consistent with the proposed amendments above.

## **4716.0040 EXPIRATION OF LICENSES**

### **Subpart 1. Issuance and expiration**

The proposed rule amendment provides consistency for all journeyworker licensees and master licensees and aligns the rules with Minnesota Statutes.<sup>18</sup> The proposed rule amendment simplifies the renewal of journeyworker plumber and master plumber licenses. All journeyworker plumber licenses will expire on December 31 of odd-numbered years rather than on anniversary dates of license issuance. All master plumber licenses will expire on December 31 of even-numbered years. The Department can provide more efficient administration and enforcement of the licensing rules, thereby keeping enforcement costs, and therefore license fees, down. Individual licensees and the Department benefit from the proposed change.

The renewal window for restricted journeyworker and restricted master plumbers was changed from 12 months to within “two years of the license expiration” to grant restricted license holders

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<sup>18</sup> See [Minn. Stat. § 326B.49, subd. 1\(b\) \(2018\)](#). This statute was amended in 2016. See [Minn. Laws, 2016 c 189 art 8 sec 3](#).

additional time to renew their license before permanently forfeiting their restricted plumber license. Because failing to renew timely results in permanent forfeiture, it is reasonable to grant license holders more than 12 months to renew. The two-year time period to renew is consistent with the renewal period for licensed journeyworker and master plumbers. Restricted journeyworker and restricted master plumber licenses are relatively few in number and are a holdover from the transition from no licensure in cities with populations less than 5,000 to statewide plumber licensing in 2005. Restricted plumber licenses were granted to individuals who were performing plumbing at the time of the transition and who performed plumbing work in municipalities with a population under 5,000. A plumber holding a restricted license may not perform plumbing work in municipalities with a population over 5,000. No new restricted plumber licenses have been granted since the transition period. Once a restricted license is forfeited, it cannot be reinstated or renewed.

### **Subpart 2. License renewals**

The proposed rule amendment clarifies that license renewal applications must be submitted by December 31 of the year in which the license expires to be a timely renewal.

The proposed rule amends the timeframe in which a restricted journeyworker or restricted master plumber must pay the past due renewal fee to coordinate with the two year timeframe proposed in subpart 1 above.

## **4716.0050 REGISTRATION OF PLUMBER'S APPRENTICE**

The proposed rule amends the title of this rule part to "REGISTRATION OF REGISTERED UNLICENSED PLUMBER." The proposed rule amendment aligns the title with the title change to Minn. Stat. § 326B.47, which was changed from "Plumber's Apprentices" to "Unlicensed Individuals" in 2010.<sup>19</sup> This amendment is reasonable because chapter 4716 regulates registered unlicensed plumbers but not registered plumber's apprentices who are part of a formal apprenticeship program. The formal distinction between a plumber's apprentice and a registered unlicensed plumber is relatively new.<sup>20</sup> Rule titles are not enforceable but the title change adds clarity to the rule part particularly since the rule specifically states that it does not apply to registered plumber's apprentices.

### **Subpart 1. Scope.**

The proposed rule amendment updates and corrects this subpart. The proposed rule amendment updates the word "shall (not)" with "does (not)" because "shall (not)" is not grammatically correct. Also, the change to "does (not)" modernizes the language and is plain language. The proposed rule amendment corrects the referenced statute cite. The current rule refers to "Minnesota Statutes, section 326B.47, subdivision 1, clause (1)" however, there is no such clause (1). The correct cite format is Minnesota Statutes, section 326B.47, subdivision 1, *paragraph (a)*. Emphasis added. The proposed rule amendment changes the plural "plumber's apprentices" to singular for consistency with the rest of the rule chapter.

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<sup>19</sup> See [Minn. Laws, 2010 c 280 s 27](https://www.revisor.mn.gov/laws/2010/0/280/) at <https://www.revisor.mn.gov/laws/2010/0/280/>

<sup>20</sup> *Id.*

## **Subp. 2. Registration requirements**

The proposed rule amendments change all “plumber’s apprentice” references to “registered unlicensed plumber.” Plumber’s apprentices are regulated under the formal, approved apprenticeship agreement subject to Minnesota Statutes, chapter 178 and related rule chapters. The proposed rule amendment is necessary and reasonable because it uses terminology that is consistent with Minn. Stat. § 326B.47 and other proposed amendments in this rule chapter.

## **4716.0091 DEFINITIONS**

### **Subpart 1. Scope.**

The proposed rule amendment adds “Subpart 1. Scope” because now that a second subpart is added, it is necessary and reasonable to number and title the subpart. When it was the only subpart in this section, it was not necessary to number and title it.

### **Subpart 2. Registered unlicensed water conditioner**

The proposed rule amendment adds this subpart to establish and define the term, “Registered unlicensed water conditioner.” Although registered unlicensed individuals who perform and assist in plumbing have been regulated under Minn. Stat. § 326B.47 since 2010, registered unlicensed water conditioners is a newly established category of regulated parties per the 2017 legislature.<sup>21</sup> It is necessary and reasonable to establish and define this terms that identifies the legislature’s newly regulated category of individuals.

## **4716.0092 LICENSURE**

### **Subpart 1. Water conditioning contractor.**

The proposed rule amendment reduces redundant language and thereby provides clarity and consistency with the current Minnesota Statutes 326B.50, subds. 1a and 2a. The proposed rule amendment replaces all references to “water conditioning master or master plumber” with “responsible licensed master” because “responsible licensed master” is a term already defined in Minnesota Statutes 326B.50, subd. 1a and the definition requires the individual to be a “water conditioning master or licensed master plumber.” All the language that the proposed rule amendment deletes is deleted because it is addressed by using the defined term “responsible licensed master.” There is no substantive change to the rule part.

### **Subpart 3. Water conditioning journeyworker.**

The proposed rule amendment adds that, in addition to the six months of practical experience and passing an exam, an applicant for the water conditioning journeyworker license must be a registered unlicensed water conditioner in Minnesota except as permitted in subpart 4, item A, subitem (4). The proposed rule amendment is necessary and reasonable to ensure that the qualifying experience is obtained under proper qualified conditions and is consistent with Minn. Stat. § 326B.555.

### **Subpart 4. Experience.**

Subpart 4 provides specific requirements for the experience needed in subparts 2 and 3. There are no proposed amendments to items A through C. Items D and E are new to provide the

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<sup>21</sup> See Minn. Laws, [2017 c 94 art 2 s 14](https://www.revisor.mn.gov/laws/2017/0/Session+Law/Chapter/94/) at <https://www.revisor.mn.gov/laws/2017/0/Session+Law/Chapter/94/>.

specific experience requirements for registered unlicensed water conditioners and the employer of the registered unlicensed water conditioner and water conditioning journeyworker. The statutory authority to regulate registered unlicensed water conditioners is new. Therefore, this formalized category of regulated individuals is new, thus, the new items in this subpart. Items A through C detail the requirements for other required experiences listed in subparts 2 and 3.

#### **Subpart 4(D)(1)**

The proposed rule amendment is new to address the newly formalized category of registered unlicensed water conditioner and what is expected of those applicants. The proposed rule amendment clearly states the requirement (to be a registered unlicensed water conditioner while obtaining the practical water conditioning experience) and clarifies that the exception in Minn. Stat. § 326B.555, subd. 2, applies here. This is necessary and reasonable because it should be clear what is expected of the regulated parties, what other permissions apply to the requirement and is consistent with Minn. Stat. § 326B.555. The exception in Minn. Stat. § 326B.555, subd. 2, grants flexibility to applicants.

#### **Subpart 4(D)(2)**

The proposed rule amendment clarifies what is required of the licensed water conditioning master who is responsible for certifying the work performed by the registered unlicensed water conditioner. It is necessary and reasonable to clearly state the requirements. The requirements are reasonable and consistent with the requirements in Minn. R. part 4716.0020, subp. 2, and Minn. R. part 4716.0092, subp. 4(C), while tailored to the water conditioner licensing requirements. The proposed rule amendment is consistent with Minn. Stat. § 326B.555.

#### **Subpart 4(E)(1) and (2)**

The proposed rule amendment adds recordkeeping requirements for the employers of water conditioning journeyworkers and registered unlicensed water conditioners. The proposed rule amendment requires the employers to record the practical water conditioning experience worked by each employee and to maintain those records for at least six years. The registered unlicensed water conditioner needs this record of experience to qualify as an applicant for the journeyworker exam and the journeyworker needs the recorded experience to qualify for the master exam. It is necessary and reasonable to require the employer to make and maintain these records and such requirement is consistent with Minn. Stat. § 326B.555. It is necessary and reasonable for the employer to maintain these records for six years after the employee's last recorded experience because it gives applicants time to take the journeyworker exam after completing the training and for the journeyworker to take the master exam. There are a variety of reasons why an applicant might be delayed in taking an examination. For example, a medical incident or family emergency that delays the applicant from taking the examination. Six years balances flexibility for the applicant with minimal burden for the employer. Six years is consistent with the record retention requirement for registered unlicensed plumbers in part 4716.0020, subp. 2(G)(2).

## **4716.0093 UNLICENSED WATER CONDITIONER REGISTRATION**

### **Subpart 1. Registration requirements**

The proposed rule amendment is new to establish the requirements and qualifications to become a registered unlicensed water conditioner. For example, the proposed rule amendment requires a person to submit an application and fee to the Department annually to become a registered unlicensed water conditioner. Registrations are effective from July 1 through June 30 of the following year and late renewals require payment of a late fee. This date range is consistent with Minn. Stat. § 326B.555 and the registered unlicensed plumber registration dates in Minn. R. part 4716.0050, subp. 2. This is necessary and reasonable because having a set registration period makes administration of and compliance with the rule easier and more efficient for both the Department who enforces the rule and the registrants complying with the code. This efficiency keeps licensing fees down.

The proposed rule amendment establishes reasonable qualifications in items A and B that are consistent with Minn. Stat. § 326B.555 and other similar rules. Specifically, item A requires a registered unlicensed water conditioner to be at least 18 years of age or a high school graduate, though individuals as young as 16 may register and perform work if they are supervised by the individual's parent. Item B requires applicants for an unlicensed water conditioner registration to provide to the Department certain personal information, including Social Security number as required by Minn. Stat. § 270C.72.<sup>22</sup> These qualifications are consistent with the qualifications for registered unlicensed plumbers in Minn. R. part 4716.0050, subp. 2, and Minn. Stat. § 326B.555. This information is necessary and reasonable for the Department to be able to verify individual identities and is consistent with Minnesota Statutes.

## **4716.0205 REQUIREMENTS**

### **Subpart 1. Continuing education; content.**

Plumbing licensees are currently required to take 16 hours of approved continuing education each two-year license period. The proposed rule amendment does not change that total number of required hours.

### **Subpart 1(A)**

The proposed rule amendment lowers the minimum number of continuing education hours that must pertain to the Plumbing Code from twelve to eight and allows the remainder of the required hours to pertain to the Plumbing Code or technical topics related plumbing installations and equipment, Minnesota Rules chapter 4716, the Minnesota State Building Code, or the Plumbing and Water Conditioning sections of Minnesota Statutes, chapter 326B. The proposed rule amendment changes only the minimum number of hours that must pertain to the Plumbing Code and allows a licensee to obtain all continuing education hours on the Plumbing Code. This is necessary and reasonable because eight hours of Plumbing Code instruction will be sufficient for some veteran licensed plumbers while newer licensed plumbers might benefit from more Plumbing Code instruction hours. The proposed rule amendment allows more flexibility while maintaining a high standard of qualifications. The proposed rule amendment is consistent with the state regulatory policy in Minn. Stat. § 14.002 that encourages agencies to develop rules that

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<sup>22</sup> See [Minn. Stat. § 270C.72 \(2018\)](#).

“emphasize superior achievement in meeting the agency’s regulatory objectives and maximum flexibility for the regulated party.”<sup>23</sup> Because knowledge of the Plumbing Code is essential to safe plumbing practices, and the Plumbing Code changes, it is reasonable to require licensed individuals have a minimum number of continuing education hours on the Plumbing Code.

The proposed rule amendment corrects the reference to Minnesota Statutes, sections 326B.41 to 326B.49 to Minnesota Statutes, sections 326B.41 to **326B.59**, emphasis added, because the range to 326B.49 does not include the water conditioning sections, which are sections 326B.50 through 326B.59. This also provides additional flexibility in the topics in which licensed plumbers may get the required continuing education hours.

The proposed rule amendment allows licensed individuals to tailor their continuing education hour topics to their needs while also maintaining high quality continuing education because all continuing education courses must be approved, pursuant to Minnesota Rules, parts 4716.0200 through 4716.0210.

The proposed rule amendment eliminates the current four-hour limit on continuing education hours obtained by any electronic media. That is, online continuing education hours are currently limited to four of the sixteen. The proposed rule amendment is necessary and reasonable because some licensed plumbers in outstate Minnesota have some challenges with accessing in-person continuing education courses that metro area plumbers do not have. For example, there are fewer in-person course offerings in outstate Minnesota. Allowing all sixteen continuing education hours to be obtained online modernizes the requirement and recognizes the changes and improvements in technology. Electronic media standards are established in Minnesota Statutes, sections 326B.098 to 326B.099. The online courses must also be approved pursuant to Minnesota Rules, parts 4716.0200 through 4716.0210 like any other in-person course. The proposed rule amendment is consistent with the state regulatory policy in Minn. Stat. § 14.002 that encourages agencies to develop rules that “emphasize superior achievement in meeting the agency’s regulatory objectives and maximum flexibility for the regulated party.”

These changes are intended to make it easier and less costly for licensees to obtain the continuing education required to maintain licensure while maintaining quality education. Continuing education requirements for regulated parties are necessary and reasonable to ensure competency and recognizes industry changes in the interest of public health.

### **Subpart 1(B)**

Licensed water conditioning journeyworkers and masters must obtain four hours of continuing education hours per two-year licensing period. The proposed rule amendment deletes unnecessary language and adds the requirement that two of the four required continuing education hours must pertain to the Plumbing Code and the remaining two hours may pertain to the Plumbing Code or an existing list of other relevant topics. The proposed rule amendment maintains the same number of hours as the current rule and maintains flexibility while ensuring licensed water conditioners stay current with the Plumbing Code in addition to technical topics. It is necessary and reasonable to require licensed water conditioners to take two hours of continuing education on the Plumbing Code because their work is subject to and governed by the

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<sup>23</sup> See [Minn. Stat. § 14.002 \(2018\)](#).

Plumbing Code. Because the scope of their work is not as broad as licensed plumbers, it is reasonable that the total number of required continuing education hours is fewer than licensed plumbers. Correspondingly, the required minimum number of continuing education hours on the Plumbing Code is also fewer than what is required for licensed plumbers.

The proposed rule amendment adds that the continuing education hours may be obtained online, subject to the requirements in Minn. Stat. §§ 326B.098 to 326B.099. This proposed amendment is consistent with the proposed amendment in subpart 1(A) above.

### **Subpart 1(C)**

The proposed rule amendment creates a new requirement for registered unlicensed plumbers and water conditioners to take two hours of continuing education each year as a condition of renewing their registration. Registered unlicensed plumbers must take two hours of continuing education on the Plumbing Code because the range of work they may perform is broad and includes the entire scope of the Plumbing Code. Registered unlicensed water conditioners must take one hour of continuing education on the Plumbing Code and the other hour of continuing education may be on the Plumbing Code or a technical topic related to water conditioning installation. The scope of the work of a registered unlicensed water conditioner is limited to water conditioning so they do not work with the entire Plumbing Code.

For many registered unlicensed plumbers and water conditioners, the continuing education requirement is absorbed into their training toward qualifying for the journeyworker exam in their respective field. For other registered unlicensed plumbers and registered unlicensed water conditioners who do not intend to take the journeyworker exam in their respective field, this requirement ensures they stay current with industry practices and the Plumbing Code.

For both registered unlicensed plumbers and water conditioners, the continuing education hours may be taken online. This requirement will enhance registrants' knowledge and understanding of the Plumbing Code and other information relevant to their work. While field work is important, there are tables, calculations and backflow protection of water supply system in the Plumbing Code that industry professionals must be aware of and learn about. A continuing education class is a setting conducive to learning about certain aspects of the Plumbing Code.

Similarly, registered unlicensed electricians have been required to obtain two hours of continuing education every renewal period since 2009.<sup>24</sup> It is necessary and reasonable to require a regulated party to obtain some continuing education to maintain their registration to ensure competence in the interest of public health.

### **Subpart 1(D) and (E)**

The proposed rule amendment renumbers these paragraphs to reflect the new paragraphs added above. There are no substantive changes.

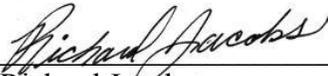
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<sup>24</sup> See [Minn. R. 3800.3602 \(2018\)](#). See also [https://www.revisor.mn.gov/state\\_register/34/15/](https://www.revisor.mn.gov/state_register/34/15/).

## CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

November 13, 2018

  
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Richard Jacobs  
Plumbing Board Chair

This Statement of Need and Reasonableness was made available for public review on November 13, 2018.

## Attachment A

### 2-hour Continuing Education Average Costs

Plumbology*	\$60.00
Metro Testing & Plumbing**	\$50.00
TradesmanCE.com (At Your Pace)*** - electrical	\$36.00
<b>Total</b>	<b>\$146.00</b>
<b>Average</b>	<b>\$48.67</b>

### Continuing Education Average Cost-Per-Hour

	# of hours	Total cost	Average cost per hour
Plumbology*	8	\$130.00	\$16.25
Plumbology	4	\$85.00	\$21.25
Plumbology	2	\$60.00	\$30.00
Metro Testing & Plumbing**	8	\$150.00	\$18.75
Metro Testing & Plumbing	6	\$125.00	\$20.83
Metro Testing & Plumbing	2	\$50.00	\$25.00
TradesmanCE.com (At Your Pace)***	4	\$80.00	\$20.00
TradesmanCE.com (At Your Pace)	2	\$36.00	\$18.00
MyPlumbingTraining.com****	8	\$125 (incl. lunch)	\$15.63
MyPlumbingTraining.com - apprentices	8	\$20.00	\$2.50
<b>Total</b>		<b>\$861.00</b>	<b>\$18.82</b>

\*<http://www.plumbologymn.com/register>

\*\*<https://metrotesting.net/classes/>

\*\*\*<https://www.tradesmance.com/minnesota-plumbing-continuing-education>

\*\*\*\*[https://myplumbingtraining.com/onsite\\_courses](https://myplumbingtraining.com/onsite_courses)



# Minnesota Nursery & Landscape Association

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December 22, 2017

Suzanne Todnem  
Minnesota Department of Labor & Industry  
443 Lafayette Ave. N.  
St. Paul, MN 55155

Dear Ms. Todnem:

Please accept the following official comments from the Minnesota Nursery & Landscape Association (MNLA) with respect to the REQUEST FOR COMMENTS for Possible Amendments to Rules Governing Plumber Licensing, Minnesota Rules, Chapter 4716; Revisor's ID Number R-04365, published by the Minnesota Plumbing Board on October 30, 2017.

- 1) The Minnesota Plumbing Board has adopted rules and advocated for past statute changes that allow only licensed plumbers to become certified Minnesota backflow prevention assembly rebuilders, by regulating the installation, maintenance, testing, repair, replacement and rebuilding of backflow prevention assemblies. However, the MN-rebuilder-prerequisite ASSE 5130 Backflow Prevention Assembly Repairer certification administered by the American Society of Sanitary Engineers (ASSE) requires only that prospective repairers hold a current ASSE 5110 Backflow Prevention Assembly Tester certificate and pass ASSE-approved 5130 training and written/practical exams. Installation and replacement of backflow prevention assemblies are not part of the subject matter of ASSE 5130 certification. Neither should installation and replacement be regulated by Minnesota's rebuilder certification.

Backflow prevention (and the associated assemblies that are used to protect potable water supplies) is considered by ASSE and other institutions to be unique and subject to specific, comprehensive training, regardless of and independent of status as a licensed plumber. The ASSE coursework, testing and practical exams are the same for plumbers and non-plumbers. The ASSE approach supports the requirement that any person who chooses to interact in any way with backflow prevention equipment must first become qualified to do so via stand-alone, comprehensive coursework and exam(s) in the form of ASSE 5110 Backflow Prevention Assembly Tester certificate and if interested in the work of repair or rebuilding of backflow assemblies, pass ASSE-approved 5130 training.

The MNLA believes that the ASSE 5110 and 5130 certifications provide sufficient, stand-alone assurances of competency, understanding and protection of public safety to enable 5130-holders to safely and effectively maintain, repair and rebuild backflow prevention assemblies, regardless of their status as plumbers or non-plumbers. However, Minnesota rules and statutes crafted specifically and uniquely by the Minnesota Plumbing Board and the Minnesota legislature, prohibit non-plumbers from obtaining ASSE 5130 training and becoming rebuilders.

MNLA recognizes and is prepared to support necessary amendments to Minnesota statutes to enable non-plumbers to repair and rebuild backflow prevention assemblies.

The MNLA's Tim Power presented a Request for Action at the April 18<sup>th</sup>, 2017 meeting of the Minnesota Plumbing Board that asked the board to change MN Rules 4716.0096 to allow qualified non-plumbers to rebuild non-RPZ backflow prevention assemblies. We acknowledge that several impediments were pointed out in that plumbing board meeting in making that basic idea come to pass:

- MN Statutes 326B.42 and 326B.437 and MN Rules 4716.0096 (referenced above) all require that "MN rebuilders" must be licensed plumbers.
- Now that several classes of backflow prevention assemblies are mentioned in the 2015 Minnesota Plumbing Code, the Minnesota Plumbing Board has taken the position that the rebuilding of backflow prevention assemblies is considered plumbing work. ASSE takes no such position in its 5110 and 5130 certifications.
- MN Statutes 326B.46 addresses licensing, bond and insurance for plumbing contractors. Since all licensed plumbers must work for a licensed plumbing contractor, the public is considered protected from potential liability. If qualified non-plumbers were allowed to rebuild backflow prevention assemblies, there would need to be some way to assure public protection from liability. The MNLA is prepared to assist in crafting and will support a workable requirement that qualified non-plumber backflow prevention assembly repairer/rebuilders work for a contractor who carries appropriate bond and insurance.

The MNLA hopes that the Minnesota Plumbing Board agrees with the notion that the backflow tester and repairer certifications administered by the American Society of Sanitary Engineers (ASSE) provide a discrete body of knowledge that is sufficient for testing and rebuilding backflow prevention assemblies in Minnesota. If so, the MNLA respectfully requests the assistance of the Minnesota Plumbing Board in proposing statute changes to make that notion possible. If successful, step two would then be to undergo rulemaking to adjust MR 4716.0096 as well.

- 2) MS 326B.42, MS 326B.437 and MR 4716.0096 all address reduced pressure zone (RPZ) backflow prevention assemblies only. The MNLA recommends that the Minnesota Plumbing Board advocate for statute changes to eliminate the references to RPZ's only, since several classes of backflow prevention assemblies in addition to RPZ assemblies are now incorporated in the Minnesota Plumbing Code. Step two would then be to undergo rulemaking to adjust MR 4716.0096 as well.
- 3) Minnesota's Plumbing Code incorporates several classes of backflow prevention assemblies that are newly regulated. The annual addition of hundreds if not thousands of new assemblies associated with private utilities including landscape irrigation systems will require "authorities having jurisdiction" to establish or expand backflow testing registries. The additional testing and potential rebuilding of these assemblies will require an expanded cadre of trained and certified testers and rebuilders. The MNLA urges the Minnesota Plumbing Board to support the expansion of this cadre by allowing 5110-holding non-plumbers to train and certify for ASSE 5130 and to become MN rebuilders, thus helping to ensure the health and safety of Minnesota's citizens and environment.

- 4) Finally, the MNLA is aware of a customized letter of understanding between ASSE and MN DLI that acknowledges Minnesota's unique requirement that only licensed plumbers may even apply in Minnesota to train and certify for ASSE 5130. The MNLA requests that the Minnesota Plumbing Board advocate for MN DLI to alter its unique agreement with ASSE to eliminate its requirement that only licensed plumbers may apply to train and certify for ASSE 5130, enabling qualified non-plumbers to attain ASSE 5130.

Sincerely,

A handwritten signature in blue ink that reads "Cassie M. Larson". The signature is written in a cursive style with a large, prominent "C" and "L".

Cassie M. Larson  
Executive Director



www.SuperiorMechanical.us

June 19, 2018

Suzanne Todhem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul MN 55155

RECEIVED  
JUN 20 2018  
DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

Re: Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todhem:

I request a hearing by the Plumbing Board on the proposed permanent rules to Amend Minnesota Rules Chapter 4716. I am a former Plumbing Board Member and a contractor in Minnesota and therefore will be impacted by this proposed rulemaking. Additional public testimony is necessary before this rule is passed.

For the record this category of individuals in the plumbing trade is most likely the largest group of workers as it includes not only union "helpers" and "pre-apprentices" but merit shop trainees.

My research has led me to conclude that the statutory language which initiated the Plumbing Boards authority to adopt rules regarding continuing education for registered unlicensed individuals was added to an omnibus bill at the end of the 2017 legislation. This language was not vetted with either Associated Builders and Contractors or the Minnesota Association of Plumbing and Heating Contractors. For the record, I am on the Board of Directors of Minnesota Plumbing Heating Cooling Contractors and have been listed as a regulatory consultant and lobbyist (unpaid). Furthermore, the letter sent on June 5, 2018 from DLI regarding the special board meeting on June 12, 2018 made no mention of CE rules consideration.

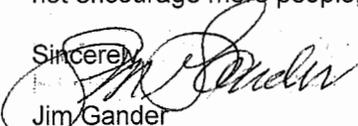
Also I would like to note; Continuing Education (CE) includes the word "Continuing". I believe this assumes the individual has already reached a certain threshold in his/her career...the licensure "level. This follows in nearly every licensed profession; dentists and dental assistants, lawyers, realtors, builders, CPA's, etc. None of these professions require any sort of "continuing education" in advance of licensure.

Why required continuing education for a class of workers who are not yet licensed?

CE is not a substitution for craft training or any required secondary education in order to test for a license and it is pretty obvious to me that the Board has determined that craft training should be mandated and is stepping outside of its authority by disguising it as CE.

Several times in the past I have spoke to the Board and DLI about the Board's attempts to go beyond its statutory authority. In most cases the effort they put forth and more importantly the goal they desire is benign to any realized change to the businesses of Minnesota so I minimize my outcry and let them waste their time. This is not the case here, this new rule will seriously impact my business that employs 180 Minnesotans.

On one last note. We all know the difficulty the construction trades are having attracting interested young men and women into the trade. Requiring additional costs of education and loss of pay due to the required annual classes would not encourage more people, it would only work against our efforts to recruit these new trades-people.

Sincerely,  
  
Jim Gander

Rochester 507.289.0229 • Brainerd 218.568.4709

Plumbing • HVAC • Refrigeration • Mechanical Insulation • Irrigation • Water Conditioning

R-04365 069



www.SuperiorMechanical.us

RECEIVED

JUN 25 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

June 22, 2018

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul MN 55155

RE: Proposed Permanent Rules to Amend Minn. Rules; Chapter 416, R-04365

Dear Ms. Todnem:

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. As someone who will be significantly impacted by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,

Eric Gander  
Superior Mechanical  
1244 60<sup>th</sup> Avenue NW  
Rochester MN 55901

Rochester 507.289.0229 • Brainerd 218.568.4709

Plumbing • HVAC • Refrigeration • Mechanical Insulation • Irrigation • Water Conditioning  
R-04365 070



**Plumbing & Heating, Inc.**

646 3rd Avenue SE  
P.O. Box 301  
Perham, Minnesota 56573  
Phone (218) 346-2422  
Fax (218) 346-2418

99 Railway Avenue  
P.O. Box 99  
Vergas, Minnesota 56587  
Phone (218) 342-2422  
Fax (218) 342-2290

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

**RECEIVED**

**JUN 25 2018**  
**DEPT. OF LABOR & INDUSTRY**  
**LEGAL SERVICES**

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. As someone who will be significantly impacted by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,

A handwritten signature in cursive script that reads "Robin Hanson". The signature is written in black ink and is positioned above the typed name.

Robin Hanson

Owner

Hanson's Plumbing and Heating, Inc  
218.346.3226

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,

*Lisa A. Johnson*

*Lisa A. Johnson  
3824 7<sup>th</sup> Place NW  
Rochester MN 55901*

RECEIVED

JUN 27 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES/OSHA DIV.

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,



ROB JONES

1406 WERTHERHILL CT SW

ROCHESTER MN 55902

RECEIVED

JUN 27 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES/OSHA DIV.

R-04365 073

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,



318 5<sup>th</sup> Ave NE  
Byron, MN 55920

RECEIVED

JUN 27 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES/OSHA DIV.

R-04365 074

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,



Heather Walters  
7249 Cty Rd 117 SW  
Byron MN 55920

RECEIVED

JUN 27 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES/OSHA DIV.

R-04365 075

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,



Gordon Hirsch

1225-4<sup>th</sup> Ave S.W.

Robbester, MN.

55902

RECEIVED

JUN 27 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES/OSHA DIV.

R-04365 076

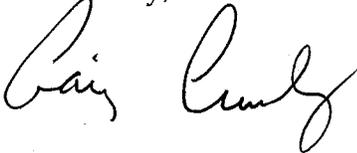
Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,



Craig Curley

30472 Quintet Drive

Stewartville, MN 55976

RECEIVED

JUN 27 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES/OSHA DIV.

R-04365 077

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,



Nathan Lynne  
4634 Manor Park Dr NW  
Rochester, MN 55901

RECEIVED

JUN 27 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES/OSHA DIV.

R-04365 078

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,



Paul Van Hove

111 340 Ave NE

STEARFONE MN 55976

RECEIVED

JUN 27 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES/OSHA DIV.

R-04365 079

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,



Amy Hoven

858 8 Ave SE

Rochester, MN 55904

**RECEIVED**

**JUN 27 2018**

**DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES/OSHA DIV.**

R-04365 080

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,



Jeff Engelen  
4604 Sandy Wood Ct SE  
Rochester MN 55904

**RECEIVED**

**JUN 27 2018**

**DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES/OSHA DIV.**

R-04365 081

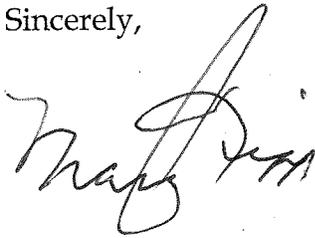
Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,



MARY KIPP  
1607 10 Ave SE  
Rochester MN 55904

RECEIVED

JUN 27 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES/OSHA DIV.

R-04365 082

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,



Jeff Jaeger  
2717 16<sup>th</sup> St SW  
Stewartville, MN 55976

**RECEIVED**

**JUN 27 2018**

**DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES/OSHA DIV.**

R-04365 083

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,

*Terry Griffith*  
Terry Griffith  
7251 ROSE ST  
Dwatonna Mn 55060

**RECEIVED**

**JUN 27 2018**

**DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES/OSHA DIV.**

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,



RANDY TOPPER  
12345 CARDINAL LN NE  
ROCKSTAR MN 55906

**RECEIVED**

**JUN 27 2018**

**DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES/OSHA DIV.**

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,



Cory Egger

6329 75th ST NE

Elgin MN 55932

RECEIVED

JUN 27 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES/OSHA DIV.

R-04365 086

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

*Ronald G. Moore*

Sincerely,

RONALD G. MOORE  
2608 HAWK RIDGE CT S.E.  
ROCHESTER, MN. 55904

**RECEIVED**

**JUN 27 2018**

**DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES/OSHA DIV.**

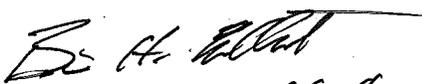
R-04365 087

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,   
Brian H. Culbert  
220 5<sup>th</sup> Ave NE  
Hayfield MN 55940

RECEIVED

JUN 27 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES/OSHA DIV.

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,

Shannon R Peters

SHANNON R. PETERS

603 2nd St NW

KASSON MN 55944

**RECEIVED**

**JUN 27 2018**

**DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES/OSHA DIV.**

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,

*Krista Gubbons*

*Krista Gubbons  
919 10th Avenue NE  
Rochester MN 55906*

**RECEIVED**

**JUN 27 2018**

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,

*Erika Patzer*

Erika Patzer

504 Whitewater way

Elgin, mn 55932

RECEIVED

JUN 27 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES/OSHA DIV.

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. The rule change would significantly impact current and future unlicensed plumbers by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,

Walter Madison  
4138 160th Ave SE  
Dover MN 55929

RECEIVED

JUN 27 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES/OSHA DIV.

T.J. Dvorak  
1313 Washington St.  
Northfield MN 55057

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. As someone who will be significantly impacted by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,



PM 059585

RECEIVED

JUN 29 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES



Keith Pumper Plumbing & Heating, Inc.  
470 Railway St. S.  
Dundas, MN 55019

RECEIVED

JUN 29 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. As someone who will be significantly impacted by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith Pumper', is written over a horizontal line.

Keith Pumper Plumbing & Heating, Inc.

Tony McClelland  
17507 Marina Court  
Bowlus, MN 56314

RECEIVED

JUL 05 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. As someone who will be significantly impacted by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,

Tony McClelland  
PJ061573

A handwritten signature in black ink that reads "Tony McClelland". The signature is written in a cursive style with a large, looped "M" and a long horizontal stroke at the beginning.

Mitchell Kingston  
1005 4th Ave SE  
Freeport, MN 56331

**RECEIVED**

**JUL 05 2018**

**DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES**

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. As someone who will be significantly impacted by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,



Mitchell Kingston  
PJ642159

Brad Arkell  
37327 County Rd 1  
Eagle Bend, MN 56446

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

**RECEIVED**

**JUL 05 2018**

**DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES**

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

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Sincerely,

Brad Arkell  
PJ065248



Dale Schwartz  
2345 NW 8th ave  
Faribault Mn 55021

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JUL 02 2018  
DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

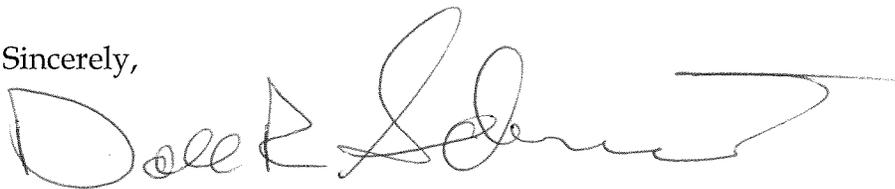
Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

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Sincerely,



David Berdan  
PO BOX 7308  
St. Cloud, MN 56302

RECEIVED  
JUL 03 2018  
DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

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Sincerely,



David Berdan  
PM058698

Dan Skroch  
42743 170th Ave  
Holdingford, MN 56340

RECEIVED

JUL 03 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

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Sincerely,



Dan Skroch  
PJ081462

Brian Kuebler  
21677 203rd Ave  
New Ulm, MN 56073

RECEIVED

JUL 03 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

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Sincerely,

Brian Kuebler  
PM062718

A handwritten signature in black ink that reads "Brian Kuebler". The signature is written in a cursive, flowing style.

Reid Aleckson  
709 Laura Court  
Chaska, MN 55318

RECEIVED

JUL 03 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

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Sincerely,



Reid Aleckson  
PM080226

Derek Johnson  
7501 427th St  
Rice, MN 56367

RECEIVED

JUL 03 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

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Sincerely,

Derek Johnson  
PJ067413



Kyle Schlichting  
10893 20th Street  
Holdingford, MN 56340

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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JUL 03 2018

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Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

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Sincerely,



Kyle Schlichting  
PJ081461

Jacob Zeis  
5805 Acorn Rd  
Burtrum, MN 56318

RECEIVED

JUL 03 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

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Sincerely,

Jacob Zeis  
PJ067090

A handwritten signature in black ink, appearing to read 'Jacob Zeis', written in a cursive style.

Andrew Vetsch  
363999 654th Avenue  
Watkins, MN 55389

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JUL 03 2018  
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LEGAL SERVICES

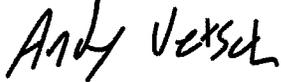
Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,



Andrew Vetsch  
PJ064333

Michael Graham  
15188 75th Court NE  
Otsego, MN 55330

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

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Sincerely,

A handwritten signature in black ink that reads "Mike Graham". The signature is written in a cursive, somewhat stylized font.

Michael Graham  
PJ091679

Andrew Welinski  
692930th Street  
Holdingford, MN 56340

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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JUL 03 2018  
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Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

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Sincerely,



Andrew Welinski  
PJ065417

Michael Roettger  
PO BOX 658  
Richmond, MN 56368

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,

A handwritten signature in black ink, appearing to read 'M. Roettger', with a long horizontal flourish extending to the right.

Michael Roettger  
PJ063795

Jason Reinert  
4074 Golden Spike Rd NE  
Sauk Rapids, MN 56379

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JUL 03 2018  
DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

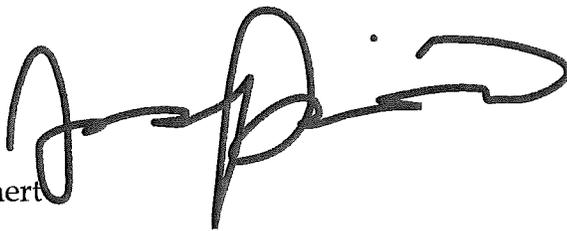
Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,



Jason Reinert  
PJ062789

Benjamin Brunner  
202 Jasmine Lane  
St. Joseph, MN 56374

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

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Sincerely,



Benjamin Brunner  
PJ067449

Russ Eiyneck  
14865 Held Circle  
Cold Spring, MN 56320

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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JUL 03 2018  
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Sincerely,

Russ Eiyneck  
PM061906



Randy Klimek  
2340 County Rd 136  
St. Cloud, MN 56301

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JUL 03 2018  
DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,



Randy Klimek  
PM064368

Nick Klimek  
5540 50th Ave SE  
Alexandria, MN 56308

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

RECEIVED  
JUL 03 2018  
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Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

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Sincerely,



Nick Klimek  
PJ067014

Cory Defoe  
2 Springbrook Drive  
Swanville, MN 56382

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

RECEIVED  
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Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

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Sincerely,



Cory Defoe  
PJ665670

Galen Booth  
2290 70th Ave  
Holdingford, MN 56340

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

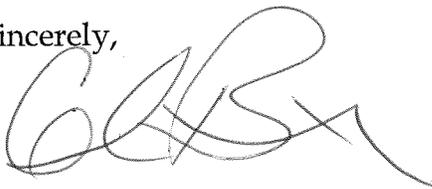
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Sincerely,



Galen Booth  
PJ066983

Trevor Ness  
31774 227th Ave  
Browerville, MN 56438

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

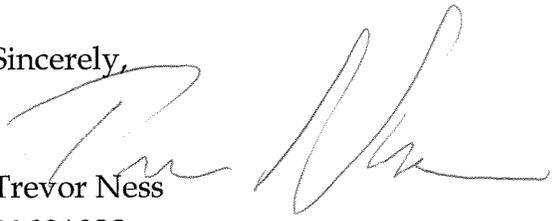
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Sincerely,

  
Trevor Ness  
PA681023

Ross Bundy  
107 Harmony Hills Dr NE  
Alexandria, MN 56308

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

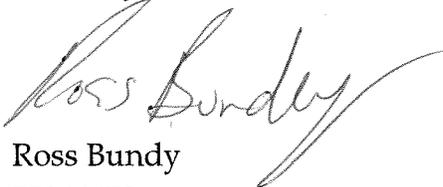
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Sincerely,

  
Ross Bundy  
PJ064652

Michael A. Johnson  
8720 425th St  
Rice, MN 56367

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

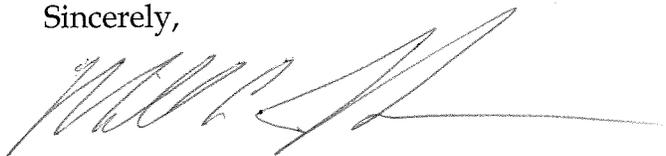
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Sincerely,



Michael A. Johnson  
PM061313

Brad Smith  
55673 118th St  
Parkers Prairie, MN 56361

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

RECEIVED  
JUL 03 2018  
DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

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Sincerely,



Brad Smith  
PM061575

Greg Tryggeseth  
3556 Alpine Dr SW  
Pillager, MN 56473

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

RECEIVED  
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Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

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Sincerely,



Greg Tryggeseth  
PM061902

Matthew Parker  
333 Pine Ridge Rd  
Sartell, MN 56377

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,



Matthew Parker  
PJ067129

Nathan Henning  
2864 Geneva Rd NE  
Alexandria, MN 56308

RECEIVED  
JUL 03 2018  
DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,



Nathan Henning  
PM064088

Derek Berdan  
25409 Lena Lane  
St. Cloud, MN 56301

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JUL 03 2018  
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LEGAL SERVICES

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,



Derek Berdan  
PA088506

Sam Peterka  
1509 9th Street N  
Sartell, MN 56377

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

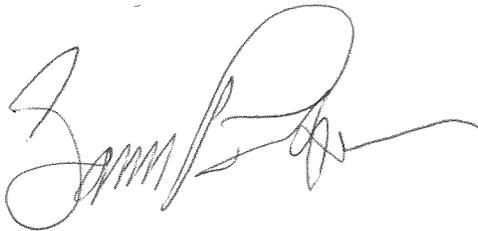
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Sincerely,



Sam Peterka  
PJ066424

Scott Schneider  
320 5th Street  
Albany, MN 56307

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,



Scott Schneider  
PJ066967

William Fish, Jr.  
60270 CSAH 3  
Litchfield, MN 55355

RECEIVED

JUL 03 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. As someone who will be significantly impacted by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,



William Fish  
PM050299

Russ Klaphake  
37048 160th Ave  
Avon, MN 56310

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

**RECEIVED**  
JUL 09 2018  
DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

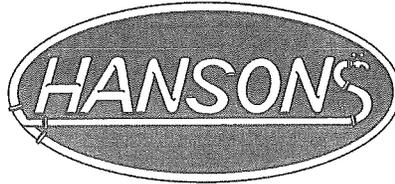
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Sincerely,



Russ Klaphake  
PJ064636



***Plumbing & Heating, Inc.***

646 3rd Avenue SE  
P.O. Box 301  
Perham, Minnesota 56573  
Phone (218) 346-2422  
Fax (218) 346-2418

99 Railway Avenue  
P.O. Box 99  
Vergas, Minnesota 56587  
Phone (218) 342-2422  
Fax (218) 342-2290

**RECEIVED**

**JUL 16 2018**

**DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES**

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. As someone who will be significantly impacted by this proposed rulemaking and having reviewed the final proposed rule, R-04365, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Schrupp", is written over the typed name.

Jason Schrupp

Owner

Hanson's Plumbing and Heating, Inc  
218.346.2422

# Meeting Minutes: SPECIAL Plumbing Board

Date: March 12, 2018 @ 12:30 p.m.  
Minutes by: Lyndy Logan  
Location: Minnesota Room, Department of Labor and Industry  
443 Lafayette Road No., St. Paul, MN 55117-4344

## Members

Tom Andresen  
Jeff Brown (via teleconference)  
Michael Dryke (via teleconference)  
Grant Edwards (Vice Chair)  
Mike Herman  
Rick Jacobs (Chair)  
Jim Lungstrom (Commissioner's Designee)  
John Parizek (via teleconference)  
Phillip Sterner (Secretary)  
David Wagner  
David Weum

## Members Absent

John Flagg  
Larry Justin

## DLI Staff & Visitors

Suzanne Todnem (Gen. Counsel, DLI)  
Lyndy Logan (DLI)  
Scott Thompson (MN Plumbing Training)  
Tim Malooly (MN Nursery & Landscape)  
Larry Johnson (MN Nursery & Landscape)  
Nick Erickson (Housing First Minnesota)  
Adam Hanson (ABC)  
Tom McCarthy (Local 34)  
Gary Thaden (MMCA)  
Sophie Thaden (MMCA)  
Scott Eggen (City of Minneapolis)  
Richard Hauffe (ICC)  
Luke Westman (PHCC)  
Paul Sullwold (PHCC)  
Russ Jundt (MNLA)  
Jami Sehm (Scott County)  
Dean Berckes (Military Affairs) – via teleconference

## 1. **Call to Order**

The meeting was called to order by Chair Jacobs at 12:36 p.m. Roll call was taken by Chair Jacobs and a quorum was declared with 10 of 12 voting members present in person or via teleconference and one non-voting member. Suzanne Todnem noted that Jim Lungstrom was appointed as the temporary designee for the department due to Cathy Tran's absence. Introductions and housekeeping announcements were made.

## 2. **Approval of Meeting agenda**

A motion was made by Herman, seconded by Edwards, to approve the agenda as presented. The roll call vote was unanimous with 10 votes in favor; the motion carried.

## 3. **Regular Business**

Approval of expense reports – Jacobs approved the expenses as presented.

#### 4. Special Business

##### A. Discuss recent bill proposal HF 3214 and SF 2602 – see Attachment A

Todnem noted that HF 3214 and SF 2602 are identical. Edwards asked what the Board was hoping to accomplish and Todnem said the Board could choose how, or if, to respond to the proposed legislation by:

- 1) Instruct and authorize the Chair to draft a letter to the legislature to be shared with relevant Committees (after Board discussion); or,
- 2) Choose to authorize someone to speak on behalf of the Board should a hearing be called; or,
- 3) Monitor the proposals and Todnem would provide updates.

Todnem said the Department's position is neutral. Jacobs said he reviewed the bills and believes the Board, at the very least, should send a response/communication to the legislature. Jacobs said that as the complexity of water systems increases so too does the risk to people that the systems protect. The proposed legislation, in his opinion, makes the assumption that ASSE requirements alone are adequate. This would have a direct effect on the installation, operation, maintenance and safety of these and future systems. He is not in favor of either bill.

Parizek said the proposed changes to the statute fail to address other types of assemblies that need testing. This specifically addresses RPZ valves but not double check assemblies, pressure vacuum breakers, or spill resistant vacuum breakers. Rebuilding and repairing these assemblies has always fallen under the plumbing license. The other three assemblies that aren't mentioned still fall under the plumbing license. You must be a licensed plumber to install, repair, or re-build any of these 4 devices or assemblies that require annual testing. In addition, the manufacturers of most of the assemblies and devices dealing with backflow recommend annual testing/servicing by a licensed plumber. There is nothing in the ASSE series 5000 standard suggesting that certification of this standard is to replace any required plumbing licensing. In fact, it is just the opposite. This standard recommends that all state, federal, and local plumbing codes should be followed. This would include current licensing requirements. The Board should consider making a recommendation that the language "reduce pressure backflow prevention assemblies" be changed to "backflow prevention assemblies and devices."

Edwards said this legislation could set a dangerous precedence to all trades and codes. This could harm inspection protocol and building officials. This legislation makes a statement that non-plumbers can install plumbing in Minnesota and all code inspections should be alarmed by this. Edwards believes someone from the Board should speak to the legislature about what this bill could do to the entire concept of building codes.

Scott Eggen, City of Minneapolis, said that almost all higher and lower level devices are considered high hazard devices. There is only one double-check valve assembly that is

low hazard and it is very rarely used because of this reason. Most devices are high hazard and are in a system that could potentially cause major health issues.

Tim Malooly, Minnesota Nursery & Landscape Association, addressed the Board. Their interpretation of whether a non-plumber may install, relocate or re-install any backflow prevention assembly of any type is no, this is not the intention of this legislation. The interpretation that the Board is undergoing is understandable; however, the focal point of the language is focusing only upon the backflow prevention component of rebuilding and testing and the original strikeout language on Minnesota Statute 326B.437, Lines 1.16, 1.17, and 1.18 was to open the opportunity for a non-plumber to rebuild and test, provided they were qualified by the department. If this stricken language in the lines noted above is problematic, he is certain that an adjustment could be made to ensure that only licensed plumbers make original installations, replacements or relocation. It is only testing, repair or rebuild.

Edwards asked if the backflow preventer devices are manufactured to the listed NSF 61 Standard and Malooly said yes, any testable devices. Edwards said in repairing this device you open the system thereby altering the plumbing system.

Thaden, representing the Minnesota Mechanical Contractors Association, said they oppose the bill. He said the Board has specific language to change the statute in front of them. The board may consider other language but that language is not in front of them or the legislature. If the Board likes the language that is fine but if not then he urged the Board to make a motion to oppose the bills.

Paul Sullwold, former board member, representing PHCC, said they oppose this bill as it is written and encouraged the Board to let their vast knowledge be known if there is a hearing. It is not a good bill and it is never a good idea to water down the plumbing code.

Dean Berckes said that he too opposes this bill. A licensed professional is needed when the system is altered.

Larry Johnson, Minnesota Nursery & Landscape Association, said he would be happy to discuss changes to find language that would work. They are ready to discuss and find common ground.

Weum said it seems that most of the Board members oppose the bills and if the Board sends a letter to the legislature it should specify exactly what is opposed.

Edwards said he believes the Board members feel that the language is actually not broad enough. If any language is going to be altered it is going to further reinforce that an individual would need a plumbing license if opening a system. He would like to see

the Board members vote that a letter be drafted and designate at least one representative to attend a hearing.

The Board took a ten minute break and reconvened at 2:04 p.m.

Jacobs asked Board members if they would like to do nothing and see what happens or send a letter to the legislature and authorize a board member to testify if the bill goes to a hearing.

Jacobs polled the Board and asked members if they support or oppose the bills as written. There was zero support in favor of the bills and the following members below opposed. Lungstrom said the Department remains neutral.

1. Dryke
2. Edwards
3. Brown
4. Andresen
5. Herman, as it is currently written
6. Wagner, as it is currently written
7. Parizek
8. Jacobs
9. Sterner, as it is currently written
10. Weum, as it is currently written

Edwards said the Chair should write a letter to the legislature on the consensus of the Board and to speak at a hearing if there is one. In addition, industry players could be invited to submit letters to support or contradict the Board and these could also be brought to a hearing.

Parizek said it would be beneficial to have a discussion with the Minnesota Nursery and Landscape Association, the Board, the Department, and the industry.

**A motion was made by Parizek, seconded by Sterner, to send a letter to the legislature opposing HF3214 and SF2602 and to designate the Board chair (and by friendly amendment by Edwards – or his designated board member(s)) to attend any legislative hearings. The roll call vote was unanimous with 10 votes in favor and one abstention from Lungstrom, representing the Department; the motion carried.**

**B. Review comments to the board to date for Minnesota Rules, Chapter 4716.**

Todnem noted that this agenda item was included because it relates to the proposed legislation.

Jacobs said a letter was received from the Minnesota Nursery and Landscape Association with respect to the Request for Comments – see **Attachment B**.

Parizek said the rule draft will be discussed at the Special Ad-Hoc Code Review and Rulemaking Committee meeting scheduled for March 15, 2018, and a draft will be brought forward to the Board at the April 17, 2018 meeting.

## 5. **Announcements**

Next regularly scheduled meetings in 2018 – all meetings will be held at 9:30 a.m. in the Minnesota Room. The Executive Committee meetings occur at 8:30 a.m. prior to each regular meeting in the Minnesota Room.

- A. April 17, 2018
- B. July 17, 2018 (annual meeting)
- C. October 16, 2018

## 6. **Adjournment**

A motion was made by Edwards, seconded by Herman, to adjourn the meeting at 2:22 p.m. The vote was unanimous with 10 votes in favor of the motion; the motion passed.

Respectfully submitted,

*Phil Sterner*

Phil Sterner, Board Secretary

This Document can be made available  
in alternative formats upon request

State of Minnesota  
**HOUSE OF REPRESENTATIVES**  
NINETIETH SESSION

**H. F. No. 3214**

03/01/2018 Authored by Kresha and Fenton  
The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

1.1 A bill for an act  
1.2 relating to labor and industry; modifying backflow rebuilder designations; amending  
1.3 Minnesota Statutes 2016, section 326B.437; Minnesota Statutes 2017 Supplement,  
1.4 section 326B.42, subdivision 1b.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2017 Supplement, section 326B.42, subdivision 1b, is  
1.7 amended to read:

1.8 Subd. 1b. **Backflow prevention rebuilder.** A "backflow prevention rebuilder" is an  
1.9 individual who is qualified by training prescribed by the Plumbing Board ~~and possesses a~~  
1.10 ~~master or journeyworker plumber's license~~ to engage in the testing, maintenance, and  
1.11 rebuilding of reduced pressure zone type backflow prevention assemblies as regulated by  
1.12 the Plumbing Code.

1.13 Sec. 2. Minnesota Statutes 2016, section 326B.437, is amended to read:

1.14 **326B.437 REDUCED PRESSURE BACKFLOW PREVENTION REBUILDERS**  
1.15 **AND TESTERS.**

1.16 (a) ~~No person shall perform or offer to perform the installation, maintenance, repair,~~  
1.17 ~~replacement, or rebuilding of reduced pressure zone backflow prevention assemblies unless~~  
1.18 ~~the person obtains a plumbing contractor's license.~~ An individual shall not engage in the  
1.19 testing, maintenance, repair, or rebuilding of reduced pressure zone backflow prevention  
1.20 assemblies, as regulated by the Plumbing Code, unless the individual is certified by the  
1.21 commissioner as a backflow prevention rebuilder.

2.1 (b) An individual shall not engage in testing of a reduced pressure zone backflow  
2.2 prevention assembly, as regulated by the Plumbing Code, unless the individual possesses  
2.3 a backflow prevention rebuilder certificate or is certified by the commissioner as a backflow  
2.4 prevention tester.

2.5 (c) Certificates are issued for an initial period of two years and must be renewed every  
2.6 two years thereafter for as long as the certificate holder installs, maintains, repairs, rebuilds,  
2.7 or tests reduced pressure zone backflow prevention assemblies. For purposes of calculating  
2.8 fees under section 326B.092, an initial or renewed backflow prevention rebuilder or tester  
2.9 certificate shall be considered an entry level license.

2.10 (d) The Plumbing Board shall adopt expedited rules under section 14.389 that are related  
2.11 to the certification of backflow prevention rebuilders and backflow prevention testers.  
2.12 Section 326B.13, subdivision 8, does not apply to these rules. Notwithstanding the 18-month  
2.13 limitation under section 14.125, this authority expires on December 31, 2014.

2.14 (e) The department shall recognize certification programs that are a minimum of 16  
2.15 contact hours and include the passage of an examination. The examination must consist of  
2.16 a practical and a written component. This paragraph expires when the Plumbing Board  
2.17 adopts rules under paragraph (d).

**SENATE  
STATE OF MINNESOTA  
NINETIETH SESSION**

**S.F. No. 2602**

(SENATE AUTHORS: RUUD and Ingebrigtsen)

DATE  
02/22/2018

D-PG  
6165

OFFICIAL STATUS  
Introduction and first reading  
Referred to Jobs and Economic Growth Finance and Policy

1.1 A bill for an act  
1.2 relating to labor and industry; modifying backflow rebuilder designations; amending  
1.3 Minnesota Statutes 2016, section 326B.437; Minnesota Statutes 2017 Supplement,  
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2.17 adopts rules under paragraph (d).



## Minnesota Nursery & Landscape Association

1813 Lexington Ave N • Roseville, MN 55113  
651-633-4987 • Fax 651-633-4986 • [www.MNLA.biz](http://www.MNLA.biz)

December 22, 2017

Suzanne Todnem  
Minnesota Department of Labor & Industry  
443 Lafayette Ave. N.  
St. Paul, MN 55155

Dear Ms. Todnem:

Please accept the following official comments from the Minnesota Nursery & Landscape Association (MNLA) with respect to the REQUEST FOR COMMENTS for Possible Amendments to Rules Governing Plumber Licensing, Minnesota Rules, Chapter 4716; Revisor's ID Number R-04365, published by the Minnesota Plumbing Board on October 30, 2017.

- 1) The Minnesota Plumbing Board has adopted rules and advocated for past statute changes that allow only licensed plumbers to become certified Minnesota backflow prevention assembly rebuilders, by regulating the installation, maintenance, testing, repair, replacement and rebuilding of backflow prevention assemblies. However, the MN-rebuilder-prerequisite ASSE 5130 Backflow Prevention Assembly Repairer certification administered by the American Society of Sanitary Engineers (ASSE) requires only that prospective repairers hold a current ASSE 5110 Backflow Prevention Assembly Tester certificate and pass ASSE-approved 5130 training and written/practical exams. Installation and replacement of backflow prevention assemblies are not part of the subject matter of ASSE 5130 certification. Neither should installation and replacement be regulated by Minnesota's rebuilder certification.

Backflow prevention (and the associated assemblies that are used to protect potable water supplies) is considered by ASSE and other institutions to be unique and subject to specific, comprehensive training, regardless of and independent of status as a licensed plumber. The ASSE coursework, testing and practical exams are the same for plumbers and non-plumbers. The ASSE approach supports the requirement that any person who chooses to interact in any way with backflow prevention equipment must first become qualified to do so via stand-alone, comprehensive coursework and exam(s) in the form of ASSE 5110 Backflow Prevention Assembly Tester certificate and if interested in the work of repair or rebuilding of backflow assemblies, pass ASSE-approved 5130 training.

The MNLA believes that the ASSE 5110 and 5130 certifications provide sufficient, stand-alone assurances of competency, understanding and protection of public safety to enable 5130-holders to safely and effectively maintain, repair and rebuild backflow prevention assemblies, regardless of their status as plumbers or non-plumbers. However, Minnesota rules and statutes crafted specifically and uniquely by the Minnesota Plumbing Board and the Minnesota legislature, prohibit non-plumbers from obtaining ASSE 5130 training and becoming rebuilders.

MNLA recognizes and is prepared to support necessary amendments to Minnesota statutes to enable non-plumbers to repair and rebuild backflow prevention assemblies.

The MNLA's Tim Power presented a Request for Action at the April 18<sup>th</sup>, 2017 meeting of the Minnesota Plumbing Board that asked the board to change MN Rules 4716.0096 to allow qualified non-plumbers to rebuild non-RPZ backflow prevention assemblies. We acknowledge that several impediments were pointed out in that plumbing board meeting in making that basic idea come to pass:

- MN Statutes 326B.42 and 326B.437 and MN Rules 4716.0096 (referenced above) all require that "MN rebuilders" must be licensed plumbers.
- Now that several classes of backflow prevention assemblies are mentioned in the 2015 Minnesota Plumbing Code, the Minnesota Plumbing Board has taken the position that the rebuilding of backflow prevention assemblies is considered plumbing work. ASSE takes no such position in its 5110 and 5130 certifications.
- MN Statutes 326B.46 addresses licensing, bond and insurance for plumbing contractors. Since all licensed plumbers must work for a licensed plumbing contractor, the public is considered protected from potential liability. If qualified non-plumbers were allowed to rebuild backflow prevention assemblies, there would need to be some way to assure public protection from liability. The MNLA is prepared to assist in crafting and will support a workable requirement that qualified non-plumber backflow prevention assembly repairer/rebuilders work for a contractor who carries appropriate bond and insurance.

The MNLA hopes that the Minnesota Plumbing Board agrees with the notion that the backflow tester and repairer certifications administered by the American Society of Sanitary Engineers (ASSE) provide a discrete body of knowledge that is sufficient for testing and rebuilding backflow prevention assemblies in Minnesota. If so, the MNLA respectfully requests the assistance of the Minnesota Plumbing Board in proposing statute changes to make that notion possible. If successful, step two would then be to undergo rulemaking to adjust MR 4716.0096 as well.

- 2) MS 326B.42, MS 326B.437 and MR 4716.0096 all address reduced pressure zone (RPZ) backflow prevention assemblies only. The MNLA recommends that the Minnesota Plumbing Board advocate for statute changes to eliminate the references to RPZ's only, since several classes of backflow prevention assemblies in addition to RPZ assemblies are now incorporated in the Minnesota Plumbing Code. Step two would then be to undergo rulemaking to adjust MR 4716.0096 as well.
- 3) Minnesota's Plumbing Code incorporates several classes of backflow prevention assemblies that are newly regulated. The annual addition of hundreds if not thousands of new assemblies associated with private utilities including landscape irrigation systems will require "authorities having jurisdiction" to establish or expand backflow testing registries. The additional testing and potential rebuilding of these assemblies will require an expanded cadre of trained and certified testers and rebuilders. The MNLA urges the Minnesota Plumbing Board to support the expansion of this cadre by allowing 5110-holding non-plumbers to train and certify for ASSE 5130 and to become MN rebuilders, thus helping to ensure the health and safety of Minnesota's citizens and environment.

- 4) Finally, the MNLA is aware of a customized letter of understanding between ASSE and MN DLI that acknowledges Minnesota's unique requirement that only licensed plumbers may even apply in Minnesota to train and certify for ASSE 5130. The MNLA requests that the Minnesota Plumbing Board advocate for MN DLI to alter its unique agreement with ASSE to eliminate its requirement that only licensed plumbers may apply to train and certify for ASSE 5130, enabling qualified non-plumbers to attain ASSE 5130.

Sincerely,

A handwritten signature in blue ink that reads "Cassie M. Larson". The signature is fluid and cursive, with the first name "Cassie" and last name "Larson" clearly legible.

Cassie M. Larson  
Executive Director

# Meeting Minutes: Plumbing Board

Date: June 12, 2018  
Time: 9:30 a.m.  
Minutes by: Lyndy Logan  
Location: Minnesota Room, Department of Labor and Industry  
443 Lafayette Road No., St. Paul, MN 55117-4344

## **Members**

Michael Dryke – via teleconference  
John Flagg  
Mike Herman – via teleconference  
Rick Jacobs (Chair)  
Larry Justin – via teleconference  
John Parizek  
Cathy Tran (DLI Commissioner’s Designee)  
David Wagner  
David Weum (DOH Commissioner’s Designee)

## **Members Absent**

Tom Andresen  
Jeff Brown  
Grant Edwards (Vice Chair)  
Phillip Sterner (Secretary)

## **DLI Staff & Visitors**

Suzanne Todnem (Gen. Counsel, DLI)  
Lyndy Logan (DLI)  
Jim Peterson (DLI)  
Brad Jensen (DLI)  
Gary Thaden (MMCA)  
Mike Johnson (J-Berd)  
Megan Henkemeyer (J-Berd)  
Nick Erickson (Housing First MN)  
Adam Hanson (ABC)  
David Radziej (PHCC)  
Tom Bakken (City of Hastings)  
Jami Neiber (Scott County)

## **1. Call to Order**

The meeting was called to order by Chair Jacobs at 9:37 a.m. Roll call was taken by Chair Jacobs and a quorum was declared with 8 of 12 voting members present in person or via teleconference and one non-voting member. Introductions and housekeeping announcements were made.

## **2. Approval of meeting agenda**

A motion was made by Parizek, seconded by Flagg, to approve the agenda as presented. The roll call vote was unanimous with 8 votes in favor; the motion carried.

## **3. Regular Business**

Approval of expense reports – Jacobs approved the expenses as presented.

#### 4. Special Business

**A. Review draft of proposed amendments to Minnesota Rules, Chapter 4716 – Plumber Licensing and Apprentices Registration – for possible rulemaking.**

The Chair reviewed amendments to the Proposed Permanent Rules Governing Plumbing Licensing DRAFT dated June 5, 2018 – see **Attachment A**. A question was raised – Why not have the same CE requirements for registered unlicensed plumbers (RUP) as registered unlicensed water conditioners (RUWC). RUPs require 2 hours on the code while RUWCs require one hour on code and one hour on technical. Parizek said the water conditioning licenses only require 4 hours of CE every two years – not a full 16 CE hours that a licensed plumber must complete. The work of a RUP is broader and requires wider code knowledge than a RUWC. A limited portion of the plumbing code applies to water conditioning. There were no other significant discussions and no changes were made to the language.

**A motion was made by Parizek, seconded by Flagg, for the Plumbing Board to move forward with the proposed amendments to Minnesota Rules, Chapter 4716, RD4365, Plumber Licensing and Apprentices Registration, draft dated June 5, 2018, and to authorize the Chair to conduct rulemaking as outlined in the Resolution dated June 12, 2018. The vote was unanimous with 8 votes in favor; the motion carried.**

#### 5. Announcements

Next regularly scheduled meetings in 2018 – all meetings will be held at 9:30 a.m. in the Minnesota Room. The Executive Committee meetings occur at 8:30 a.m. prior to each regular meeting in the Minnesota Room.

**A.** July 17, 2018 (annual meeting)

**B.** October 16, 2018

Larry Justin and John Parizek were thanked for their service to the Board.

#### 6. Adjournment

A motion was made by Parizek, seconded by Flagg, to adjourn the meeting at 10:55 a.m. The vote was unanimous with 8 votes in favor of the motion; the motion passed.

Respectfully submitted,

*Rick Jacobs*

Rick Jacobs, Board Chair

1.1 **Plumbing Board**  
 1.2 **Proposed Permanent Rules Governing Plumbing Licensing**

## Attachment A

1.3 **4716.0010 DEFINITIONS.**

1.4 *[For text of subs 1 to 5, see M.R.]*

1.5 Subp. 6. **Registered unlicensed plumber.** "Registered unlicensed plumber" means  
 1.6 an individual who performs plumbing work for a contractor or employer, does not hold any  
 1.7 class of plumber license, is not a plumber's apprentice as described in Minnesota Statutes,  
 1.8 section 326B.42, subdivision 6, and is registered with the commissioner under part  
 1.9 4716.0050.

1.10 **4716.0020 EXAMINATION AND LICENSING OF PLUMBERS.**

1.11 Subpart 1. **Examinations.** An applicant for a plumber's license, other than a restricted  
 1.12 journeyworker or restricted master plumber license, must satisfactorily pass an examination  
 1.13 given by the commissioner. ~~Examinations for journeyworker and master plumber licenses~~  
 1.14 ~~shall be held in March and September of each year. Applications for the March examination~~  
 1.15 ~~must be filed not later than February 15 and for the September examination not later than~~  
 1.16 ~~August 15.~~

1.17 A. An applicant for the master plumber examination must have:

1.18 (1) ~~a current Minnesota journeyworker plumber license and five years of~~  
 1.19 ~~practical plumbing experience~~ at least one year of practical plumbing experience as a licensed  
 1.20 journeyworker plumber as described in subpart 2;

1.21 *[For text of subitems (2) and (3), see M.R.]*

1.22 B. An applicant for the journeyworker examination:

1.23 (1) must be registered as a plumber's apprentice in Minnesota as described  
 1.24 in Minnesota Statutes, section 326B.42, subdivision 6, or must be a registered unlicensed

2.1 plumber as described in part 4716.0010, subpart 6, and must have at least four years of  
2.2 recorded practical plumbing experience, as specified in subpart 2, item F;

2.3 *[For text of subitems (2) and (3), see M.R.]*

2.4 Subp. 2. **Experience.** This subpart applies to all practical plumbing experience  
2.5 described in subpart 1.

2.6 *[For text of items A to D, see M.R.]*

2.7 E. If the applicant is a licensed restricted journeyworker plumber or a licensed  
2.8 restricted master plumber, subitems (1) ~~to (3)~~ and (2) apply.

2.9 (1) The practical plumbing experience must include at least the following  
2.10 number of hours in the plumbing aspects specified in units (a) to (c). The remaining required  
2.11 hours of practical plumbing experience may be in any aspect of plumbing work included  
2.12 in the definition of plumbing in UPC section 218.0 as incorporated by reference in part  
2.13 4714.0050; however, the applicant must include in the application the type of plumbing  
2.14 work and corresponding number of hours:

2.15 (a) water distribution system installation, 1,000 hours;

2.16 (b) drain, waste, and vent system installation, 1,000 hours; and

2.17 (c) fixture installation, 500 hours.

2.18 *[For text of subitem (2), see M.R.]*

2.19 ~~(3) The applicant must have completed the entire two years of practical~~  
2.20 ~~plumbing experience within the four years before the applicant takes the examination.~~

2.21 F. If the applicant is a registered ~~plumber's apprentice~~ unlicensed plumber, subitems  
2.22 (1) ~~to (3)~~ and (2) apply.

3.1 (1) The practical plumbing experience must include at least the following  
3.2 number of hours in the plumbing aspects specified in units (a) to (c). The remaining required  
3.3 hours of practical plumbing experience may be in any aspect of plumbing work included  
3.4 in the definition of plumbing in UPC section 218.0 as incorporated by reference in part  
3.5 4714.0050; however, the applicant must include in the application the type of plumbing  
3.6 work and corresponding number of hours:

3.7 (a) water distribution system installation, 2,000 hours;

3.8 (b) drain, waste, and vent system installation, 2,000 hours; and

3.9 (c) fixture installation, 1,000 hours.

3.10 (2) ~~Except for experience qualifying under subitem (3),~~ The applicant must  
3.11 have been a registered ~~plumber's apprentice~~ unlicensed plumber at all times while obtaining  
3.12 the practical plumbing experience; or the applicant must have obtained the practical plumbing  
3.13 experience in one of the following ways:

3.14 (a) during military service, and the applicant's military officer certifies  
3.15 the experience;

3.16 (b) as part of a plumbing education class approved by the commissioner,  
3.17 and an authorized representative of the plumbing educational institution certifies the  
3.18 experience; or

3.19 (c) as a plumber's apprentice in another state where the experience is  
3.20 verified by a state agency that regulates plumbing licensing in that state or by a federal  
3.21 agency.

3.22 (3) ~~Up to 24 months of practical plumbing experience gained before the~~  
3.23 ~~effective date of the applicant's initial registration as a plumber's apprentice will be credited~~  
3.24 ~~if the applicant gained some of the experience during the 12-month period immediately~~  
3.25 ~~prior to the effective date of the applicant's initial registration and if:~~

4.1 ~~(a) the applicant gained the plumbing experience during military service,~~  
 4.2 ~~and the applicant's military officer certifies the experience;~~

4.3 ~~(b) the applicant gained the plumbing experience as part of a plumbing~~  
 4.4 ~~education class approved by the commissioner, and an authorized representative of the~~  
 4.5 ~~educational institution certifies the experience; or~~

4.6 ~~(c) the applicant gained the plumbing experience as a plumber's~~  
 4.7 ~~apprentice in another state where the experience is verified by a state agency in that state~~  
 4.8 ~~or by a federal agency.~~

4.9 G. Except as provided in item F, subitem ~~(3)~~ (2), units (a) to (c), all practical  
 4.10 plumbing experience must be certified by the licensed master plumber ~~or plumbing contractor~~  
 4.11 who is responsible for the work performed. A restricted master plumber cannot certify the  
 4.12 restricted master plumber's own experience. The employer of a journeyworker plumber,  
 4.13 restricted master plumber, restricted journeyworker plumber, or ~~plumber's apprentice~~  
 4.14 registered unlicensed plumber is responsible for:

4.15 *[For text of subitems (1) and (2), see M.R.]*

#### 4.16 **4716.0040 EXPIRATION OF LICENSES.**

4.17 Subpart 1. **Issuance and expiration.** Initial and ~~renewal~~ renewed journeyworker  
 4.18 plumber's licenses and renewed restricted journeyworker plumber's licenses expire on  
 4.19 December 31 of each odd-numbered year after issuance or renewal. Initial and renewed  
 4.20 master plumber's licenses, and renewal restricted journeyworker and renewed restricted  
 4.21 master plumber's licenses, shall be issued for the calendar year for which application is  
 4.22 made and shall expire on December 31 of such year each even-numbered year after issuance  
 4.23 or renewal. Any journeyworker plumber, master plumber, restricted journeyworker plumber,  
 4.24 or restricted master plumber who submits a renewal application after December 31 shall  
 4.25 not work as a plumber until the person has submitted an application, fee, and penalty fee.

5.1 Any licensed journeyworker or master plumber who does not renew the license within two  
 5.2 years is no longer eligible for renewal. The person must retake and pass the examination  
 5.3 before a new license will be issued. Any licensed restricted journeyworker or restricted  
 5.4 master plumber who does not renew the license within ~~12 months~~ two years of the license  
 5.5 expiration will permanently forfeit the restricted plumber license.

5.6 Subp. 2. **License renewals.** Applications for license renewal must be submitted to  
 5.7 the commissioner on forms prepared by the commissioner no later than December 31 of  
 5.8 ~~the year preceding~~ after the year ~~for~~ in which the application is made. The application must  
 5.9 be accompanied by the required fee. Journeyworker and master plumbers who submit their  
 5.10 license renewal applications after expiration of their license but within two years after  
 5.11 expiration of the previously issued license must pay all past due renewal fees plus the  
 5.12 required late fee. Restricted journeyworker and restricted master plumbers who submit their  
 5.13 license renewal applications after expiration of their license but within ~~12 months~~ two years  
 5.14 after expiration of the previously issued license must pay the past due renewal fee plus the  
 5.15 required late fee.

5.16 **4716.0050 REGISTRATION OF ~~PLUMBER'S APPRENTICE~~ REGISTERED**  
 5.17 **UNLICENSED PLUMBER.**

5.18 Subpart 1. **Scope.** Subpart 2 ~~shall~~ does not apply to a registered plumber's ~~apprentices~~  
 5.19 apprentice under Minnesota Statutes, section 326B.47, subdivision 1, ~~clause (1)~~ paragraph  
 5.20 (a).

5.21 Subp. 2. **Registration requirements.** No person shall work as a ~~plumber's apprentice~~  
 5.22 registered unlicensed plumber until that person has submitted an application and fee for  
 5.23 registration to the commissioner. Registration must be renewed annually and shall be for  
 5.24 the period from July 1 of each year to June 30 of the following year. Applications for initial  
 5.25 and renewal registration must be submitted to the commissioner before July 1 of each  
 5.26 registration period on forms provided by the commissioner, and must be accompanied by

6.1 the required fee. A ~~plumber's apprentice~~ registered unlicensed plumber who submits a  
6.2 registration application after July 1 in any year must pay the ~~past-due~~ renewal fee plus the  
6.3 required late fee.

6.4 A. A ~~plumber's apprentice~~ registered unlicensed plumber must be at least 18 years  
6.5 of age or be a high school graduate, except that ~~an apprentice~~ a registered unlicensed plumber  
6.6 employed and supervised by the ~~apprentice's~~ registered unlicensed plumber's parent must  
6.7 be at least 16 years of age.

6.8 B. At the time of registration, ~~an apprentice~~ a registered unlicensed plumber must  
6.9 provide a name, address, date of birth, Social Security number, and information about  
6.10 education and practical plumbing experience.

#### 6.11 **4716.0091 DEFINITIONS.**

6.12 Subpart 1. Scope. The terms used in parts 4716.0090 to 4716.0092 have the meanings  
6.13 given them in this part, UPC sections 201.0 to 228.0 as incorporated by reference in part  
6.14 4714.0050, and Minnesota Statutes, section 326B.50.

6.15 Subp. 2. Registered unlicensed water conditioner. "Registered unlicensed water  
6.16 conditioner" means an individual who performs water conditioning work for a contractor  
6.17 or employer, does not hold any class of water conditioning license, and is registered with  
6.18 the commissioner under part 4716.0093.

#### 6.19 **4716.0092 LICENSURE.**

6.20 Subpart 1. **Water conditioning contractor.** An applicant for a water conditioning  
6.21 contractor license must designate a ~~water conditioning~~ responsible licensed master ~~or master~~  
6.22 plumber, licensed by the commissioner, as the individual responsible for the water  
6.23 conditioning contractor's compliance with this part, chapter 4714, Minnesota Statutes,  
6.24 sections 326B.50 to 326B.59, and all orders issued under Minnesota Statutes, section  
6.25 ~~326B.082~~ as defined in Minnesota Statutes, section 326B.50. The responsible water

7.1 ~~conditioning licensed master or master plumber~~ must give a minimum 15-day notice to the  
7.2 water conditioning contractor and the department before resigning as the responsible ~~water~~  
7.3 ~~conditioning licensed master or master plumber~~ for the contractor. The contractor and  
7.4 responsible ~~water conditioning licensed master or master plumber~~ must immediately notify  
7.5 the department upon the termination or separation of the contractor's responsible ~~water~~  
7.6 ~~conditioning licensed master or master plumber~~. The water conditioning contractor shall  
7.7 have 60 days from the last day of employment of its previous responsible ~~water conditioning~~  
7.8 ~~licensed master or master plumber~~ to employ another responsible ~~water conditioning licensed~~  
7.9 ~~master or master plumber~~. The water conditioning contractor shall submit written notification  
7.10 to the department that it has designated a different ~~water conditioning responsible licensed~~  
7.11 ~~master or master plumber~~ as the individual responsible for the contractor's compliance with  
7.12 ~~this part, chapter 4714, and Minnesota Statutes, sections 326B.50 to 326B.59~~. If the water  
7.13 conditioning contractor is unable to acquire a replacement responsible ~~water conditioning~~  
7.14 ~~licensed master or master plumber~~, the water conditioning contractor's license is invalid  
7.15 and the contractor shall cease and desist from performing any water conditioning work and  
7.16 return the contractor's license for voluntary termination. Upon acquiring a replacement  
7.17 responsible ~~water conditioning licensed master or master plumber~~, the water conditioning  
7.18 contractor may request reinstatement of the terminated license under Minnesota Statutes,  
7.19 section 326B.096.

7.20 *[For text of subp 2, see M.R.]*

7.21 Subp. 3. **Water conditioning journeyworker.** An applicant for a water conditioning  
7.22 journeyworker license must satisfactorily pass an examination given by the commissioner.  
7.23 An applicant for the water conditioning journeyworker examination must be a registered  
7.24 unlicensed water conditioner in Minnesota and must have at least six months of practical  
7.25 experience as listed in subpart 4, item C, subitem (2). The applicant is responsible for  
7.26 verifying practical experience.

8.1 Subp. 4. **Experience.** For the purposes of the experience required under subparts 2  
8.2 and 3, the following requirements apply.

8.3 *[For text of items A to C, see M.R.]*

8.4 D. If the applicant is a registered unlicensed water conditioner:

8.5 (1) the applicant must have been a registered unlicensed water conditioner  
8.6 at all times while obtaining the practical water conditioning experience, except as allowed  
8.7 under Minnesota Statutes, section 326B.555, subdivision 2; and

8.8 (2) all practical water conditioning experience must be certified by the licensed  
8.9 water conditioning master who is responsible for the work performed. Practical water  
8.10 conditioning experience includes installation, servicing, and training hours. The commissioner  
8.11 may require work records, time cards, pay records, or other documentation necessary to  
8.12 evaluate experience. The commissioner shall make the final determination about the adequacy  
8.13 and acceptability of an applicant's experience.

8.14 E. The employer of a water conditioning journeyworker or registered unlicensed  
8.15 water conditioner is responsible for:

8.16 (1) recording the practical water conditioning experience worked by each  
8.17 employee; and

8.18 (2) maintaining the records of practical water conditioning experience for at  
8.19 least six years after the employee's last recorded experience.

8.20 *[For text of subps 5 and 6, see M.R.]*

8.21 **4716.0093 UNLICENSED WATER CONDITIONER REGISTRATION.**

8.22 Subpart 1. **Registration requirements.** No person shall work as a registered unlicensed  
8.23 water conditioner until that person has submitted an application and fee for registration to  
8.24 the commissioner. Registration must be renewed annually and shall be for the period from

9.1 July 1 of each year to June 30 of the following year. Applications for initial and renewal  
 9.2 registration must be submitted to the commissioner before July 1 of each registration period  
 9.3 on forms provided by the commissioner, and must be accompanied by the required fee. A  
 9.4 registered unlicensed water conditioner who submits a registration application after July 1  
 9.5 in any year must pay the renewal fee plus the required late fee.

9.6 A. A registered unlicensed water conditioner must be at least 18 years of age or  
 9.7 a high school graduate, except that a registered unlicensed water conditioner employed and  
 9.8 supervised by the registered unlicensed water conditioner's parent must be at least 16 years  
 9.9 of age.

9.10 B. An applicant for registration under this part must provide a name, address, date  
 9.11 of birth, Social Security number, and information about education and practical water  
 9.12 conditioning experience on a form provided by the commissioner.

9.13 **4716.0205 REQUIREMENTS.**

9.14 Subpart 1. **Continuing education; content.**

9.15 A. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
 9.16 individuals who hold the following license types are required to obtain 16 hours of continuing  
 9.17 education instruction during the license period before the license may be renewed:

- 9.18 (1) master plumber;
- 9.19 (2) journeyworker plumber; and
- 9.20 (3) restricted plumber.

9.21 At least ~~12~~ eight hours of instruction must pertain to the Plumbing Code, and ~~at least four~~  
 9.22 ~~hours of instruction must pertain to the~~ remainder must pertain to the Plumbing Code,  
 9.23 technical topics related to plumbing installations and equipment, this chapter, the Minnesota  
 9.24 State Building Code, or Minnesota Statutes, sections 326B.41 to ~~326B.49~~ 326B.59.

10.1 Continuing education hours obtained by any electronic media must ~~not exceed four hours~~  
10.2 ~~during the renewal period~~ comply with Minnesota Statutes, sections 326B.098 to 326B.099.

10.3 B. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
10.4 individuals who hold the following license types are required to obtain four hours of  
10.5 continuing education instruction during the license period before the license may be renewed:

10.6 (1) water conditioning master; and

10.7 (2) water conditioning journeyworker.

10.8 ~~At least two hours of instruction~~ must pertain to the Plumbing Code and the remainder must  
10.9 pertain to the Plumbing Code, technical topics related to water conditioning installation and  
10.10 servicing, this chapter, or Minnesota Statutes, sections 326B.50 to 326B.59. Continuing  
10.11 education hours obtained by any electronic media must comply with Minnesota Statutes,  
10.12 sections 326B.098 to 326B.099.

10.13 C. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
10.14 individuals who hold the following registration types are required to obtain continuing  
10.15 education instruction during the registration period before the registration can be renewed:

10.16 (1) registered unlicensed plumbers; and

10.17 (2) registered unlicensed water conditioners.

10.18 The registered unlicensed plumber must obtain at least two hours of continuing education  
10.19 instruction that must pertain to the Plumbing Code.

10.20 The registered unlicensed water conditioner must obtain at least two hours of continuing  
10.21 education instruction. At least one hour of instruction must pertain to the Plumbing Code,  
10.22 and the remainder must pertain to the Plumbing Code, technical topics related to water  
10.23 conditioning installation and servicing, this chapter, or Minnesota Statutes, sections 326B.50



# Minutes: SPECIAL Plumbing Board meeting

Date: August 28, 2018  
Time: 9:30 a.m.  
Minutes by: Lyndy Logan  
Location: Minnesota Room, Department of Labor and Industry  
443 Lafayette Road No., St. Paul, MN 55117-4344

## **Members**

Tom Andresen  
Richard Becker  
Michael Dryke  
Kent Erickson  
John Flagg  
Mike Herman – via teleconference  
Rick Jacobs (Chair)  
Justin Parizek – via teleconference  
Phillip Sterner (Secretary)  
Cathy Tran (DLI Commissioner’s Designee)

## **Members Absent**

Jeff Brown  
David Wagner  
David Weum (DOH Commissioner’s Designee)

## **DLI Staff & Visitors**

Suzanne Todnem (Gen. Counsel, DLI)  
Lyndy Logan (DLI)  
Jim Peterson (DLI)  
Brad Jensen (DLI)  
Gary Thaden (MMCA)  
Scott Thompson (My Plumbing Training)  
Peter Daniels (Wenck Associates)  
Mike Johnson (J-Berd)  
Megan Henkemeyer (J-Berd)  
Adam Hanson (ABC)  
Matt Marciniak (IAPMO)  
John Parizek (ASSE)  
Anita Anderson (MDH) – via teleconference

## **1. Call to Order**

The meeting was called to order by Chair Jacobs at 9:35 a.m. Roll call was taken by Jacobs and a quorum was declared with 9 of 12 voting members present in person or via teleconference. Introductions and housekeeping announcements were made and Kent Erickson and Justin Parizek introduced themselves as new Board members.

## **2. Approval of meeting agenda**

A motion was made by Herman, seconded by Flagg, to approve the agenda as presented. The roll call vote was unanimous with 9 votes in favor; the motion carried.

## **3. Regular Business**

Approval of expense reports – Jacobs approved the expenses as presented.

#### 4. Special Business

- A. Review and approve NEW proposed changes to Minnesota Rules, part 4716.0040, subp. 2, at lines 5.7-5.8 and part 4716.0092, subp. 3, at lines 7.23-7.25 of the 6/5/18 rule draft – See **Attachment A**.

Todnem said there are no substantive changes; language was only revised to provide clarification. Todnem noted that 5.7 and 5.8 were revised to make it clear renewals must happen before expiration. Jacobs agreed that the proposed changes provide clarity. Lines 7.23, 7.24, and 7.25 were revised to more closely mirror registered unlicensed plumber language and to provide clarification.

Clarification was provided to Scott Thompson that 4.3 and 4.6 lines were consolidated and moved to a different part of the rule.

A motion was made by Becker, seconded by Herman, to approve new proposed changes to Minnesota Rules 4716.0040, subp. 2 at lines 5.7-5.8 and part 4716.0092, subp. 3 at lines 7.23-7.25. The roll call vote was unanimous with 9 votes in favor; the motion carried.

Phil Sterner joined the meeting at 9:54 a.m. resulting in 10 of 12 voting members present in person or via teleconference.

**B. Review RFI clarification from Peter Daniels regarding a grinder pump lift station**

The Chair noted that Peter Daniels submitted additional information as requested – see **Attachment B**. Daniels said that would be used in place of a septic system.

The Chair read aloud from the RFI: “There are thousands of grinder pump stations installed in Minnesota at commercial, residential, industrial, and institutional facilities. We are not aware of any of these grinder pump stations that are equipped with 10-ft tall vent pipes. These grinder pump stations are often located in yards or green space outside of homes and buildings. The grinder stations themselves are designed with several venting options. Adding an additional 10-ft tall vent is not needed. There is also not a practical way to install a 10-ft tall vent pipe on a buried grinder pump station located in a property's backyard. We are also concerned that a 10-ft tall exterior vent could freeze with condensation in the winter.”

The Board reviewed and discussed Attachment B and the following question, answer, and motion resulted:

**Question: Do plumbing code sections 710.10 and 906.4 apply to exterior sumps and receiving tanks?**

**Answer: Yes, if the exterior sumps and receiving tank are located within the property lines and not covered by a utility easement. If the**

sump and receiving tank are covered by a utility easement, then the Plumbing Code does not apply.

**A motion was made by Becker, seconded by Flagg, to accept the Answer to the Question (shown above) and to authorize the chair to issue a Final Interpretation. The roll call vote was unanimous with 9 voting members present in person or via teleconference [Parizek was no longer present via teleconference], the motion carried.**

**5. Announcements**

Next regularly scheduled meetings in 2018 – all meetings will be held at 9:30 a.m. in the Minnesota Room. The Executive Committee meetings occur at 8:30 a.m. prior to each regular meeting in the Minnesota Room.

**A.** October 16, 2018

**6. Adjournment**

A motion was made by Flagg, seconded by Becker, to adjourn the meeting at 10:44 a.m. The roll call vote was unanimous with 9 votes in favor of the motion; the motion passed.

Respectfully submitted,

*Phil Sterner*

Phil Sterner, Board Secretary

06/05/18

For 8/28/18  
Special Board  
Mtg.

REVISOR

SS/NB

RD4365

4.1 (a) ~~the applicant gained the plumbing experience during military service,~~  
4.2 ~~and the applicant's military officer certifies the experience;~~

4.3 (b) ~~the applicant gained the plumbing experience as part of a plumbing~~  
4.4 ~~education class approved by the commissioner, and an authorized representative of the~~  
4.5 ~~educational institution certifies the experience; or~~

4.6 (e) ~~the applicant gained the plumbing experience as a plumber's~~  
4.7 ~~apprentice in another state where the experience is verified by a state agency in that state~~  
4.8 ~~or by a federal agency.~~

4.9 G. Except as provided in item F, subitem ~~(3)~~ (2), units (a) to (c), all practical  
4.10 plumbing experience must be certified by the licensed master plumber or plumbing contractor  
4.11 who is responsible for the work performed. A restricted master plumber cannot certify the  
4.12 restricted master plumber's own experience. The employer of a journeyworker plumber,  
4.13 restricted master plumber, restricted journeyworker plumber, or ~~plumber's apprentice~~  
4.14 registered unlicensed plumber is responsible for:

4.15 [For text of subitems (1) and (2), see M.R.]

4.16 **4716.0040 EXPIRATION OF LICENSES.**

4.17 Subpart 1. **Issuance and expiration.** Initial and ~~renewal~~ renewed journeyworker  
4.18 plumber's licenses and renewed restricted journeyworker plumber's licenses expire on  
4.19 December 31 of each odd-numbered year after issuance or renewal. Initial and renewed  
4.20 master plumber's licenses, and renewal restricted journeyworker and renewed restricted  
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4.24 or restricted master plumber who submits a renewal application after December 31 shall  
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 5.3 before a new license will be issued. Any licensed restricted journeyworker or restricted  
 5.4 master plumber who does not renew the license within ~~12 months~~ two years of the license  
 5.5 expiration will permanently forfeit the restricted plumber license.

5.6 Subp. 2. **License renewals.** Applications for license renewal must be submitted to  
 5.7 the commissioner on forms prepared by the commissioner no later than December 31 of  
 5.8 ~~the year preceding~~ <sup>of</sup> ~~after~~ the year for in which the application is made. <sup>A license expires</sup> The application must  
 5.9 be accompanied by the required fee. Journeyworker and master plumbers who submit their  
 5.10 license renewal applications after expiration of their license but within two years after  
 5.11 expiration of the previously issued license must pay all past due renewal fees plus the  
 5.12 required late fee. Restricted journeyworker and restricted master plumbers who submit their  
 5.13 license renewal applications after expiration of their license but within ~~12 months~~ two years  
 5.14 after expiration of the previously issued license must pay the past due renewal fee plus the  
 5.15 required late fee.

5.16 **4716.0050 REGISTRATION OF PLUMBER'S APPRENTICE REGISTERED**  
 5.17 **UNLICENSED PLUMBER.**

5.18 Subpart 1. **Scope.** Subpart 2 ~~shall~~ does not apply to a registered plumber's ~~apprentices~~  
 5.19 apprentice under Minnesota Statutes, section 326B.47, subdivision 1, ~~clause (1)~~ paragraph  
 5.20 (a).

5.21 Subp. 2. **Registration requirements.** No person shall work as a ~~plumber's apprentice~~  
 5.22 registered unlicensed plumber until that person has submitted an application and fee for  
 5.23 registration to the commissioner. Registration must be renewed annually and shall be for  
 5.24 the period from July 1 of each year to June 30 of the following year. Applications for initial  
 5.25 and renewal registration must be submitted to the commissioner before July 1 of each  
 5.26 registration period on forms provided by the commissioner, and must be accompanied by

6.1 the required fee. A ~~plumber's apprentice~~ registered unlicensed plumber who submits a  
6.2 registration application after July 1 in any year must pay the ~~past due~~ renewal fee plus the  
6.3 required late fee.

6.4 A. A ~~plumber's apprentice~~ registered unlicensed plumber must be at least 18 years  
6.5 of age or be a high school graduate, except that ~~an apprentice~~ a registered unlicensed plumber  
6.6 employed and supervised by the ~~apprentice's~~ registered unlicensed plumber's parent must  
6.7 be at least 16 years of age.

6.8 B. At the time of registration, ~~an apprentice~~ a registered unlicensed plumber must  
6.9 provide a name, address, date of birth, Social Security number, and information about  
6.10 education and practical plumbing experience.

6.11 **4716.0091 DEFINITIONS.**

6.12 Subpart 1. Scope. The terms used in parts 4716.0090 to 4716.0092 have the meanings  
6.13 given them in this part, UPC sections 201.0 to 228.0 as incorporated by reference in part  
6.14 4714.0050, and Minnesota Statutes, section 326B.50.

6.15 Subp. 2. Registered unlicensed water conditioner. "Registered unlicensed water  
6.16 conditioner" means an individual who performs water conditioning work for a contractor  
6.17 or employer, does not hold any class of water conditioning license, and is registered with  
6.18 the commissioner under part 4716.0093.

6.19 **4716.0092 LICENSURE.**

6.20 Subpart 1. **Water conditioning contractor.** An applicant for a water conditioning  
6.21 contractor license must designate a water conditioning responsible licensed master ~~or master~~  
6.22 ~~plumber, licensed by the commissioner, as the individual responsible for the water~~  
6.23 ~~conditioning contractor's compliance with this part, chapter 4714, Minnesota Statutes,~~  
6.24 ~~sections 326B.50 to 326B.59, and all orders issued under Minnesota Statutes, section~~  
6.25 ~~326B.082~~ as defined in Minnesota Statutes, section 326B.50. The responsible water

7.1 ~~conditioning licensed master or master plumber~~ must give a minimum 15-day notice to the  
 7.2 water conditioning contractor and the department before resigning as the responsible water  
 7.3 ~~conditioning licensed master or master plumber~~ for the contractor. The contractor and  
 7.4 responsible ~~water conditioning licensed master or master plumber~~ must immediately notify  
 7.5 the department upon the termination or separation of the contractor's responsible water  
 7.6 ~~conditioning licensed master or master plumber~~. The water conditioning contractor shall  
 7.7 have 60 days from the last day of employment of its previous responsible ~~water conditioning~~  
 7.8 ~~licensed master or master plumber~~ to employ another responsible ~~water conditioning licensed~~  
 7.9 ~~master or master plumber~~. The water conditioning contractor shall submit written notification  
 7.10 to the department that it has designated a different ~~water conditioning responsible licensed~~  
 7.11 ~~master or master plumber~~ as the individual responsible for the contractor's compliance with  
 7.12 this part, chapter 4714, and Minnesota Statutes, sections 326B.50 to 326B.59. If the water  
 7.13 conditioning contractor is unable to acquire a replacement responsible ~~water conditioning~~  
 7.14 ~~licensed master or master plumber~~, the water conditioning contractor's license is invalid  
 7.15 and the contractor shall cease and desist from performing any water conditioning work and  
 7.16 return the contractor's license for voluntary termination. Upon acquiring a replacement  
 7.17 responsible ~~water conditioning licensed master or master plumber~~, the water conditioning  
 7.18 contractor may request reinstatement of the terminated license under Minnesota Statutes,  
 7.19 section 326B.096.

7.20 *[For text of subp 2, see M.R.]*

7.21 Subp. 3. **Water conditioning journeyworker.** An applicant for a water conditioning  
 7.22 journeyworker license must satisfactorily pass an examination given by the commissioner.

7.23 An applicant for the water conditioning journeyworker examination must <sup>be a registered</sup>  
 7.24 unlicensed water conditioner in Minnesota <sup>and must have</sup> at least six months of practical <sup>have been</sup>  
 7.25 experience as listed in subpart 4, item C, subitem (2). <sup>at all times while obtaining</sup> The applicant is responsible for  
 7.26 verifying practical experience. <sup>except as permitted in subpart 4, item A, subitem (4).</sup>

# RFI / Grinder pump

## Additional information requested by the Plumbing Board:

- *Is the grinder pump on the inlet or outlet side of a septic tank?*  
**No. Septic tanks are not usually present if a grinder pump is used. Sewage leaves the house, enters the grinder station, then is pumped to a public sewer/treatment system. If the grinder pump is on the outlet side of a septic tank, it would fall under the code requirements of the MPCA, Minnesota Rules Chapters 7080 through 7083 Subsurface Sewage Treatment Systems Program and not fall under the jurisdiction of the 2015 Minnesota Plumbing Code.**
- *You indicate in your RFI under, Explain why you disagree with the interpretation given to you by DLI staff: that the grinder stations themselves are designed with several venting options. Could you please provide these venting options.*  
**The bolted lids are not air/water tight, and there is an option to add a small mushroom vent (usually a few inches tall, see attached shop drawing)**
- *Is the sump that the grinder pump is located in air and water tight?*  
**Yes, except for bolted lid, as mentioned above**
- *How close is the grinder pump located to building?*  
**This can vary, depends on each situation. Typically as close as 5 feet, as far as a hundred feet.**

**Peter Daniels, PE**  
*Project Engineer / Principal*

# Plumbing Board Request for Interpretation

PRINT IN INK or TYPE

NAME OF SUBMITTER <b>Peter Daniels, PE</b>	Rule(s) to be interpreted (e.g., 4714.0330) <b>MN Plumbing Code Sections 710.3-710.12 &amp; 906.4</b>
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The Minnesota Plumbing Code (MN Rules, Chapter 4714) is available at [www.dli.mn.gov/CCLD/PlumbingCode.asp](http://www.dli.mn.gov/CCLD/PlumbingCode.asp)  
Has a request for interpretation been submitted to Department of Labor and Industry (DLI) staff, either as a verbal request or a written request?  Yes  No  
If "No," contact DLI staff at 651-284-5187. The DLI is responsible for administration and interpretation of the Minnesota Plumbing Code, and all requests must be processed and provided a DLI interpretation before being referred to the Plumbing Board. This form is intended to be used to request an interpretation from the Plumbing Board only as a resolution of dispute with DLI interpretation.

CODE/RULE to be interpreted: <b>MN Plumbing Code Sections 710.3-710.12 &amp; 906.4</b>	NAME OF DLI employee gave interpretation: <b>Corey Frain</b>	DATE interpretation originally requested: <b>Plans submitted May 10, 2018</b>
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Provide a copy of the DLI interpretation with this request (a copy must be provided as reference).

Is there a local dispute with an Inspector of other official?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If Yes, state the name or type of official
--	--

State the circumstances of the initial dispute:

Requirement #5 in the DOLI plan review letter dated June 1, 2018 (PLB1805-00156) requires a 10-ft tall vent pipe to be added to a proposed grinder pump lift station located outside a building, in green space. Installing a vent pipe in this manner is not feasible, and not necessary, given the design and location of the grinder pump station.

Explain why you disagree with the interpretation given to you by DLI staff:

There are thousands of grinder pump stations installed in Minnesota at commercial, residential, industrial, and institutional facilities. We are not aware of any of these grinder pump stations that are equipped with 10-ft tall vent pipes. These grinder pump stations are often located in yards or green space outside of homes and buildings. The grinder stations themselves are designed with several venting options. Adding an additional 10-ft tall vent is not needed. There is also not a practical way to install a 10-ft tall vent pipe on a buried grinder pump station located in a property's backyard. We are also concerned that a 10-ft tall exterior vent could freeze with condensation in the winter.

What is your interpretation of the language:

Venting of exterior grinder pump stations should be allowed through the grinder pump station's standard design options, as has been done for thousands of grinder pump stations in the past. An additional 10-ft tall vent pipe should not be required.

List any other information you would like the Board to consider:

See attached for photos of typical grinder pump station installation. Also attached is a letter from a vendor that sells packaged grinder pump stations.

### Information regarding submitting this form:

- Submit any supporting documentation to be considered electronically to [DLI.CCLDBOARDS@state.mn.us](mailto:DLI.CCLDBOARDS@state.mn.us). Once your Request For Interpretation form has been received, it will be assigned a file number. Please reference this file number on any correspondence and supplemental submissions.

### Information for presentation to the Board.

- You will be notified with the date of the Board Meeting in which your Request For Interpretation will be heard.
- Limit presentations to 5 minutes or less.
- Be prepared to answer questions regarding the Code, the circumstances that led to the dispute and please bring copies of any documentation.

### What you can do if you disagree with the Board's determination:

- You may appeal the Board's determination pursuant to Minn. Stat. Chapter 14.

RFI File No. PB0096	Date Received by DLI June 15, 2018	Dated Received by Board July 17, 2018	Date of Board Meeting July 17, 2018
Title of RFI	By:		

This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.

**Submitted by:**

NAME Peter Daniels		FIRM NAME Wenck Associates, Inc.	
ADDRESS 7500 Olson Memorial Highway Suite 300		CITY Golden Valley, MN 55427	STATE ZIP CODE
PHONE 763-252-6838	SIGNATURE (original or electronic) 	DATE June 13, 2018	

For assistance or questions on completing this form, please call 651-284-5898 or 651-284-5889.

Mailing address:

**Plumbing Board**  
**c/o Department of Labor and Industry**  
**443 Lafayette Road North**  
**St. Paul, MN 55155-4344**

\*\*\* Please remember to attach all necessary explanations and supporting documentation\*\*\* Page 2 of 2



# Employment Outlook Projections

## Data Tool

The Employment Outlook data tool shows one-year and ten-year projections of employment growth or decline by occupation and industry for Minnesota's regions, statewide, and for the U.S.

Use the data tool (<https://apps.deed.state.mn.us/lmi/projections/>)

Snapshot

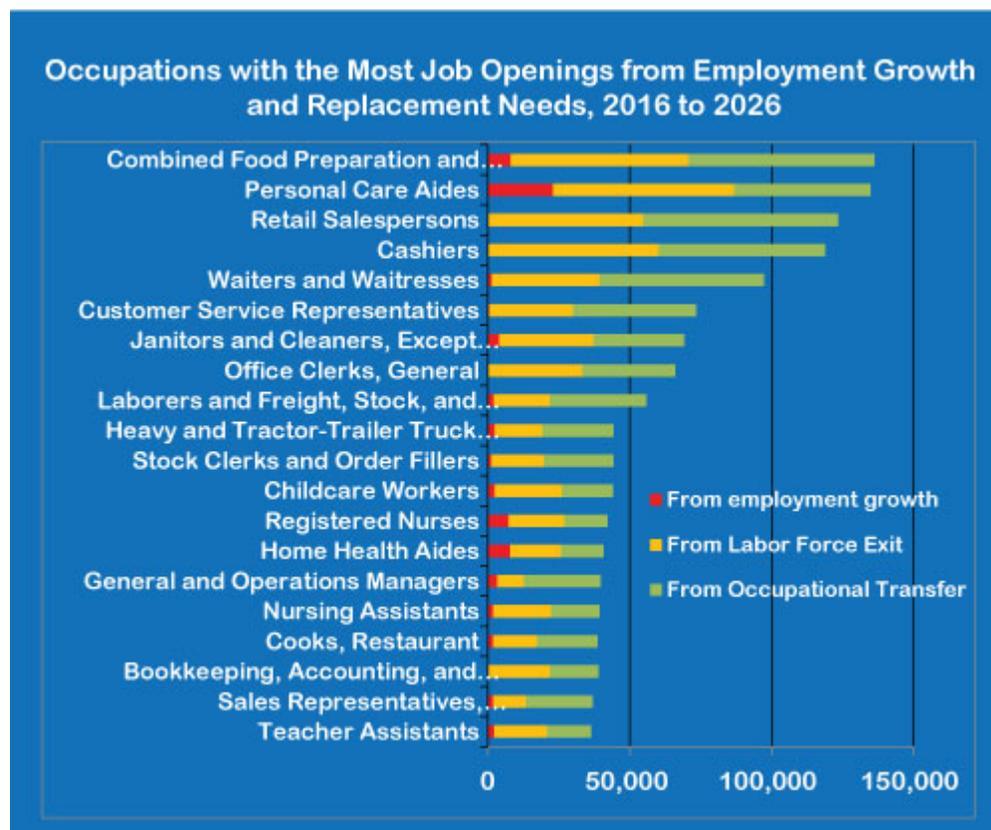
About

More Data

Methodology

Glossary

### Snapshot



Want more results? Use the [Employment Outlook data tool](https://apps.deed.state.mn.us/lmi/projections/) (<https://apps.deed.state.mn.us/lmi/projections/>).



# Minnesota Job Outlook to 2026

by Dave Senf

[david.senf@state.mn.us](mailto:david.senf@state.mn.us) (<mailto:david.senf@state.mn.us>)

June 2018

The prime goal of employment projections is to provide details on projected job growth and employment prospects for 810 occupations in Minnesota. Projections of future job growth at the national, state, and substate level are widely used in career guidance, in planning education and training programs, and in workforce development efforts in the private and public sectors. Workforce development will be more important than ever in achieving a healthy economy in the future since slow labor force growth over the next decade is expected to keep the state's job picture extremely tight.

Changes in demand for goods and services, productivity advances, technological innovations, and shifts in business practices all combine to alter the mix of occupations that employers will be looking to fill over the next 10 years even with only moderate economic growth. The ongoing retirement of the Baby Boomers over the next 10 years will also heavily influence employment opportunities in Minnesota. Job openings arising from retirements and occupational transfers will be larger than job openings created by employment growth for most occupations.

Total jobs in Minnesota are projected to increase by 181,600 between 2016 and 2026, reaching over 3.2 million jobs by 2026 according to recently released 2016 – 2026 Minnesota employment projections.<sup>1</sup> The projected growth is about 28 percent higher than the previous decade (2006 – 2016) when the state added 128,300 jobs with most of the growth occurring from 2011 to 2016 as the state's job market rebounded from the Great Recession. Job expansion over the last 10 years was severely trimmed by steep job cutbacks experienced during the Great Recession in 2008 – 2010.

Job creation in the state over the next decade while stronger than the previous decade will not accelerate to match job growth two decades ago. The state add 280,000 jobs between 1996 and 2006 even with a mild recession in 2001. While no repeat of the Great Recession is expected during the next 10 years, economic expansion and job growth nationally and in Minnesota will be limited by slow labor force growth as the Baby Boomers continue to retire. Minnesota's labor force participation has inched up over the last few years but remains way below its 2000 peak of 75.4 percent. The state's labor force participation rate, 70.2 percent in 2017, may continue to inch up over the next few years if the job market continues to tighten but any increase will be minimal as the baby boom retirement limits any significant increase in the rate.

When Baby Boomers entered the labor force between 1964 and 1980, they replaced a much smaller older generation in the workforce thus generating robust labor force expansion. A steady increase in female labor force participation between 1960 and 2000 boosted labor force growth even higher before it flattened out in 2000. Since Millennial numbers are just slightly larger than Baby Boomers, labor force growth will be subdued as Millennials replace Baby Boomers in the labor force. Unless net immigration into the state increases significantly in the near future the state's labor force will record minimal growth between 2016 and 2026.

Projected jobs include wage and salary employment as well as self-employment with all jobs measured on an annual average basis. Projection employment plunged 4.8 percent between 2007 and 2010 with wage and salary jobs dropping 4.7 percent and self-employed jobs slipping by 6.9 percent. Wage and salary employment surpassed its 2007 peak in 2013, but self-employment continued to fall until 2014. Self-employed jobs were still 5.5 percent lower in 2016 when compared to 2007 while wage and salary jobs were 4.8 percent higher than in 2007. The breakdown of jobs showed that 6.6 percent of jobs in 2016 were self-employed as opposed to the 93.4 percent that were wage and salary jobs.

Job growth has averaged 1.5 percent since 2011 but is expected to decline gradually over the next 10 years to average just over 0.5 percent annually between 2016 and 2026. Most of the projected job expansion will occur over the next five years before tailing off during the second half of the decade as Baby Boomer retirements slow labor force growth and restrict job growth. The moderate job growth combined with slower labor force growth will continue to push Minnesota's unemployment down. Unemployment in the state is likely to fall below 3 percent for the first time since 1999 over the next few years unless a recession develops and demand for workers drops.

Minnesota's long-term industry and occupational employment projections (10-year timeframe) rely heavily on national industry and occupational employment projections produced by the U.S. Department of Labor's Bureau of Labor Statistics (BLS).<sup>2</sup> Minnesota, along with most other states, customizes national projections to reflect state specific industrial, occupational, and demographic traits. Historical employment trends for 290 industries in Minnesota are compared to corresponding national industry employment trends using statistical techniques. The models produced are used with BLS's projections of 2026 national industry employment to produce industry projections for Minnesota.

The key macroeconomic assumptions driving the 2016 – 2026 national industry projections are:

1. Gross Domestic Product (GDP) growth will average 2.0 percent annually during the 10-year period, up from the 1.5 percent annual average experienced during the previous decade, but slower than the 3.3 percent growth achieved between 1996 and 2006.
2. Productivity growth will increase slightly over the next 10 years, averaging 1.6 percent between 2016 and 2026 compared to the 1.5 percent average experienced between 2006 and 2016. The 1.6 percent annual productivity gain will be down from the 2.8 percent achieved between 1996 and 2006.
3. U.S. labor force growth will inch up over the next 10 years, averaging 0.6 percent a year compared to the 0.5 percent annual average of the previous 10 years. Labor force growth between 1996 and 2006 averaged 1.2 percent annually.
4. Unemployment will average 4.7 percent in 2026 or about the same as the 4.9 percent average in 2016 and the 4.6 percent average in 2006.

Projected industry employment is converted to occupational employment projections based on industry staffing patterns and the distribution of industry employment across occupations. Staffing patterns for Minnesota industries are developed from estimates of occupational employment collected through the Minnesota Wage and Salary Survey, which is a product of the Occupational Employment Statistics (OES) program.<sup>3</sup> Shifts in staffing patterns over the 2016 to 2026 period across industries are also projected as part of the BLS national projections. These shifts in staffing patterns are used in Minnesota's projections. The shifts project which occupations within an industry will be increasing or decreasing as a percent of total industrial employment.

A majority of occupations, 631 in all, will experience employment growth over the next 10 years in Minnesota. The expected expansion of healthcare services over the next decade is a prime example of how changes in the demand for goods and services fuel demand for particular occupations. As the Baby Boomer generation enters their senior years, demand for healthcare services will increase steadily. Increasing healthcare service expenditures will in turn boost the demand for workers in healthcare related jobs like registered nurses, pharmacists, dental assistants, personal care aides, and home health aides both nationally and in Minnesota.

Nineteen occupations are expected to see no change in the number of workers. These are small specialized occupations (less than 100 positions in 2016) that are employed in industries that are expected to experience little employment change. Slightly less than 20 percent of all occupations, 162 to be exact, are projected to decline. Seventy percent of the declining occupations, however, are projected to decline by 10 percent or less.

The 162 shrinking occupations combined accounted for roughly 683,000 jobs or 22 percent of all jobs in 2026. The number of jobs in these occupations is projected to tail off to 651,000 by 2026, an aggregated 7 percent drop. Declining occupations are concentrated in the production, office and administrative support, and management occupational groups. Almost all of the job loss in the managerial group is expected to be farmers, ranchers, and other agricultural managers which are included in the managerial occupation group. Minnesota farmers totaled 50,800 in 2016 and are projected to slip to 49,500 or a 2.7 percent decline over the next 10 years. Other occupations expected to see their numbers shrink the most over the next 10 years are team assemblers, executive secretaries, secretaries and administrative assistants, electrical and electronic equipment assemblers, and general office clerks.

Some occupations will decline as industries which employ workers in the declining occupations cut back their workforces. Electrical and electronic equipment assemblers is one such occupation. Continued reduction in Minnesota's computer and electronic product manufacturing is expected over the next 10 years, leading to a reduction in the number of electrical and electronic equipment assemblers (SOC 51-2022).

General office clerks, on the other hand, are employed across multiple industries yet are still expected to decline slightly with automation of some of their work. For example, in 2016 an estimated 3,030 office clerks (SOC 43-9061) were working in the real estate industry (NAICS 531), accounting for 11 percent of the 27,000 workers in the industry. While this industry is expected to increase employment to 28,600 by 2026, office clerk positions within the industry will drop to 2,780 in 2026. Office clerk positions in the real estate industry will shrink by 8 percent by 2026 even though real estate employment is expected to expand by 6 percent.

Minnesota's total employment is projected to climb 5.8 percent over the 2016 – 2026 period, compared to projected U.S. employment growth of 7.4 percent over the same time period. Minnesota's employment growth trailed the U.S. pace during the previous 10 years, 4.3 percent for the state compared to 4.7 percent nationwide.

Most of the predicted job growth will occur in the 415 occupations projected to grow faster than overall employment. These fast growing occupations are anticipated to add roughly 180,100 new positions. The 216 occupations that will expand below the overall job growth rate will add a combined 34,000 jobs. Nineteen occupations are expected to experience no change in numbers over the next 10 years. The other 162 occupations are expected to be declining occupations. The combined loss of shrinking occupations is

projected to be approximately 32,500, bringing net job growth to 181,600 jobs. So 180,100 jobs from fast growing occupations + 34,000 jobs from slower growing occupations - 32,500 jobs from shrinking occupations = 181,600.

Three major occupational groups will experience job growth twice the rate of overall job growth over the next 10 years – personal care and service, healthcare support, and healthcare practitioners and technical. Growth in the fastest growing occupational groups will be fueled by climbing senior citizen numbers and their increasing health care demand. Eleven of the 22 major occupational groups are expected to grow faster than average but not twice as fast. The other eight occupational groups are projected to expand slower than overall employment growth. Two of the groups – office and administrative support and production occupations – are expected to see their workforces shrink slightly, with office and administrative support jobs slipping by 0.8 percent and production jobs decreasing by 2.0 percent.

When the occupational aggregation scheme is combined into only 10 super groups then the state's two largest major occupational groups in 2016 – professional and related and service occupations – will add the most jobs in Minnesota from 2016 to 2026 (see Table 1 which lists projections for super occupational groups ranked by 2016 employment). These two super occupational groups, which tend to have occupations at the opposite ends of the educational attainment and earnings range, are projected to account for 71 percent of all net employment growth over the next 10 years, adding 129,000 new positions. Professional and service occupations accounted for 42.4 percent of all employment and are projected to account for 44 percent of 2026 employment.

	<b>Estimated 2016</b>	<b>Projected 2026</b>	<b>2016 - 2026 Numeric Change</b>	<b>2016 - 2026 Percent Change</b>
<b>Total Employment</b>	<b>3,097,300</b>	<b>3,278,900</b>	<b>181,600</b>	<b>5.9</b>
Professional and Related	679,070	739,780	60,710	8.9
Service	633,790	702,320	68,530	10.8
Office and Administrative Support	423,740	420,510	-3,230	-0.8
Management, Business, and Financial	413,540	441,690	28,150	6.8
Sales and Related	295,310	300,900	5,590	1.9
Production	224,790	220,280	-4,510	-2.0
Transportation and Material Moving	188,100	196,340	8,240	4.4
Construction and Extraction	119,140	129,150	10,010	8.4

Installation, Maintenance, and Repair	103,310	109,970	6,660	6.5
Farming, Fishing, and Forestry	16,510	17,960	1,450	8.8
<i>Source: DEED LMI Office Projections</i>				

Service occupations will not only be adding the most jobs over the next decade but will also be the fastest growing occupational group. Service occupations, fueled by rapidly climbing healthcare support jobs and personal care and service jobs, are anticipated to expand 10.8 percent, adding roughly 68,500 workers. Production occupations are anticipated to decline the most in both absolute and percent terms. Production jobs are projected to decline by 4,500 positions or by 2.0 percent as manufacturers continue to find ways to increase production with fewer workers.

The top 50 occupations in terms of the number of workers employed accounted for 50.3 percent of all state employment in 2016. The largest occupations range from retail salespersons (86,800 jobs) to executive secretary and administrative assistant (14,580 jobs). Employment growth in these large occupations will account for 51.5 percent of all job growth over the next decade. The net result is that the share of total employment accounted for by the 50 largest occupations (50.4 percent in 2026) will remain virtually unchanged over the next 10 years. Ten of the largest occupations are expected to see their workforce numbers shrink with team assemblers, executive secretaries and administrative assistants, secretaries and administrative secretaries, and office clerks anticipated to see the steepest declines.

The top 50 fastest growing occupations among occupations with employment of more than 500 workers in 2026 combined for 8.7 percent of the 2016 employment base but are anticipated to account for 35.4 percent of jobs created over the next 10 years. There are 526 occupations that employed more than 500 workers in 2016 and 286 occupations that employed below 500 workers. The 50 fastest expanding occupations are projected to grow on average by 20.4 percent or more than three times the anticipated overall job growth rate. The expected increases range from 39 percent for statisticians to 14.8 percent for production helpers.

As presented above, projected employment growth can be viewed from two perspectives – percent change and numerical change. Some occupations, which start with a large number of workers in 2016, are projected to grow slower than overall employment growth but will add a large number of workers by 2026. Other occupations, which have relatively small numbers of workers in 2016, are projected to grow rapidly over the next 10 years but will add relatively few new jobs. The distinction between occupations with fast employment growth and occupations expected to add the most jobs is apparent when the 50 fastest growing occupations (Table 2) are compared to the 50 occupations expected to add the most jobs (Table 3).

	<b>2016 - 2026 Percent Change</b>	<b>2016 - 2026 Numeric Change</b>
Statisticians	39.1	360

Personal Care Aides	33.6	22,980
Physician Assistants	30.9	610
Home Health Aides	30.7	7,850
Nurse Practitioners	27.8	990
Magnetic Resonance Imaging Technologists	26.2	190
Phlebotomists	26.2	500
Medical Assistants	25.3	2,480
Hazardous Materials Removal Workers	24.5	150
Software Developers, Applications	23.8	3,600
Information Security Analysts	23.8	880
Massage Therapists	22.6	820
Operations Research Analysts	22.4	590
Veterinary Technologists and Technicians	22.3	560
Earth Drillers, Except Oil and Gas	22.3	120
Therapists, All Other	21.8	120
Health Specialties Teachers, Postsecondary	20.8	680
Veterinarians	20.7	360
Septic Tank Servicers and Sewer Pipe Cleaners	20.7	150
Athletic Trainers	20.5	160
Diagnostic Medical Sonographers	20.5	330
Computer Numerically Controlled Machine Tool Programmers	20.2	150
Market Research Analysts and Marketing Specialists	20.1	2,840
Marriage and Family Therapists	19.9	220
Veterinary Assistants and Laboratory Animal Caretakers	19.9	210

Occupational Therapy Assistants	19.2	100
Physical Therapist Assistants	18.6	280
Medical and Health Services Managers	18.5	1,470
Nursing Instructors and Teachers, Postsecondary	18.4	250
Self-Enrichment Education Teachers	18.2	1,650
Physical Therapists	17.8	760
Personal Financial Advisors	17.4	910
Telecommunications Line Installers and Repairers	17.3	240
Environmental Science and Protection Technicians, Including Health	17.3	130
Appraisers and Assessors of Real Estate	17.1	440
Mental Health Counselors	16.8	740
Financial Managers	16.8	2,580
Building Cleaning Workers, All Other	16.5	110
Nurse Anesthetists	16.0	290
Ophthalmic Medical Technicians	15.9	150
Optometrists	15.7	120
Community Health Workers	15.5	220
Mental Health and Substance Abuse Social Workers	15.4	470
Coaches and Scouts	15.4	720
Surgeons	15.2	200
Medical Secretaries	15.1	1,780
Anesthesiologists	15.1	90
Health Technologists and Technicians, All Other	14.9	190
Preschool Teachers, Except Special Education	14.9	1,040

Helpers--Production Workers	14.8	1,590
<i>Source: DEED LMI Office Projections</i>		

**Table 3. Occupations Adding the Most Jobs**

	2016 - 2026 Percent Change	2016 - 2026 Numeric Change
Accountants and Auditors	9.4	2,830
Bus Drivers, School or Special Client	8.0	1,250
Business Operations Specialists, All Other	7.9	1,980
Carpenters	5.6	1,200
Childcare Workers	8.5	2,370
Combined Food Preparation and Serving Workers, Including Fast Food	12.0	7,980
Computer Systems Analysts	5.9	940
Construction Laborers	9.7	1,630
Cooks, Restaurant	7.2	1,830
Elementary School Teachers, Except Special Education	4.6	1,360
Financial Managers	16.8	2,580
General and Operations Managers	7.4	3,220
Hairdressers, Hairstylists, and Cosmetologists	6.9	1,090
Heavy and Tractor-Trailer Truck Drivers	6.4	2,460
Helpers--Production Workers	14.8	1,590
Home Health Aides	30.7	7,850
Industrial Engineers	10.8	940
Insurance Sales Agents	9.0	900

Janitors and Cleaners, Except Maids and Housekeeping Cleaners	8.2	3,990
Laborers and Freight, Stock, and Material Movers, Hand	5.5	2,130
Landscaping and Groundskeeping Workers	8.9	1,700
Lawyers	9.2	1,160
Licensed Practical and Licensed Vocational Nurses	12.3	2,180
Light Truck or Delivery Services Drivers	5.6	920
Maids and Housekeeping Cleaners	8.0	1,540
Maintenance and Repair Workers, General	6.9	1,610
Management Analysts	11.1	1,770
Managers, All Other	6.7	1,080
Market Research Analysts and Marketing Specialists	20.1	2,840
Medical and Health Services Managers	18.5	1,470
Medical Assistants	25.3	2,480
Medical Secretaries	15.1	1,780
Nurse Practitioners	27.8	990
Nursing Assistants	5.8	1,890
Operating Engineers and Other Construction Equipment Operators	8.9	890
Personal Care Aides	33.6	22,980
Personal Financial Advisors	17.4	910
Plumbers, Pipefitters, and Steamfitters	13.1	1,250
Preschool Teachers, Except Special Education	14.9	1,040
Receptionists and Information Clerks	5.2	960
Registered Nurses	11.1	7,250
Sales Representatives, Services, All Other	8.0	1,630

Sales Representatives, Wholesale and Manufacturing, Except Technical and Scientific Products	5.8	1,960
Secondary School Teachers, Except Special and Career/Technical Education	4.7	1,010
Self-Enrichment Education Teachers	18.2	1,650
Social and Human Service Assistants	8.2	1,230
Software Developers, Applications	23.8	3,600
Stock Clerks and Order Fillers	3.4	1,150
Teacher Assistants	6.7	2,210
Waiters and Waitresses	2.5	1,270
<i>Source: DEED LMI Office Projections</i>		

Only 13 occupations appear on both Top 50 lists. The combined job growth of these occupations is 51,800 jobs or 28.5 percent of total projected job growth. A large share of the new jobs expected in this group of occupations will be personal care aide positions.

The occupations are:

- Financial Managers
- Production Workers Helpers
- Home Health Aides
- Market Research Analysts and Marketing Specialists
- Medical and Health Services Managers
- Medical Assistants
- Medical Secretaries
- Nurse Practitioners
- Personal Care Aides
- Personal Financial Advisors
- Preschool Teachers, Except Special Education
- Self-Enrichment Education Teachers
- Software Developers, Applications

Job opportunities tend to be better in occupations that are growing, but new openings created by employment growth are a tiny part of the future job opportunities across occupations. The chance of scoring a job in a particular occupation also depends on how many workers are leaving the occupation and on how many job seekers are looking to enter that occupation. Job openings created by workers leaving the labor force or transferring to a different occupation will far exceed openings generated by employment growth.

Over the 10 year projection period, openings generated by employment growth are projected to be around 181,600. Openings generated by workers exiting the labor force, primarily through retirement, are projected to be around 1,480,000. Job openings from workers transferring from one occupation to another will surpass exit openings with 1,950,300 occupational transfers anticipated over the decade. Only 5 percent of job openings over the next 10 years are expected to arise from employment growth.

Table 4 lists the 20 occupations expected to have the most openings over the decade. Even occupations that are anticipated to experience decline during the next 10 years will have thousands of exit and transfer openings. For example, the number of workers employed as bookkeeping, accounting, and auditing clerks in Minnesota is projected to decline by 1,010 as technological change and automation reduce the demand for workers in this occupation.

Some of the 35,930 individuals working as bookkeeping, accounting, and auditing clerks in 2016 will still be working in that occupation in 2026 but many others will have retired or transferred to another occupation over the next 10 years thereby creating labor market exit and occupational transfer openings for bookkeepers, accounting, and auditing clerks. Over the 10 years 21,940 bookkeeping, accounting, and auditing clerks are expected to retire or leave the labor force for other reasons thereby creating openings in the occupation. Another 17,020 openings are expected to be generated by bookkeeping, accounting, and auditing clerks who take another job in different occupations. Even though the number of bookkeeping, accounting, and auditing clerks is expected to fall from 35,930 in 2016 to 34,920 in 2026, there will be a need for 37,950 workers to fill the openings in this occupation created by labor force exits and occupational transferring.

Looking at labor force exits and occupational separations on an annual average basis provides another way of understanding the job churning that occurs in Minnesota's job market. Each year roughly 2,200 workers leave their bookkeeping, accounting, and auditing clerk job by exiting the labor force while another 1,700 workers leave the occupation taking another job in a different occupation. That translates into about 11 percent of bookkeeping, accounting, and auditing clerks turning over each year.

The occupational turnover rate created from occupational separation openings (labor force exit and occupational transfer openings) for bookkeeping, accounting, and auditing clerks is about average among Minnesota's 810 occupations. Occupations that require extended years of education, like doctors and lawyers, have low occupational separation rates as few doctors or lawyers transfer out of their professions into some other occupation. The occupational turnover or separation rate for surgeons is 2.8 percent and 4.3 percent for lawyers.

Occupations with high occupational separation rates tend to be jobs that require little training, are low paying, and usually considered entry level jobs. The jobs grouped together in the lifeguards, ski patrol, and other recreational protective service occupation have an occupational separation rate of 25 percent. That means that from one year to the next 25 percent of this occupation's workforce moves on either exiting the labor force or taking another job in a new occupation. Other occupations with high numbers of occupational separation openings include: cashiers, waiters and waitresses, combined food preparation and serving workers, counter attendants at food places, amusement and recreation attendants, and ushers, lobby attendants, and ticket takers.

As shown at the top of Table 4 the 181,600 new jobs that are expected to be created over the next 10 years are only a small percent (5 percent) of the projected total job openings. The other 95 percent of job openings will be split between openings created by labor market exits (41 percent of all openings) and occupational transfers (54 percent). During each year between 2016 and 2026 roughly 4.7 percent of all

jobs will need a replacement worker from labor market exits and another 6.3 percent of jobs will need a replacement worker from occupational transfers. When exploring career options using 2016-2026 employment projections, it is important to consider both employment growth generated openings and projected job openings created by labor force exits and occupational transfers.

	<b>2016 Employment</b>	<b>Job Openings from Employment Growth 2016 - 2026</b>	<b>Job Openings from Labor Market Exits 2016 - 2026</b>	<b>Job Openings from Occupational Transfers 2016 - 2026</b>	<b>Total Job Openings 2016 - 2026</b>
Total Employment	3,097,300	181,600	1,480,000	1,950,300	3,611,900
Combined Food Preparation and Serving Workers, Including Fast Food	66,730	7,980	62,630	65,500	136,110
Personal Care Aides	68,410	22,980	63,770	48,040	134,790
Retail Salespersons	86,820	-850	54,700	68,560	122,410
Cashiers	64,170	-260	60,120	58,680	118,540
Waiters and Waitresses	50,540	1,270	37,880	58,040	97,190
Customer Service Representatives	57,600	400	29,550	43,360	73,310
Janitors and Cleaners, Except Maids and Housekeeping Cleaners	48,830	3,990	33,080	31,970	69,040
Office Clerks, General	57,500	-1,370	33,340	32,480	64,450
Laborers and Freight, Stock, and Material Movers, Hand	38,660	2,130	19,680	33,960	55,770
Heavy and Tractor-Trailer Truck Drivers	38,400	2,460	16,800	24,890	44,150
Stock Clerks and Order Fillers	33,540	1,150	18,630	24,310	44,090
Childcare Workers	27,760	2,370	23,630	17,930	43,930
Registered Nurses	65,410	7,250	19,770	15,010	42,030

Home Health Aides	25,600	7,850	17,940	14,920	40,710
General and Operations Managers	43,540	3,220	9,360	26,930	39,510
Nursing Assistants	32,660	1,890	20,410	16,980	39,280
Cooks, Restaurant	25,610	1,830	15,540	21,220	38,600
Bookkeeping, Accounting, and Auditing Clerks	35,930	-1,010	21,940	17,020	37,950
Sales Representatives, Wholesale and Manufacturing, Except Technical and Scientific Products	33,950	1,960	11,530	23,400	36,880
Teacher Assistants	32,810	2,210	18,610	15,470	36,290
<i>Source: DEED LMI Office Projections</i>					

<sup>1</sup> Detailed 2016 – 2026 occupational and industry employment projections for Minnesota can be found at [mn.gov/deed/data/data-tools/employment-outlook/](http://mn.gov/deed/data/data-tools/employment-outlook/) ([/deed/data/data-tools/employment-outlook/index.jsp](http://deed/data/data-tools/employment-outlook/index.jsp)).

<sup>2</sup> The BLS's main projection website is [www.bls.gov/emp/](http://www.bls.gov/emp/). Projections for all states are available at [www.projectionscentral.com/Projections/LongTerm](http://www.projectionscentral.com/Projections/LongTerm) (<http://www.projectionscentral.com/Projections/LongTerm>).

<sup>3</sup> Information on the Minnesota Wage and Salary Survey is available at [mn.gov/deed/data/data-tools/oes/](http://mn.gov/deed/data/data-tools/oes/). A condensed 2026 Minnesota staffing pattern matrix (810 occupations across 30 aggregated industries) is available at [mn.gov/deed/data/data-tools/occupational-staffing/](http://mn.gov/deed/data/data-tools/occupational-staffing/) ([/deed/data/data-tools/occupational-staffing/index.jsp](http://deed/data/data-tools/occupational-staffing/index.jsp)).



# OCCUPATIONAL OUTLOOK HANDBOOK

Occupational Outlook Handbook > Construction and Extraction >

## Plumbers, Pipefitters, and Steamfitters

[EN ESPAÑOL](#) [PRINTER-FRIENDLY](#)

- Summary**
- What They Do
- Work Environment
- How to Become One
- Pay
- Job Outlook
- State & Area Data
- Similar Occupations
- More Info

### Summary

Quick Facts: Plumbers, Pipefitters, and Steamfitters	
<b>2017 Median Pay</b>	\$52,590 per year \$25.28 per hour
<b>Typical Entry-Level Education</b>	High school diploma or equivalent
<b>Work Experience in a Related Occupation</b>	None
<b>On-the-job Training</b>	Apprenticeship
<b>Number of Jobs, 2016</b>	480,600
<b>Job Outlook, 2016-26</b>	16% (Much faster than average)
<b>Employment Change, 2016-26</b>	75,200



#### What Plumbers, Pipefitters, and Steamfitters Do

Plumbers, pipefitters, and steamfitters install and repair pipes that carry liquids or gases to, from, and within businesses, homes, and factories.

#### Work Environment

Plumbers, pipefitters, and steamfitters work in factories, homes, businesses, and other places where there are pipes or septic systems. Plumbers are often on call for emergencies, so evening and weekend work is common.

#### How to Become a Plumber, Pipefitter, or Steamfitter

Although most plumbers, pipefitters, and steamfitters learn on the job through an apprenticeship, some start out by attending a technical school. Most states and localities require plumbers to be licensed.

#### Pay

The median annual wage for plumbers, pipefitters, and steamfitters was \$52,590 in May 2017.

#### Job Outlook

Employment of plumbers, pipefitters, and steamfitters is projected to grow 16 percent from 2016 to 2026, much faster than the average for all occupations. New construction and building maintenance and repair should drive demand for these workers, and overall job opportunities are expected to be good.

#### State & Area Data

Explore resources for employment and wages by state and area for plumbers, pipefitters, and steamfitters.

#### Similar Occupations

Compare the job duties, education, job growth, and pay of plumbers, pipefitters, and steamfitters with similar occupations.

#### More Information, Including Links to O\*NET

Learn more about plumbers, pipefitters, and steamfitters by visiting additional resources, including O\*NET, a source on key characteristics of workers and occupations.

[What They Do ->](#)

#### SUGGESTED CITATION:

Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Outlook Handbook*, Plumbers, Pipefitters, and Steamfitters, on the Internet at <https://www.bls.gov/ooh/construction-and-extraction/plumbers-pipefitters-and-steamfitters.htm> (visited January 07, 2019).

**Last Modified Date:** Wednesday, July 25, 2018

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U.S. Bureau of Labor Statistics | Office of Occupational Statistics and Employment Projections, PSB Suite 2135, 2 Massachusetts Avenue, NE Washington, DC 20212-0001  
[www.bls.gov/ooh](http://www.bls.gov/ooh) | Telephone: 1-202-691-5700 | [Contact OOH](#)

LOCAL

# Shortage of skilled workers squeezing Twin Cities builders

Jobs drained by recession are back, with no one to fill them

By Nicole Norfleet (<http://www.startribune.com/nicole-norfleet/101685423/>) and Jim Buchta (<http://www.startribune.com/jim-buchta/10644536/>) Star Tribune staff writers

JULY 5, 2017 — 2:10PM

Kevin Yakes spends so much time trying to keep his Golden Valley construction firm staffed, he sometimes feels like a full-time recruiter. During a recent family getaway in Florida, Yakes hopped in the car and drove more than an hour to have beers with a refrigeration technician he wanted to attract to Minnesota.

“It’s like dating,” Yakes said. “I’ve never, ever, had such a hard time trying to find people.”

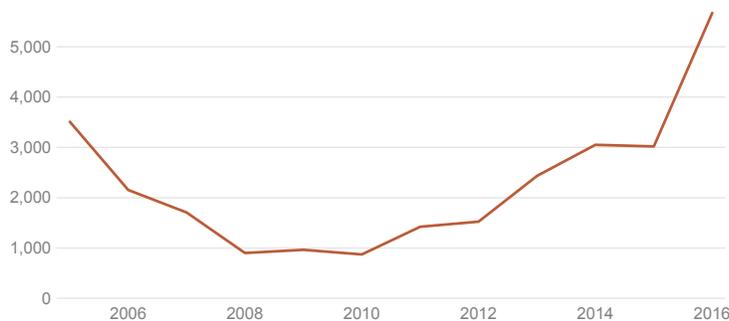
Nearly a decade after the U.S. economy collapsed and construction workers fled the industry, Twin Cities builders and contractors are in the midst of one of their busiest years. But a shortage of skilled workers means that new projects — from modest office renovations to soaring new apartment towers — are costing more and taking longer to complete. The situation has contributed to a housing shortage in the region.

Even last year’s completion of U.S. Bank Stadium, a project that kept thousands of workers busy for nearly three years, hasn’t fully replenished the pool of construction help. “We have more work than we know what to do with,” said Robert Heise, president of the Minnesota-North Dakota chapter of Associated Builders and Contractors.

As of May, there were more than 125,000 construction workers in Minnesota, the most for that month since 2006. And the latest tally of construction job openings was the highest in at least a decade. Electricians, carpenters and plumbers are among the most scarce.

## Construction job openings soar in Minnesota

Because so many skilled tradesmen left the industry during the recession, the construction industry is one of the most short-staffed employment sectors in the state.



Source: Minnesota Department of Employment and Economic Development // By C.J. Sinner, Star Tribune • Created with [Datawrapper](#)

Labor leaders say the industry has struggled to attract young people to replenish the pool of workers drained by the 2008-2009 recession, even though construction jobs pay above-average wages and most require just a high school diploma.

One reason for that, says Tim Worke, chief executive of the Associated General Contractors of Minnesota, is that vocational training has been devalued. “Everyone has been told that you have to have a four-year degree to be prosperous at life,” Worke said.



DAVID JOLES — STAR TRIBUNE

Vasily Chobanu, front, and Andrey Gubceai, trowel joint compound onto walls at an office remodel for Adhesive Systems Technology in

But it's a fine line, he added, because the old notion that construction is a field only for those with a "strong back and a strong body" isn't the case anymore. The work is more technical and workers need advanced training, Worke said.

James Mahler, a 35-year-old project manager for River City Tile & Underlayment in Chanhassen, joined the trades at age 19. "College was never something that appealed to me," he said. "I was eager to begin working and making my own career path."

In the recession, as others fled the industry, he stayed the course and is glad he did. He has never been without work and has been able to pick and choose jobs.

"We make extremely good money, work reasonable hours, get to be active and build actual communities within the Twin Cities," he said. "I want young people to realize that it is not a step down to go into construction."

With costs and job openings on the rise, the industry is getting more creative. This summer a consortium of industry groups will launch one of its most comprehensive efforts yet to help fill jobs: Project Build Minnesota, a marketing campaign aimed at "making construction sexy again," said David Siegel, executive director of the Builders Association of the Twin Cities. The goal is to sweep as many trainees into both union and nonunion jobs. The consortium plans to raise \$800,000.

Earlier this year, a collective of labor unions launched its own PR campaign dubbed Elevate Minnesota to promote union construction jobs.

A third group called the Twin Cities Construction Sector Initiative, which includes the Associated General Contractors, the Minnesota Building Trades Council, educational institutions and other stakeholders, is taking a higher-level look at workforce needs. That group hopes to roll out a multiyear plan by end of the summer.

Until those efforts gel, the effects of the tight labor market are rippling through Twin Cities property markets.

Commercial construction costs are increasing two to five times the rate of inflation, local analysts say. Jim Durda, executive vice president of the local office of Zeller Realty Group, which manages the Fifth Street Towers and LaSalle Plaza in Minneapolis, said that 10 years ago it might have cost \$25 per square foot to build out or remodel a commercial space. Today, it's \$35 to \$50 per square foot, partly because of labor costs.

Such increases can be even more detrimental for new buildings, which employ hundreds of workers from many trades. Last month, plans to build a Hy-Vee store in White Bear Lake were scuttled. High labor costs contributed to the decision not to build, according to both John Johannson, a manager in the local development company on the project, and Tara Deering-Hansen, a spokeswoman at Hy-Vee's Des Moines headquarters.

Homebuilders are facing similar issues. Some builders have painted "help wanted" and phone referral numbers on their trucks.

Two weeks before the start of a luxury house tour in the Twin Cities, Scott Busyn and several other custom homebuilders were scrambling to finish in time for it. Busyn paid overtime and offered other perks to discourage subcontractors from jumping ship to work with other companies.

At CPM Cos., one of the biggest apartment developers in the Twin Cities, the situation is making it difficult to finish buildings on time.

Construction manager Troy Wenck of Reuter Walton Commercial said that he's spending valuable time trying to recruit employees, and the company has had to turn away projects.

Mark Scherer, an owner of the one of the largest lumberyards and truss-building plants in the region, has managed to keep his staffing levels steady by regularly raising wages. At a plant in Albertville, he gave workers a nearly \$1 an hour raise last fall. "That seemed to take care of the problem," he said.



DAVID JOLES &#x2022; DAVID.JOLES@STARTRIBUNE.COM

Construction workers on a remodeling job for Adhesive Systems Technology in Brooklyn Center troweled joint compound onto freshly sheet-rocked walls.

He hasn't, however, been able to solve a more serious problem: Timing. He said it normally takes 90 days to build a house, but it's now taking 120 to 180 days in some cases.

Houses are also more expensive. Scherer said an upscale house used to cost \$175 per square foot, but increases in labor and other inputs means the price is now \$250 to north of \$300 per square foot.

For Yakes, the chief executive of Summit Commercial Facilities Group, a fix couldn't come soon enough.

He has a handful of openings to add to his current staff of 30 — and he wasn't able to persuade the Florida technician he met for drinks to join his company.

"It is a whole lot of work," Yakes said. "You just always have to be ready to hire that next top talent."

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**Nicole Norfleet** covers commercial real estate along with professional services, including the Twin Cities' thriving marketing, accounting, and legal communities.

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**Jim Buchta** has covered real estate for the Star Tribune for several years. He also has covered energy, small business, consumer affairs and travel.

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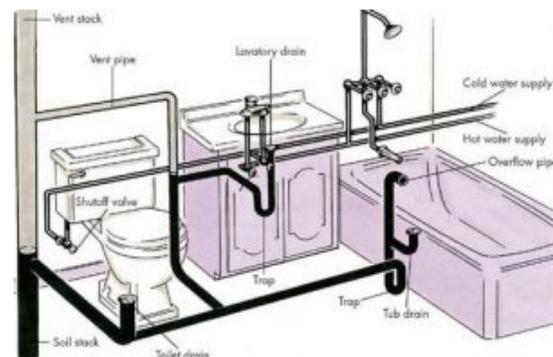
August 28, 2018 – Tuesday – Hibbing

**August 28@7:30 am-4:30 pm** \$50 - \$150

Check-in will be open for 30 minutes prior to the start of class.

Pre-registration is required! If you would like assistance with your registration or if you have questions regarding class offerings, please email us at [signup@metrotesting.com](mailto:signup@metrotesting.com) or call Gary at 612-221-5481.

\* This is the first of two classes offered at this location. For information on the second class, please [click here](#) or use the “city” filter located under the map of MN. The content of the second class is different than the first class.



#### **Class Schedule:**

- 8am – 10am : Code Interpretation Drawings (2 hours technical)
- 10am – 12pm : Horizontal Wet Venting For Bathroom Groups (first 2 hours of code class section)
- 12pm – 12:30pm : Lunch – Provided
- 12:30pm – 4:30pm : Horizontal Wet Venting For Bathroom Groups (remaining 4 hours of code class section)

**NOTE: Registration will be closed by 12 noon one business day before class.**

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**\*You are required to bring the 2015 MN Plumbing Code Book with you to class\*\*** 2015 MN Plumbing Code Book is available at MN Bookstore Call 651.297.3000 or available online at: <http://www.comm.media.state.mn.us/bookstore/mnbookstore.asp?page=viewbook&BookID=67911>

**Tickets**

0 18 available	Horizontal Wet Venting For Bathroom Groups and Code Interpretation Drawings	<b>\$150.00</b>	This is an 8 hour class which will be taught from 8am-4:30pm and provide the student with 6 hours of code and 2 of technical.
0 5 available	Horizontal Wet Venting For Bathroom Groups	<b>\$125.00</b>	This is a 6 hour code class that will be taught from 10am-4:30.
0 5 available	Code Interpretation Drawings (8am-10am)	<b>\$50.00</b>	This is a 2 hour class of technical knowledge which will be taught from 8am-10am.

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<p><b>Details</b></p> <p><b>Date:</b> August 28</p> <p><b>Time:</b> 7:30 am-4:30 pm</p> <p><b>Cost:</b> \$50 - \$150</p> <p><b>Class Category:</b> <a href="#">MN Plumbing CE</a></p>	<p><b>Organizer</b></p> <p><a href="#">Gary Ford</a></p> <p><b>Phone:</b> (612) 221-5481</p> <p><b>Email:</b> <a href="mailto:signup@metrotesting.com">signup@metrotesting.com</a></p> <p><b>Website:</b> <a href="http://www.metrotesting.net">www.metrotesting.net</a></p>
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<p><b>Venue</b></p> <p><a href="#">Hibbing Memorial Building</a></p> <p>400 E 23rd St Hibbing, MN 55746 + <a href="#">Google Map</a></p>	
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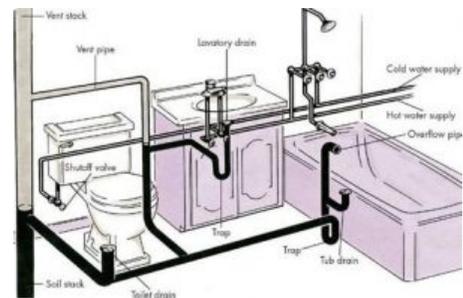
## September 5, 2018 – Wednesday – Eagan

**September 5@7:30 am-4:30 pm** \$50 - \$150

Check-in will be open for 30 minutes prior to the start of class.

Pre-registration is required! If you would like assistance with your registration or if you have questions regarding class offerings, please email us at [signup@metrotesting.com](mailto:signup@metrotesting.com) or call Gary at 612-221-5481.

\* This is the first of two classes offered at this location. For information on the second class, please [click here](#) or use the “city” filter located under the map of MN. The content of the second class is different than the first class.



### Class Schedule:

- 8am – 10am : Code Interpretation Drawings (2 hours technical)
- 10am – 12pm : Horizontal Wet Venting For Bathroom Groups (first 2 hours of code class section)
- 12pm – 12:30pm : Lunch – Provided
- 12:30pm – 4:30pm : Horizontal Wet Venting For Bathroom Groups (remaining 4 hours of code class section)

**NOTE: Registration will be closed by 12 noon one business day before class.**

**\*You are required to bring the 2015 MN Plumbing Code Book with you to class\*\*** 2015 MN Plumbing Code Book is available at MN Bookstore Call 651.297.3000 or available online at: <http://www.comm.media.state.mn.us/bookstore/mnbookstore.asp?page=viewbook&BookID=67911>

### Tickets

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Code Interpretation Drawings (8am-10am)

\$50.00

This is a 2 hour class of technical knowledge which will be taught from 8am-10am.

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**Time:**  
7:30 am-4:30 pm  
**Cost:**  
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**Class Category:**  
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**Organizer**

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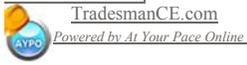
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## CE Requirements to Renew a MN Electrical License



**2017 NEC - Changes to Chapter 3. 8. & 9 - Wiring Methods & Materials - Communication - Tables**

2 Hour Course

\$ 36.00

This 2 hour course is designed to help you meet your continuing education requirements by covering changes made to Chapters 3, 8, & 9 of the 2017 NEC. The course has been approved by the State of Minnesota and will be reviewing code for the following subjects, wiring methods & materials, communication systems, and informative annexes.

[Add to Cart More](#) 4.4 177 Reviews**MN 8 Hour PLT NEC 2017 Part 1**

8 Hour Course

\$ 144.00

This 8 hour Minnesota **Power Limited Technician** Electrician continuing education package covers significant changes to the 2017 National Electrical Code. This course includes:

- Changes to 2017 NEC
- High definition videos
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8 Hour Course

\$ 144.00

This 8 hour Minnesota **Power Limited Technician** Electrician continuing education package covers significant changes to the 2017 National Electrical Code. This course includes:

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- Interactive review quizzes
- Detailed comparisons between the 2014 and 2017 NEC
- Certificate of Completion

[Add to Cart More](#) 4.6 10 Reviews**2017 NEC - Changes to Chapter 7 - Special Conditions**

2 Hour Course

\$ 36.00

This 2 hour course is designed to help you meet your continuing education requirements by covering changes made to Chapter 7 of the 2017 NEC. The course has been approved by the State of Minnesota and will be reviewing code for the following subject - Special Conditions.

[Add to Cart More](#) 4.4 74 Reviews**MN 8 Hour 2017 NEC Package Chapters 1, 4 & 6**

8 Hour Course

\$ 144.00

This course is designed to meet your continuing education requirements by covering changes made to Chapters 1, 4 & 6 of the 2017 NEC. The course has been approved by the Minnesota Board of Electrical Contractors and will be reviewing code for the following subjects, the code review process, code wide changes, new articles, the requirements for electrical installations, special equipment, and equipment for general use.

[Add to Cart More](#) 4.5 43 Reviews

**2017 NEC - Change to Chapter 6 - Special Equipment**

4 Hour Course \$ 72.00

This 4 hour course is designed to help you meet your continuing education requirements by covering changes made to Chapter 6 of the 2017 NEC. The course has been approved by the State of Minnesota and will be reviewing code for the following subject - Special Equipment.

[Add to Cart More](#) 4.9 11 Reviews**2017 NEC - Change to Chapter 5 - Special Occupancies**

3 Hour Course \$ 54.00

This 3 hour course is designed to help you meet your continuing education requirements by covering changes made to Chapter 5 of the 2017 NEC. The course has been approved by the State of Minnesota and will be reviewing code for the following subject - Special Occupancies.

[Add to Cart More](#)**2017 NEC - Changes to Chapter 4 - Equipment for General Use**

3 Hour Course \$ 54.00

This 3 hour course is designed to help you meet your continuing education requirements by covering changes made to Chapter 4 of the 2017 NEC. The course has been approved by the State of Minnesota and will be reviewing code for the following subject - Equipment for General Use.

[Add to Cart More](#) 4.1 12 Reviews**2017 NEC - An Introduction to the Class & Changes to Chapter 1 - General**

1 Hour Course \$ 18.00

This 1 hour course is designed to help you meet your continuing education requirements by covering changes made to Chapter 1 of the 2017 NEC. The course has been approved by the State of Minnesota and will be reviewing code for the following subjects, the code review process, code wide changes, new articles, and the requirements for electrical installations.

[Add to Cart More](#) 4.3 23 Reviews**Minnesota State Approval Letters****MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY****CONSTRUCTION CODES AND LICENSING LICENSING AND CERTIFICATION SERVICES**443 Lafayette Road N. • St. Paul, MN 55155 Phone: (651) 284-5012 • 1-800-657-3944 dli.license@state.mn.us • [www.dli.mn.gov/cclcd.asp](http://www.dli.mn.gov/cclcd.asp)

May 2, 2017

**At Your Pace Online LLC****1383 2nd Avenue****Gold Hill, OR 97525**

RE: Course Approval Registration

Your application for continuing education entitled **1 ATTEMPT 2017 NEC REVIEW: CHAPTER 1** has been approved with a course program id number 20170228 and approved until May 1, 2020.

R-04365 194

Code/Energy Hours: 1.00 Other Hours: 0.00

This course is approved for **Electrical**.

Your application for continuing education entitled **1 ATTEMPT 2017 NEC REVIEW: CHAPTER 2** has been approved with a course program id number 20170229 and approved until May 1, 2020.

Code/Energy Hours: 2.00 Other Hours: 0.00

This course is approved for **Electrical**.

Your application for continuing education entitled **1 ATTEMPT 2017 NEC REVIEW: CHAPTERS 3, 8, & 9** has been approved with a course program id number 20170230 and approved until May 1, 2020.

Code/Energy Hours: 2.00 Other Hours: 0.00

This course is approved for **Electrical**.

Your application for continuing education entitled **1 ATTEMPT 2017 REVIEW: CHAPTER 4** has been approved with a course program id number 20170231 and approved until May 1, 2020.

Code/Energy Hours: 3.00 Other Hours: 0.00

This course is approved for **Electrical**.

Your application for continuing education entitled **1 ATTEMPT 2017 NEC REVIEW: CHAPTER 5** has been approved with a course program id number 20170232 and approved until May 1, 2020.

Code/Energy Hours: 3.00 Other Hours: 0.00

This course is approved for **Electrical**.

Your application for continuing education entitled **1 ATTEMPT 2017 NEC REVIEW: CHAPTER 6** has been approved with a course program id number 20170233 and approved until May 1, 2020.

Code/Energy Hours: 4.00 Other Hours: 0.00

This course is approved for **Electrical**.

Your application for continuing education entitled **1 ATTEMPT 2017 NEC REVIEW: CHAPTER 7** has been approved with a course program id number 20170234 and approved until May 1, 2020.

Code/Energy Hours: 2.00 Other Hours: 0.00

This course is approved for **Electrical**.

If you have further questions, please contact Josephine Steinhoff at 651-284-5034.

Sincerely,

Licensing and Certification Services

Construction Codes and Licensing Division

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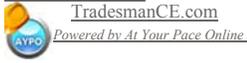
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Home Plumbing Minnesota

# Minnesota Plumbing Continuing Education

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Our Minnesota plumber continuing education course is approved by the Montana Department of Labor & Industry to help satisfy your CE requirements (Provider ID #

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We are proud to offer the first online continuing education class approved by the Minnesota DLI for plumbers. Our course can be completed At Your Pace Online to help you meet the state's requirements to maintain your license. Once you finish your class, you will have an official certificate of completion to save for your records, and we will report your course completion to the state for you.

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## CE Requirements to Renew a MN Plumber License

- The MN DLI requires plumbers to obtain 16 hours of continuing education before license renewal.
- Master Plumbers, Restricted Master Plumbers, Journeyman Plumbers and Restricted Journeyman Plumbers need 12 hours of Code/Law Credit and 4 hours of Other Related credit.
- Currently only 4 of the 16 hours can be taken online.
- Your license type will dictate when you must renew your license:
  - Journeyman & Restricted Journeyman Plumbers must complete their CE and renew by December 31st of odd-numbered years.
  - Master & Restricted Master Plumbers must complete their CE and renew by December 31st of even-numbered years.



### MN 4Hr UPC Plumbing Course

4 Hour Course      \$ 80.00

This class will satisfy 4 of the required Code hours for your CE requirements.

This course includes 4 hours of code change review between the 2009 UPC and 2012 UPC. It begins with a history of the UPC and then moves into the changes between the two editions.

Course ID: 20160422

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## Upcoming Continuing Education Sessions

Our courses are designed for both full and partial attendance. If you only need a couple hours of code or technical/other, we can accommodate you! Please contact Scott for more information regarding start times for partial days.

Lunch will be provided.

Registered Unlicensed Plumbers and apprentices are welcome to attend for \$39. Registration is required.

To sign up for a session, click the day you wish to attend.

If none of the current dates or locations work for you, call Ruth at 701-238-4245 or Scott at 701-238-9816.

**CANCELLATION POLICY:** If you need to cancel your enrollment, you will need to notify us prior to the start of class. You can do this by calling Scott at 701-238-9816 or Ruth at 701-238-4245. If we are unable to answer, please leave a voicemail. You may choose to either have your fee refunded or enroll in another training session. If you don't notify us by the start of class and don't show up, you may enroll in another training session within the next 2 months and the fee will be applied to that class.

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Last Name \*

Address \*

Address 2

City \*

State \*

Zip \*

Phone Number \*

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Additional Email Address

## Licenses

License Number \*

Other license to be credited with continuing education:

Additional License Number

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### Training

#### Hours

- 8 hour training - \$129  
 6 hour training - \$109  
 4 hour training - \$89  
 2 hour training - \$69  
 Registered Unlicensed Plumbers and Apprentices - \$39

Training needed (select all that apply)

- 2 Tech  2 Code  4 Code

Please check at least one 'training needed' option.

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-  Do you need a code book? \$120.00

The code book is handed on site on the day of the class. It will not be delivered by mail.  I understand.

---

### Payment Information

TOTAL

\$129.00

8 hour training

\$129.00

Code Book

\$120.00

Credit Card Number

Month (MM)

Year (YYYY)

CVC

### Course Details

Alexandria, MN

Jan 17, 2019 — Thu at 8:00 AM

The technical portion is from 8:00 a.m. to 10:00 a.m., the 2-hour code portion is from 10:00 a.m. to noon, and the 4-hour code portion is from 12:30 p.m. to 4:30 p.m. Lunch will be provided.

Registration opens 30 minutes before we begin. This session includes 2 hours of technical/other and 6 hours of code review as required by the State of Minnesota. These are state-approved courses. Every class is open for both journeyman and master plumbers. Apprentices are also welcome for a nominal fee.

### Location Information

Broadway Ballroom  
115 30th Avenue East  
Alexandria, MN 56308

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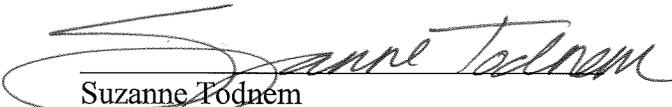
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**Minnesota Plumbing Board**

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REASONABLENESS TO THE LEGISLATIVE REFERENCE LIBRARY**

**Proposed Rules Governing Plumber Licensing and Apprentice Registration, Minnesota  
Rules, chapter 4716; Revisor's ID Number R-04365**

I certify that on November 21, 2018, when the Dual Notice was mailed, I submitted an electronic copy of the Statement of Need and Reasonableness to the Legislative Reference Library via email to sonars@lrl.leg.mn. I mailed this copy to comply with Minnesota Statutes, sections 14.131 and 14.23. A copy of the email and cover letter are attached to this Certificate.

  
Suzanne Todnem  
Attorney to the Board

**From:** [Todnem, Suzanne \(DLI\)](#)  
**To:** [sonars@rl.leg.mn](mailto:sonars@rl.leg.mn)  
**Subject:** Plumbing Board SONAR attached  
**Date:** Wednesday, November 21, 2018 10:33:00 AM  
**Attachments:** [Letter to Leg Ref Library Signed 11.21.18.pdf](#)  
[4716 R04365 SONAR FINAL signed 11.13.18.pdf](#)  
[image001.png](#)

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Dear Librarian,

Please see the attached letter and Statement of Need and Reasonableness.

Thank you,  
Suzanne

**Suzanne Todnem**

General Counsel | Office of General Counsel

**Minnesota Department of Labor and Industry**

443 Lafayette Road N., St. Paul, MN 55155

Phone: (651) 284-5851 | Web: [www.dli.mn.gov](http://www.dli.mn.gov)



November 21, 2018

SENT VIA E-MAIL

Legislative Reference Library  
[sonars@lrl.leg.mn](mailto:sonars@lrl.leg.mn)

Re: In The Matter of the Proposed Rules of the Plumbing Board Governing Plumber Licensing and Apprentice Registration; Revisor's ID Number R-04365

Dear Librarian:

The Minnesota Plumbing Board ("Board") intends to adopt rules governing plumber licensing and registration, Minnesota Rules, chapter 4716. The Board plans to publish a Dual Notice in the November 26, 2018, *State Register*.

The Board has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Board is sending the Library an electronic copy of the Statement of Need and Reasonableness at the same time we are mailing our Notice of Intent to Adopt Rules.

If you have questions, please contact me at 651.284.5851 or email me at [Suzanne.todnem@state.mn.us](mailto:Suzanne.todnem@state.mn.us).

Yours very truly,



Suzanne Todnem  
Attorney to the Board

Attachment: Statement of Need and Reasonableness

## Minnesota Plumbing Board

### STATEMENT OF NEED AND REASONABLENESS

#### Proposed Amendment to Rules Governing Plumber Licensing, Minnesota Rules, chapter 4716; Revisor's ID Number R-04365

#### INTRODUCTION

The Minnesota Plumbing Board (“Board”) intends to adopt rules regulating the registration of unlicensed individuals who perform water conditioning installation, registration of unlicensed individuals who perform plumbing, examination and licensing of both plumbers and water conditioners, and continuing education requirements for licensed individuals and registered unlicensed individuals.

In 2017, the Minnesota Legislature granted the Board rulemaking authority over a new category of registered unlicensed individuals who perform water conditioning installation and authorized the Board to adopt rules for the registration of these unlicensed individuals.<sup>1</sup> Additionally, the Minnesota Legislature newly granted the Board authority to regulate continuing education requirements for all registered unlicensed individuals.<sup>2</sup>

There are two notable changes in the proposed rule amendments. First, the Board’s proposed amendments provide the requirements for the registration of unlicensed water conditioners (registration of unlicensed plumbers is already in rule). The Board anticipates that some registered unlicensed individuals will apply their work experience to pursue licensure while some registered unlicensed individuals will not. The proposed rules facilitate the Department’s tracking of individuals’ work experience to determine when individuals have obtained sufficient experience to qualify them to take the appropriate licensing exam. Second, the proposed rules require minimal continuing education hours for registered unlicensed individuals to ensure they stay current with industry and Plumbing Code changes.

The Board published a Request for Comments on October 30, 2017. In response to the Request for Comments, the Board received one comment that requested that the Board support legislation that would change the licensing requirements for backflow prevention assembly rebuilders in Minnesota. The Board received 61 comments about the continuing education requirements for registered unlicensed plumbers.<sup>3</sup> The Board addressed those concerns at Board meetings and in the rule-by-rule analysis below.<sup>4</sup>

The Minnesota Department of Labor and Industry (“Department”) is required to provide support to the Board, including for rulemaking.<sup>5</sup>

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<sup>1</sup> See Minn. Laws, [2017 c. 94 art 2 s 14](#). This law became effective August 1, 2017.

<sup>2</sup> See Minn. Laws, [2017 c. 94 art 2 s 8](#). This law became effective August 1, 2017.

<sup>3</sup> All comments submitted in response to the Request for Comments are available here <http://www.dli.mn.gov/sites/default/files/pdf/4716-comment.pdf>.

<sup>4</sup> See Board meeting minutes for March 12, 2018; June 12, 2018, August 28, 2018 at <http://www.dli.mn.gov/about-department/boards-and-councils/plumbing-board>

<sup>5</sup> See [Minn. Stat. § 326B.435, subd. 2\(c\) \(2018\)](#).

## ALTERNATIVE FORMAT

Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact Suzanne Todnem at the Department of Labor and Industry, 443 Lafayette Road North, Saint Paul, MN 55155-4342, or by telephone 651-284-5006, or email to: [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us).

## STATUTORY AUTHORITY

The Board's statutory authority to adopt rules related to licensure, certification, or registration is stated in *Minnesota Statutes*, section 326B.435, subd. 2(a)(5), which authorizes the Board to:

adopt rules that regulate the licensure, certification, or registration of plumbing contractors, journeyworkers, unlicensed individuals, master plumbers, restricted master plumbers, restricted journeyworkers, restricted plumbing contractors, backflow prevention rebuilders and testers, water conditioning contractors, and water conditioning installers, and other persons engaged in the design, installation, and alteration of plumbing systems or engaged in or working at the business of water conditioning installation or service, or engaged in or working at the business of medical gas system installation, maintenance, or repair, except for those individuals licensed under section 326.02, subdivisions 2 and 3.

*Minnesota Statutes*, section 326B.435, subd. 2(a)(6) was amended in 2017 to authorize the Board to adopt rules regulating continuing education for registered unlicensed individuals. Specifically, the Board has the authority to “adopt rules that regulate continuing education for individuals licensed as master plumbers, journeyworker plumbers, restricted master plumbers, restricted journeyworker plumbers, registered unlicensed individuals, water conditioning masters, and water conditioning journeyworkers, and for individuals certified under sections 326B.437 and 326B.438.”<sup>6</sup> While the Board's authority to regulate continuing education for licensed individuals is not new, the authority to regulate continuing education for registered unlicensed individuals is new.

*Minnesota Statutes*, section 326B.47, subd. 3, authorizes the Board to prescribe rules for the registration of unlicensed individuals.<sup>7</sup> The Board has been regulating registered unlicensed individuals who perform plumbing as a different classification than plumber's apprentices since 2010.<sup>8</sup>

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<sup>6</sup>See [Minn. Stat. § 326B.435, subd. 2 \(2018\)](#).

<sup>7</sup>See [Minn. Stat. § 326B.47, subd. 3 \(2018\)](#).

<sup>8</sup> See [Minn. Laws, 2010 c 280 s 27](#) at <https://www.revisor.mn.gov/laws/2010/0/280/> and [Minn. R. part 4716.0050](#).

*Minnesota Statutes*, section 326B.555, which was enacted in 2017, creates a new category of registered unlicensed individuals to perform water conditioning installation and authorizes the Board to adopt rules for the registration of these unlicensed individuals.<sup>9</sup>

Because specific portions of the Board’s rulemaking authority was new in 2017, effective August 1, 2017, those portions are subject to the 18-month time limit in *Minnesota Statutes*, section 14.125. The Board will publish a notice of intent to adopt rules or a notice of hearing within 18 months of the effective date.

Under these statutes, the Board has the necessary statutory authority to adopt the proposed rules.

## **REGULATORY ANALYSIS**

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (8) below quote these factors and then give the agency’s response.

### **(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule**

The proposed amendments to the rules would likely affect individuals and contractors currently licensed, certified or registered in Minnesota under Chapter 4716; individuals and contractors who would like to be licensed, certified or registered under Chapter 4716; individuals who perform water conditioning installation but are not licensed, certified or registered; providers of continuing education courses; and the general public.

### **(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues**

Although the Board has the authority to adopt plumbing licensing rules, it does not implement or enforce the licensing rules. The Department currently administers and enforces the licensing rules. Any additional costs the Department incurs to implement and enforce the proposed rules will be offset by additional registration fees collected from registered unlicensed individuals. The Department does not anticipate increased costs to administer the rule except for the newly regulated individuals. The costs to enforce registration of the newly regulated individuals will be offset by the registration fees.

### **(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule**

The Board has determined there is no less costly or less intrusive method for achieving the purposes of the proposed rules. The proposed rule utilizes existing infrastructure for licensing,

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<sup>9</sup>See Minn. Laws, [2017 c 94 art 2 s 14](https://www.revisor.mn.gov/laws/2017/0/Session+Law/Chapter/94/) at <https://www.revisor.mn.gov/laws/2017/0/Session+Law/Chapter/94/>. This law became effective August 1, 2017.

registration and enforcement. The proposed rules are anticipated to be less intrusive and reduce some costs of compliance compared to the current rule. For example, licensed plumbers may take all of the required continuing education using electronic media. Also, a one-day continuing education course on the Plumbing Code satisfies the minimum Code-related continuing education requirement instead of a two-day course on the Plumbing Code (or 1.5-day course) because the minimum requirement for Code-related continuing education has been changed from 12 hours to 8 hours.

**(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule**

No alternative methods for achieving the purpose of the proposed rule were identified. The Board determined that the existing requirements and procedures used have been successful and should be maintained. The same or similar procedures are used in other similar industries as well.

**(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals**

The probable costs of complying with the proposed rule are anticipated to be minimal. Registered unlicensed individuals who perform water conditioning work will be subject to the same \$14 initial registration fee and \$19 renewal registration fee that registered unlicensed plumbers and electricians are currently required to pay. Other regulated parties under this proposed rule are anticipated to see the same or lower costs to comply with the proposed rule.

**(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals**

The probable costs or consequences of not adopting the proposed rule are fewer avenues for unlicensed individuals to qualify for journeyworker licensing exams and fewer work options for individuals seeking employment in the water conditioning industry, which could limit the pool of qualified workers available to businesses that provide water conditioning services to the public.

Another consequence of not adopting the proposed rule is that the Board would lose its statutory authority to regulate certain parties. The legislature would then need to pass new legislation, which may have costs associated with it. Without rules to address the newly regulated party in statute, there would be confusion for anyone interested in hiring or becoming a registered unlicensed water conditioner.

**(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference**

There are no federal regulations that apply.

**(8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule. . . . ‘[C]umulative effect’ means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules. Cumulative effects can result from individually minor but collectively significant rules adopted over a period of time.**

The proposed rules cover areas that are not addressed by federal law or other Minnesota state laws. Therefore, this consideration is not applicable to this proposed rule.

## **PERFORMANCE-BASED RULES**

The Board carefully considered the directives of the legislature requiring performance-based standards to the extent possible. Because this is a licensing rule and not a code, performance-based and prescriptive are not applicable. However, to the extent possible, the Board considered and discussed performance and prescriptive elements. The proposed rules are prescriptive in that they establish a specific number of continuing education hour requirements for registered unlicensed individuals. The proposed rules are as performance-based as possible by allowing flexibility in the method and topics of continuing education while remaining clear and enforceable.

## **ADDITIONAL NOTICE**

This Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in a November 1, 2018 Order on Review of Additional Notice Plan and Dual Notice by Administrative Law Judge Eric L. Lipman.

Our Notice Plan also includes giving notice required by statute. We will mail or e-mail the Notice of Intent to Adopt to everyone who has registered to be on the Department’s rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a. We will also give notice to the Legislature per Minnesota Statutes, section 14.116. We will also e-mail the rules and Notice of Intent to Adopt to the following organizations and trade groups:

- a. Associated Builders and Contractors
- b. Local chapter of the Association of Minnesota Building Officials (AMBO)
- c. Minnesota Mechanical Contractors Association
- d. Association of General Contractors of Minnesota
- e. Builders Association of Minnesota (BAM)
- f. Builders Association of the Twin Cities
- g. Minnesota State Fire Chiefs Association
- h. Minnesota Plumbing, Heating and Cooling Contractors Association
- i. American Society of Plumbing Engineers – Minnesota Chapter
- j. American Society of Civil Engineers – Minnesota Section
- k. Association of Minnesota Counties
- l. Building Owners and Managers (BOMA), Minneapolis
- m. Building Owners and Managers (BOMA), St. Paul
- n. League of Minnesota Cities

- o. American Council of Engineering Companies of Minnesota
- p. Minnesota Pipe Trades Association
- q. Minnesota State Fire Marshal Division
- r. Minnesota Water Quality Association (MWQA)
- s. Minnesota Society of Professional Engineers (MNSPE)

Our Notice Plan did not include notifying the Commissioner of Agriculture because the rules do not affect farming operations per Minnesota Statutes, section 14.111.

### **CONSULTATION WITH MMB ON LOCAL GOVERNMENT IMPACT**

As required by Minnesota Statutes, section 14.131, the Board consulted with Minnesota Management and Budget (MMB). The Board did this by sending MMB copies of the documents that we sent to the Governor’s Office for review and approval on the same day we sent them to the Governor’s office. We did this before publishing the Notice of Intent to Adopt. The documents included: the Governor’s Office Proposed Rule and SONAR Form; the proposed rules; and the near-final SONAR. MMB Executive Budget Officer Marianne Conboy responded, in part, as follows in a letter dated October 31, 2018: “There appears to be no direct fiscal impact or fiscal benefit from this rule amendment to local units of government.”

Because local governments are not actively engaged in the regulation of businesses and individuals in the plumbing and water conditioning industry, the financial impact to them is minimal. To the extent that local governments inspect the installation of water conditioning systems, the proposed rules might improve the inspection process by enhancing the knowledge of individuals working in the industry.

The Board will submit a copy of the cover correspondence and the response received from MMB to OAH at the hearing or with the documents it submits for Administrative Law Judge (“ALJ”) review.

### **DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION**

Minnesota Statutes, section 14.128 requires agencies to determine whether a local government will have to adopt or amend an ordinance or other regulation to comply with a proposed agency rule and submit this determination for ALJ approval. An agency must make this determination before the close of the hearing record or before the agency submits the record to the administrative law judge if there is no hearing. The Board has determined that no local government will have to adopt or amend an ordinance or other regulation to comply with the proposed rule. Plumber and water conditioner licensing and registration is enforced at the state level so no local government or municipality will be required to adopt or amend a local ordinance as a result of the proposed rule.

## COST OF COMPLYING FOR SMALL BUSINESS OR CITY

### Agency Determination of Cost

As required by Minnesota Statutes, section 14.127, the Board has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city.<sup>10</sup> The Board asked the public to submit comments specifically regarding whether the cost of complying with the rule in the first year after the rule takes effect will exceed \$25,000 in the Request for Comments published on October 30, 2017. The Board did not receive any comments addressing this issue. The Board has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city.

The proposed rule amendments are anticipated to keep the cost of complying with the rule the same or less with the exception of the continuing education requirements for registered unlicensed individuals (water conditioners and plumbers).

Small cities are not anticipated to incur any costs. It is not anticipated that a small city would employ a registered unlicensed individual. Therefore, even if there are minimal increased costs for registered unlicensed individuals or employers of registered unlicensed individuals, small cities will not be affected. Furthermore, because plumber and water conditioner licensing is administered and enforced at the state level, it is not anticipated that any city, including a small city, would incur any costs to comply with the proposed rule from an administrative perspective.

Small businesses already have to track the hours worked by their individual employees so there is no additional cost anticipated in the normal course of maintaining employment records.<sup>11</sup>

The rule does not require employers to pay the registration costs or continuing education costs. However, if the employer chooses to pay the registration cost, assuming all possible employees are registered unlicensed individuals, the maximum annual cost for a small business would be \$19 x 49 employees<sup>12</sup> = \$931, which is well below the \$25,000 threshold.<sup>13</sup>

The average cost for a two-hour continuing education course is \$ 49.00.<sup>14</sup> Again, the cost for two hours of continuing education may be paid by the registrant or the employer. If the employer chooses to pay this cost, again assuming the maximum number of employees are registered unlicensed individuals, the maximum annual cost, on average, would be \$ 49.00 x 49 employees = \$ 2,401.00. This total is again well below the \$25,000 threshold. The combined total of annual

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<sup>10</sup> A small business is defined as “any one business that has less than 50 full-time employees” and a small city is defined as “any one statutory or home rule charter city that has less than ten full-time employees.” [Minn. Stat. § 14.127, subd. 1 \(2018\)](#).

<sup>11</sup> See [Minn. Stat. § 326B.47, subd. 1\(c\) \(2018\)](#).

<sup>12</sup> At least one employee would have to be a licensed journeyworker or master plumber. This example is for illustrative purposes only. A small business is unlikely to have 49 registered unlicensed individuals.

<sup>13</sup> The initial registration fee is currently set at \$14 per registrant and the annual renewal fee is \$19. For illustrative purposes, the estimate uses only the renewal fee, which is the higher of the two fees.

<sup>14</sup> See Attachment A.

registration fees and continuing education costs is approximately \$ 3,332.00, which is well below the \$25,000 threshold.

## **LIST OF WITNESSES**

If these rules go to a public hearing, the Department anticipates having the following witnesses testify in support of the need for and reasonableness of the rules:

1. Mr. Richard Jacobs, Plumbing Board Chair, will testify about the Board's interest in amending the code.
2. Mr. Charlie Durenberger, Assistant Director, CCLD, will testify about the technical aspects of the proposed amendments.
3. Other Board members or Department of Labor and Industry staff, if necessary.

## **RULE-BY-RULE ANALYSIS**

### **4716.0010 DEFINITIONS**

The proposed rule amendment adds a subpart 6 to codify the term, "Registered unlicensed plumber." Although registered unlicensed individuals who perform and assist in plumbing have been regulated under Minn. Stat. § 326B.47 since 2010, the proposed rule amendment formally names and clarifies this category of individuals.<sup>15</sup>

### **4716.0020 EXAMINATION AND LICENSING OF PLUMBERS**

#### **Subpart 1. Examinations.**

The proposed rule amendment deletes language that states two specific times of the year in which journeyworker and master plumber licensing exams will be held. The Department began offering journeyworker and master plumber licensing examinations on a weekly basis several years ago in an effort to increase the availability of exams to those seeking licensure. As result, the current rule requirement that exams be given in March and September is outdated and no longer necessary. The proposed rule amendment is necessary and reasonable because it modernizes the rule part and deletes unnecessary language.

#### **Subpart 1(A)(1)**

The proposed rule amendment clarifies that an applicant for the master plumber examination must have worked as a licensed journeyworker plumber for at least one year before he or she can qualify to take the master plumber license examination. The current language that an applicant for the master plumber examination be a licensed Minnesota journeyworker plumber license and have "five years of practical plumbing experience" has the same meaning because four years of practical plumbing experience is required to qualify for the journeyworker plumber examination and the fifth year comes the year after an individual becomes a licensed journeyworker plumber. The proposed rule states that requirement more clearly.

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<sup>15</sup> See [Minn. Laws, 2010 c 280 s 27](https://www.revisor.mn.gov/laws/2010/0/280/) at <https://www.revisor.mn.gov/laws/2010/0/280/>

### **Subpart 1(B)(1)**

The proposed rule amendment clarifies the distinction between a plumber’s apprentice defined in Minn. Stat. § 326B.42, subd. 6, and the registered unlicensed plumber, which is a newly formalized term.<sup>16</sup> See 4716.0010 analysis above. The requirement is substantively the same but clarifies the two categories of applicants and clarifies that the four years of practical plumbing experience must be recorded as required in Minn. Stat. § 326B.47, subd. 1(c).

## **Subp. 2. Experience**

### **Subpart 2(E)**

The proposed rule amendment corrects the subitems referenced here to correspond with the proposed rule below.

#### **Subpart 2(E)(1)**

The proposed rule amendment adds the word “plumbing” before “work” to clarify that the qualifying hours must be obtained performing plumbing work, as described in the list (a) through (c).

#### **Subpart 2(E)(3)**

The current rule requires applicants who are licensed restricted journeyworker plumbers or licensed restricted master plumbers to have completed the entire two years of practical plumbing experience within the four years before the applicant takes the examination. The proposed rule amendment deletes subitem 3 because removing this timeframe encourages licensed restricted journeyworker plumbers and licensed restricted master plumbers to take the regular licensed journeyworker plumber and licensed master plumber examinations. The proposed rule amendment broadens the pool of possible applicants. A shortage of skilled laborers is anticipated according to industry experts and economists.<sup>17</sup> The proposed rule amendment is necessary and reasonable because the applicants are still subject to examination to ensure competent licensed plumbers.

#### **Subpart 2(F)**

The proposed rule amendment deletes reference to plumber’s apprentice and replaces it with registered unlicensed plumber because only registered unlicensed plumbers will have a situation subject to subitems (1) and (2) that follow. Because a registered plumber’s apprentice, as defined in Minn. Stat. § 326B.42, subd. 6, is part of a formal, approved apprenticeship, subitems (1) and (2) are moot issues to them. The proposed rule amendment also corrects the subitems referenced here to correspond with the proposed rule below. The proposed rule amendment is necessary and reasonable because the distinction between a registered plumber’s apprentice and registered unlicensed plumber should be clear.

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<sup>16</sup> Minn. Stat. § 326B.42, subd. 6 (2018) provides a definition of “plumber’s apprentice and defines it as “any individual who is employed in the practical installation of plumbing under an apprenticeship agreement approved by the department under section 178.07.”

<sup>17</sup> See <https://mn.gov/deed/data/data-tools/employment-outlook/>; <https://mn.gov/deed/newscenter/publications/review/june-2018/job-outlook-2026.jsp>; <https://www.bls.gov/ooh/construction-and-extraction/plumbers-pipefitters-and-steamfitters.htm>; and <http://www.startribune.com/worse-than-dating-twin-cities-builders-go-all-out-to-find-workers/432561123/>.

### **Subpart 2(F)(1)**

The proposed rule amendment adds the word “plumbing” before “work” to clarify that the qualifying hours must be obtained performing plumbing work, as described in the list (a) through (c).

### **Subpart 2(F)(2)**

The proposed rule amendment deletes the reference to subitem (3) because subitem (3) is deleted in the proposed rule. Again, the reference to “plumber’s apprentice” is deleted and “unlicensed plumber” is added because only registered unlicensed plumbers will have a situation subject to subitems (1) and (2) that follow.

The proposed rule amendment provides for alternate options for an applicant to have obtained the practical plumbing experience as listed in items (a) through (c). The alternate options are substantively the same as the language that is deleted in subpart 2(F)(3). The language was removed from subitem (3) and moved to subitem (2) because combining subitems (2) and (3) into one subitem, and removing the timing requirements in subitem (3), clarifies the two avenues through which an applicant may obtain the practical plumbing experience. That is, the practical experience must be obtained as a registered unlicensed plumber or through one of the ways listed in (2)(a) through (c). There is minimal substantive change to subitems (2) and (3) as the intent is to clarify the different acceptable ways to obtain the practical plumbing experience.

### **Subpart 2(G)**

The proposed rule amendment corrects the reference numbering to reflect the proposed amendments. For example, the reference to subitem (3) is replaced with subitem “(2), units (a) to (c)” because the proposed rule amendment moves the content in subitem (3) to subitem (2), units (a) to (c). The word “master” is added and “or plumbing contractor” is deleted because a plumbing contractor is a business entity and a human being must provide the certification. The reference to “plumber’s apprentice” is deleted and “registered unlicensed plumber” is added to be consistent with the proposed amendments above.

## **4716.0040 EXPIRATION OF LICENSES**

### **Subpart 1. Issuance and expiration**

The proposed rule amendment provides consistency for all journeyworker licensees and master licensees and aligns the rules with Minnesota Statutes.<sup>18</sup> The proposed rule amendment simplifies the renewal of journeyworker plumber and master plumber licenses. All journeyworker plumber licenses will expire on December 31 of odd-numbered years rather than on anniversary dates of license issuance. All master plumber licenses will expire on December 31 of even-numbered years. The Department can provide more efficient administration and enforcement of the licensing rules, thereby keeping enforcement costs, and therefore license fees, down. Individual licensees and the Department benefit from the proposed change.

The renewal window for restricted journeyworker and restricted master plumbers was changed from 12 months to within “two years of the license expiration” to grant restricted license holders

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<sup>18</sup> See [Minn. Stat. § 326B.49, subd. 1\(b\) \(2018\)](#). This statute was amended in 2016. See [Minn. Laws, 2016 c 189 art 8 sec 3](#).

additional time to renew their license before permanently forfeiting their restricted plumber license. Because failing to renew timely results in permanent forfeiture, it is reasonable to grant license holders more than 12 months to renew. The two-year time period to renew is consistent with the renewal period for licensed journeyworker and master plumbers. Restricted journeyworker and restricted master plumber licenses are relatively few in number and are a holdover from the transition from no licensure in cities with populations less than 5,000 to statewide plumber licensing in 2005. Restricted plumber licenses were granted to individuals who were performing plumbing at the time of the transition and who performed plumbing work in municipalities with a population under 5,000. A plumber holding a restricted license may not perform plumbing work in municipalities with a population over 5,000. No new restricted plumber licenses have been granted since the transition period. Once a restricted license is forfeited, it cannot be reinstated or renewed.

### **Subpart 2. License renewals**

The proposed rule amendment clarifies that license renewal applications must be submitted by December 31 of the year in which the license expires to be a timely renewal.

The proposed rule amends the timeframe in which a restricted journeyworker or restricted master plumber must pay the past due renewal fee to coordinate with the two year timeframe proposed in subpart 1 above.

## **4716.0050 REGISTRATION OF PLUMBER’S APPRENTICE**

The proposed rule amends the title of this rule part to “REGISTRATION OF REGISTERED UNLICENSED PLUMBER.” The proposed rule amendment aligns the title with the title change to Minn. Stat. § 326B.47, which was changed from “Plumber’s Apprentices” to “Unlicensed Individuals” in 2010.<sup>19</sup> This amendment is reasonable because chapter 4716 regulates registered unlicensed plumbers but not registered plumber’s apprentices who are part of a formal apprenticeship program. The formal distinction between a plumber’s apprentice and a registered unlicensed plumber is relatively new.<sup>20</sup> Rule titles are not enforceable but the title change adds clarity to the rule part particularly since the rule specifically states that it does not apply to registered plumber’s apprentices.

### **Subpart 1. Scope.**

The proposed rule amendment updates and corrects this subpart. The proposed rule amendment updates the word “shall (not)” with “does (not)” because “shall (not)” is not grammatically correct. Also, the change to “does (not)” modernizes the language and is plain language. The proposed rule amendment corrects the referenced statute cite. The current rule refers to “Minnesota Statutes, section 326B.47, subdivision 1, clause (1)” however, there is no such clause (1). The correct cite format is Minnesota Statutes, section 326B.47, subdivision 1, *paragraph (a)*. Emphasis added. The proposed rule amendment changes the plural “plumber’s apprentices” to singular for consistency with the rest of the rule chapter.

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<sup>19</sup> See [Minn. Laws, 2010 c 280 s 27](https://www.revisor.mn.gov/laws/2010/0/280/) at <https://www.revisor.mn.gov/laws/2010/0/280/>

<sup>20</sup> *Id.*

## **Subp. 2. Registration requirements**

The proposed rule amendments change all “plumber’s apprentice” references to “registered unlicensed plumber.” Plumber’s apprentices are regulated under the formal, approved apprenticeship agreement subject to Minnesota Statutes, chapter 178 and related rule chapters. The proposed rule amendment is necessary and reasonable because it uses terminology that is consistent with Minn. Stat. § 326B.47 and other proposed amendments in this rule chapter.

## **4716.0091 DEFINITIONS**

### **Subpart 1. Scope.**

The proposed rule amendment adds “Subpart 1. Scope” because now that a second subpart is added, it is necessary and reasonable to number and title the subpart. When it was the only subpart in this section, it was not necessary to number and title it.

### **Subpart 2. Registered unlicensed water conditioner**

The proposed rule amendment adds this subpart to establish and define the term, “Registered unlicensed water conditioner.” Although registered unlicensed individuals who perform and assist in plumbing have been regulated under Minn. Stat. § 326B.47 since 2010, registered unlicensed water conditioners is a newly established category of regulated parties per the 2017 legislature.<sup>21</sup> It is necessary and reasonable to establish and define this terms that identifies the legislature’s newly regulated category of individuals.

## **4716.0092 LICENSURE**

### **Subpart 1. Water conditioning contractor.**

The proposed rule amendment reduces redundant language and thereby provides clarity and consistency with the current Minnesota Statutes 326B.50, subds. 1a and 2a. The proposed rule amendment replaces all references to “water conditioning master or master plumber” with “responsible licensed master” because “responsible licensed master” is a term already defined in Minnesota Statutes 326B.50, subd. 1a and the definition requires the individual to be a “water conditioning master or licensed master plumber.” All the language that the proposed rule amendment deletes is deleted because it is addressed by using the defined term “responsible licensed master.” There is no substantive change to the rule part.

### **Subpart 3. Water conditioning journeyworker.**

The proposed rule amendment adds that, in addition to the six months of practical experience and passing an exam, an applicant for the water conditioning journeyworker license must be a registered unlicensed water conditioner in Minnesota except as permitted in subpart 4, item A, subitem (4). The proposed rule amendment is necessary and reasonable to ensure that the qualifying experience is obtained under proper qualified conditions and is consistent with Minn. Stat. § 326B.555.

### **Subpart 4. Experience.**

Subpart 4 provides specific requirements for the experience needed in subparts 2 and 3. There are no proposed amendments to items A through C. Items D and E are new to provide the

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<sup>21</sup> See Minn. Laws, [2017 c 94 art 2 s 14](https://www.revisor.mn.gov/laws/2017/0/Session+Law/Chapter/94/) at <https://www.revisor.mn.gov/laws/2017/0/Session+Law/Chapter/94/>.

specific experience requirements for registered unlicensed water conditioners and the employer of the registered unlicensed water conditioner and water conditioning journeyworker. The statutory authority to regulate registered unlicensed water conditioners is new. Therefore, this formalized category of regulated individuals is new, thus, the new items in this subpart. Items A through C detail the requirements for other required experiences listed in subparts 2 and 3.

#### **Subpart 4(D)(1)**

The proposed rule amendment is new to address the newly formalized category of registered unlicensed water conditioner and what is expected of those applicants. The proposed rule amendment clearly states the requirement (to be a registered unlicensed water conditioner while obtaining the practical water conditioning experience) and clarifies that the exception in Minn. Stat. § 326B.555, subd. 2, applies here. This is necessary and reasonable because it should be clear what is expected of the regulated parties, what other permissions apply to the requirement and is consistent with Minn. Stat. § 326B.555. The exception in Minn. Stat. § 326B.555, subd. 2, grants flexibility to applicants.

#### **Subpart 4(D)(2)**

The proposed rule amendment clarifies what is required of the licensed water conditioning master who is responsible for certifying the work performed by the registered unlicensed water conditioner. It is necessary and reasonable to clearly state the requirements. The requirements are reasonable and consistent with the requirements in Minn. R. part 4716.0020, subp. 2, and Minn. R. part 4716.0092, subp. 4(C), while tailored to the water conditioner licensing requirements. The proposed rule amendment is consistent with Minn. Stat. § 326B.555.

#### **Subpart 4(E)(1) and (2)**

The proposed rule amendment adds recordkeeping requirements for the employers of water conditioning journeyworkers and registered unlicensed water conditioners. The proposed rule amendment requires the employers to record the practical water conditioning experience worked by each employee and to maintain those records for at least six years. The registered unlicensed water conditioner needs this record of experience to qualify as an applicant for the journeyworker exam and the journeyworker needs the recorded experience to qualify for the master exam. It is necessary and reasonable to require the employer to make and maintain these records and such requirement is consistent with Minn. Stat. § 326B.555. It is necessary and reasonable for the employer to maintain these records for six years after the employee's last recorded experience because it gives applicants time to take the journeyworker exam after completing the training and for the journeyworker to take the master exam. There are a variety of reasons why an applicant might be delayed in taking an examination. For example, a medical incident or family emergency that delays the applicant from taking the examination. Six years balances flexibility for the applicant with minimal burden for the employer. Six years is consistent with the record retention requirement for registered unlicensed plumbers in part 4716.0020, subp. 2(G)(2).

## **4716.0093 UNLICENSED WATER CONDITIONER REGISTRATION**

### **Subpart 1. Registration requirements**

The proposed rule amendment is new to establish the requirements and qualifications to become a registered unlicensed water conditioner. For example, the proposed rule amendment requires a person to submit an application and fee to the Department annually to become a registered unlicensed water conditioner. Registrations are effective from July 1 through June 30 of the following year and late renewals require payment of a late fee. This date range is consistent with Minn. Stat. § 326B.555 and the registered unlicensed plumber registration dates in Minn. R. part 4716.0050, subp. 2. This is necessary and reasonable because having a set registration period makes administration of and compliance with the rule easier and more efficient for both the Department who enforces the rule and the registrants complying with the code. This efficiency keeps licensing fees down.

The proposed rule amendment establishes reasonable qualifications in items A and B that are consistent with Minn. Stat. § 326B.555 and other similar rules. Specifically, item A requires a registered unlicensed water conditioner to be at least 18 years of age or a high school graduate, though individuals as young as 16 may register and perform work if they are supervised by the individual's parent. Item B requires applicants for an unlicensed water conditioner registration to provide to the Department certain personal information, including Social Security number as required by Minn. Stat. § 270C.72.<sup>22</sup> These qualifications are consistent with the qualifications for registered unlicensed plumbers in Minn. R. part 4716.0050, subp. 2, and Minn. Stat. § 326B.555. This information is necessary and reasonable for the Department to be able to verify individual identities and is consistent with Minnesota Statutes.

## **4716.0205 REQUIREMENTS**

### **Subpart 1. Continuing education; content.**

Plumbing licensees are currently required to take 16 hours of approved continuing education each two-year license period. The proposed rule amendment does not change that total number of required hours.

### **Subpart 1(A)**

The proposed rule amendment lowers the minimum number of continuing education hours that must pertain to the Plumbing Code from twelve to eight and allows the remainder of the required hours to pertain to the Plumbing Code or technical topics related plumbing installations and equipment, Minnesota Rules chapter 4716, the Minnesota State Building Code, or the Plumbing and Water Conditioning sections of Minnesota Statutes, chapter 326B. The proposed rule amendment changes only the minimum number of hours that must pertain to the Plumbing Code and allows a licensee to obtain all continuing education hours on the Plumbing Code. This is necessary and reasonable because eight hours of Plumbing Code instruction will be sufficient for some veteran licensed plumbers while newer licensed plumbers might benefit from more Plumbing Code instruction hours. The proposed rule amendment allows more flexibility while maintaining a high standard of qualifications. The proposed rule amendment is consistent with the state regulatory policy in Minn. Stat. § 14.002 that encourages agencies to develop rules that

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<sup>22</sup> See [Minn. Stat. § 270C.72 \(2018\)](#).

“emphasize superior achievement in meeting the agency’s regulatory objectives and maximum flexibility for the regulated party.”<sup>23</sup> Because knowledge of the Plumbing Code is essential to safe plumbing practices, and the Plumbing Code changes, it is reasonable to require licensed individuals have a minimum number of continuing education hours on the Plumbing Code.

The proposed rule amendment corrects the reference to Minnesota Statutes, sections 326B.41 to 326B.49 to Minnesota Statutes, sections 326B.41 to **326B.59**, emphasis added, because the range to 326B.49 does not include the water conditioning sections, which are sections 326B.50 through 326B.59. This also provides additional flexibility in the topics in which licensed plumbers may get the required continuing education hours.

The proposed rule amendment allows licensed individuals to tailor their continuing education hour topics to their needs while also maintaining high quality continuing education because all continuing education courses must be approved, pursuant to Minnesota Rules, parts 4716.0200 through 4716.0210.

The proposed rule amendment eliminates the current four-hour limit on continuing education hours obtained by any electronic media. That is, online continuing education hours are currently limited to four of the sixteen. The proposed rule amendment is necessary and reasonable because some licensed plumbers in outstate Minnesota have some challenges with accessing in-person continuing education courses that metro area plumbers do not have. For example, there are fewer in-person course offerings in outstate Minnesota. Allowing all sixteen continuing education hours to be obtained online modernizes the requirement and recognizes the changes and improvements in technology. Electronic media standards are established in Minnesota Statutes, sections 326B.098 to 326B.099. The online courses must also be approved pursuant to Minnesota Rules, parts 4716.0200 through 4716.0210 like any other in-person course. The proposed rule amendment is consistent with the state regulatory policy in Minn. Stat. § 14.002 that encourages agencies to develop rules that “emphasize superior achievement in meeting the agency’s regulatory objectives and maximum flexibility for the regulated party.”

These changes are intended to make it easier and less costly for licensees to obtain the continuing education required to maintain licensure while maintaining quality education. Continuing education requirements for regulated parties are necessary and reasonable to ensure competency and recognizes industry changes in the interest of public health.

### **Subpart 1(B)**

Licensed water conditioning journeyworkers and masters must obtain four hours of continuing education hours per two-year licensing period. The proposed rule amendment deletes unnecessary language and adds the requirement that two of the four required continuing education hours must pertain to the Plumbing Code and the remaining two hours may pertain to the Plumbing Code or an existing list of other relevant topics. The proposed rule amendment maintains the same number of hours as the current rule and maintains flexibility while ensuring licensed water conditioners stay current with the Plumbing Code in addition to technical topics. It is necessary and reasonable to require licensed water conditioners to take two hours of continuing education on the Plumbing Code because their work is subject to and governed by the

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<sup>23</sup> See [Minn. Stat. § 14.002 \(2018\)](#).

Plumbing Code. Because the scope of their work is not as broad as licensed plumbers, it is reasonable that the total number of required continuing education hours is fewer than licensed plumbers. Correspondingly, the required minimum number of continuing education hours on the Plumbing Code is also fewer than what is required for licensed plumbers.

The proposed rule amendment adds that the continuing education hours may be obtained online, subject to the requirements in Minn. Stat. §§ 326B.098 to 326B.099. This proposed amendment is consistent with the proposed amendment in subpart 1(A) above.

### **Subpart 1(C)**

The proposed rule amendment creates a new requirement for registered unlicensed plumbers and water conditioners to take two hours of continuing education each year as a condition of renewing their registration. Registered unlicensed plumbers must take two hours of continuing education on the Plumbing Code because the range of work they may perform is broad and includes the entire scope of the Plumbing Code. Registered unlicensed water conditioners must take one hour of continuing education on the Plumbing Code and the other hour of continuing education may be on the Plumbing Code or a technical topic related to water conditioning installation. The scope of the work of a registered unlicensed water conditioner is limited to water conditioning so they do not work with the entire Plumbing Code.

For many registered unlicensed plumbers and water conditioners, the continuing education requirement is absorbed into their training toward qualifying for the journeyworker exam in their respective field. For other registered unlicensed plumbers and registered unlicensed water conditioners who do not intend to take the journeyworker exam in their respective field, this requirement ensures they stay current with industry practices and the Plumbing Code.

For both registered unlicensed plumbers and water conditioners, the continuing education hours may be taken online. This requirement will enhance registrants' knowledge and understanding of the Plumbing Code and other information relevant to their work. While field work is important, there are tables, calculations and backflow protection of water supply system in the Plumbing Code that industry professionals must be aware of and learn about. A continuing education class is a setting conducive to learning about certain aspects of the Plumbing Code.

Similarly, registered unlicensed electricians have been required to obtain two hours of continuing education every renewal period since 2009.<sup>24</sup> It is necessary and reasonable to require a regulated party to obtain some continuing education to maintain their registration to ensure competence in the interest of public health.

### **Subpart 1(D) and (E)**

The proposed rule amendment renumbers these paragraphs to reflect the new paragraphs added above. There are no substantive changes.

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<sup>24</sup> See [Minn. R. 3800.3602 \(2018\)](#). See also [https://www.revisor.mn.gov/state\\_register/34/15/](https://www.revisor.mn.gov/state_register/34/15/).

## CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

November 13, 2018

  
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Richard Jacobs  
Plumbing Board Chair

This Statement of Need and Reasonableness was made available for public review on November 13, 2018.

**Attachment A**

**2-hour Continuing Education Average Costs**

Plumbology*	\$60.00
Metro Testing & Plumbing**	\$50.00
TradesmanCE.com (At Your Pace)*** - electrical	\$36.00
<b>Total</b>	<b>\$146.00</b>
<b>Average</b>	<b>\$48.67</b>

**Continuing Education Average Cost-Per-Hour**

	<b># of hours</b>	<b>Total cost</b>	<b>Average cost per hour</b>
Plumbology*	8	\$130.00	\$16.25
Plumbology	4	\$85.00	\$21.25
Plumbology	2	\$60.00	\$30.00
Metro Testing & Plumbing**	8	\$150.00	\$18.75
Metro Testing & Plumbing	6	\$125.00	\$20.83
Metro Testing & Plumbing	2	\$50.00	\$25.00
TradesmanCE.com (At Your Pace)***	4	\$80.00	\$20.00
TradesmanCE.com (At Your Pace)	2	\$36.00	\$18.00
MyPlumbingTraining.com****	8	\$125 (incl. lunch)	\$15.63
MyPlumbingTraining.com - apprentices	8	\$20.00	\$2.50
<b>Total</b>		<b>\$861.00</b>	<b>\$18.82</b>

\*<http://www.plumbologymn.com/register>

\*\*<https://metrotesting.net/classes/>

\*\*\*<https://www.tradesmance.com/minnesota-plumbing-continuing-education>

\*\*\*\*[https://myplumbingtraining.com/onsite\\_courses](https://myplumbingtraining.com/onsite_courses)

## Minnesota Plumbing Board

### **DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R04365**

#### **Proposed Amendment to Rules Governing Plumber Licensing, *Minnesota Rules*, Chapter 4716**

**Introduction.** The Minnesota Plumbing Board intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on December 28, 2018, the Board will hold a public hearing in Minnesota Room, Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, starting at 9:30 a.m. on Friday, January 11, 2019. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after December 28, 2018, and before January 11, 2019.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Suzanne Todnem at Minnesota Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, (651) 284-5006 [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us).

**Subject of Rules and Statutory Authority.** The proposed rules are about the registration of unlicensed individuals who perform water conditioning installation, registration of unlicensed individuals who perform plumbing, examination and licensing of both plumbers and water conditioners, and continuing education requirements for licensed individuals and registered unlicensed individuals.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 326B.435, 326B.47, and 326B.555. A copy of the proposed rules is available on the Board's website at <https://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>. A free copy of the rules is available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on Friday, December 28, 2018, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Friday, December 28,

2018. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The Board might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The Board will cancel the hearing scheduled for January 11, 2019, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at 651.284.5006 after December 28, 2018, to find out whether the hearing will be held. You may check for whether the hearing will be held by going on-line at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Eric L. Lipman is assigned to conduct the hearing. Judge Lipman can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7875, and fax (651) 539-0310.

**Hearing Procedure.** If the Board holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed

rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit **new** evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge **via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/discussions>** no later than 4:30 p.m. on the due date. All comments or responses received will be available for review **at the Minnesota Department of Labor and Industry or on the agency's website at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>**. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. Or, you may access a free copy on the agency's website at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

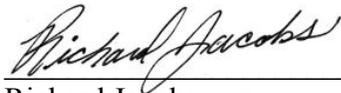
**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The Board will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure after a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the

Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

November 13, 2018

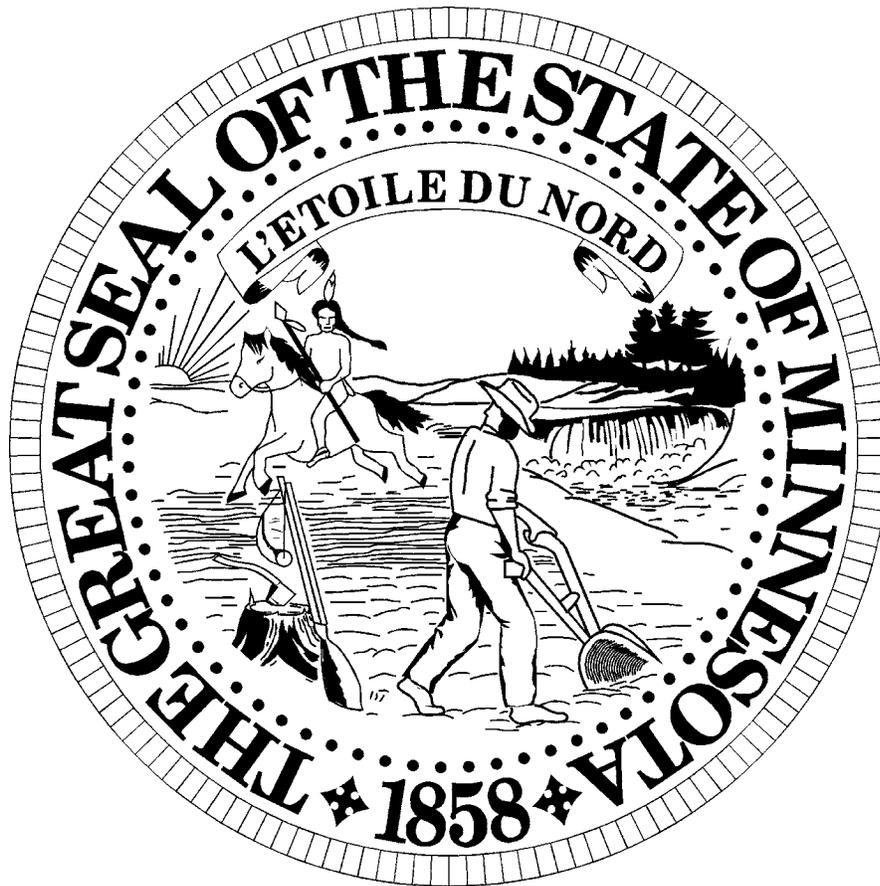


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Richard Jacobs  
Chair, Minnesota Plumbing Board

# Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;  
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;  
Official Notices; State Grants & Loans; State Contracts;  
Non-State Public Bids, Contracts and Grants**

**Monday 26 November 2018  
Volume 43, Number 22  
Pages 581 - 602**

# Minnesota State Register

## Judicial Notice Shall Be Taken of Material Published in the *Minnesota State Register*

The *Minnesota State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Vetoed Rules
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

### Printing Schedule and Submission Deadlines

Vol. 43 Issue Number	PUBLISH DATE ( <b>BOLDFACE</b> shows altered publish date)	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical- Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
# 23	Monday 3 December	Noon Tuesday 27 November	Noon Thursday 22 November
# 24	Monday 10 December	Noon Tuesday 4 December	Noon Thursday 29 November
# 25	Monday 17 December	Noon Tuesday 11 December	Noon Thursday 6 December
# 26	Monday 24 December	Noon Tuesday 18 December	Noon Thursday 13 December

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### Minnesota Legislative Information

#### Senate Public Information Office

(651) 296-0504  
State Capitol, Room 231, St. Paul, MN 55155  
<http://www.senate.mn>

#### Minnesota State Court System

Court Information Office (651) 296-6043  
MN Judicial Center, Rm. 135,  
25 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
<http://www.mncourts.gov>

#### House Public Information Services

(651) 296-2146  
State Office Building, Room 175  
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
<https://www.house.leg.state.mn.us/hinfo/hinfo.asp>

#### Federal Register

Office of the Federal Register (202) 512-1530; or (888) 293-6498  
U.S. Government Printing Office – Fax: (202) 512-1262  
[http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html)

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# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the State Register

The State Register is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the State Register. Published every Monday, the State Register makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the State Register.

An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (Minnesota Statutes §§ 14.101). It does this by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as Proposed Rules, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the State Register. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the State Register as Adopted Rules. These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the State Register, the issue the rule appeared in as proposed, and later as adopted.

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive (issue #26 cumulative for issues #1-26); issues #27-38 inclusive (issue #39, cumulative for issues #1-39); issues #40-52 inclusive, with final index (#1-52, or 53 in some years). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the State Register, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757. TTY relay service phone number: (800) 627-3529.

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# Proposed Rules

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**Rules to be Adopted After a Hearing.** After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

**Rules to be Adopted Without a Hearing.** Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules or Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.1414.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Minnesota Plumbing Board

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**Subject of Rules and Statutory Authority.** The proposed rules are about the registration of unlicensed

# Proposed Rules

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individuals who perform water conditioning installation, registration of unlicensed individuals who perform plumbing, examination and licensing of both plumbers and water conditioners, and continuing education requirements for licensed individuals and registered unlicensed individuals.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 326B.435, 326B.47, and 326B.555. A copy of the proposed rules is available on the Board's website at <https://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>. A free copy of the rules is available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on Friday, December 28, 2018, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Friday, December 28, 2018. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The Board might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The Board will cancel the hearing scheduled for January 11, 2019, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at 651.284.5006 after December 28, 2018, to find out whether the hearing will be held. You may check for whether the hearing will be held by going on-line at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Eric L. Lipman is assigned to conduct the hearing. Judge Lipman can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7875, and fax (651) 539-0310.

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# Proposed Rules

**Hearing Procedure.** If the Board holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit **new** evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge **via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/discussions>** no later than 4:30 p.m. on the due date. All comments or responses received will be available for review **at the Minnesota Department of Labor and Industry or on the agency's website at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>**. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. Or, you may access a free copy on the agency's website at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The Board will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure after a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

November 13, 2018

Richard Jacobs  
Chair, Minnesota Plumbing Board

# Commissioner's Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners orders are compiled in the year-end subject matter index for each volume of the *State Register*.

## Department of Natural Resources (DNR)

### Commissioner's Order #1 ML 2018: Amend Smallmouth Bass Season, Walleye Season, and Walleye Limits to Make Adjustments to Manage Fisheries in the 1837 Ceded Territory (Mille Lacs)

**Date:** December 1, 2018

**Statutory authority:** *Minnesota Statutes*, section 97C.005, subdivision 3

Supersedes: Expedited Emergency Game and Fish Rule 6264.0400, subd. 4, item B, referring to the angling season for smallmouth bass and largemouth bass, and item F, referring to the catch and release angling season and possession restriction for walleye: Mille Lacs Fishing Regulations as published in the 23 April 2018 State Register (42 SR 1254)

#### BACKGROUND

Each year a harvestable surplus is set for walleye in Mille Lacs Lake by a joint management process between the state and the eight Chippewa Bands. The harvestable surplus is the pounds of fish that can be taken safely from Mille Lacs Lake while ensuring sufficient walleye remaining in the lake for a healthy population. The harvestable surplus for 2019 will not be determined until January 2019. However, the Department of Natural Resources (DNR) is confident that the safe harvest will be similar to or higher than that set in 2018, therefore, limited harvest may be taken by state anglers this winter with little risk of exceeding the safe harvest for the 2018/2019 fishing season. The winter 2018/19 fishing season will commence December 1, 2018, and extend through February 24, 2019, with the harvest restrictions outlined in the order below. This decision is based on the results of recent fisheries surveys that indicate the Mille Lacs walleye fishery can accommodate an ice fishery and stay within the projected state share of the 2019 harvestable surplus.

Because smallmouth bass were considered abundant enough to allow a fall harvest, smallmouth bass in Mille Lacs were temporarily exempted from the statewide fall harvest closure to increase the opportunity for anglers to harvest fish. However, in consultation with stakeholder groups, the DNR has determined the harvest season should again be closed, starting on December, to protect quality smallmouth bass during the winter walleye harvest season, and to be consistent with the statewide harvest closure for smallmouth bass.

For all other species, the Expedited Emergency Game and Fish Rule adopted on April 23, 2018, will remain in effect.

#### ORDER

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including *Minnesota Statutes*, section 97C.005, subdivision 3, that:

1. The angling season for taking smallmouth bass on Lake Mille Lacs is closed beginning at 12:01 a.m., December 1, 2018.
2. The angling season for walleye begins at 12:01 a.m. on December 1, 2018, and continues to 11:59 p.m. on February 24, 2019. While a person is on or angling in Lake Mille Lacs, the possession limit for walleye is one. The walleye in possession must be from 21 inches in length to 23 inches in length, inclusive, or over 28 inches in length. All walleye less than 21 inches in length or greater than 23 inches but not greater than 28 inches in length must be returned immediately to the water.
3. Fishing for all other species, including northern pike, perch, and panfish, and the existing regulations for all other species, continue unaffected by this order.

Date: 11/19/2018

Tom Landwehr, Commissioner

# State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the State Register, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

SEE ALSO: Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

## Department of Employment and Economic Development (DEED) Notice of Grant Opportunity

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Employment and Economic Development (DEED) places notice of any available grant opportunities online at <https://mn.gov/deed/about/contracts/>

## Department of Human Services

### Child Care Services Division

#### Notice of Request for Proposals for a Qualified Grantee to Administer the Child Care Aware of Minnesota Coordinating Office and Support the Child Care Aware of Minnesota System

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services, through its Child Care Services Division, Child Development Services Unit (State), is requesting proposals to support the Child Care Aware of Minnesota System, the statewide implementation of Parent Aware, Minnesota's Quality Rating and Improvement System, those working within child care and early childhood programs, and families by helping them to find quality, affordable child care.

The Responder selected for this award will have documented these preferred skills as part of their RFP proposal:

- The ability to prepare a detailed work plan and timeline which identifies a methodology for the development and implementation of program deliverables. The selected Responder is expected to begin delivery of services outlined in this RFP at the beginning of the proposed contract start date of July 1, 2019. If a Responder is unable to begin delivery of any of the required deliverables at the beginning of the proposed contract start date of July 1, 2019, the Responder must include a transition plan with proposed timeline to begin service and budget requirements.
- Knowledge and understanding of the Child Care Aware of Minnesota system.
- Knowledge and understanding of best practices in implementing quality rating and improvement systems.
- Knowledge and understanding of Minnesota's professional development and training delivery system, including online training delivery.
- Knowledge and understanding of Develop, Minnesota's Quality Improvement & Registry Tool.
- Marketing and communication skills to reach underserved and underrepresented families and child care programs.
- Knowledge of Relationship Based Professional Development (coaching and consultation) models, including reflective practice and supervision.
- The ability to establish collaborative relationships with other agencies/organizations that provide coaching and consultation services to child care programs, especially those providing health and safety coaching and consultation.
- Skills in collection, reporting and using data for continuous quality improvement.
- Familiarity with the following resources:
  - **Minnesota Early Childhood Indicators of Progress for Children Birth to Kindergarten** (<https://edocs.dhs.state.mn.us/lfsrserver/Public/DHS-7596A-ENG>).
  - **Minnesota Knowledge and Competency Framework** (<https://education.mn.gov/MDE/dse/early/known/index.htm>).

# State Grants & Loans

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- o Achieve, the Minnesota Center for Professional Development, (<http://www.mncpd.org>) and its services.
- o Minnesota Statutes/chapters 245A, (<https://www.revisor.mn.gov/statutes/?id=245A>) and Minnesota Statutes, section 626.556 (<https://www.revisor.mn.gov/statutes/?id=626.556>).
- o Minnesota Rules, parts 9503 (<https://www.revisor.mn.gov/rules/?id=9503>) and 9502 (<https://www.revisor.mn.gov/rules/?id=9502>).

Work is proposed to start July 1, 2019. For more information, or to obtain a copy of the Request for Proposal, contact:

Missy Lorey, Contracts Coordinator  
Department of Human Services  
Child Development Services Division  
P.O. Box 64962  
St. Paul, MN 55155 0962  
Phone: (651) 431-3865  
*Missy.Lorey@state.mn.us*

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, January 4, 2019. Late proposals will not be considered.** Faxed or e-mailed proposals will not be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:  
[http://www.dhs.state.mn.us/id\\_000102](http://www.dhs.state.mn.us/id_000102)

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Department of Human Services

### Child Care Services Division

#### **Notice of Request for Proposals for a Qualified Grantee to Conduct Classroom Assessment Scoring System (CLASS™) Observation for Child Care Centers Participating in the Parent Aware Quality Rating and Improvement System, and Support Parent Aware and CLASS™ Coaches**

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services, through its Child Care Services Division, Child Development Services Unit (State), is requesting proposals to conduct Classroom Assessment Scoring System (“CLASS™”) observations for child care centers with preschool classrooms and seeking a Three-or Four-Star Rating through the Full-Rating Pathway in Parent Aware, Minnesota’s Quality Rating and Improvement System, and to support Parent Aware and CLASS™ coaches. The data from the CLASS™ observation is used to determine if the program meets a particular Parent Aware quality indicator. Support for Parent Aware and CLASS™ coaches includes but is not limited to facilitating trainings and learning communities.

The Responder selected for this award will have documented these preferred skills as part of their RFP proposal:

- The ability to prepare a detailed workplan and timeline which identifies a methodology for the development and implementation of program deliverables. Respondent is expected to begin delivery of services outlined in this RFP at the beginning of the proposed contract start date of July 1, 2019. If respondent is unable to begin delivery of any of the required deliverables at the beginning of the proposed contract start date of July 1, 2019, include a transition plan with proposed timeline to begin service and budget requirements.
- Knowledge and understanding of the Child Care Aware of Minnesota system.
- Knowledge and understanding of best practices in implementing quality rating and improvement systems.
- Knowledge and understanding of best practices in implementing the Preschool CLASS™ Observation tool.

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# State Grants & Loans

- Experience in implementing the Preschool CLASS™ Observation tool.
- Knowledge and understanding of Minnesota's professional development and training delivery system, including on-line training delivery.
  - Marketing and communication skills to reach underserved and underrepresented families and child care programs.
  - Knowledge and understanding in providing Relationship Based Professional Development (coaching and consultation) and training of adult learners.
  - The ability to establish collaborative relationships with other agencies/organization that provide coaching and consultation services to child care programs.
  - Skills in the collection and reporting of data and its use for continuous quality improvement.
  - Awareness of the following resources:
    - **Minnesota Early Childhood Indicators of Progress for Children Birth to Kindergarten** (<https://edocs.dhs.state.mn.us/lfservlet/Public/DHS-7596A-ENG>)
    - **Minnesota Knowledge and Competency Framework** (<https://education.mn.gov/MDE/dse/early/know/index.htm>)
    - **Achieve, the Minnesota Center for Professional Development** and its services (<http://www.mnccd.org/>)

Work is proposed to start July 1, 2019. For more information, or to obtain a copy of the Request for Proposal, contact:

Missy Lorey, Contracts Coordinator  
Department of Human Services  
Child Development Services Division  
P.O. Box 64962  
St. Paul, MN 55155 0962  
Phone: (651) 431-3865  
*Missy.Lorey@state.mn.us*

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, January 4, 2019. Late proposals will not be considered.** Faxed or e-mailed proposals will not be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:  
[http://www.dhs.state.mn.us/id\\_000102](http://www.dhs.state.mn.us/id_000102)

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Department of Human Services

### Child Care Services Division

#### Notice of Request for Proposals for a Qualified Grantee to Increase the Supply of High Quality, Affordable Child Care Including Business Planning and Low Interest Loans

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services, through its Child Care Services Division, Child Development Services Unit (State), is requesting proposals to increase the supply of high quality affordable child care in Minnesota communities. The State is looking for an innovative process to guide communities in identifying the scope and size of its child care challenges, and to empower and support communities to develop solutions to address these challenges. In addition, qualified Responders will provide business planning training, consultation and low interest loans to child care programs throughout Minnesota.

# State Grants & Loans

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The Responder selected for this award will have documented these preferred skills as part of their RFP proposal:

- The ability to prepare a detailed workplan and timeline which identifies a methodology for the development and implementation of program deliverables.
- The selected Responder is expected to begin delivery of services outlined in this RFP at the beginning of the proposed contract start date of July 1, 2019. If Responder is unable to begin delivery of any of the required deliverables at the beginning of the proposed contract start date of July 1, 2019, please include a transition plan with proposed timeline to begin service and budget requirements.
- Experience in working with child care providers to create sustainable business models.
- Knowledge and understanding of economic development and the role of child care.
- Knowledge of both public and private financial sources for early child care and early education sites.
- Demonstrated ability to analyze financing projects.
- Experience in working with communities to solve a problem.
- Demonstrated understanding of the needs of diverse communities.
- Knowledge and understanding of the Child Care Aware of Minnesota system.
- Knowledge and understanding of Parent Aware, Minnesota's Quality Rating and Improvement System for early childhood programs.
- Knowledge and understanding of Minnesota's professional development and training delivery system, including on-line training delivery.
- Marketing and communication skills to reach underserved and underrepresented families and child care programs.
- Knowledge and understanding in providing Relationship Based Professional Development (coaching, mentoring and consultation) and training of adult learners.
- The ability to establish collaborative relationships with other agencies/organization that provide coaching, mentoring and consultation services to child care programs.
- Experience and expertise in the collection, usage and reporting of data for continuous quality improvement.
- Awareness of the following resource:
  - o **Achieve, the Minnesota Center for Professional Development** (<https://www.mncpd.org/>) and its services.

Work is proposed to start July 1, 2019. For more information, or to obtain a copy of the Request for Proposal, contact:

Missy Lorey, Contracts Coordinator  
Department of Human Services  
Child Development Services Division  
P.O. Box 64962  
St. Paul, MN 55155 0962  
Phone: (651) 431-3865  
***Missy.Lorey@state.mn.us***

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, January 4, 2019. Late proposals will not be considered.** Faxed or e-mailed proposals will not be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:  
***[http://www.dhs.state.mn.us/id\\_000102](http://www.dhs.state.mn.us/id_000102)***

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Department of Human Services

### Child Care Services Division

#### Notice of Request for Proposals for a Qualified Grantee to Provide Supports to Improve the Quality of Afterschool Programs

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services, through its Child Care Services Division, Child Development Services Unit (State), is requesting proposals to develop and implement a process to help afterschool programs that serve school-age children (ages kindergarten through 12 years of age) to adopt research-based best practices.

The Responder selected for this award will have documented these preferred skills as part of their RFP proposal:

- The ability to prepare a detailed work plan and timeline which identifies a methodology for the development and implementation of program deliverables.
- Outreach capabilities to culturally and linguistically diverse afterschool practitioners in Minnesota.
- Knowledge of best practices in afterschool programming and effective strategies for helping afterschool programs adopt them.
- Knowledge of developmental expectations of school-age children ages 5 – 12.
- Knowledge of how to use the Minnesota School-Age Indicators of Progress.
- Knowledge of ways to help afterschool program leaders and practitioners develop activities across the variety of developmental levels of children in their programs.
- The ability to establish collaborative relationships with other agencies/organizations that provide services to afterschool programs.
- Experience delivering classroom and relationship-based professional development.
- Marketing and recruitment skills needed to engage afterschool programs.
- Skills in collection, reporting and using data for continuous quality improvement.

Work is proposed to start July 1, 2019. For more information, or to obtain a copy of the Request for Proposal, contact:

Kelli Peters, Contracts Specialist  
Department of Human Services  
Child Development Services Division  
P.O. Box 64962  
St. Paul, MN 55155 0962  
Phone: (651) 431-3867  
***Kelli.Peters@state.mn.us***

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, Friday, January 4, 2019. Late proposals will not be considered.** Faxed or e-mailed proposals will not be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:  
***[http://www.dhs.state.mn.us/id\\_000102](http://www.dhs.state.mn.us/id_000102)***

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

# State Contracts

**Informal Solicitations:** Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Website at [www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us) for informal solicitation announcements.

**Formal Solicitations:** Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

**Requirements:** There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements: \$0 - \$5,000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600 \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days; \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

## Minnesota Department of Agriculture

### Notice of Contract Opportunity for Agricultural Research and Evaluation of the Clean Water Fund

**PROJECT NAME:** Agricultural Research and Evaluation of the Clean Water Fund

**DETAILS:** The Minnesota Department of Agriculture, Pesticide and Fertilizer Management Division (MDA) is requesting proposals from scientists and researchers to conduct research related to clean water in agricultural areas of the State, including research to evaluate the effectiveness of agricultural conservation practices, identify underlying processes that affect water quality, and develop technologies to target critical areas of the landscape.

Proposals should quantify agricultural conservation practices effectiveness related to nutrient source reduction, off-site movement, and treatment in the State of Minnesota. Proposals should focus on the water quality effects of individual practices and/or the cumulative effects of multiple conservation practices. Proposals must include a cost effectiveness component, as well as an education and outreach plan to benefit the people of Minnesota. See the Request for Proposals (RFP) for information on the project priorities. MDA may award multiple projects from this RFP.

Work is anticipated to start after January 15, 2019.

**COPY REQUEST:** To get a copy of the RFP, please send a written request, by email, to:

Aicam Laacouri  
Clean Water Research Coordinator  
Email: [Aicam.Laacouri@state.mn.us](mailto:Aicam.Laacouri@state.mn.us)

**PROPOSAL DEADLINE:** Proposals submitted in response to the RFP in this advertisement must be received no later than **3:00 p.m. Central Time, on Thursday, November 29, 2018**. Late proposals will not be considered. Fax and email proposals will not be considered.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

#### Completed and Current Funded Projects

For a list of Clean Water research projects supported by MDA, please visit:  
[www.mda.state.mn.us/clean-water-research-projects](http://www.mda.state.mn.us/clean-water-research-projects).

## Minnesota State Colleges and Universities (Minnesota State)

### Inver Hills Community College

#### Notice of Request for Proposals for Mechanical and Physical Plant Systems Repair

Notice of Request for Proposal for the desire to secure a service provider to support the repair and maintenance of, but not limited to, the physical plant, boilers chillers, pumps, motors, mechanical equipment and assorted plumbing on an as needed and emergency call basis.

Walkthrough's are planned for Friday November 16th from 9 am to 11am. To receive a complete copy of the proposal, <http://minnstate.edu/vendors/index.html>

Proposals must be sealed with a notation on the outside of the envelope stating: Mechanical and Physical Plant Systems Repair proposal – DELIVER IMMEDIATELY

Mail or deliver (faxes and email will not be accepted) sealed proposal must be delivered no later than 12:00pm Tuesday, November 27th, 2018 to:

Inver Hills Community College  
Purchasing Department  
2500 East 80th Street, Inver Grove Heights, MN 55076  
Attn: Karla Colwell  
Phone (651)450-3871

PROPOSAL CLOSE DATE IS **Tuesday, November 27th 2018- 12:00P.M.**

## Minnesota State Colleges and Universities (Minnesota State)

### Lake Superior College

#### Request for Bid for Flight Simulators

**NOTICE IS HEREBY GIVEN** that proposals are being solicited for Flight Simulators for Lake Superior College's Center for Advanced Aviation in Duluth, MN. We are requesting two full motion enclosed flight training devices certified to FAA AATD level.

For additional information or to request a copy of the RFB specifications, please contact:

Mike Francisco, [purchasing@lsc.edu](mailto:purchasing@lsc.edu)  
Lake Superior College  
2101 Trinity Rd, Duluth MN 55811  
Telephone: 218-733-5968

Proposals are due at the Lake Superior College Business Office, 2101 Trinity Road, Duluth, MN 55811 by **Friday, December 7, 2018 at 12:00pm CT.**

This notice and the Request for Proposal do not obligate the State of Minnesota, Minnesota State Colleges and Universities or Lake Superior College to award a contract; and reserves its right to withdraw from the RFB if it is considered to be in its best interest.

# State Contracts

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## Minnesota Historical Society (MNHS)

### Request for Proposals for Consultant to Develop Exterior Building Rehabilitation at Historic Forestville

The Minnesota Historical Society (MNHS) is soliciting proposals from qualified consultants (Consultant) to work collaboratively with MNHS to develop building assessments for four structures, cost estimates, preparation and distribution of construction documents, project bidding, and construction administration and observation for an Exterior Building Rehabilitation Project at Historic Forestville, located in Preston, Minnesota. Design phase of the project will start no later than February 4, 2019. Construction phase will start no later than July 8, 2019. The Society's Capital Planning & Management staff, who will oversee this work, are based at the Minnesota History Center in Saint Paul. This a prevailing wage and jobs reporting project.

The Request for Proposal is available by contacting Mary Green Toussaint, Contract Manager, Minnesota Historical Society, by e-mail only: [mary.green-toussaint@mnhs.org](mailto:mary.green-toussaint@mnhs.org)

There will be a **MANDATORY** pre-bid meeting for all interested parties on **Tuesday, December 11, 2018 at 1:00 P.M. Central Time** at the Site, which is located at 21899 County Road 18, Preston, Minnesota 55969. The meeting shall take place in the Visitor Center.

Proposals (sealed bid process) must be received by Mary Green Toussaint, MNHS Contract Manager, or her agent by **2:00 P.M. Local Time on Thursday, January 10, 2019. Late proposals will not be accepted.** Authorized agents for receipt of proposals are staff located at the Information Desk on the 1st floor of the Minnesota History Center, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102.

## Minnesota Department of Transportation (MnDOT)

### Engineering Services Division

#### Notices Regarding Professional/Technical (P/T) Contracting

**P/T Contracting Opportunities:** MnDOT is now placing additional public notices for P/T contract opportunities on the MnDOT's Consultant Services website. New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

**Taxpayers' Transportation Accountability Act (TTAA) Notices:** MnDOT is posting notices as required by the TTAA on the MnDOT Consultant Services website.

**MnDOT's Prequalification Program:** MnDOT maintains a Pre-Qualification Program in order to streamline the process of contracting for highway related P/T services. Program information, application requirements, application forms and contact information can be found on MnDOT's Consultant Services website. Applications may be submitted at any time for this Program.

**MnDOT Consultant Services website:** [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult)

If you have any questions regarding this notice, or are having problems viewing the information on the Consultant Services website, please call the Consultant Services Help Line at 651-366-4611, Monday – Friday, 9:00am – 4:00pm.

# Non-State Public Bids, Contracts & Grants

The State Register also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Besides the following listing, readers are advised to check: <http://www.mmd.admin.state.mn.us/solicitations.htm> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>.

## **Brown's Creek Watershed District (BCWD) Request for Qualifications for Engineering Consulting Services Issued by the Brown's Creek Watershed District for Calendar Years 2019-2020**

### **1. Introduction**

The Brown's Creek Watershed District (BCWD) is the governmental unit with primary responsibility for protecting the water resources of the Brown's Creek Watershed. The District was established in 1997 under the Minnesota Watershed District Act.

The District covers approximately 18,000 acres that drain into Brown's Creek, which then enters the St. Croix River. The watershed includes Brown's Creek; a DNR designated trout stream and several small tributaries. The watershed includes twelve major lakes and numerous wetlands. The District includes portions of the Cities of Oak Park Heights, Grant, Hugo, Lake Elmo, and Stillwater along with May and Stillwater Townships.

### **2. Solicitation**

Minnesota Statutes, Section 103B.227, Subdivision 5, require BCWD to solicit proposals every two years to provide consulting services. The current engineering consulting services include, but are not limited to; 1) assistance with the implementation of the approved 2017-2026 watershed management plan, 2) assistance with a 2017 rule revision process, 3) the implementation of a permitting and plan review program and, 4) advising managers of technical options and various projects and studies as requested by the managers.

### **3. General Instructions**

Firms interested in providing services to BCWD shall submit electronic qualifications. The Brown's Creek Watershed District on or before **3:00 P.M., December 28, 2018**, will accept qualification statements.

Submittals should be sent to:                      Brown's Creek Watershed District  
   Attention: Karen Kill  
   ***Karen.kill@mnwcd.org***

Qualification statements received after this time will not be considered. Prospective responders who have any questions regarding this "Request for Qualifications", may contact Karen Kill, (651) 330-8220 x26.

# Non-State Public Bids, Contracts & Grants

## 4. Qualification Statement Content

Firms are requested to include in their qualification statement, the following information in the order listed:

- a. A brief summary of the firms qualifications.
- b. Name and phone number of the person designated to answer questions about the qualification statement.
- c. A specific list of the individuals who would be assigned to work and manage BCWD projects, their proposed responsibilities, technical background, years of experience, and their previous experience in servicing watersheds.
- d. Hourly fee schedules by labor category and an estimated monthly blended retainer fee based upon 66 hours of typical services.
- e. Submittals may not exceed 10 pages in length. Submittals that exceed 10 pages in length may not be considered.

## 5. Selection Process

Because the BCWD is charged with managing a DNR Designated Trout Stream and many other unique resources, selection will emphasize criteria that indicate a firm's experience and knowledge of integrated resource management approaches to watershed management.

Qualification statements will be evaluated by the Board of Managers and ranked based on the following criteria:

1. Experience with watershed management organizations within the metropolitan area.
2. Experience with innovative and alternative watershed management approaches that integrate water resources engineering with natural resource management.
3. Engineering design and timely construction management and inspection.
4. Locally based firm with the ability to respond to emergency situations in the watershed or situations that would require immediate attention.
5. Ability to work with the public, regulatory agencies (including DNR) and other stakeholders and the ability to communicate effectively with the BCWD Board of Managers, Watershed District Attorney and SWCD staff.
7. Permitting, plan review and environmental assessment experience.
8. Interdisciplinary group of water resources professionals that can provide full range of services to the watershed (i.e., surface water, ground water, natural resources, water quality, engineering, etc.)
9. The BCWD Board of Managers anticipates making a decision, within 30 days, based upon the submittals. However, at their discretion, they may choose to conduct interviews after reviewing the proposals.

## Dakota County

### Notice of Letter for Interest (LOI) for Innovative Solutions that Support Community Living

**Notice is hereby given** that Dakota County Social Services Department is distributing this Letter of Interest to seek information in regards to community services for adults age 55 and older.

Please note this is not a request for proposal; rather, Dakota County's interest is to seek information from organizations that provide services or are interested in supporting older adults to continue to living in their own home or apartment.

Dakota County Social Service's target population for this service is adults 55 and older who require support to continue living in their own home or apartment but are not eligible for the Elderly Waiver (EW), Alternative Care (AC), or Essential Community Supports (ECS) or other Home and Community-Based Services programs, and may be involved in other County services such as Adult Protection.

# — Non-State Public Bids, Contracts & Grants

The Service Concepts Dakota County Social Services is focusing on for the targeted population is Chore Services, Respite Services, and/or Innovative Solutions that Support Community Living.

Dakota County will contract with one or more selected vendors for services for the contract period of July 1, 2019 through December 31, 2020, with potential for contract extensions following the initial contract term.

To access the complete LOI online, or to acquire additional information about Dakota County visit our website at <https://www.co.dakota.mn.us/Government/DoingBusiness/BidProposalsInformation/Pages/chore-respite-services.aspx>

Contact: Sarah Montgomery  
Dakota County Social Services  
Dakota County Northern Services Center  
1 Mendota Road West, Suite 500  
West St. Paul, MN 55118-4773

Email: [Sarah.Montgomery@co.dakota.mn.us](mailto:Sarah.Montgomery@co.dakota.mn.us)

On Tuesday, December 11, 2018 at 12:00 p.m. CST Dakota County will be hosting a Responder's Meeting at the Dakota County Northern Service Center, 1 Mendota Road West, Conference Room 501, West St Paul, MN 55118. RSVP to: [Sarah.Montgomery@co.dakota.mn.us](mailto:Sarah.Montgomery@co.dakota.mn.us)

**Deadline for proposals is 4:00 p.m. CST on Friday, January 11, 2019.** No late proposal will be considered.

## Hennepin County Consultant Selection Advertisement for A/E Services

Hennepin County, through a staff consultant selection group, is selecting architectural/engineering and/or strategic planning firms to work with county staff to create a Downtown Campus Master Plan.

To obtain a Request for Proposal, please access the Hennepin County internet site at [www.hennepin.us](http://www.hennepin.us). From the County home page, search for "DSC" in the search box in the middle of the page. From the Hennepin County Designer Selection Committee page, you may view and print the RFP for your use.

A letter of interest is not required for RFP noted above. All proposals received by the deadline noted in the RFP will be reviewed by the selection group. If you experience difficulty locating or downloading the RFP, you may call Adam Sobiech, Hennepin County Facility Services, at 612-348-3172.

## Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2019 Baggage Claim/Ticket Lobby Operational Improvements P1

**Airport Location:** Minneapolis-St. Paul International Airport  
**Project Name:** 2019 Baggage Claim/Ticket Lobby Operational Improvements P1  
**MAC Contract No:** 106-2-860  
**Bids Close At:** 2:00 p.m. on Tuesday, December 18, 2018

**Notice to Contractors:** Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project includes general construction work associated with the central ticket lobby and baggage claim areas of Terminal 1-Lindbergh, related to several phases of operational improvements.

# Non-State Public Bids, Contracts & Grants **=====**

**Note:** You can sign up on our Web site ([www.metroairports.org](http://www.metroairports.org)) to receive email notifications of new business opportunities or go directly to [https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE\\_RED](https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE_RED) and choose this and other topics about which you are interested.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of Targeted Group Businesses on this project is 7%.

**Bid Security:** Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

**Project Labor Agreement:** This project is subject to the MAC's Project Labor Agreement requirements. A copy (or sample) of the Project Labor Agreement and Contract Riders are included in the Appendix.

**Availability of Bidding Documents:** Bidding documents are on file for inspection at the office of Alliance; at the Minnesota Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders are also required to pick up a complete set, including drawings and specifications, for the 2018 Baggage Handling System (MAC Contract No. 106-2-854). Bidders desiring bidding documents may secure a complete set from Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN 55430; PH: 763.503.3401. Make checks payable to: Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on November 13, 2018, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

## Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2019 Concessions Rebids

**Airport Location:** Minneapolis-St. Paul International Airport  
**Project Name:** 2019 Concessions Rebids  
**MAC Contract No:** 106-2-855  
**Bids Close At:** 2:00 pm, Tuesday, 18 December 2018

**Notice to Contractors:** Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for demolition and general construction and installation of electrical utilities.

**Note:** You can sign up on our Web site ([www.metroairports.org](http://www.metroairports.org)) to receive email notifications of new business opportunities or go directly to [https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE\\_RED](https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE_RED) and choose this and other topics about which you are interested.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of Targeted Group Businesses on this project is 7%.

**Bid Security:** Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

**Availability of Bidding Documents:** Bidding documents are on file for inspection at the office of Alliance; at the Minnesota Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN 55430; PH: 763.503.3401; FX: 763.503.3409. Make checks payable to: Alliance. Deposit per set (refundable): \$150.

# — Non-State Public Bids, Contracts & Grants

Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on November 26, 2018, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

## Metropolitan Airports Commission (MAC) Notice of Call for 2019 Valet Parking Lobby / 2019 Restroom Upgrade

**Airport Location:** Minneapolis-St. Paul International Airport  
**Project Name:** 2019 Valet Parking Lobby / 2019 Restroom Upgrade  
**MAC Contract No:** 106-2-880 / 106-2-881  
**Bids Close At:** 2:00 p.m. on Tuesday, December 18, 2018

**Notice to Contractors:** Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for demolition and renovation work.

**Note:** You can sign up on our Web site ([www.metroairports.org](http://www.metroairports.org)) to receive email notifications of new business opportunities or go directly to [https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE\\_RED](https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE_RED) and choose this and other topics about which you are interested.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of Targeted Group Businesses on this project is 6%.

**Bid Security:** Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

**Availability of Bidding Documents:** Bidding documents are on file for inspection at the office of Alliance; at the Minnesota Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN 55430; PH: 763.503.3401. Make checks payable to: Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on November 19, 2018, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

# Minnesota's Bookstore

## Several convenient ways to order:

- **Retail store** Open 8 a.m. - 3 p.m. Monday - Friday, 660 Olive Street, St. Paul
  - **Phone** (credit cards): 8 a.m. - 4 p.m. Monday - Friday, 651.297.3000 (Twin Cities) or 1.800.657.3757 (nation-wide toll-free)
  - **On-line orders:** [www.mnbookstore.com](http://www.mnbookstore.com)
  - **Minnesota Relay Service:** 711
  - **Fax** (credit cards): 651.215.5733 (fax line available 24 hours)
  - **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155
- Minnesota's Bookstore accepts VISA, MasterCard, American Express & Discover for all purchases.**

**PREPAYMENT REQUIRED.** *Prices and availability subject to change.* **Fax and phone orders** require credit card.

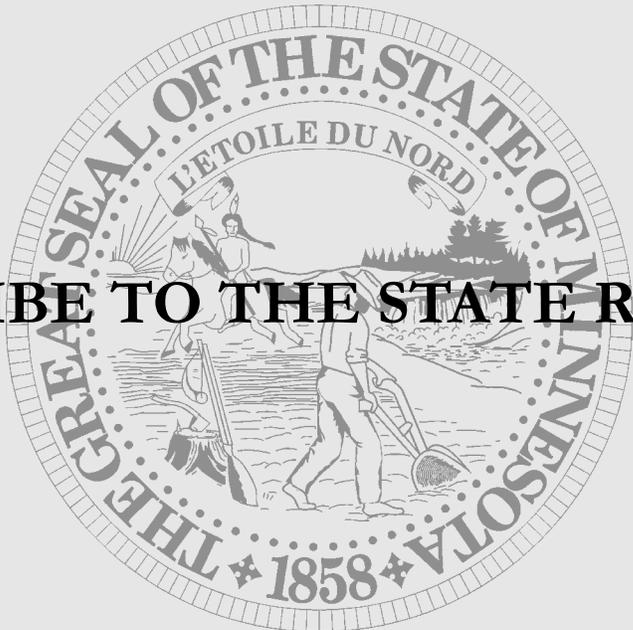
Please allow 1-2 weeks for delivery. For **mail orders**, complete order blank and send to address above.

Enclose payment - for security reasons, we do not recommend mailing credit card information.

Please allow 2-3 weeks for delivery.

Please make checks payable to "Minnesota's Bookstore."

A \$20.00 fee will be charged for returned checks.



**SUBSCRIBE TO THE STATE REGISTER!**

# Minnesota Plumbing Board

## CERTIFICATE OF THE PLUMBING BOARD AUTHORIZING RESOLUTION

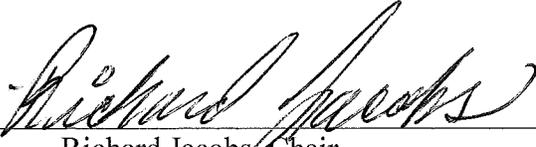
### Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

I, Richard Jacobs, certify that I am a member and the Chair of the Plumbing Board, a Board authorized under the laws of the State of Minnesota; that the following is a true, complete, and correct copy of a resolution that the Plumbing Board adopted at a properly convened meeting on June 12, 2018, that a quorum was present, and that a majority of the voting members voted for the resolution, which has not been rescinded or modified. The Board resolved the following:

The Chair of the Plumbing Board is authorized and directed to:

1. Sign and to give the Notice of the Board's Intent to Adopt Rules using Alternate Notices of whether a hearing will be held in the Revisor of Statutes draft, file number RD4365, dated 06/05/18, identified as Minnesota Rules, chapter 4716, with any modifications, except minor modifications made by the Revisor of Statutes for form, approved by the Board. The Chair must give this notice to all persons who have registered their names with the Board for that purpose. The Chair must also publish the Notice in the State Register. Furthermore, the Chair is authorized and directed to do anything else needed to complete this Notice.
2. If there are fewer than 25 outstanding hearing requests, the Chair of the Plumbing Board is authorized and directed to sign the Order Adopting Rules and to do anything else needed to adopt these rules without a hearing.
3. The Chair of the Plumbing Board is authorized and directed to act as the Board's representative at the hearing, if one is required, and do anything else needed to adopt these rules with a hearing. This includes authority to sign the Order Adopting Rules if there are no modifications to the rules other than modifications approved by the Board.

June 12, 2018

  
Richard Jacobs, Chair  
Minnesota Plumbing Board

**Minnesota Plumbing Board**

**CERTIFICATE OF ACCURACY OF THE MAILING LIST AND OF MAILING THE  
DUAL NOTICE OF INTENT TO ADOPT RULES TO PERSONS ON THE  
RULEMAKING MAILING LIST**

**Proposed Rules Governing Plumber Licensing and Apprentice Registration, Minnesota  
Rules, chapter 4716; Revisor's ID Number R-04365**

I certify that the list of persons and associations who have requested that their names be placed on the Plumbing rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a, is accurate, complete, and current as of November 21, 2018. A copy of the mailing list is attached to this Certificate.

I further certify that on November 21, 2018, at least 33 days before the end of the comment period, at St. Paul, Ramsey County, Minnesota, I mailed the Dual Notice of Intent to Adopt Rules by depositing a copy in the State of Minnesota's central mail system for United States mail with postage prepaid, to all persons and associations on the rulemaking mailing list established by Minnesota Statutes, section 14.14, subdivision 1a. Copies of the Notice and of the mailing list are attached to this Certificate.



\_\_\_\_\_  
Sonya Herr  
Legal Support Staff Supervisor

Michael J, Ahern  
Dorsey & Whitney LLP  
50 S 6th St Ste 1500  
Minneapolis, MN 55402

James, Filipek  
City of Lonsdale  
603 5th St NE  
Montgomery, MN 56069

Todd, Geske  
Metro West Inspection Services Inc  
PO Box 248  
Loretto, MN 55357

Brian, Hoffman  
City of St Louis Park  
5005 Minnetonka Blvd  
Minneapolis, MN 55416

Gerald, Manthey  
Thomson Township  
102 9th Street  
Cloquet, MN 55720

Mike, Rocheford  
Ryan Company  
3361 Republic Ave  
Minneapolis, MN 55426

Plumbers & Pipefitters Local #589  
107 S 15th Ave W  
Virginia, MN 55792

Mark, Brunner  
MMHA  
33 E. Wentworth Avenue, Suite 265  
West St. Paul, MN 55118

Rick, Gale  
St Paul Plumbers JAC  
235 Marshall Ave  
St Paul, MN 55102

Adam, Hanson  
MN/ND ABC  
10193 Crosstown Cir  
Eden Prairie, MN 55344

Tim, Johnson  
632 157th Ave NE  
Ham Lake, MN 55304

Franklin, Martin  
City of Inver Grove Heights  
8150 Barbara Avenue  
Inver Grove Heights, MN 55077

Lauren, Sirotiak  
City of Stillwater  
216 N 4th St  
Stillwater, MN 55082

Mitchell T, Diers  
Northern Mechanical/Plumbing  
Contractors Assn  
802 Garfield Ave Ste 202  
Duluth, MN 55802

Phillip, Garbe  
1852 13th Ave W  
Shakopee, MN 55379

Donald, Hedquist  
8248 Abbott Ave S  
Bloomington, MN 55431

Phil, Kraemer  
Lunseth Plumbing & Heating Co  
PO Box 5909  
Grand Forks, ND 58206

David B., Monsour  
IUOE Local 70  
2722 County Road D East  
White Bear Lake, MN 55110

Duane, Stensland  
West Lakeland Township  
15199 8th St N  
Stillwater, MN 55082

*MN Plumbing Board  
Dual Notice mailed  
11-21-18 R-04365 260*

## Minnesota Plumbing Board

**DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R04365**

### **Proposed Amendment to Rules Governing Plumber Licensing, *Minnesota Rules*, Chapter 4716**

**Introduction.** The Minnesota Plumbing Board intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on December 28, 2018, the Board will hold a public hearing in Minnesota Room, Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, starting at 9:30 a.m. on Friday, January 11, 2019. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after December 28, 2018, and before January 11, 2019.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Suzanne Todnem at Minnesota Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, (651) 284-5006 [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us).

**Subject of Rules and Statutory Authority.** The proposed rules are about the registration of unlicensed individuals who perform water conditioning installation, registration of unlicensed individuals who perform plumbing, examination and licensing of both plumbers and water conditioners, and continuing education requirements for licensed individuals and registered unlicensed individuals.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 326B.435, 326B.47, and 326B.555. A copy of the proposed rules is available on the Board's website at <https://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>. A free copy of the rules is available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on Friday, December 28, 2018, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Friday, December 28,

2018. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The Board might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The Board will cancel the hearing scheduled for January 11, 2019, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at 651.284.5006 after December 28, 2018, to find out whether the hearing will be held. You may check for whether the hearing will be held by going on-line at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Eric L. Lipman is assigned to conduct the hearing. Judge Lipman can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7875, and fax (651) 539-0310.

**Hearing Procedure.** If the Board holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed

rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit **new** evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge **via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/discussions>** no later than 4:30 p.m. on the due date. All comments or responses received will be available for review **at the Minnesota Department of Labor and Industry or on the agency's website at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>**. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. Or, you may access a free copy on the agency's website at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

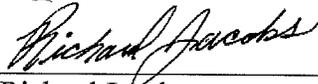
**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The Board will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure after a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the

Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

November 13, 2018



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Richard Jacobs  
Chair, Minnesota Plumbing Board

**Minnesota Plumbing Board**

**CERTIFICATE OF ACCURACY OF THE E-MAILING LIST AND OF E-MAILING THE DUAL NOTICE OF INTENT TO ADOPT RULES TO PERSONS ON THE RULEMAKING E-MAILING LIST**

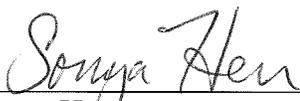
**Proposed Rules Governing Plumber Licensing and Apprentice Registration, Minnesota Rules, chapter 4716; Revisor's ID Number R-04365**

I certify that the list of persons and associations who have requested that their names be placed on the Plumbing rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a, is accurate, complete, and current as of November 26, 2018. A copy of the e-mailing list is attached to this Certificate.

I further certify that on November 26, 2018, at least 30 days before the end of the comment period, at St. Paul, Ramsey County, Minnesota, I e-mailed links to the

- (1) Dual Notice of Intent to Adopt Rules, and
- (2) the proposed rules

The Dual Notice includes an offer to send a free copy of the rules upon request. A copy of the email, the Notice, the rule and the e-mailing list are attached to this Certificate.

 11/26/18  
\_\_\_\_\_  
Sonya Her  
Legal Support Staff Supervisor

**Herr, Sonya (DLI)**

---

**From:** Minnesota Department of Labor and Industry <MNDLI@public.govdelivery.com>  
**Sent:** Monday, November 26, 2018 10:07 AM  
**To:** Herr, Sonya (DLI)  
**Subject:** Rulemaking notice: plumber licensing and apprenticeship registration

## Plumber licensing and apprenticeship registration notice

### Minnesota Rules Chapter 4716

*You are receiving this email because you have registered to receive electronic rulemaking notices pertaining to plumbing.*

The Minnesota Plumbing Board intends to adopt permanent rules governing plumber licensing and apprenticeship registration, Minnesota Rules, chapter 4716.

Documents related to this rulemaking will be published in the Nov. 26, 2018, edition of the *State Register*:

- The Dual Notice: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Requests a Hearing, and
- Notice of Hearing if 25 or More Requests for Hearing are Received.

The Dual Notice provides details about the hearing and cancelation of hearings. View the rulemaking docket for more information.

The comment period for this rulemaking ends at 4:30 p.m. on Dec. 28, 2018.

### Questions?

Contact us at [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us).

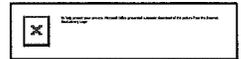
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This service is provided to you at no charge by Minnesota Department of Labor and Industry.

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This email was sent to [sonya.herr@state.mn.us](mailto:sonya.herr@state.mn.us) using GovDelivery Communications Cloud on behalf of: Minnesota Department of Labor and Industry · 443 Lafayette Road N. · Saint Paul, MN 55155



## Minnesota Plumbing Board

### **DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R04365**

#### **Proposed Amendment to Rules Governing Plumber Licensing, *Minnesota Rules*, Chapter 4716**

**Introduction.** The Minnesota Plumbing Board intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on December 28, 2018, the Board will hold a public hearing in Minnesota Room, Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, starting at 9:30 a.m. on Friday, January 11, 2019. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after December 28, 2018, and before January 11, 2019.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Suzanne Todnem at Minnesota Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, (651) 284-5006 [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us).

**Subject of Rules and Statutory Authority.** The proposed rules are about the registration of unlicensed individuals who perform water conditioning installation, registration of unlicensed individuals who perform plumbing, examination and licensing of both plumbers and water conditioners, and continuing education requirements for licensed individuals and registered unlicensed individuals.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 326B.435, 326B.47, and 326B.555. A copy of the proposed rules is available on the Board's website at <https://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>. A free copy of the rules is available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on Friday, December 28, 2018, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Friday, December 28,

2018. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The Board might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The Board will cancel the hearing scheduled for January 11, 2019, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at 651.284.5006 after December 28, 2018, to find out whether the hearing will be held. You may check for whether the hearing will be held by going on-line at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Eric L. Lipman is assigned to conduct the hearing. Judge Lipman can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7875, and fax (651) 539-0310.

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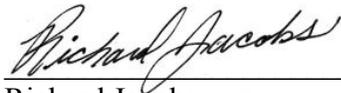
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Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

November 13, 2018



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Richard Jacobs  
Chair, Minnesota Plumbing Board

1.1 **Plumbing Board**1.2 **Proposed Permanent Rules Governing Plumbing Licensing**1.3 **4716.0010 DEFINITIONS.**1.4 *[For text of subps 1 to 5, see M.R.]*

1.5 Subp. 6. **Registered unlicensed plumber.** "Registered unlicensed plumber" means  
1.6 an individual who performs plumbing work for a contractor or employer, does not hold any  
1.7 class of plumber license, is not a plumber's apprentice as described in Minnesota Statutes,  
1.8 section 326B.42, subdivision 6, and is registered with the commissioner under part  
1.9 4716.0050.

1.10 **4716.0020 EXAMINATION AND LICENSING OF PLUMBERS.**

1.11 Subpart 1. **Examinations.** An applicant for a plumber's license, other than a restricted  
1.12 journeyworker or restricted master plumber license, must satisfactorily pass an examination  
1.13 given by the commissioner. ~~Examinations for journeyworker and master plumber licenses~~  
1.14 ~~shall be held in March and September of each year. Applications for the March examination~~  
1.15 ~~must be filed not later than February 15 and for the September examination not later than~~  
1.16 ~~August 15.~~

1.17 A. An applicant for the master plumber examination must have:

1.18 (1) ~~a current Minnesota journeyworker plumber license and five years of~~  
1.19 ~~practical plumbing experience~~ at least one year of practical plumbing experience as a licensed  
1.20 journeyworker plumber as described in subpart 2;

1.21 *[For text of subitems (2) and (3), see M.R.]*

1.22 B. An applicant for the journeyworker examination:

1.23 (1) must be registered as a plumber's apprentice in Minnesota as described  
1.24 in Minnesota Statutes, section 326B.42, subdivision 6, or must be a registered unlicensed

2.1 plumber as described in part 4716.0010, subpart 6, and must have at least four years of  
2.2 recorded practical plumbing experience, as specified in subpart 2, item F;

2.3 *[For text of subitems (2) and (3), see M.R.]*

2.4 Subp. 2. **Experience.** This subpart applies to all practical plumbing experience  
2.5 described in subpart 1.

2.6 *[For text of items A to D, see M.R.]*

2.7 E. If the applicant is a licensed restricted journeyworker plumber or a licensed  
2.8 restricted master plumber, subitems (1) ~~to (3)~~ and (2) apply.

2.9 (1) The practical plumbing experience must include at least the following  
2.10 number of hours in the plumbing aspects specified in units (a) to (c). The remaining required  
2.11 hours of practical plumbing experience may be in any aspect of plumbing work included  
2.12 in the definition of plumbing in UPC section 218.0 as incorporated by reference in part  
2.13 4714.0050; however, the applicant must include in the application the type of plumbing  
2.14 work and corresponding number of hours:

2.15 (a) water distribution system installation, 1,000 hours;

2.16 (b) drain, waste, and vent system installation, 1,000 hours; and

2.17 (c) fixture installation, 500 hours.

2.18 *[For text of subitem (2), see M.R.]*

2.19 ~~(3) The applicant must have completed the entire two years of practical~~  
2.20 ~~plumbing experience within the four years before the applicant takes the examination.~~

2.21 F. If the applicant is a registered ~~plumber's apprentice~~ unlicensed plumber, subitems  
2.22 (1) ~~to (3)~~ and (2) apply.

3.1 (1) The practical plumbing experience must include at least the following  
3.2 number of hours in the plumbing aspects specified in units (a) to (c). The remaining required  
3.3 hours of practical plumbing experience may be in any aspect of plumbing work included  
3.4 in the definition of plumbing in UPC section 218.0 as incorporated by reference in part  
3.5 4714.0050; however, the applicant must include in the application the type of plumbing  
3.6 work and corresponding number of hours:

3.7 (a) water distribution system installation, 2,000 hours;

3.8 (b) drain, waste, and vent system installation, 2,000 hours; and

3.9 (c) fixture installation, 1,000 hours.

3.10 (2) ~~Except for experience qualifying under subitem (3),~~ The applicant must  
3.11 have been a registered ~~plumber's apprentice~~ unlicensed plumber at all times while obtaining  
3.12 the practical plumbing experience; or the applicant must have obtained the practical plumbing  
3.13 experience in one of the following ways:

3.14 (a) during military service, and the applicant's military officer certifies  
3.15 the experience;

3.16 (b) as part of a plumbing education class approved by the commissioner,  
3.17 and an authorized representative of the plumbing educational institution certifies the  
3.18 experience; or

3.19 (c) as a plumber's apprentice in another state where the experience is  
3.20 verified by a state agency that regulates plumbing licensing in that state or by a federal  
3.21 agency.

3.22 (3) ~~Up to 24 months of practical plumbing experience gained before the~~  
3.23 ~~effective date of the applicant's initial registration as a plumber's apprentice will be credited~~  
3.24 ~~if the applicant gained some of the experience during the 12-month period immediately~~  
3.25 ~~prior to the effective date of the applicant's initial registration and if:~~

4.1 (a) ~~the applicant gained the plumbing experience during military service,~~  
 4.2 ~~and the applicant's military officer certifies the experience;~~

4.3 (b) ~~the applicant gained the plumbing experience as part of a plumbing~~  
 4.4 ~~education class approved by the commissioner, and an authorized representative of the~~  
 4.5 ~~educational institution certifies the experience; or~~

4.6 (e) ~~the applicant gained the plumbing experience as a plumber's~~  
 4.7 ~~apprentice in another state where the experience is verified by a state agency in that state~~  
 4.8 ~~or by a federal agency.~~

4.9 G. Except as provided in item F, subitem ~~(3)~~ (2), units (a) to (c), all practical  
 4.10 plumbing experience must be certified by the licensed master plumber ~~or plumbing contractor~~  
 4.11 who is responsible for the work performed. A restricted master plumber cannot certify the  
 4.12 restricted master plumber's own experience. The employer of a journeyworker plumber,  
 4.13 restricted master plumber, restricted journeyworker plumber, or ~~plumber's apprentice~~  
 4.14 registered unlicensed plumber is responsible for:

4.15 *[For text of subitems (1) and (2), see M.R.]*

4.16 **4716.0040 EXPIRATION OF LICENSES.**

4.17 Subpart 1. **Issuance and expiration.** Initial and ~~renewal~~ renewed journeyworker  
 4.18 plumber's licenses and renewed restricted journeyworker plumber's licenses expire on  
 4.19 December 31 of each odd-numbered year after issuance or renewal. Initial and renewed  
 4.20 master plumber's licenses, and renewal restricted journeyworker and renewed restricted  
 4.21 master plumber's licenses, shall be issued for the calendar year for which application is  
 4.22 made and shall expire on December 31 of such year each even-numbered year after issuance  
 4.23 or renewal. Any journeyworker plumber, master plumber, restricted journeyworker plumber,  
 4.24 or restricted master plumber who submits a renewal application after December 31 shall  
 4.25 not work as a plumber until the person has submitted an application, fee, and penalty fee.

5.1 Any licensed journeyworker or master plumber who does not renew the license within two  
 5.2 years is no longer eligible for renewal. The person must retake and pass the examination  
 5.3 before a new license will be issued. Any licensed restricted journeyworker or restricted  
 5.4 master plumber who does not renew the license within ~~12 months~~ two years of the license  
 5.5 expiration will permanently forfeit the restricted plumber license.

5.6 Subp. 2. **License renewals.** Applications for license renewal must be submitted to  
 5.7 the commissioner on forms prepared by the commissioner no later than December 31 of  
 5.8 ~~the year preceding~~ the year for in which ~~application is made~~ the license expires. The  
 5.9 application must be accompanied by the required fee. Journeyworker and master plumbers  
 5.10 who submit their license renewal applications after expiration of their license but within  
 5.11 two years after expiration of the previously issued license must pay all past due renewal  
 5.12 fees plus the required late fee. Restricted journeyworker and restricted master plumbers  
 5.13 who submit their license renewal applications after expiration of their license but within ~~12~~  
 5.14 ~~months~~ two years after expiration of the previously issued license must pay the past due  
 5.15 renewal fee plus the required late fee.

5.16 **4716.0050 REGISTRATION OF ~~PLUMBER'S APPRENTICE~~ REGISTERED**  
 5.17 **UNLICENSED PLUMBER.**

5.18 Subpart 1. **Scope.** Subpart 2 ~~shall~~ does not apply to a registered plumber's ~~apprentices~~  
 5.19 apprentice under Minnesota Statutes, section 326B.47, subdivision 1, ~~clause (1)~~ paragraph  
 5.20 (a).

5.21 Subp. 2. **Registration requirements.** No person shall work as a ~~plumber's apprentice~~  
 5.22 registered unlicensed plumber until that person has submitted an application and fee for  
 5.23 registration to the commissioner. Registration must be renewed annually and shall be for  
 5.24 the period from July 1 of each year to June 30 of the following year. Applications for initial  
 5.25 and renewal registration must be submitted to the commissioner before July 1 of each  
 5.26 registration period on forms provided by the commissioner, and must be accompanied by

6.1 the required fee. A ~~plumber's apprentice~~ registered unlicensed plumber who submits a  
6.2 registration application after July 1 in any year must pay the ~~past due~~ renewal fee plus the  
6.3 required late fee.

6.4 A. A ~~plumber's apprentice~~ registered unlicensed plumber must be at least 18 years  
6.5 of age or be a high school graduate, except that ~~an apprentice~~ a registered unlicensed plumber  
6.6 employed and supervised by the ~~apprentice's~~ registered unlicensed plumber's parent must  
6.7 be at least 16 years of age.

6.8 B. At the time of registration, ~~an apprentice~~ a registered unlicensed plumber must  
6.9 provide a name, address, date of birth, Social Security number, and information about  
6.10 education and practical plumbing experience.

#### 6.11 **4716.0091 DEFINITIONS.**

6.12 Subpart 1. Scope. The terms used in parts 4716.0090 to 4716.0092 have the meanings  
6.13 given them in this part, UPC sections 201.0 to 228.0 as incorporated by reference in part  
6.14 4714.0050, and Minnesota Statutes, section 326B.50.

6.15 Subp. 2. Registered unlicensed water conditioner. "Registered unlicensed water  
6.16 conditioner" means an individual who performs water conditioning work for a contractor  
6.17 or employer, does not hold any class of water conditioning license, and is registered with  
6.18 the commissioner under part 4716.0093.

#### 6.19 **4716.0092 LICENSURE.**

6.20 Subpart 1. **Water conditioning contractor.** An applicant for a water conditioning  
6.21 contractor license must designate a ~~water conditioning~~ responsible licensed master ~~or master~~  
6.22 ~~plumber, licensed by the commissioner, as the individual responsible for the water~~  
6.23 ~~conditioning contractor's compliance with this part, chapter 4714, Minnesota Statutes,~~  
6.24 ~~sections 326B.50 to 326B.59, and all orders issued under Minnesota Statutes, section~~  
6.25 ~~326B.082~~ as defined in Minnesota Statutes, section 326B.50. The responsible ~~water~~

7.1 ~~conditioning licensed master or master plumber~~ must give a minimum 15-day notice to the  
7.2 water conditioning contractor and the department before resigning as the responsible ~~water~~  
7.3 ~~conditioning licensed master or master plumber~~ for the contractor. The contractor and  
7.4 responsible ~~water conditioning licensed master or master plumber~~ must immediately notify  
7.5 the department upon the termination or separation of the contractor's responsible ~~water~~  
7.6 ~~conditioning licensed master or master plumber~~. The water conditioning contractor shall  
7.7 have 60 days from the last day of employment of its previous responsible ~~water conditioning~~  
7.8 ~~licensed master or master plumber~~ to employ another responsible ~~water conditioning licensed~~  
7.9 ~~master or master plumber~~. The water conditioning contractor shall submit written notification  
7.10 to the department that it has designated a different ~~water conditioning responsible licensed~~  
7.11 ~~master or master plumber~~ as the individual responsible for the contractor's compliance with  
7.12 ~~this part, chapter 4714, and Minnesota Statutes, sections 326B.50 to 326B.59~~. If the water  
7.13 conditioning contractor is unable to acquire a replacement responsible ~~water conditioning~~  
7.14 ~~licensed master or master plumber~~, the water conditioning contractor's license is invalid  
7.15 and the contractor shall cease and desist from performing any water conditioning work and  
7.16 return the contractor's license for voluntary termination. Upon acquiring a replacement  
7.17 responsible ~~water conditioning licensed master or master plumber~~, the water conditioning  
7.18 contractor may request reinstatement of the terminated license under Minnesota Statutes,  
7.19 section 326B.096.

7.20 *[For text of subp 2, see M.R.]*

7.21 Subp. 3. **Water conditioning journeyworker.** An applicant for a water conditioning  
7.22 journeyworker license must satisfactorily pass an examination given by the commissioner.  
7.23 An applicant for the water conditioning journeyworker examination must have been a  
7.24 registered unlicensed water conditioner at all times while obtaining at least six months of  
7.25 practical experience as listed in subpart 4, item C, subitem (2), except as permitted in subpart  
7.26 4, item A, subitem (4). The applicant is responsible for verifying practical experience.

8.1 Subp. 4. **Experience.** For the purposes of the experience required under subparts 2  
8.2 and 3, the following requirements apply.

8.3 *[For text of items A to C, see M.R.]*

8.4 D. If the applicant is a registered unlicensed water conditioner:

8.5 (1) the applicant must have been a registered unlicensed water conditioner  
8.6 at all times while obtaining the practical water conditioning experience, except as allowed  
8.7 under Minnesota Statutes, section 326B.555, subdivision 2; and

8.8 (2) all practical water conditioning experience must be certified by the licensed  
8.9 water conditioning master who is responsible for the work performed. Practical water  
8.10 conditioning experience includes installation, servicing, and training hours. The commissioner  
8.11 may require work records, time cards, pay records, or other documentation necessary to  
8.12 evaluate experience. The commissioner shall make the final determination about the adequacy  
8.13 and acceptability of an applicant's experience.

8.14 E. The employer of a water conditioning journeyworker or registered unlicensed  
8.15 water conditioner is responsible for:

8.16 (1) recording the practical water conditioning experience worked by each  
8.17 employee; and

8.18 (2) maintaining the records of practical water conditioning experience for at  
8.19 least six years after the employee's last recorded experience.

8.20 *[For text of subps 5 and 6, see M.R.]*

8.21 **4716.0093 UNLICENSED WATER CONDITIONER REGISTRATION.**

8.22 Subpart 1. Registration requirements. No person shall work as a registered unlicensed  
8.23 water conditioner until that person has submitted an application and fee for registration to  
8.24 the commissioner. Registration must be renewed annually and shall be for the period from

9.1 July 1 of each year to June 30 of the following year. Applications for initial and renewal  
9.2 registration must be submitted to the commissioner before July 1 of each registration period  
9.3 on forms provided by the commissioner, and must be accompanied by the required fee. A  
9.4 registered unlicensed water conditioner who submits a registration application after July 1  
9.5 in any year must pay the renewal fee plus the required late fee.

9.6 A. A registered unlicensed water conditioner must be at least 18 years of age or  
9.7 a high school graduate, except that a registered unlicensed water conditioner employed and  
9.8 supervised by the registered unlicensed water conditioner's parent must be at least 16 years  
9.9 of age.

9.10 B. An applicant for registration under this part must provide a name, address, date  
9.11 of birth, Social Security number, and information about education and practical water  
9.12 conditioning experience on a form provided by the commissioner.

### 9.13 **4716.0205 REQUIREMENTS.**

#### 9.14 Subpart 1. **Continuing education; content.**

9.15 A. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
9.16 individuals who hold the following license types are required to obtain 16 hours of continuing  
9.17 education instruction during the license period before the license may be renewed:

9.18 (1) master plumber;

9.19 (2) journeyworker plumber; and

9.20 (3) restricted plumber.

9.21 At least ~~12~~ eight hours of instruction must pertain to the Plumbing Code, and ~~at least four~~  
9.22 ~~hours of instruction must pertain to the~~ remainder must pertain to the Plumbing Code,  
9.23 technical topics related to plumbing installations and equipment, this chapter, the Minnesota  
9.24 State Building Code, or Minnesota Statutes, sections 326B.41 to ~~326B.49~~ 326B.59.

10.1 Continuing education hours obtained by any electronic media must ~~not exceed four hours~~  
10.2 ~~during the renewal period~~ comply with Minnesota Statutes, sections 326B.098 to 326B.099.

10.3 B. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
10.4 individuals who hold the following license types are required to obtain four hours of  
10.5 continuing education instruction during the license period before the license may be renewed:

10.6 (1) water conditioning master; and

10.7 (2) water conditioning journeyworker.

10.8 ~~At least two hours of instruction~~ must pertain to the Plumbing Code and the remainder must  
10.9 pertain to the Plumbing Code, technical topics related to water conditioning installation and  
10.10 servicing, this chapter, or Minnesota Statutes, sections 326B.50 to 326B.59. Continuing  
10.11 education hours obtained by any electronic media must comply with Minnesota Statutes,  
10.12 sections 326B.098 to 326B.099.

10.13 C. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
10.14 individuals who hold the following registration types are required to obtain continuing  
10.15 education instruction during the registration period before the registration can be renewed:

10.16 (1) registered unlicensed plumbers; and

10.17 (2) registered unlicensed water conditioners.

10.18 The registered unlicensed plumber must obtain at least two hours of continuing education  
10.19 instruction that must pertain to the Plumbing Code.

10.20 The registered unlicensed water conditioner must obtain at least two hours of continuing  
10.21 education instruction. At least one hour of instruction must pertain to the Plumbing Code,  
10.22 and the remainder must pertain to the Plumbing Code, technical topics related to water  
10.23 conditioning installation and servicing, this chapter, or Minnesota Statutes, sections 326B.50



# Office of the Revisor of Statutes

## Administrative Rules



**TITLE:** Proposed Permanent Rules Governing Plumbing Licensing

**AGENCY:** Plumbing Board

**REVISOR ID:** R-4365

**MINNESOTA RULES:** Chapter 4716

The attached rules are approved for  
publication in the State Register

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usstate05@gmail.com  
vcochran@rangecenter.com  
veronica@medina-inc.com  
vfwaters@gmail.com  
vitolovary@gmail.com  
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yangmayde@gmail.com

**Minnesota Plumbing Board**

**CERTIFICATE OF E-MAILING THE DUAL NOTICE OF INTENT TO ADOPT RULES  
TO PERSONS ON THE ADDITIONAL NOTICE PLAN LIST**

**Proposed Rules Governing Plumber Licensing and Apprentice Registration, Minnesota  
Rules, chapter 4716; Revisor's ID Number R-04365**

I certify that on November 26, 2018, at least 30 days before the end of the comment period, at St. Paul, Ramsey County, Minnesota, I e-mailed links to the

- (1) Dual Notice of Intent to Adopt Rules, and
- (2) the proposed rules

The Dual Notice offers to send a free copy of the rule upon request. A copy of the emails, the Notice, and the rule are attached to this Certificate.

  
\_\_\_\_\_  
Suzanne Toehem  
General Counsel

**From:** [Todnem, Suzanne \(DLI\)](#)  
**To:** [Todnem, Suzanne \(DLI\)](#)  
**Bcc:** [REDACTED]; [Morris, Susan \(Co-Isanti\)](#);  
[REDACTED]  
"  
**Subject:** Plumbing Board rulemaking notice, chapter 4716  
**Date:** Monday, November 26, 2018 9:59:00 AM  
**Attachments:** [image001.png](#)

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*You are receiving this email because under the Minnesota Administrative Procedures Act, each Minnesota agency must make reasonable efforts to notify persons or classes of persons who may be significantly affected by the rule being proposed. The Minnesota Plumbing Board has identified you as a person or organization who may be affected by the proposed rule.*

The Minnesota Plumbing Board intends to adopt permanent rules governing Plumber Licensing and Apprenticeship Registration, Minnesota Rules, chapter 4716. The Dual Notice: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Requests a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received, is published in the November 26, 2018, edition of the [State Register](#). The Dual Notice provides full details about the hearing and cancellation of hearing. Links to the Dual Notice, proposed rules and the Statement of Need and Reasonableness are available at: <https://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716> along with other information on the status of the rulemaking proceeding.

The comment period for this rulemaking ends at 4:30 p.m. on December 28, 2018.

**Suzanne Todnem**

General Counsel | Office of General Counsel

**Minnesota Department of Labor and Industry**

443 Lafayette Road N., St. Paul, MN 55155

Phone: (651) 284-5851 | Web: [www.dli.mn.gov](http://www.dli.mn.gov)



**From:** [RULES, DLI \(DLI\)](#) on behalf of [DLIRULES \(DLI\)](#)  
**To:** "Julie Ring"  
**Subject:** Plumbing Board rulemaking notice, chapter 4716  
**Date:** Monday, November 26, 2018 10:14:00 AM  
**Attachments:** [image001.png](#)

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*You are receiving this email because under the Minnesota Administrative Procedures Act, each Minnesota agency must make reasonable efforts to notify persons or classes of persons who may be significantly affected by the rule being proposed. The Minnesota Plumbing Board has identified you as a person or organization who may be affected by the proposed rule.*

The Minnesota Plumbing Board intends to adopt permanent rules governing Plumber Licensing and Apprenticeship Registration, Minnesota Rules, chapter 4716. The Dual Notice: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Requests a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received, is published in the November 26, 2018, edition of the [State Register](#). The Dual Notice provides full details about the hearing and cancellation of hearing. Links to the Dual Notice, proposed rules and the Statement of Need and Reasonableness are available at: <https://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716> along with other information on the status of the rulemaking proceeding.

The comment period for this rulemaking ends at 4:30 p.m. on December 28, 2018.

**Suzanne Todnem**

General Counsel | Office of General Counsel

**Minnesota Department of Labor and Industry**

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## Minnesota Plumbing Board

### **DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R04365**

#### **Proposed Amendment to Rules Governing Plumber Licensing, *Minnesota Rules*, Chapter 4716**

**Introduction.** The Minnesota Plumbing Board intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on December 28, 2018, the Board will hold a public hearing in Minnesota Room, Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, starting at 9:30 a.m. on Friday, January 11, 2019. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after December 28, 2018, and before January 11, 2019.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Suzanne Todnem at Minnesota Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, (651) 284-5006 [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us).

**Subject of Rules and Statutory Authority.** The proposed rules are about the registration of unlicensed individuals who perform water conditioning installation, registration of unlicensed individuals who perform plumbing, examination and licensing of both plumbers and water conditioners, and continuing education requirements for licensed individuals and registered unlicensed individuals.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 326B.435, 326B.47, and 326B.555. A copy of the proposed rules is available on the Board's website at <https://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>. A free copy of the rules is available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on Friday, December 28, 2018, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Friday, December 28,

2018. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The Board might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The Board will cancel the hearing scheduled for January 11, 2019, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at 651.284.5006 after December 28, 2018, to find out whether the hearing will be held. You may check for whether the hearing will be held by going on-line at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Eric L. Lipman is assigned to conduct the hearing. Judge Lipman can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7875, and fax (651) 539-0310.

**Hearing Procedure.** If the Board holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed

rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit **new** evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge **via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/discussions>** no later than 4:30 p.m. on the due date. All comments or responses received will be available for review **at the Minnesota Department of Labor and Industry or on the agency's website at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>**. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. Or, you may access a free copy on the agency's website at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

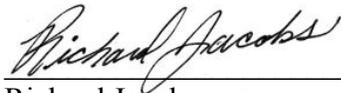
**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The Board will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure after a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the

Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

November 13, 2018



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Richard Jacobs  
Chair, Minnesota Plumbing Board

1.1 **Plumbing Board**

1.2 **Proposed Permanent Rules Governing Plumbing Licensing**

1.3 **4716.0010 DEFINITIONS.**

1.4 *[For text of subps 1 to 5, see M.R.]*

1.5 Subp. 6. **Registered unlicensed plumber.** "Registered unlicensed plumber" means  
1.6 an individual who performs plumbing work for a contractor or employer, does not hold any  
1.7 class of plumber license, is not a plumber's apprentice as described in Minnesota Statutes,  
1.8 section 326B.42, subdivision 6, and is registered with the commissioner under part  
1.9 4716.0050.

1.10 **4716.0020 EXAMINATION AND LICENSING OF PLUMBERS.**

1.11 Subpart 1. **Examinations.** An applicant for a plumber's license, other than a restricted  
1.12 journeyworker or restricted master plumber license, must satisfactorily pass an examination  
1.13 given by the commissioner. ~~Examinations for journeyworker and master plumber licenses~~  
1.14 ~~shall be held in March and September of each year. Applications for the March examination~~  
1.15 ~~must be filed not later than February 15 and for the September examination not later than~~  
1.16 ~~August 15.~~

1.17 A. An applicant for the master plumber examination must have:

1.18 (1) ~~a current Minnesota journeyworker plumber license and five years of~~  
1.19 ~~practical plumbing experience~~ at least one year of practical plumbing experience as a licensed  
1.20 journeyworker plumber as described in subpart 2;

1.21 *[For text of subitems (2) and (3), see M.R.]*

1.22 B. An applicant for the journeyworker examination:

1.23 (1) must be registered as a plumber's apprentice in Minnesota as described  
1.24 in Minnesota Statutes, section 326B.42, subdivision 6, or must be a registered unlicensed

2.1 plumber as described in part 4716.0010, subpart 6, and must have at least four years of  
 2.2 recorded practical plumbing experience, as specified in subpart 2, item F;

2.3 *[For text of subitems (2) and (3), see M.R.]*

2.4 Subp. 2. **Experience.** This subpart applies to all practical plumbing experience  
 2.5 described in subpart 1.

2.6 *[For text of items A to D, see M.R.]*

2.7 E. If the applicant is a licensed restricted journeyworker plumber or a licensed  
 2.8 restricted master plumber, subitems (1) ~~to (3)~~ and (2) apply.

2.9 (1) The practical plumbing experience must include at least the following  
 2.10 number of hours in the plumbing aspects specified in units (a) to (c). The remaining required  
 2.11 hours of practical plumbing experience may be in any aspect of plumbing work included  
 2.12 in the definition of plumbing in UPC section 218.0 as incorporated by reference in part  
 2.13 4714.0050; however, the applicant must include in the application the type of plumbing  
 2.14 work and corresponding number of hours:

2.15 (a) water distribution system installation, 1,000 hours;

2.16 (b) drain, waste, and vent system installation, 1,000 hours; and

2.17 (c) fixture installation, 500 hours.

2.18 *[For text of subitem (2), see M.R.]*

2.19 ~~(3) The applicant must have completed the entire two years of practical~~  
 2.20 ~~plumbing experience within the four years before the applicant takes the examination.~~

2.21 F. If the applicant is a registered ~~plumber's apprentice~~ unlicensed plumber, subitems  
 2.22 (1) ~~to (3)~~ and (2) apply.

3.1 (1) The practical plumbing experience must include at least the following  
3.2 number of hours in the plumbing aspects specified in units (a) to (c). The remaining required  
3.3 hours of practical plumbing experience may be in any aspect of plumbing work included  
3.4 in the definition of plumbing in UPC section 218.0 as incorporated by reference in part  
3.5 4714.0050; however, the applicant must include in the application the type of plumbing  
3.6 work and corresponding number of hours:

3.7 (a) water distribution system installation, 2,000 hours;

3.8 (b) drain, waste, and vent system installation, 2,000 hours; and

3.9 (c) fixture installation, 1,000 hours.

3.10 (2) ~~Except for experience qualifying under subitem (3),~~ The applicant must  
3.11 have been a registered ~~plumber's apprentice~~ unlicensed plumber at all times while obtaining  
3.12 the practical plumbing experience; or the applicant must have obtained the practical plumbing  
3.13 experience in one of the following ways:

3.14 (a) during military service, and the applicant's military officer certifies  
3.15 the experience;

3.16 (b) as part of a plumbing education class approved by the commissioner,  
3.17 and an authorized representative of the plumbing educational institution certifies the  
3.18 experience; or

3.19 (c) as a plumber's apprentice in another state where the experience is  
3.20 verified by a state agency that regulates plumbing licensing in that state or by a federal  
3.21 agency.

3.22 (3) ~~Up to 24 months of practical plumbing experience gained before the~~  
3.23 ~~effective date of the applicant's initial registration as a plumber's apprentice will be credited~~  
3.24 ~~if the applicant gained some of the experience during the 12-month period immediately~~  
3.25 ~~prior to the effective date of the applicant's initial registration and if:~~

4.1 (a) ~~the applicant gained the plumbing experience during military service,~~  
 4.2 ~~and the applicant's military officer certifies the experience;~~

4.3 (b) ~~the applicant gained the plumbing experience as part of a plumbing~~  
 4.4 ~~education class approved by the commissioner, and an authorized representative of the~~  
 4.5 ~~educational institution certifies the experience; or~~

4.6 (e) ~~the applicant gained the plumbing experience as a plumber's~~  
 4.7 ~~apprentice in another state where the experience is verified by a state agency in that state~~  
 4.8 ~~or by a federal agency.~~

4.9 G. Except as provided in item F, subitem ~~(3)~~ (2), units (a) to (c), all practical  
 4.10 plumbing experience must be certified by the licensed master plumber ~~or plumbing contractor~~  
 4.11 who is responsible for the work performed. A restricted master plumber cannot certify the  
 4.12 restricted master plumber's own experience. The employer of a journeyworker plumber,  
 4.13 restricted master plumber, restricted journeyworker plumber, or ~~plumber's apprentice~~  
 4.14 registered unlicensed plumber is responsible for:

4.15 *[For text of subitems (1) and (2), see M.R.]*

#### 4.16 **4716.0040 EXPIRATION OF LICENSES.**

4.17 Subpart 1. **Issuance and expiration.** Initial and ~~renewal~~ renewed journeyworker  
 4.18 plumber's licenses and renewed restricted journeyworker plumber's licenses expire on  
 4.19 December 31 of each odd-numbered year after issuance or renewal. Initial and renewed  
 4.20 master plumber's licenses, and renewal restricted journeyworker and renewed restricted  
 4.21 master plumber's licenses, shall be issued for the calendar year for which application is  
 4.22 made and shall expire on December 31 of such year each even-numbered year after issuance  
 4.23 or renewal. Any journeyworker plumber, master plumber, restricted journeyworker plumber,  
 4.24 or restricted master plumber who submits a renewal application after December 31 shall  
 4.25 not work as a plumber until the person has submitted an application, fee, and penalty fee.

5.1 Any licensed journeyworker or master plumber who does not renew the license within two  
 5.2 years is no longer eligible for renewal. The person must retake and pass the examination  
 5.3 before a new license will be issued. Any licensed restricted journeyworker or restricted  
 5.4 master plumber who does not renew the license within ~~12 months~~ two years of the license  
 5.5 expiration will permanently forfeit the restricted plumber license.

5.6 Subp. 2. **License renewals.** Applications for license renewal must be submitted to  
 5.7 the commissioner on forms prepared by the commissioner no later than December 31 of  
 5.8 ~~the year preceding~~ the year for in which ~~application is made~~ the license expires. The  
 5.9 application must be accompanied by the required fee. Journeyworker and master plumbers  
 5.10 who submit their license renewal applications after expiration of their license but within  
 5.11 two years after expiration of the previously issued license must pay all past due renewal  
 5.12 fees plus the required late fee. Restricted journeyworker and restricted master plumbers  
 5.13 who submit their license renewal applications after expiration of their license but within ~~12~~  
 5.14 ~~months~~ two years after expiration of the previously issued license must pay the past due  
 5.15 renewal fee plus the required late fee.

5.16 **4716.0050 REGISTRATION OF ~~PLUMBER'S APPRENTICE~~ REGISTERED**  
 5.17 **UNLICENSED PLUMBER.**

5.18 Subpart 1. **Scope.** Subpart 2 ~~shall~~ does not apply to a registered plumber's ~~apprentices~~  
 5.19 apprentice under Minnesota Statutes, section 326B.47, subdivision 1, ~~clause (1)~~ paragraph  
 5.20 (a).

5.21 Subp. 2. **Registration requirements.** No person shall work as a ~~plumber's apprentice~~  
 5.22 registered unlicensed plumber until that person has submitted an application and fee for  
 5.23 registration to the commissioner. Registration must be renewed annually and shall be for  
 5.24 the period from July 1 of each year to June 30 of the following year. Applications for initial  
 5.25 and renewal registration must be submitted to the commissioner before July 1 of each  
 5.26 registration period on forms provided by the commissioner, and must be accompanied by

6.1 the required fee. A ~~plumber's apprentice~~ registered unlicensed plumber who submits a  
 6.2 registration application after July 1 in any year must pay the ~~past due~~ renewal fee plus the  
 6.3 required late fee.

6.4 A. A ~~plumber's apprentice~~ registered unlicensed plumber must be at least 18 years  
 6.5 of age or be a high school graduate, except that ~~an apprentice~~ a registered unlicensed plumber  
 6.6 employed and supervised by the ~~apprentice's~~ registered unlicensed plumber's parent must  
 6.7 be at least 16 years of age.

6.8 B. At the time of registration, ~~an apprentice~~ a registered unlicensed plumber must  
 6.9 provide a name, address, date of birth, Social Security number, and information about  
 6.10 education and practical plumbing experience.

#### 6.11 **4716.0091 DEFINITIONS.**

6.12 Subpart 1. Scope. The terms used in parts 4716.0090 to 4716.0092 have the meanings  
 6.13 given them in this part, UPC sections 201.0 to 228.0 as incorporated by reference in part  
 6.14 4714.0050, and Minnesota Statutes, section 326B.50.

6.15 Subp. 2. Registered unlicensed water conditioner. "Registered unlicensed water  
 6.16 conditioner" means an individual who performs water conditioning work for a contractor  
 6.17 or employer, does not hold any class of water conditioning license, and is registered with  
 6.18 the commissioner under part 4716.0093.

#### 6.19 **4716.0092 LICENSURE.**

6.20 Subpart 1. **Water conditioning contractor.** An applicant for a water conditioning  
 6.21 contractor license must designate a ~~water conditioning~~ responsible licensed master ~~or master~~  
 6.22 plumber, licensed by the commissioner, as the individual responsible for the water  
 6.23 conditioning contractor's compliance with this part, chapter 4714, Minnesota Statutes,  
 6.24 sections 326B.50 to 326B.59, and all orders issued under Minnesota Statutes, section  
 6.25 ~~326B.082~~ as defined in Minnesota Statutes, section 326B.50. The responsible water

7.1 ~~conditioning licensed master or master plumber~~ must give a minimum 15-day notice to the  
7.2 water conditioning contractor and the department before resigning as the responsible ~~water~~  
7.3 ~~conditioning licensed master or master plumber~~ for the contractor. The contractor and  
7.4 responsible ~~water conditioning licensed master or master plumber~~ must immediately notify  
7.5 the department upon the termination or separation of the contractor's responsible ~~water~~  
7.6 ~~conditioning licensed master or master plumber~~. The water conditioning contractor shall  
7.7 have 60 days from the last day of employment of its previous responsible ~~water conditioning~~  
7.8 ~~licensed master or master plumber~~ to employ another responsible ~~water conditioning licensed~~  
7.9 ~~master or master plumber~~. The water conditioning contractor shall submit written notification  
7.10 to the department that it has designated a different ~~water conditioning responsible licensed~~  
7.11 ~~master or master plumber~~ as the individual responsible for the contractor's compliance with  
7.12 ~~this part, chapter 4714, and Minnesota Statutes, sections 326B.50 to 326B.59~~. If the water  
7.13 conditioning contractor is unable to acquire a replacement responsible ~~water conditioning~~  
7.14 ~~licensed master or master plumber~~, the water conditioning contractor's license is invalid  
7.15 and the contractor shall cease and desist from performing any water conditioning work and  
7.16 return the contractor's license for voluntary termination. Upon acquiring a replacement  
7.17 responsible ~~water conditioning licensed master or master plumber~~, the water conditioning  
7.18 contractor may request reinstatement of the terminated license under Minnesota Statutes,  
7.19 section 326B.096.

7.20 *[For text of subp 2, see M.R.]*

7.21 Subp. 3. **Water conditioning journeyworker.** An applicant for a water conditioning  
7.22 journeyworker license must satisfactorily pass an examination given by the commissioner.  
7.23 An applicant for the water conditioning journeyworker examination must have been a  
7.24 registered unlicensed water conditioner at all times while obtaining at least six months of  
7.25 practical experience as listed in subpart 4, item C, subitem (2), except as permitted in subpart  
7.26 4, item A, subitem (4). The applicant is responsible for verifying practical experience.

8.1 Subp. 4. **Experience.** For the purposes of the experience required under subparts 2  
8.2 and 3, the following requirements apply.

8.3 *[For text of items A to C, see M.R.]*

8.4 D. If the applicant is a registered unlicensed water conditioner:

8.5 (1) the applicant must have been a registered unlicensed water conditioner  
8.6 at all times while obtaining the practical water conditioning experience, except as allowed  
8.7 under Minnesota Statutes, section 326B.555, subdivision 2; and

8.8 (2) all practical water conditioning experience must be certified by the licensed  
8.9 water conditioning master who is responsible for the work performed. Practical water  
8.10 conditioning experience includes installation, servicing, and training hours. The commissioner  
8.11 may require work records, time cards, pay records, or other documentation necessary to  
8.12 evaluate experience. The commissioner shall make the final determination about the adequacy  
8.13 and acceptability of an applicant's experience.

8.14 E. The employer of a water conditioning journeyworker or registered unlicensed  
8.15 water conditioner is responsible for:

8.16 (1) recording the practical water conditioning experience worked by each  
8.17 employee; and

8.18 (2) maintaining the records of practical water conditioning experience for at  
8.19 least six years after the employee's last recorded experience.

8.20 *[For text of subps 5 and 6, see M.R.]*

8.21 **4716.0093 UNLICENSED WATER CONDITIONER REGISTRATION.**

8.22 Subpart 1. Registration requirements. No person shall work as a registered unlicensed  
8.23 water conditioner until that person has submitted an application and fee for registration to  
8.24 the commissioner. Registration must be renewed annually and shall be for the period from

9.1 July 1 of each year to June 30 of the following year. Applications for initial and renewal  
 9.2 registration must be submitted to the commissioner before July 1 of each registration period  
 9.3 on forms provided by the commissioner, and must be accompanied by the required fee. A  
 9.4 registered unlicensed water conditioner who submits a registration application after July 1  
 9.5 in any year must pay the renewal fee plus the required late fee.

9.6 A. A registered unlicensed water conditioner must be at least 18 years of age or  
 9.7 a high school graduate, except that a registered unlicensed water conditioner employed and  
 9.8 supervised by the registered unlicensed water conditioner's parent must be at least 16 years  
 9.9 of age.

9.10 B. An applicant for registration under this part must provide a name, address, date  
 9.11 of birth, Social Security number, and information about education and practical water  
 9.12 conditioning experience on a form provided by the commissioner.

9.13 **4716.0205 REQUIREMENTS.**

9.14 Subpart 1. **Continuing education; content.**

9.15 A. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
 9.16 individuals who hold the following license types are required to obtain 16 hours of continuing  
 9.17 education instruction during the license period before the license may be renewed:

- 9.18 (1) master plumber;
- 9.19 (2) journeyworker plumber; and
- 9.20 (3) restricted plumber.

9.21 At least ~~12~~ eight hours of instruction must pertain to the Plumbing Code, and ~~at least four~~  
 9.22 ~~hours of instruction must pertain to the~~ remainder must pertain to the Plumbing Code,  
 9.23 technical topics related to plumbing installations and equipment, this chapter, the Minnesota  
 9.24 State Building Code, or Minnesota Statutes, sections 326B.41 to ~~326B.49~~ 326B.59.

10.1 Continuing education hours obtained by any electronic media must ~~not exceed four hours~~  
10.2 ~~during the renewal period~~ comply with Minnesota Statutes, sections 326B.098 to 326B.099.

10.3 B. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
10.4 individuals who hold the following license types are required to obtain four hours of  
10.5 continuing education instruction during the license period before the license may be renewed:

10.6 (1) water conditioning master; and

10.7 (2) water conditioning journeyworker.

10.8 ~~At least two hours of instruction~~ must pertain to the Plumbing Code and the remainder must  
10.9 pertain to the Plumbing Code, technical topics related to water conditioning installation and  
10.10 servicing, this chapter, or Minnesota Statutes, sections 326B.50 to 326B.59. Continuing  
10.11 education hours obtained by any electronic media must comply with Minnesota Statutes,  
10.12 sections 326B.098 to 326B.099.

10.13 C. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
10.14 individuals who hold the following registration types are required to obtain continuing  
10.15 education instruction during the registration period before the registration can be renewed:

10.16 (1) registered unlicensed plumbers; and

10.17 (2) registered unlicensed water conditioners.

10.18 The registered unlicensed plumber must obtain at least two hours of continuing education  
10.19 instruction that must pertain to the Plumbing Code.

10.20 The registered unlicensed water conditioner must obtain at least two hours of continuing  
10.21 education instruction. At least one hour of instruction must pertain to the Plumbing Code,  
10.22 and the remainder must pertain to the Plumbing Code, technical topics related to water  
10.23 conditioning installation and servicing, this chapter, or Minnesota Statutes, sections 326B.50



**Minnesota Plumbing Board**

**CERTIFICATE OF E-MAILING THE DUAL NOTICE TO THE PLUMBING BOARD  
INTERESTED PARTIES LIST**

**Proposed Rules Governing Plumber Licensing and Apprentice Registration, Minnesota  
Rules, chapter 4716; Revisor's ID Number R-04365**

I certify that on November 26, 2018, I e-mailed to the Plumbing Board Interested Parties list a link to the Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received and a link to the rulemaking docket.

I have attached a copy of the email to this Certificate.



---

Lyndy Logan  
Executive Assistant

**From:** [Logan, Lyndy \(DLI\)](#)  
**Cc:** [Logan, Lyndy \(DLI\)](#)  
**Bcc:**



**Subject:** Plumbing Board rulemaking notice, chapter 4716  
**Date:** Monday, November 26, 2018 10:08:00 AM  
**Attachments:** [image003.png](#)  
[image005.png](#)  
[image007.png](#)

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Dear Plumbing Board members, Interested Parties, and DLI staff:

*You are receiving this email because under the Minnesota Administrative Procedures Act, each Minnesota agency must make reasonable efforts to notify persons or classes of persons who may be significantly affected by the rule being proposed. The Minnesota Plumbing Board has identified you as a person or organization who may be affected by the proposed rule.*

The Minnesota Plumbing Board intends to adopt permanent rules governing Plumber Licensing and Apprenticeship Registration, Minnesota Rules, chapter 4716. The Dual Notice: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Requests a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received, will be published in the November 26, 2018, edition of the [State Register](#). The Dual Notice provides full details about the hearing and cancelation of hearing. Links to the Dual Notice, proposed rules and the Statement of Need and Reasonableness are available at: <https://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716> along with other information on the status of the rulemaking proceeding.

The comment period for this rulemaking ends at 4:30 p.m. on December 28, 2018.

Thank you,

**Lyndy Logan**

Executive Secretary to the Plumbing Board | Construction Codes and Licensing

**Minnesota Department of Labor and Industry**

443 Lafayette Road N., St. Paul, MN 55155

Phone: (651) 284-5912 | Web: [www.dli.mn.gov](http://www.dli.mn.gov)



## Minnesota Plumbing Board

### **DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R04365**

#### **Proposed Amendment to Rules Governing Plumber Licensing, *Minnesota Rules*, Chapter 4716**

**Introduction.** The Minnesota Plumbing Board intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on December 28, 2018, the Board will hold a public hearing in Minnesota Room, Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, starting at 9:30 a.m. on Friday, January 11, 2019. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after December 28, 2018, and before January 11, 2019.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Suzanne Todnem at Minnesota Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, (651) 284-5006 [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us).

**Subject of Rules and Statutory Authority.** The proposed rules are about the registration of unlicensed individuals who perform water conditioning installation, registration of unlicensed individuals who perform plumbing, examination and licensing of both plumbers and water conditioners, and continuing education requirements for licensed individuals and registered unlicensed individuals.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 326B.435, 326B.47, and 326B.555. A copy of the proposed rules is available on the Board's website at <https://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>. A free copy of the rules is available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on Friday, December 28, 2018, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Friday, December 28,

2018. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The Board might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The Board will cancel the hearing scheduled for January 11, 2019, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at 651.284.5006 after December 28, 2018, to find out whether the hearing will be held. You may check for whether the hearing will be held by going on-line at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Eric L. Lipman is assigned to conduct the hearing. Judge Lipman can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7875, and fax (651) 539-0310.

**Hearing Procedure.** If the Board holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed

rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit **new** evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge **via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/discussions>** no later than 4:30 p.m. on the due date. All comments or responses received will be available for review **at the Minnesota Department of Labor and Industry or on the agency's website at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>**. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. Or, you may access a free copy on the agency's website at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The Board will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure after a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the

Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

November 13, 2018



---

Richard Jacobs  
Chair, Minnesota Plumbing Board



59160 Madison Ave.  
Mankato, MN 56001

PHONE: 507/388-7332  
FAX: 507/388-4192

12/13/18

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

RECEIVED  
DEC 17 2018  
DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

Re: Request for Public Hearing on Proposed Permanent Rules to Amend Minn. Rules, Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. As someone who will be significantly impacted by this proposed rulemaking and having reviewed the final proposed rule, R-04365, and the Statement of Need and Reasonableness, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,

Karmen Javens  
President

Eric Gander  
518 24<sup>th</sup> Street SW  
Rochester, MN 55902

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,



Eric Gander

RECEIVED

DEC 20 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

Jim Gander  
2815 Merrihills Dr. SW  
Rochester, MN 55902

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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It should be brought to the attention of all persons considering these new rules that the following is true to the best of my knowledge and memory;

- 1) "registered unlicensed individuals" are for the most part non-union apprentices
- 2) The 2017 legislation that granted the Plumbing Board authority to adopt rules for continuing education for registered unlicensed individuals was deep in an omnibus bill offered virtually at the last and final hour of that legislative session
- 3) Most of us regular citizens of Minnesota consider Continuing Education to be education that is required after obtaining a license not before, therefore we did not recognize what effect this legislation may cause until the new rule language was offered publically at a Special Plumbing Board meeting one year later
- 4) The SONAR justifies the proposed rule as follows;

"This requirement will enhance registrants knowledge and understanding of the Plumbing Code and other information relevant to their work"

"It is necessary and reasonable to require a regulated party to obtain some continuing education to maintain their registration to ensure competence in the interest of public health"

Yet the SONAR apparently purposefully omits mentioning the long standing rule that has done just that for decades....registered apprentices and registered unlicensed individuals cannot work alone on any jobsite, a licensed journey-worker or master must be present at all times. This longstanding existing rule is in place to do just what the SONAR represents Minnesota needs....ensure code compliancy (competence in the interest of public health). If code compliancy can be accomplished by 2 hours of continuing education I would then ask; can we drop the rule requiring a licensed individual to be on site with the registered unlicensed individual?

The registered apprentice or registered unlicensed individual will by natural progression of his/her career be ultimately tested as to their knowledge of the Plumbing Code and then after licensure he/she will be required to meet the demands of existing continuing education rules. If the purpose of this new requirement is what the SONAR states then it is redundant. If the purpose of this new rule is to set a precedence for the Plumbing Boards Authority to not only adopt rules regulating continuing education but to adopt rules mandating pre-licensure training of registered unlicensed individuals, as this author suspects, then the legislation and the new rule is being used to manipulate law. Minnesota statutes and rules should not be the tool of a specific group in order to build a business advantage over another specific party within the same industry, all-the-while claiming interest in public health as its agenda.

Sincerely,



Jim Gander

Craig Curley  
1244 60<sup>th</sup> Ave NW  
Rochester, MN 55901

RECEIVED

DEC 21 2018

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,



Lic # PM060735

RANDY TUPPER  
12345 CARDINAL LN NE  
ROCHESTER MN  
55906

RECEIVED

DEC 21 2018

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

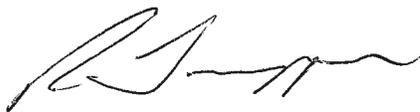
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Sincerely,



Brian Lubbert  
P.O. Box 153  
Hayfield MN 55940

RECEIVED

DEC 21 2018

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LEGAL SERVICES

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
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Sincerely,



Lisa Johnson  
3824 7th Place NW  
Rochester MN 55901

RECEIVED

DEC 21 2018

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LEGAL SERVICES

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,

Lisa Johnson

Lisa Johnson

Jeff Engelken  
4604 Sandy Wood Ct SE  
Rochester MN 55904

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Sincerely,



Mary Kipp  
1907 10 Ave SE  
Rochester MN 55904

RECEIVED

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Sincerely,



SHANNON PETERS  
603 2ND ST NW  
KASSON MN 55944

RECEIVED

DEC 21 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Re: Request for Public Hearing on Proposed Permanent Rules to Amend Minn. Rules,  
Chapter 4716, R-04365

Dear Ms. Todnem,

I would respectfully request a hearing by the Plumbing Board on the proposed permanent rules to amend Minnesota Rules Chapter 4716. As someone who will be significantly impacted by this proposed rulemaking and having reviewed the final proposed rule, R-04365, and the Statement of Need and Reasonableness, I would like the Board to consider further public testimony on the rule. Specifically, I have objections to the proposed changes in Chapter 4716.0205 related to continuing education requirements for registered unlicensed plumbers.

Sincerely,

Shannon Peters

James Ronnenberg  
318 5th Ave NE  
Byron, MN 55920  
507-259-7729

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Sincerely,



Jeff Jaeger  
2717 16<sup>th</sup> St SW  
Stewartville, MN 55976

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Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,



Krista Gibbons  
919 10th Avenue NE  
Rochester MN 55906

RECEIVED

DEC 21 2018

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

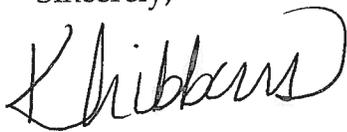
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443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,



Krista Gibbons

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Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
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Sincerely,

*Amy Hoven*

Amy Hoven

858- 8 Ave SE

Rochester, MN 55904

Mike Nordstrom  
1209 37<sup>th</sup> St. S.W.  
Rochester, MN 55902

RECEIVED

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Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,



Heather Madison  
4138 1160th Ave SE  
Dover MN 55929

**RECEIVED**

**DEC 21 2018**

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LEGAL SERVICES**

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,

Heather Madison

Paul A. Van Tassel  
111 3rd Ave NW  
Stewartville MN 55976

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Sincerely,

  
Paul A. Van Tassel

Reid Aleckson  
709 Laura Court  
Chaska, MN 55318

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,

Reid Aleckson  
PM080226



Nathan Henning  
2864 Geneva Rd NE  
Alexandria, MN 56308

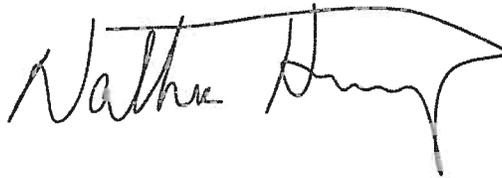
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443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,

A handwritten signature in black ink that reads "Nathan Henning". The signature is written in a cursive style with a long horizontal stroke at the top and a large loop at the bottom.

Nathan Henning  
PM064088

Dave Berdan  
PO BOX 7308  
St. Cloud, MN 56302

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,

  
David Berdan

PM058698

Brad Smith  
PO BOX 7308  
St. Cloud, MN 56302

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,

A handwritten signature in black ink that reads "Brad Smith". The signature is written in a cursive style with a long, sweeping underline.

Brad Smith  
PM061575

Greg Tryggeseth  
3556 Alpine Dr SW  
Pillager, MN 56473

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,



Greg Tryggeseth  
PM061902

Michael Johnson  
8720 425th St  
Rice, MN 56367

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,



Michael Johnson  
PM061313

Megan Henkemeyer  
PO BOX 7308  
St. Cloud, MN 56302

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,



Megan Henkemeyer

Derek Berdan  
25409 Lena Lane  
St. Cloud, MN 56301

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,

A handwritten signature in black ink, appearing to read 'Derek Berdan', with a long horizontal flourish extending to the right.

Derek Berdan  
PA088506

Jason Reinert  
4074 Golden Spike Rd NE  
Sauk Rapids, MN 56379

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,



Jason Reinert  
PJ062789

Russ Eiyneck  
14865 Held Circle  
Cold Spring, MN 56320

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,

Russ Eiyneck  
PJ062789

A handwritten signature in black ink that reads "Russ Eiyneck". The signature is written in a cursive, flowing style.

Brad Arkell  
37327 County Rd 1  
Eagle Bend, MN 56446

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

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Sincerely,

Brad Arkell  
PJ065248



# Minnesota Plumbing Board

## c/o Minnesota Department of Labor and Industry

443 Lafayette Road North  
Saint Paul, MN 55155-4344  
[dli.cclboards@state.mn.us](mailto:dli.cclboards@state.mn.us)

October 5, 2018

The Honorable Tammy Pust  
Chief Administrative Law Judge  
Office of Administrative Hearings  
600 North Robert Street  
St. Paul, MN 55164-0620

RE: Request for Authorization to Omit the Text of the Proposed Rule from the Publication of the Board's Dual Notice in the State Register for Rules Governing the Minnesota Plumbing Code; Minnesota Rules, Chapter 4716; R-04365

Dear Chief Judge Pust:

Pursuant to Minnesota Statutes, section 14.22, subdivision 1(b), the Minnesota Plumbing Board respectfully requests your authorization to omit the text of the proposed rules from its publication of the Dual Notice of Intent to Adopt Rules Without a Hearing Unless 25 or More Persons Request a Hearing and Notice of Hearing if 25 or More Requests for Hearing are Received.

The Board's current draft of the proposed rule amendments, dated 8/29/2018, is 11 pages long. The State Register estimates that the cost for publication of the proposed rule language will be approximately \$1,120.00

The Board does not have any budget. In light of the lack of a budget, the Board believes that publishing the proposed rule language in the *State Register* would be unduly expensive. The class of persons affected by these proposed rules is limited and the Department of Labor and Industry, which provides staff to the Board, is in constant communication with the class of affected persons. The Board's Web site also serves as a valuable source of current information about Board activity, including its rulemaking activities.<sup>1</sup> The rule was approved by the Board at a Board meeting. Meeting minutes and attachments are posted on the Board's Web site. The rule 8/29/2018 draft is posted on the Board's Web site.<sup>2</sup> The previous rule draft, which was substantially the same as the 8/29/2018 draft, was posted on the Board's Web site before being replaced with the updated 8/29/2018 draft.

The Board's online rulemaking docket will provide: 1) a copy of the Dual Notice; 2) a copy of the proposed rule; 3) a copy of the signed Statement of Need and Reasonableness; 4) a description of the rulemaking; 5) contact

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<sup>1</sup> See <https://www.dli.mn.gov/about-department/boards-and-councils/plumbing-board>.

<sup>2</sup> See <https://www.dli.mn.gov/sites/default/files/pdf/pb-minutes0618.pdf>.

person information; 6) links to other relevant rulemaking documents; and 7) other relevant rulemaking information.<sup>3</sup>

Pursuant to Minnesota Statutes, section 14.22, the Dual Notice will state that a free copy of the entire proposed rule is available upon request to the Board, detail the subject matter of the omitted rule, cite the statutory authority for the proposed rule, and provide details pertaining to the purpose and motivation of the proposed rule. The Dual Notice will also provide a link to the Board's online rulemaking docket.

The Board's Notice plan includes emailing or mailing the Dual Notice to those persons on its rulemaking mailing lists and to other interested parties in the affected plumbing industries. As of this date, the anticipated additional notice plan consists of eighteen additional notice plan recipients. Department staff are also in frequent and regular contact with many representatives of the construction industries about plumbing issues, including the status of the Board's rulemaking. Through these mailings and other contacts with interested parties, the Board believes that affected persons will be informed.

The Board will make any additional arrangements you deem appropriate to supplement the access to its proposed rule and Dual Notice.

Thank you for your consideration of this request. If you have any questions or would like additional information, please contact me at 651-284-5851.

Very truly yours,



Suzanne Todnem  
Attorney for the Minnesota Plumbing Board  
Minnesota Department of Labor and Industry  
[Suzanne.Todnem@state.mn.us](mailto:Suzanne.Todnem@state.mn.us)

Encl: Excerpt from R04365 Statement of Need and Reasonableness, Additional Notice Plan list  
8/29/2018 Draft of proposed rule

cc: Richard Jacobs, Board Chair

---

<sup>3</sup> The current rulemaking docket has information and documents posted but some documents are not yet available. They will be posted to the docket when they become available.

**can result from individually minor but collectively significant rules adopted over a period of time.**

The proposed rules cover areas that are not addressed by federal law or other Minnesota state laws. Therefore, this consideration is not applicable to this proposed rule.

## **PERFORMANCE-BASED RULES**

The Board carefully considered the directives of the legislature requiring performance-based standards to the extent possible. Because this is a licensing rule and not a code, performance-based and prescriptive are not applicable. However, to the extent possible, the Board considered and discussed performance and prescriptive elements. The proposed rules are prescriptive in that they establish a specific number of continuing education hour requirements for registered unlicensed individuals. The proposed rules are as performance-based as possible by allowing flexibility in the method and topics of continuing education while remaining clear and enforceable.

## **ADDITIONAL NOTICE**

This Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in a [date] letter by Administrative Law Judge [name].

Our Notice Plan also includes giving notice required by statute. We will mail or e-mail the [rules and] Notice of Intent to Adopt to everyone who has registered to be on the Department's rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a. We will also give notice to the Legislature per Minnesota Statutes, section 14.116. We will also e-mail the rules and Notice of Intent to Adopt to the following organizations and trade groups:

- a. Associated Builders and Contractors
- b. Local chapter of the Association of Minnesota Building Officials (AMBO)
- c. Minnesota Mechanical Contractors Association
- d. Association of General Contractors of Minnesota
- e. Builders Association of Minnesota (BAM)
- f. Builders Association of the Twin Cities
- g. Minnesota State Fire Chiefs Association
- h. Minnesota Plumbing, Heating and Cooling Contractors Association
- i. American Society of Plumbing Engineers – Minnesota Chapter
- j. American Society of Civil Engineers – Minnesota Section
- k. Association of Minnesota Counties
- l. Building Owners and Managers (BOMA), Minneapolis
- m. Building Owners and Managers (BOMA), St. Paul
- n. League of Minnesota Cities
- o. American Council of Engineering Companies of Minnesota
- p. Minnesota Pipe Trades Association
- q. Minnesota State Fire Marshal Division
- r. Minnesota Society of Professional Engineers (MNSPE)

1.1 **Plumbing Board**1.2 **Proposed Permanent Rules Governing Plumbing Licensing**1.3 **4716.0010 DEFINITIONS.**1.4 *[For text of subs 1 to 5, see M.R.]*

1.5 Subp. 6. **Registered unlicensed plumber.** "Registered unlicensed plumber" means  
1.6 an individual who performs plumbing work for a contractor or employer, does not hold any  
1.7 class of plumber license, is not a plumber's apprentice as described in Minnesota Statutes,  
1.8 section 326B.42, subdivision 6, and is registered with the commissioner under part  
1.9 4716.0050.

1.10 **4716.0020 EXAMINATION AND LICENSING OF PLUMBERS.**

1.11 Subpart 1. **Examinations.** An applicant for a plumber's license, other than a restricted  
1.12 journeyworker or restricted master plumber license, must satisfactorily pass an examination  
1.13 given by the commissioner. ~~Examinations for journeyworker and master plumber licenses~~  
1.14 ~~shall be held in March and September of each year. Applications for the March examination~~  
1.15 ~~must be filed not later than February 15 and for the September examination not later than~~  
1.16 ~~August 15.~~

1.17 A. An applicant for the master plumber examination must have:

1.18 (1) ~~a current Minnesota journeyworker plumber license and five years of~~  
1.19 ~~practical plumbing experience~~ at least one year of practical plumbing experience as a licensed  
1.20 journeyworker plumber as described in subpart 2;

1.21 *[For text of subitems (2) and (3), see M.R.]*

1.22 B. An applicant for the journeyworker examination:

1.23 (1) must be registered as a plumber's apprentice in Minnesota as described  
1.24 in Minnesota Statutes, section 326B.42, subdivision 6, or must be a registered unlicensed

2.1 plumber as described in part 4716.0010, subpart 6, and must have at least four years of  
 2.2 recorded practical plumbing experience, as specified in subpart 2, item F;

2.3 *[For text of subitems (2) and (3), see M.R.]*

2.4 Subp. 2. **Experience.** This subpart applies to all practical plumbing experience  
 2.5 described in subpart 1.

2.6 *[For text of items A to D, see M.R.]*

2.7 E. If the applicant is a licensed restricted journeyworker plumber or a licensed  
 2.8 restricted master plumber, subitems (1) ~~to (3)~~ and (2) apply.

2.9 (1) The practical plumbing experience must include at least the following  
 2.10 number of hours in the plumbing aspects specified in units (a) to (c). The remaining required  
 2.11 hours of practical plumbing experience may be in any aspect of plumbing work included  
 2.12 in the definition of plumbing in UPC section 218.0 as incorporated by reference in part  
 2.13 4714.0050; however, the applicant must include in the application the type of plumbing  
 2.14 work and corresponding number of hours:

2.15 (a) water distribution system installation, 1,000 hours;

2.16 (b) drain, waste, and vent system installation, 1,000 hours; and

2.17 (c) fixture installation, 500 hours.

2.18 *[For text of subitem (2), see M.R.]*

2.19 ~~(3) The applicant must have completed the entire two years of practical~~  
 2.20 ~~plumbing experience within the four years before the applicant takes the examination.~~

2.21 F. If the applicant is a registered ~~plumber's apprentice~~ unlicensed plumber, subitems  
 2.22 (1) ~~to (3)~~ and (2) apply.

3.1 (1) The practical plumbing experience must include at least the following  
3.2 number of hours in the plumbing aspects specified in units (a) to (c). The remaining required  
3.3 hours of practical plumbing experience may be in any aspect of plumbing work included  
3.4 in the definition of plumbing in UPC section 218.0 as incorporated by reference in part  
3.5 4714.0050; however, the applicant must include in the application the type of plumbing  
3.6 work and corresponding number of hours:

3.7 (a) water distribution system installation, 2,000 hours;

3.8 (b) drain, waste, and vent system installation, 2,000 hours; and

3.9 (c) fixture installation, 1,000 hours.

3.10 (2) ~~Except for experience qualifying under subitem (3),~~ The applicant must  
3.11 have been a registered ~~plumber's apprentice~~ unlicensed plumber at all times while obtaining  
3.12 the practical plumbing experience; or the applicant must have obtained the practical plumbing  
3.13 experience in one of the following ways:

3.14 (a) during military service, and the applicant's military officer certifies  
3.15 the experience;

3.16 (b) as part of a plumbing education class approved by the commissioner,  
3.17 and an authorized representative of the plumbing educational institution certifies the  
3.18 experience; or

3.19 (c) as a plumber's apprentice in another state where the experience is  
3.20 verified by a state agency that regulates plumbing licensing in that state or by a federal  
3.21 agency.

3.22 (3) ~~Up to 24 months of practical plumbing experience gained before the~~  
3.23 ~~effective date of the applicant's initial registration as a plumber's apprentice will be credited~~  
3.24 ~~if the applicant gained some of the experience during the 12-month period immediately~~  
3.25 ~~prior to the effective date of the applicant's initial registration and if:~~

4.1 (a) ~~the applicant gained the plumbing experience during military service,~~  
 4.2 ~~and the applicant's military officer certifies the experience;~~

4.3 (b) ~~the applicant gained the plumbing experience as part of a plumbing~~  
 4.4 ~~education class approved by the commissioner, and an authorized representative of the~~  
 4.5 ~~educational institution certifies the experience; or~~

4.6 (e) ~~the applicant gained the plumbing experience as a plumber's~~  
 4.7 ~~apprentice in another state where the experience is verified by a state agency in that state~~  
 4.8 ~~or by a federal agency.~~

4.9 G. Except as provided in item F, subitem ~~(3)~~ (2), units (a) to (c), all practical  
 4.10 plumbing experience must be certified by the licensed master plumber ~~or plumbing contractor~~  
 4.11 who is responsible for the work performed. A restricted master plumber cannot certify the  
 4.12 restricted master plumber's own experience. The employer of a journeyworker plumber,  
 4.13 restricted master plumber, restricted journeyworker plumber, or ~~plumber's apprentice~~  
 4.14 registered unlicensed plumber is responsible for:

4.15 *[For text of subitems (1) and (2), see M.R.]*

#### 4.16 **4716.0040 EXPIRATION OF LICENSES.**

4.17 Subpart 1. **Issuance and expiration.** Initial and ~~renewal~~ renewed journeyworker  
 4.18 plumber's licenses and renewed restricted journeyworker plumber's licenses expire on  
 4.19 December 31 of each odd-numbered year after issuance or renewal. Initial and renewed  
 4.20 master plumber's licenses, and renewal restricted journeyworker and renewed restricted  
 4.21 master plumber's licenses, shall be issued for the calendar year for which application is  
 4.22 made and shall expire on December 31 of such year each even-numbered year after issuance  
 4.23 or renewal. Any journeyworker plumber, master plumber, restricted journeyworker plumber,  
 4.24 or restricted master plumber who submits a renewal application after December 31 shall  
 4.25 not work as a plumber until the person has submitted an application, fee, and penalty fee.

5.1 Any licensed journeyworker or master plumber who does not renew the license within two  
5.2 years is no longer eligible for renewal. The person must retake and pass the examination  
5.3 before a new license will be issued. Any licensed restricted journeyworker or restricted  
5.4 master plumber who does not renew the license within ~~12 months~~ two years of the license  
5.5 expiration will permanently forfeit the restricted plumber license.

5.6 Subp. 2. **License renewals.** Applications for license renewal must be submitted to  
5.7 the commissioner on forms prepared by the commissioner no later than December 31 of  
5.8 ~~the year preceding~~ the year for in which ~~application is made~~ the license expires. The  
5.9 application must be accompanied by the required fee. Journeyworker and master plumbers  
5.10 who submit their license renewal applications after expiration of their license but within  
5.11 two years after expiration of the previously issued license must pay all past due renewal  
5.12 fees plus the required late fee. Restricted journeyworker and restricted master plumbers  
5.13 who submit their license renewal applications after expiration of their license but within ~~12~~  
5.14 ~~months~~ two years after expiration of the previously issued license must pay the past due  
5.15 renewal fee plus the required late fee.

5.16 **4716.0050 REGISTRATION OF ~~PLUMBER'S APPRENTICE~~ REGISTERED**  
5.17 **UNLICENSED PLUMBER.**

5.18 Subpart 1. **Scope.** Subpart 2 ~~shall~~ does not apply to a registered plumber's ~~apprentices~~  
5.19 apprentice under Minnesota Statutes, section 326B.47, subdivision 1, ~~clause (1)~~ paragraph  
5.20 (a).

5.21 Subp. 2. **Registration requirements.** No person shall work as a ~~plumber's apprentice~~  
5.22 registered unlicensed plumber until that person has submitted an application and fee for  
5.23 registration to the commissioner. Registration must be renewed annually and shall be for  
5.24 the period from July 1 of each year to June 30 of the following year. Applications for initial  
5.25 and renewal registration must be submitted to the commissioner before July 1 of each  
5.26 registration period on forms provided by the commissioner, and must be accompanied by

6.1 the required fee. A ~~plumber's apprentice~~ registered unlicensed plumber who submits a  
 6.2 registration application after July 1 in any year must pay the ~~past due~~ renewal fee plus the  
 6.3 required late fee.

6.4 A. A ~~plumber's apprentice~~ registered unlicensed plumber must be at least 18 years  
 6.5 of age or be a high school graduate, except that ~~an apprentice~~ a registered unlicensed plumber  
 6.6 employed and supervised by the ~~apprentice's~~ registered unlicensed plumber's parent must  
 6.7 be at least 16 years of age.

6.8 B. At the time of registration, ~~an apprentice~~ a registered unlicensed plumber must  
 6.9 provide a name, address, date of birth, Social Security number, and information about  
 6.10 education and practical plumbing experience.

#### 6.11 **4716.0091 DEFINITIONS.**

6.12 Subpart 1. Scope. The terms used in parts 4716.0090 to 4716.0092 have the meanings  
 6.13 given them in this part, UPC sections 201.0 to 228.0 as incorporated by reference in part  
 6.14 4714.0050, and Minnesota Statutes, section 326B.50.

6.15 Subp. 2. Registered unlicensed water conditioner. "Registered unlicensed water  
 6.16 conditioner" means an individual who performs water conditioning work for a contractor  
 6.17 or employer, does not hold any class of water conditioning license, and is registered with  
 6.18 the commissioner under part 4716.0093.

#### 6.19 **4716.0092 LICENSURE.**

6.20 Subpart 1. **Water conditioning contractor.** An applicant for a water conditioning  
 6.21 contractor license must designate a ~~water conditioning~~ responsible licensed master ~~or master~~  
 6.22 ~~plumber, licensed by the commissioner, as the individual responsible for the water~~  
 6.23 ~~conditioning contractor's compliance with this part, chapter 4714, Minnesota Statutes,~~  
 6.24 ~~sections 326B.50 to 326B.59, and all orders issued under Minnesota Statutes, section~~  
 6.25 ~~326B.082~~ as defined in Minnesota Statutes, section 326B.50. The responsible ~~water~~

7.1 ~~conditioning licensed master or master plumber~~ must give a minimum 15-day notice to the  
7.2 water conditioning contractor and the department before resigning as the responsible ~~water~~  
7.3 ~~conditioning licensed master or master plumber~~ for the contractor. The contractor and  
7.4 responsible ~~water conditioning licensed master or master plumber~~ must immediately notify  
7.5 the department upon the termination or separation of the contractor's responsible ~~water~~  
7.6 ~~conditioning licensed master or master plumber~~. The water conditioning contractor shall  
7.7 have 60 days from the last day of employment of its previous responsible ~~water conditioning~~  
7.8 ~~licensed master or master plumber~~ to employ another responsible ~~water conditioning licensed~~  
7.9 ~~master or master plumber~~. The water conditioning contractor shall submit written notification  
7.10 to the department that it has designated a different ~~water conditioning responsible licensed~~  
7.11 ~~master or master plumber~~ as the individual responsible for the contractor's compliance with  
7.12 ~~this part, chapter 4714, and Minnesota Statutes, sections 326B.50 to 326B.59~~. If the water  
7.13 conditioning contractor is unable to acquire a replacement responsible ~~water conditioning~~  
7.14 ~~licensed master or master plumber~~, the water conditioning contractor's license is invalid  
7.15 and the contractor shall cease and desist from performing any water conditioning work and  
7.16 return the contractor's license for voluntary termination. Upon acquiring a replacement  
7.17 responsible ~~water conditioning licensed master or master plumber~~, the water conditioning  
7.18 contractor may request reinstatement of the terminated license under Minnesota Statutes,  
7.19 section 326B.096.

7.20 *[For text of subp 2, see M.R.]*

7.21 Subp. 3. **Water conditioning journeyworker.** An applicant for a water conditioning  
7.22 journeyworker license must satisfactorily pass an examination given by the commissioner.  
7.23 An applicant for the water conditioning journeyworker examination must have been a  
7.24 registered unlicensed water conditioner at all times while obtaining at least six months of  
7.25 practical experience as listed in subpart 4, item C, subitem (2), except as permitted in subpart  
7.26 4, item A, subitem (4). The applicant is responsible for verifying practical experience.

8.1 Subp. 4. **Experience.** For the purposes of the experience required under subparts 2  
8.2 and 3, the following requirements apply.

8.3 *[For text of items A to C, see M.R.]*

8.4 D. If the applicant is a registered unlicensed water conditioner:

8.5 (1) the applicant must have been a registered unlicensed water conditioner  
8.6 at all times while obtaining the practical water conditioning experience, except as allowed  
8.7 under Minnesota Statutes, section 326B.555, subdivision 2; and

8.8 (2) all practical water conditioning experience must be certified by the licensed  
8.9 water conditioning master who is responsible for the work performed. Practical water  
8.10 conditioning experience includes installation, servicing, and training hours. The commissioner  
8.11 may require work records, time cards, pay records, or other documentation necessary to  
8.12 evaluate experience. The commissioner shall make the final determination about the adequacy  
8.13 and acceptability of an applicant's experience.

8.14 E. The employer of a water conditioning journeyworker or registered unlicensed  
8.15 water conditioner is responsible for:

8.16 (1) recording the practical water conditioning experience worked by each  
8.17 employee; and

8.18 (2) maintaining the records of practical water conditioning experience for at  
8.19 least six years after the employee's last recorded experience.

8.20 *[For text of subps 5 and 6, see M.R.]*

8.21 **4716.0093 UNLICENSED WATER CONDITIONER REGISTRATION.**

8.22 Subpart 1. **Registration requirements.** No person shall work as a registered unlicensed  
8.23 water conditioner until that person has submitted an application and fee for registration to  
8.24 the commissioner. Registration must be renewed annually and shall be for the period from

9.1 July 1 of each year to June 30 of the following year. Applications for initial and renewal  
 9.2 registration must be submitted to the commissioner before July 1 of each registration period  
 9.3 on forms provided by the commissioner, and must be accompanied by the required fee. A  
 9.4 registered unlicensed water conditioner who submits a registration application after July 1  
 9.5 in any year must pay the renewal fee plus the required late fee.

9.6 A. A registered unlicensed water conditioner must be at least 18 years of age or  
 9.7 a high school graduate, except that a registered unlicensed water conditioner employed and  
 9.8 supervised by the registered unlicensed water conditioner's parent must be at least 16 years  
 9.9 of age.

9.10 B. An applicant for registration under this part must provide a name, address, date  
 9.11 of birth, Social Security number, and information about education and practical water  
 9.12 conditioning experience on a form provided by the commissioner.

9.13 **4716.0205 REQUIREMENTS.**

9.14 **Subpart 1. Continuing education; content.**

9.15 A. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
 9.16 individuals who hold the following license types are required to obtain 16 hours of continuing  
 9.17 education instruction during the license period before the license may be renewed:

- 9.18 (1) master plumber;
- 9.19 (2) journeyworker plumber; and
- 9.20 (3) restricted plumber.

9.21 At least ~~12~~ eight hours of instruction must pertain to the Plumbing Code, and ~~at least four~~  
 9.22 ~~hours of instruction must pertain to the~~ remainder must pertain to the Plumbing Code,  
 9.23 technical topics related to plumbing installations and equipment, this chapter, the Minnesota  
 9.24 State Building Code, or Minnesota Statutes, sections 326B.41 to ~~326B.49~~ 326B.59.

10.1 Continuing education hours obtained by any electronic media must ~~not exceed four hours~~  
10.2 ~~during the renewal period~~ comply with Minnesota Statutes, sections 326B.098 to 326B.099.

10.3 B. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
10.4 individuals who hold the following license types are required to obtain four hours of  
10.5 continuing education instruction during the license period before the license may be renewed:

10.6 (1) water conditioning master; and

10.7 (2) water conditioning journeyworker.

10.8 ~~At least two hours of instruction~~ must pertain to the Plumbing Code and the remainder must  
10.9 pertain to the Plumbing Code, technical topics related to water conditioning installation and  
10.10 servicing, this chapter, or Minnesota Statutes, sections 326B.50 to 326B.59. Continuing  
10.11 education hours obtained by any electronic media must comply with Minnesota Statutes,  
10.12 sections 326B.098 to 326B.099.

10.13 C. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
10.14 individuals who hold the following registration types are required to obtain continuing  
10.15 education instruction during the registration period before the registration can be renewed:

10.16 (1) registered unlicensed plumbers; and

10.17 (2) registered unlicensed water conditioners.

10.18 The registered unlicensed plumber must obtain at least two hours of continuing education  
10.19 instruction that must pertain to the Plumbing Code.

10.20 The registered unlicensed water conditioner must obtain at least two hours of continuing  
10.21 education instruction. At least one hour of instruction must pertain to the Plumbing Code,  
10.22 and the remainder must pertain to the Plumbing Code, technical topics related to water  
10.23 conditioning installation and servicing, this chapter, or Minnesota Statutes, sections 326B.50



# Minnesota Plumbing Board

## c/o Minnesota Department of Labor and Industry

443 Lafayette Road North  
Saint Paul, MN 55155-4344  
[dli.cclboards@state.mn.us](mailto:dli.cclboards@state.mn.us)

October 9, 2018

The Honorable Tammy Pust  
Chief Administrative Law Judge  
Office of Administrative Hearings  
600 North Robert Street  
St. Paul, MN 55164-0620

RE: Request for Authorization to Omit the Text of the Proposed Rule from the Publication of the Board's Dual Notice in the State Register for Rules Governing Plumber Licensing; Minnesota Rules, Chapter 4716; R-04365; Docket #8-9001-35569

Dear Chief Judge Pust:

My letter to you dated October 5, 2018, requesting authorization to omit the text of the proposed rule from publication of the Board's dual notice in the State Register had an error in the heading description. It erroneously described the rules as "Governing the Plumbing Code." The correct description is "Rules Governing *Plumber Licensing*," as indicated above. Emphasis added.

I apologize for the error and any inconvenience as a result.

If you have any questions, please contact me at 651-284-5851.

Very truly yours,



Suzanne Todnem  
Attorney for the Minnesota Plumbing Board  
Minnesota Department of Labor and Industry  
[Suzanne.Todnem@state.mn.us](mailto:Suzanne.Todnem@state.mn.us)

cc: Richard Jacobs, Board Chair

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Rules Governing the  
Minnesota Plumbing Code

**ORDER ON REQUEST TO OMIT  
FROM THE NOTICE THE TEXT OF  
PROPOSED RULES, PURSUANT TO  
MINN. STAT. § 14.14, SUBD. 1(B)**

This matter came before Chief Administrative Law Judge Tammy L. Pust on October 5, 2018. The Minnesota Plumbing Board (Board) seeks an order authorizing the omission of the proposed rule text when it publishes its Dual Notice of Intent to Adopt Rules Without a Hearing and Notice of Hearing. The Board asserts that the expense of printing the proposed rules in the *State Register* is unduly burdensome, and a poor use of limited state resources, given the narrow class of persons affected by the rule proposals.

As an alternative to publication, the Board pledges that it will mail or email a wide range of interested stakeholders directly, informing them that a free copy of the proposed rules is available on the Internet and include instructions on how to obtain those materials. Further, its notice will detail the subject matter of the omitted rules, cite the statutory authority for the proposed rules, and outline the proposed rules' purpose. In addition, the Board's Statement of Need and Reasonableness (SONAR) will be accessible on the Board's website.

**IT IS HEREBY ORDERED THAT:**

Conditioned upon the Board's use of the procedures outlined in its petition of October 5, 2018, the request to omit the proposed rule text is **GRANTED**.

Dated: October 26, 2018



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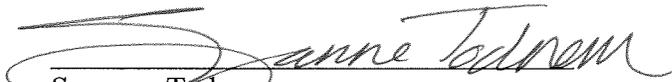
TAMMY L. PUST  
Chief Administrative Law Judge

**Minnesota Plumbing Board**

**CERTIFICATE OF SENDING THE NOTICE AND THE STATEMENT OF NEED AND REASONABLENESS TO LEGISLATORS AND THE LEGISLATIVE COORDINATING COMMISSION**

**Proposed Rules Governing Plumber Licensing and Apprentice Registration, Minnesota Rules, chapter 4716  
Revisor's ID Number R-04365**

I certify that on November 21, 2018, when the Board mailed Notice of Intent to Adopt Rules under Minnesota Statutes, section 14.14 or 14.22, I sent a copy of the Notice and the Statement of Need and Reasonableness to certain Legislators and the Legislative Coordinating Commission by sending an electronic copy via email. I mailed these documents to comply with Minnesota Statutes, section 14.116. A copy of the cover letter is attached to this Certificate.

  
Suzanne Todnem  
General Counsel

**From:** [Todnem, Suzanne \(DLI\)](#)  
**To:** ["sen.jeremy.miller@senate.mn"](#); ["sen.bobby.champion@senate.mn"](#); ["rep.pat.garofalo@house.mn"](#); ["rep.tim.mahoney@house.mn"](#); ["rep.joe.hoppe@house.mn"](#); ["rep.linda.slocum@house.mn"](#); ["sen.karin.housley@senate.mn"](#); ["rep.dave.baker@house.mn"](#); [Legislative Coordinating Commission \(lcc@lcc.leg.mn\)](#)  
**Subject:** Plumbing Board rulemaking Notice, SONAR and rule (chapter 4716)  
**Date:** Wednesday, November 21, 2018 1:05:00 PM  
**Attachments:** [image001.png](#)  
[Letter to Legislators LCC.pdf](#)  
[Dual Notice R04365 Final signed 11.13.18.pdf](#)  
[4716 R04365 SONAR FINAL signed 11.13.18.pdf](#)  
[rd4365 Approved by Revisor for publication.pdf](#)

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Pursuant to Minnesota Statutes, section 14.116(b), please review the attached cover letter, the Dual Notice, the Statement of Need and Reasonableness, and the rule for the above-referenced rules. All these documents are available online as well at: <https://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>.

Thank you.

**Suzanne Todnem**

General Counsel | Office of General Counsel

**Minnesota Department of Labor and Industry**

443 Lafayette Road N., St. Paul, MN 55155

Phone: (651) 284-5851 | Web: [www.dli.mn.gov](http://www.dli.mn.gov)



# Minnesota Plumbing Board

## c/o Minnesota Department of Labor and Industry

443 Lafayette Road North  
Saint Paul, MN 55155-4344  
[dli.cclboards@state.mn.us](mailto:dli.cclboards@state.mn.us)

November 21, 2018

Senator Miller, Chair, Chief Author of SF 1456  
Senator Champion, Ranking Minority Party  
Senate Jobs & Economic Growth Finance & Policy Committee

Representative Garofalo, Chair, Chief Author of HF 1620  
Representative Mahoney, Ranking Minority Party  
House Job Growth & Energy Affordability Policy and Finance Committee

Representative Hoppe, Chair  
Representative Slocum, Ranking Minority Party Member  
House Commerce and Regulatory Reform Budget Committee

Senator Housley  
Representative Baker  
Chief Authors of Minnesota Statutes, section 326B.155.

Legislative Coordinating Commission  
[lcc@lcc.leg.mn](mailto:lcc@lcc.leg.mn)

Re: In The Matter of the Proposed Rules of the Plumbing Board Governing Plumber Licensing;  
Revisor's ID Number R-04365

Dear Legislators:

Executive Summary: the Minnesota Plumbing Board intends to adopt rule amendments regulating the registration of unlicensed individuals who perform water conditioning installation, registration of unlicensed individuals who perform plumbing, examination and licensing of both plumbers and water conditioners, and continuing education requirements for licensed individuals and registered unlicensed individuals.

In 2017, the Minnesota Legislature granted the Board rulemaking authority over a new category of registered unlicensed individuals who perform water conditioning installation and authorized the Board to adopt rules for the registration of these unlicensed individuals. Additionally, the Minnesota Legislature newly granted the Board authority to regulate continuing education requirements for all registered unlicensed individuals.

There are two notable changes in the proposed rule amendments. First, the Board's proposed amendments provide the requirements for the registration of unlicensed water conditioners (registration of unlicensed plumbers is already in rule). The Board anticipates that some registered unlicensed individuals will apply their work experience to pursue licensure while some registered unlicensed individuals will not. The proposed rules facilitate the Department's tracking of individuals' work experience to determine when individuals have obtained sufficient experience to qualify them to take the appropriate licensing exam. Second, the proposed rules require minimal continuing education hours for registered unlicensed individuals to ensure they stay current with industry and Plumbing Code changes.

Minnesota Statutes, section 14.116, states:

**"14.116 NOTICE TO LEGISLATURE.**

When an agency mails notice of intent to adopt rules under section 14.14 or 14.22, the agency must send a copy of the same notice and a copy of the statement of need and reasonableness to the chairs and ranking minority party members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rules and to the Legislative Coordinating Commission.

In addition, if the mailing of the notice is within two years of the effective date of the law granting the agency authority to adopt the proposed rules, the agency shall make reasonable efforts to send a copy of the notice and the statement to all sitting legislators who were chief house and senate authors of the bill granting the rulemaking authority. If the bill was amended to include this rulemaking authority, the agency shall make reasonable efforts to send the notice and the statement to the chief house and senate authors of the amendment granting rulemaking authority, rather than to the chief authors of the bill."

On behalf of the Board, the Department plans to publish a Notice of Intent to Adopt Rules in the November 26, 2018, *State Register* and are now mailing the Notice under section 14.22.

As required by section 14.116, the Board is sending you a copy of the notice and the Statement of Need and Reasonableness. For your information, I have also attached a copy of the rule. The attached documents and other rulemaking information are available on the docket page at: <https://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>.

If you have any questions about these rules, please contact me at 651.284.5851.

Yours very truly,



Suzanne Todnem  
Attorney to the Board

Attachments: Dual Notice of Intent to Adopt Rules  
Statement of Need and Reasonableness  
Rule Draft dated 8/29/18

## Minnesota Plumbing Board

### **DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R04365**

#### **Proposed Amendment to Rules Governing Plumber Licensing, *Minnesota Rules*, Chapter 4716**

**Introduction.** The Minnesota Plumbing Board intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on December 28, 2018, the Board will hold a public hearing in Minnesota Room, Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, starting at 9:30 a.m. on Friday, January 11, 2019. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after December 28, 2018, and before January 11, 2019.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Suzanne Todnem at Minnesota Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, (651) 284-5006 [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us).

**Subject of Rules and Statutory Authority.** The proposed rules are about the registration of unlicensed individuals who perform water conditioning installation, registration of unlicensed individuals who perform plumbing, examination and licensing of both plumbers and water conditioners, and continuing education requirements for licensed individuals and registered unlicensed individuals.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 326B.435, 326B.47, and 326B.555. A copy of the proposed rules is available on the Board's website at <https://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>. A free copy of the rules is available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on Friday, December 28, 2018, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Friday, December 28,

2018. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The Board might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The Board will cancel the hearing scheduled for January 11, 2019, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at 651.284.5006 after December 28, 2018, to find out whether the hearing will be held. You may check for whether the hearing will be held by going on-line at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Eric L. Lipman is assigned to conduct the hearing. Judge Lipman can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7875, and fax (651) 539-0310.

**Hearing Procedure.** If the Board holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed

rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit **new** evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge **via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/discussions>** no later than 4:30 p.m. on the due date. All comments or responses received will be available for review **at the Minnesota Department of Labor and Industry or on the agency's website at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>**. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. Or, you may access a free copy on the agency's website at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

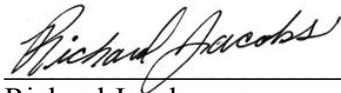
**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The Board will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure after a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the

Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

November 13, 2018



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Richard Jacobs  
Chair, Minnesota Plumbing Board

## Minnesota Plumbing Board

### STATEMENT OF NEED AND REASONABLENESS

#### Proposed Amendment to Rules Governing Plumber Licensing, Minnesota Rules, chapter 4716; Revisor's ID Number R-04365

#### INTRODUCTION

The Minnesota Plumbing Board (“Board”) intends to adopt rules regulating the registration of unlicensed individuals who perform water conditioning installation, registration of unlicensed individuals who perform plumbing, examination and licensing of both plumbers and water conditioners, and continuing education requirements for licensed individuals and registered unlicensed individuals.

In 2017, the Minnesota Legislature granted the Board rulemaking authority over a new category of registered unlicensed individuals who perform water conditioning installation and authorized the Board to adopt rules for the registration of these unlicensed individuals.<sup>1</sup> Additionally, the Minnesota Legislature newly granted the Board authority to regulate continuing education requirements for all registered unlicensed individuals.<sup>2</sup>

There are two notable changes in the proposed rule amendments. First, the Board’s proposed amendments provide the requirements for the registration of unlicensed water conditioners (registration of unlicensed plumbers is already in rule). The Board anticipates that some registered unlicensed individuals will apply their work experience to pursue licensure while some registered unlicensed individuals will not. The proposed rules facilitate the Department’s tracking of individuals’ work experience to determine when individuals have obtained sufficient experience to qualify them to take the appropriate licensing exam. Second, the proposed rules require minimal continuing education hours for registered unlicensed individuals to ensure they stay current with industry and Plumbing Code changes.

The Board published a Request for Comments on October 30, 2017. In response to the Request for Comments, the Board received one comment that requested that the Board support legislation that would change the licensing requirements for backflow prevention assembly rebuilders in Minnesota. The Board received 61 comments about the continuing education requirements for registered unlicensed plumbers.<sup>3</sup> The Board addressed those concerns at Board meetings and in the rule-by-rule analysis below.<sup>4</sup>

The Minnesota Department of Labor and Industry (“Department”) is required to provide support to the Board, including for rulemaking.<sup>5</sup>

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<sup>1</sup> See Minn. Laws, [2017 c. 94 art 2 s 14](#). This law became effective August 1, 2017.

<sup>2</sup> See Minn. Laws, [2017 c. 94 art 2 s 8](#). This law became effective August 1, 2017.

<sup>3</sup> All comments submitted in response to the Request for Comments are available here <http://www.dli.mn.gov/sites/default/files/pdf/4716-comment.pdf>.

<sup>4</sup> See Board meeting minutes for March 12, 2018; June 12, 2018, August 28, 2018 at <http://www.dli.mn.gov/about-department/boards-and-councils/plumbing-board>

<sup>5</sup> See [Minn. Stat. § 326B.435, subd. 2\(c\) \(2018\)](#).

## ALTERNATIVE FORMAT

Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact Suzanne Todnem at the Department of Labor and Industry, 443 Lafayette Road North, Saint Paul, MN 55155-4342, or by telephone 651-284-5006, or email to: [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us).

## STATUTORY AUTHORITY

The Board's statutory authority to adopt rules related to licensure, certification, or registration is stated in *Minnesota Statutes*, section 326B.435, subd. 2(a)(5), which authorizes the Board to:

adopt rules that regulate the licensure, certification, or registration of plumbing contractors, journeyworkers, unlicensed individuals, master plumbers, restricted master plumbers, restricted journeyworkers, restricted plumbing contractors, backflow prevention rebuilders and testers, water conditioning contractors, and water conditioning installers, and other persons engaged in the design, installation, and alteration of plumbing systems or engaged in or working at the business of water conditioning installation or service, or engaged in or working at the business of medical gas system installation, maintenance, or repair, except for those individuals licensed under section 326.02, subdivisions 2 and 3.

*Minnesota Statutes*, section 326B.435, subd. 2(a)(6) was amended in 2017 to authorize the Board to adopt rules regulating continuing education for registered unlicensed individuals. Specifically, the Board has the authority to “adopt rules that regulate continuing education for individuals licensed as master plumbers, journeyworker plumbers, restricted master plumbers, restricted journeyworker plumbers, registered unlicensed individuals, water conditioning masters, and water conditioning journeyworkers, and for individuals certified under sections 326B.437 and 326B.438.”<sup>6</sup> While the Board's authority to regulate continuing education for licensed individuals is not new, the authority to regulate continuing education for registered unlicensed individuals is new.

*Minnesota Statutes*, section 326B.47, subd. 3, authorizes the Board to prescribe rules for the registration of unlicensed individuals.<sup>7</sup> The Board has been regulating registered unlicensed individuals who perform plumbing as a different classification than plumber's apprentices since 2010.<sup>8</sup>

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<sup>6</sup>See [Minn. Stat. § 326B.435, subd. 2 \(2018\)](#).

<sup>7</sup>See [Minn. Stat. § 326B.47, subd. 3 \(2018\)](#).

<sup>8</sup> See [Minn. Laws, 2010 c 280 s 27](#) at <https://www.revisor.mn.gov/laws/2010/0/280/> and [Minn. R. part 4716.0050](#).

*Minnesota Statutes*, section 326B.555, which was enacted in 2017, creates a new category of registered unlicensed individuals to perform water conditioning installation and authorizes the Board to adopt rules for the registration of these unlicensed individuals.<sup>9</sup>

Because specific portions of the Board’s rulemaking authority was new in 2017, effective August 1, 2017, those portions are subject to the 18-month time limit in *Minnesota Statutes*, section 14.125. The Board will publish a notice of intent to adopt rules or a notice of hearing within 18 months of the effective date.

Under these statutes, the Board has the necessary statutory authority to adopt the proposed rules.

## **REGULATORY ANALYSIS**

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (8) below quote these factors and then give the agency’s response.

### **(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule**

The proposed amendments to the rules would likely affect individuals and contractors currently licensed, certified or registered in Minnesota under Chapter 4716; individuals and contractors who would like to be licensed, certified or registered under Chapter 4716; individuals who perform water conditioning installation but are not licensed, certified or registered; providers of continuing education courses; and the general public.

### **(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues**

Although the Board has the authority to adopt plumbing licensing rules, it does not implement or enforce the licensing rules. The Department currently administers and enforces the licensing rules. Any additional costs the Department incurs to implement and enforce the proposed rules will be offset by additional registration fees collected from registered unlicensed individuals. The Department does not anticipate increased costs to administer the rule except for the newly regulated individuals. The costs to enforce registration of the newly regulated individuals will be offset by the registration fees.

### **(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule**

The Board has determined there is no less costly or less intrusive method for achieving the purposes of the proposed rules. The proposed rule utilizes existing infrastructure for licensing,

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<sup>9</sup>See Minn. Laws, [2017 c 94 art 2 s 14](https://www.revisor.mn.gov/laws/2017/0/Session+Law/Chapter/94/) at <https://www.revisor.mn.gov/laws/2017/0/Session+Law/Chapter/94/>. This law became effective August 1, 2017.

registration and enforcement. The proposed rules are anticipated to be less intrusive and reduce some costs of compliance compared to the current rule. For example, licensed plumbers may take all of the required continuing education using electronic media. Also, a one-day continuing education course on the Plumbing Code satisfies the minimum Code-related continuing education requirement instead of a two-day course on the Plumbing Code (or 1.5-day course) because the minimum requirement for Code-related continuing education has been changed from 12 hours to 8 hours.

**(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule**

No alternative methods for achieving the purpose of the proposed rule were identified. The Board determined that the existing requirements and procedures used have been successful and should be maintained. The same or similar procedures are used in other similar industries as well.

**(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals**

The probable costs of complying with the proposed rule are anticipated to be minimal. Registered unlicensed individuals who perform water conditioning work will be subject to the same \$14 initial registration fee and \$19 renewal registration fee that registered unlicensed plumbers and electricians are currently required to pay. Other regulated parties under this proposed rule are anticipated to see the same or lower costs to comply with the proposed rule.

**(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals**

The probable costs or consequences of not adopting the proposed rule are fewer avenues for unlicensed individuals to qualify for journeyworker licensing exams and fewer work options for individuals seeking employment in the water conditioning industry, which could limit the pool of qualified workers available to businesses that provide water conditioning services to the public.

Another consequence of not adopting the proposed rule is that the Board would lose its statutory authority to regulate certain parties. The legislature would then need to pass new legislation, which may have costs associated with it. Without rules to address the newly regulated party in statute, there would be confusion for anyone interested in hiring or becoming a registered unlicensed water conditioner.

**(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference**

There are no federal regulations that apply.

**(8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule. . . . ‘[C]umulative effect’ means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules. Cumulative effects can result from individually minor but collectively significant rules adopted over a period of time.**

The proposed rules cover areas that are not addressed by federal law or other Minnesota state laws. Therefore, this consideration is not applicable to this proposed rule.

## **PERFORMANCE-BASED RULES**

The Board carefully considered the directives of the legislature requiring performance-based standards to the extent possible. Because this is a licensing rule and not a code, performance-based and prescriptive are not applicable. However, to the extent possible, the Board considered and discussed performance and prescriptive elements. The proposed rules are prescriptive in that they establish a specific number of continuing education hour requirements for registered unlicensed individuals. The proposed rules are as performance-based as possible by allowing flexibility in the method and topics of continuing education while remaining clear and enforceable.

## **ADDITIONAL NOTICE**

This Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in a November 1, 2018 Order on Review of Additional Notice Plan and Dual Notice by Administrative Law Judge Eric L. Lipman.

Our Notice Plan also includes giving notice required by statute. We will mail or e-mail the Notice of Intent to Adopt to everyone who has registered to be on the Department’s rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a. We will also give notice to the Legislature per Minnesota Statutes, section 14.116. We will also e-mail the rules and Notice of Intent to Adopt to the following organizations and trade groups:

- a. Associated Builders and Contractors
- b. Local chapter of the Association of Minnesota Building Officials (AMBO)
- c. Minnesota Mechanical Contractors Association
- d. Association of General Contractors of Minnesota
- e. Builders Association of Minnesota (BAM)
- f. Builders Association of the Twin Cities
- g. Minnesota State Fire Chiefs Association
- h. Minnesota Plumbing, Heating and Cooling Contractors Association
- i. American Society of Plumbing Engineers – Minnesota Chapter
- j. American Society of Civil Engineers – Minnesota Section
- k. Association of Minnesota Counties
- l. Building Owners and Managers (BOMA), Minneapolis
- m. Building Owners and Managers (BOMA), St. Paul
- n. League of Minnesota Cities

- o. American Council of Engineering Companies of Minnesota
- p. Minnesota Pipe Trades Association
- q. Minnesota State Fire Marshal Division
- r. Minnesota Water Quality Association (MWQA)
- s. Minnesota Society of Professional Engineers (MNSPE)

Our Notice Plan did not include notifying the Commissioner of Agriculture because the rules do not affect farming operations per Minnesota Statutes, section 14.111.

### **CONSULTATION WITH MMB ON LOCAL GOVERNMENT IMPACT**

As required by Minnesota Statutes, section 14.131, the Board consulted with Minnesota Management and Budget (MMB). The Board did this by sending MMB copies of the documents that we sent to the Governor’s Office for review and approval on the same day we sent them to the Governor’s office. We did this before publishing the Notice of Intent to Adopt. The documents included: the Governor’s Office Proposed Rule and SONAR Form; the proposed rules; and the near-final SONAR. MMB Executive Budget Officer Marianne Conboy responded, in part, as follows in a letter dated October 31, 2018: “There appears to be no direct fiscal impact or fiscal benefit from this rule amendment to local units of government.”

Because local governments are not actively engaged in the regulation of businesses and individuals in the plumbing and water conditioning industry, the financial impact to them is minimal. To the extent that local governments inspect the installation of water conditioning systems, the proposed rules might improve the inspection process by enhancing the knowledge of individuals working in the industry.

The Board will submit a copy of the cover correspondence and the response received from MMB to OAH at the hearing or with the documents it submits for Administrative Law Judge (“ALJ”) review.

### **DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION**

Minnesota Statutes, section 14.128 requires agencies to determine whether a local government will have to adopt or amend an ordinance or other regulation to comply with a proposed agency rule and submit this determination for ALJ approval. An agency must make this determination before the close of the hearing record or before the agency submits the record to the administrative law judge if there is no hearing. The Board has determined that no local government will have to adopt or amend an ordinance or other regulation to comply with the proposed rule. Plumber and water conditioner licensing and registration is enforced at the state level so no local government or municipality will be required to adopt or amend a local ordinance as a result of the proposed rule.

## COST OF COMPLYING FOR SMALL BUSINESS OR CITY

### Agency Determination of Cost

As required by Minnesota Statutes, section 14.127, the Board has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city.<sup>10</sup> The Board asked the public to submit comments specifically regarding whether the cost of complying with the rule in the first year after the rule takes effect will exceed \$25,000 in the Request for Comments published on October 30, 2017. The Board did not receive any comments addressing this issue. The Board has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city.

The proposed rule amendments are anticipated to keep the cost of complying with the rule the same or less with the exception of the continuing education requirements for registered unlicensed individuals (water conditioners and plumbers).

Small cities are not anticipated to incur any costs. It is not anticipated that a small city would employ a registered unlicensed individual. Therefore, even if there are minimal increased costs for registered unlicensed individuals or employers of registered unlicensed individuals, small cities will not be affected. Furthermore, because plumber and water conditioner licensing is administered and enforced at the state level, it is not anticipated that any city, including a small city, would incur any costs to comply with the proposed rule from an administrative perspective.

Small businesses already have to track the hours worked by their individual employees so there is no additional cost anticipated in the normal course of maintaining employment records.<sup>11</sup>

The rule does not require employers to pay the registration costs or continuing education costs. However, if the employer chooses to pay the registration cost, assuming all possible employees are registered unlicensed individuals, the maximum annual cost for a small business would be \$19 x 49 employees<sup>12</sup> = \$931, which is well below the \$25,000 threshold.<sup>13</sup>

The average cost for a two-hour continuing education course is \$ 49.00.<sup>14</sup> Again, the cost for two hours of continuing education may be paid by the registrant or the employer. If the employer chooses to pay this cost, again assuming the maximum number of employees are registered unlicensed individuals, the maximum annual cost, on average, would be \$ 49.00 x 49 employees = \$ 2,401.00. This total is again well below the \$25,000 threshold. The combined total of annual

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<sup>10</sup> A small business is defined as “any one business that has less than 50 full-time employees” and a small city is defined as “any one statutory or home rule charter city that has less than ten full-time employees.” [Minn. Stat. § 14.127, subd. 1 \(2018\)](#).

<sup>11</sup> See [Minn. Stat. § 326B.47, subd. 1\(c\) \(2018\)](#).

<sup>12</sup> At least one employee would have to be a licensed journeyworker or master plumber. This example is for illustrative purposes only. A small business is unlikely to have 49 registered unlicensed individuals.

<sup>13</sup> The initial registration fee is currently set at \$14 per registrant and the annual renewal fee is \$19. For illustrative purposes, the estimate uses only the renewal fee, which is the higher of the two fees.

<sup>14</sup> See Attachment A.

registration fees and continuing education costs is approximately \$ 3,332.00, which is well below the \$25,000 threshold.

## **LIST OF WITNESSES**

If these rules go to a public hearing, the Department anticipates having the following witnesses testify in support of the need for and reasonableness of the rules:

1. Mr. Richard Jacobs, Plumbing Board Chair, will testify about the Board's interest in amending the code.
2. Mr. Charlie Durenberger, Assistant Director, CCLD, will testify about the technical aspects of the proposed amendments.
3. Other Board members or Department of Labor and Industry staff, if necessary.

## **RULE-BY-RULE ANALYSIS**

### **4716.0010 DEFINITIONS**

The proposed rule amendment adds a subpart 6 to codify the term, "Registered unlicensed plumber." Although registered unlicensed individuals who perform and assist in plumbing have been regulated under Minn. Stat. § 326B.47 since 2010, the proposed rule amendment formally names and clarifies this category of individuals.<sup>15</sup>

### **4716.0020 EXAMINATION AND LICENSING OF PLUMBERS**

#### **Subpart 1. Examinations.**

The proposed rule amendment deletes language that states two specific times of the year in which journeyworker and master plumber licensing exams will be held. The Department began offering journeyworker and master plumber licensing examinations on a weekly basis several years ago in an effort to increase the availability of exams to those seeking licensure. As result, the current rule requirement that exams be given in March and September is outdated and no longer necessary. The proposed rule amendment is necessary and reasonable because it modernizes the rule part and deletes unnecessary language.

#### **Subpart 1(A)(1)**

The proposed rule amendment clarifies that an applicant for the master plumber examination must have worked as a licensed journeyworker plumber for at least one year before he or she can qualify to take the master plumber license examination. The current language that an applicant for the master plumber examination be a licensed Minnesota journeyworker plumber license and have "five years of practical plumbing experience" has the same meaning because four years of practical plumbing experience is required to qualify for the journeyworker plumber examination and the fifth year comes the year after an individual becomes a licensed journeyworker plumber. The proposed rule states that requirement more clearly.

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<sup>15</sup> See [Minn. Laws, 2010 c 280 s 27](https://www.revisor.mn.gov/laws/2010/0/280/) at <https://www.revisor.mn.gov/laws/2010/0/280/>

### **Subpart 1(B)(1)**

The proposed rule amendment clarifies the distinction between a plumber’s apprentice defined in Minn. Stat. § 326B.42, subd. 6, and the registered unlicensed plumber, which is a newly formalized term.<sup>16</sup> See 4716.0010 analysis above. The requirement is substantively the same but clarifies the two categories of applicants and clarifies that the four years of practical plumbing experience must be recorded as required in Minn. Stat. § 326B.47, subd. 1(c).

## **Subp. 2. Experience**

### **Subpart 2(E)**

The proposed rule amendment corrects the subitems referenced here to correspond with the proposed rule below.

#### **Subpart 2(E)(1)**

The proposed rule amendment adds the word “plumbing” before “work” to clarify that the qualifying hours must be obtained performing plumbing work, as described in the list (a) through (c).

#### **Subpart 2(E)(3)**

The current rule requires applicants who are licensed restricted journeyworker plumbers or licensed restricted master plumbers to have completed the entire two years of practical plumbing experience within the four years before the applicant takes the examination. The proposed rule amendment deletes subitem 3 because removing this timeframe encourages licensed restricted journeyworker plumbers and licensed restricted master plumbers to take the regular licensed journeyworker plumber and licensed master plumber examinations. The proposed rule amendment broadens the pool of possible applicants. A shortage of skilled laborers is anticipated according to industry experts and economists.<sup>17</sup> The proposed rule amendment is necessary and reasonable because the applicants are still subject to examination to ensure competent licensed plumbers.

#### **Subpart 2(F)**

The proposed rule amendment deletes reference to plumber’s apprentice and replaces it with registered unlicensed plumber because only registered unlicensed plumbers will have a situation subject to subitems (1) and (2) that follow. Because a registered plumber’s apprentice, as defined in Minn. Stat. § 326B.42, subd. 6, is part of a formal, approved apprenticeship, subitems (1) and (2) are moot issues to them. The proposed rule amendment also corrects the subitems referenced here to correspond with the proposed rule below. The proposed rule amendment is necessary and reasonable because the distinction between a registered plumber’s apprentice and registered unlicensed plumber should be clear.

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<sup>16</sup> Minn. Stat. § 326B.42, subd. 6 (2018) provides a definition of “plumber’s apprentice and defines it as “any individual who is employed in the practical installation of plumbing under an apprenticeship agreement approved by the department under section 178.07.”

<sup>17</sup> See <https://mn.gov/deed/data/data-tools/employment-outlook/>; <https://mn.gov/deed/newscenter/publications/review/june-2018/job-outlook-2026.jsp>; <https://www.bls.gov/ooh/construction-and-extraction/plumbers-pipefitters-and-steamfitters.htm>; and <http://www.startribune.com/worse-than-dating-twin-cities-builders-go-all-out-to-find-workers/432561123/>.

### **Subpart 2(F)(1)**

The proposed rule amendment adds the word “plumbing” before “work” to clarify that the qualifying hours must be obtained performing plumbing work, as described in the list (a) through (c).

### **Subpart 2(F)(2)**

The proposed rule amendment deletes the reference to subitem (3) because subitem (3) is deleted in the proposed rule. Again, the reference to “plumber’s apprentice” is deleted and “unlicensed plumber” is added because only registered unlicensed plumbers will have a situation subject to subitems (1) and (2) that follow.

The proposed rule amendment provides for alternate options for an applicant to have obtained the practical plumbing experience as listed in items (a) through (c). The alternate options are substantively the same as the language that is deleted in subpart 2(F)(3). The language was removed from subitem (3) and moved to subitem (2) because combining subitems (2) and (3) into one subitem, and removing the timing requirements in subitem (3), clarifies the two avenues through which an applicant may obtain the practical plumbing experience. That is, the practical experience must be obtained as a registered unlicensed plumber or through one of the ways listed in (2)(a) through (c). There is minimal substantive change to subitems (2) and (3) as the intent is to clarify the different acceptable ways to obtain the practical plumbing experience.

### **Subpart 2(G)**

The proposed rule amendment corrects the reference numbering to reflect the proposed amendments. For example, the reference to subitem (3) is replaced with subitem “(2), units (a) to (c)” because the proposed rule amendment moves the content in subitem (3) to subitem (2), units (a) to (c). The word “master” is added and “or plumbing contractor” is deleted because a plumbing contractor is a business entity and a human being must provide the certification. The reference to “plumber’s apprentice” is deleted and “registered unlicensed plumber” is added to be consistent with the proposed amendments above.

## **4716.0040 EXPIRATION OF LICENSES**

### **Subpart 1. Issuance and expiration**

The proposed rule amendment provides consistency for all journeyworker licensees and master licensees and aligns the rules with Minnesota Statutes.<sup>18</sup> The proposed rule amendment simplifies the renewal of journeyworker plumber and master plumber licenses. All journeyworker plumber licenses will expire on December 31 of odd-numbered years rather than on anniversary dates of license issuance. All master plumber licenses will expire on December 31 of even-numbered years. The Department can provide more efficient administration and enforcement of the licensing rules, thereby keeping enforcement costs, and therefore license fees, down. Individual licensees and the Department benefit from the proposed change.

The renewal window for restricted journeyworker and restricted master plumbers was changed from 12 months to within “two years of the license expiration” to grant restricted license holders

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<sup>18</sup> See [Minn. Stat. § 326B.49, subd. 1\(b\) \(2018\)](#). This statute was amended in 2016. See [Minn. Laws, 2016 c 189 art 8 sec 3](#).

additional time to renew their license before permanently forfeiting their restricted plumber license. Because failing to renew timely results in permanent forfeiture, it is reasonable to grant license holders more than 12 months to renew. The two-year time period to renew is consistent with the renewal period for licensed journeyworker and master plumbers. Restricted journeyworker and restricted master plumber licenses are relatively few in number and are a holdover from the transition from no licensure in cities with populations less than 5,000 to statewide plumber licensing in 2005. Restricted plumber licenses were granted to individuals who were performing plumbing at the time of the transition and who performed plumbing work in municipalities with a population under 5,000. A plumber holding a restricted license may not perform plumbing work in municipalities with a population over 5,000. No new restricted plumber licenses have been granted since the transition period. Once a restricted license is forfeited, it cannot be reinstated or renewed.

### **Subpart 2. License renewals**

The proposed rule amendment clarifies that license renewal applications must be submitted by December 31 of the year in which the license expires to be a timely renewal.

The proposed rule amends the timeframe in which a restricted journeyworker or restricted master plumber must pay the past due renewal fee to coordinate with the two year timeframe proposed in subpart 1 above.

## **4716.0050 REGISTRATION OF PLUMBER'S APPRENTICE**

The proposed rule amends the title of this rule part to "REGISTRATION OF REGISTERED UNLICENSED PLUMBER." The proposed rule amendment aligns the title with the title change to Minn. Stat. § 326B.47, which was changed from "Plumber's Apprentices" to "Unlicensed Individuals" in 2010.<sup>19</sup> This amendment is reasonable because chapter 4716 regulates registered unlicensed plumbers but not registered plumber's apprentices who are part of a formal apprenticeship program. The formal distinction between a plumber's apprentice and a registered unlicensed plumber is relatively new.<sup>20</sup> Rule titles are not enforceable but the title change adds clarity to the rule part particularly since the rule specifically states that it does not apply to registered plumber's apprentices.

### **Subpart 1. Scope.**

The proposed rule amendment updates and corrects this subpart. The proposed rule amendment updates the word "shall (not)" with "does (not)" because "shall (not)" is not grammatically correct. Also, the change to "does (not)" modernizes the language and is plain language. The proposed rule amendment corrects the referenced statute cite. The current rule refers to "Minnesota Statutes, section 326B.47, subdivision 1, clause (1)" however, there is no such clause (1). The correct cite format is Minnesota Statutes, section 326B.47, subdivision 1, *paragraph (a)*. Emphasis added. The proposed rule amendment changes the plural "plumber's apprentices" to singular for consistency with the rest of the rule chapter.

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<sup>19</sup> See [Minn. Laws, 2010 c 280 s 27](https://www.revisor.mn.gov/laws/2010/0/280/) at <https://www.revisor.mn.gov/laws/2010/0/280/>

<sup>20</sup> *Id.*

## **Subp. 2. Registration requirements**

The proposed rule amendments change all “plumber’s apprentice” references to “registered unlicensed plumber.” Plumber’s apprentices are regulated under the formal, approved apprenticeship agreement subject to Minnesota Statutes, chapter 178 and related rule chapters. The proposed rule amendment is necessary and reasonable because it uses terminology that is consistent with Minn. Stat. § 326B.47 and other proposed amendments in this rule chapter.

## **4716.0091 DEFINITIONS**

### **Subpart 1. Scope.**

The proposed rule amendment adds “Subpart 1. Scope” because now that a second subpart is added, it is necessary and reasonable to number and title the subpart. When it was the only subpart in this section, it was not necessary to number and title it.

### **Subpart 2. Registered unlicensed water conditioner**

The proposed rule amendment adds this subpart to establish and define the term, “Registered unlicensed water conditioner.” Although registered unlicensed individuals who perform and assist in plumbing have been regulated under Minn. Stat. § 326B.47 since 2010, registered unlicensed water conditioners is a newly established category of regulated parties per the 2017 legislature.<sup>21</sup> It is necessary and reasonable to establish and define this terms that identifies the legislature’s newly regulated category of individuals.

## **4716.0092 LICENSURE**

### **Subpart 1. Water conditioning contractor.**

The proposed rule amendment reduces redundant language and thereby provides clarity and consistency with the current Minnesota Statutes 326B.50, subds. 1a and 2a. The proposed rule amendment replaces all references to “water conditioning master or master plumber” with “responsible licensed master” because “responsible licensed master” is a term already defined in Minnesota Statutes 326B.50, subd. 1a and the definition requires the individual to be a “water conditioning master or licensed master plumber.” All the language that the proposed rule amendment deletes is deleted because it is addressed by using the defined term “responsible licensed master.” There is no substantive change to the rule part.

### **Subpart 3. Water conditioning journeyworker.**

The proposed rule amendment adds that, in addition to the six months of practical experience and passing an exam, an applicant for the water conditioning journeyworker license must be a registered unlicensed water conditioner in Minnesota except as permitted in subpart 4, item A, subitem (4). The proposed rule amendment is necessary and reasonable to ensure that the qualifying experience is obtained under proper qualified conditions and is consistent with Minn. Stat. § 326B.555.

### **Subpart 4. Experience.**

Subpart 4 provides specific requirements for the experience needed in subparts 2 and 3. There are no proposed amendments to items A through C. Items D and E are new to provide the

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<sup>21</sup> See Minn. Laws, [2017 c 94 art 2 s 14](https://www.revisor.mn.gov/laws/2017/0/Session+Law/Chapter/94/) at <https://www.revisor.mn.gov/laws/2017/0/Session+Law/Chapter/94/>.

specific experience requirements for registered unlicensed water conditioners and the employer of the registered unlicensed water conditioner and water conditioning journeyworker. The statutory authority to regulate registered unlicensed water conditioners is new. Therefore, this formalized category of regulated individuals is new, thus, the new items in this subpart. Items A through C detail the requirements for other required experiences listed in subparts 2 and 3.

#### **Subpart 4(D)(1)**

The proposed rule amendment is new to address the newly formalized category of registered unlicensed water conditioner and what is expected of those applicants. The proposed rule amendment clearly states the requirement (to be a registered unlicensed water conditioner while obtaining the practical water conditioning experience) and clarifies that the exception in Minn. Stat. § 326B.555, subd. 2, applies here. This is necessary and reasonable because it should be clear what is expected of the regulated parties, what other permissions apply to the requirement and is consistent with Minn. Stat. § 326B.555. The exception in Minn. Stat. § 326B.555, subd. 2, grants flexibility to applicants.

#### **Subpart 4(D)(2)**

The proposed rule amendment clarifies what is required of the licensed water conditioning master who is responsible for certifying the work performed by the registered unlicensed water conditioner. It is necessary and reasonable to clearly state the requirements. The requirements are reasonable and consistent with the requirements in Minn. R. part 4716.0020, subp. 2, and Minn. R. part 4716.0092, subp. 4(C), while tailored to the water conditioner licensing requirements. The proposed rule amendment is consistent with Minn. Stat. § 326B.555.

#### **Subpart 4(E)(1) and (2)**

The proposed rule amendment adds recordkeeping requirements for the employers of water conditioning journeyworkers and registered unlicensed water conditioners. The proposed rule amendment requires the employers to record the practical water conditioning experience worked by each employee and to maintain those records for at least six years. The registered unlicensed water conditioner needs this record of experience to qualify as an applicant for the journeyworker exam and the journeyworker needs the recorded experience to qualify for the master exam. It is necessary and reasonable to require the employer to make and maintain these records and such requirement is consistent with Minn. Stat. § 326B.555. It is necessary and reasonable for the employer to maintain these records for six years after the employee's last recorded experience because it gives applicants time to take the journeyworker exam after completing the training and for the journeyworker to take the master exam. There are a variety of reasons why an applicant might be delayed in taking an examination. For example, a medical incident or family emergency that delays the applicant from taking the examination. Six years balances flexibility for the applicant with minimal burden for the employer. Six years is consistent with the record retention requirement for registered unlicensed plumbers in part 4716.0020, subp. 2(G)(2).

## **4716.0093 UNLICENSED WATER CONDITIONER REGISTRATION**

### **Subpart 1. Registration requirements**

The proposed rule amendment is new to establish the requirements and qualifications to become a registered unlicensed water conditioner. For example, the proposed rule amendment requires a person to submit an application and fee to the Department annually to become a registered unlicensed water conditioner. Registrations are effective from July 1 through June 30 of the following year and late renewals require payment of a late fee. This date range is consistent with Minn. Stat. § 326B.555 and the registered unlicensed plumber registration dates in Minn. R. part 4716.0050, subp. 2. This is necessary and reasonable because having a set registration period makes administration of and compliance with the rule easier and more efficient for both the Department who enforces the rule and the registrants complying with the code. This efficiency keeps licensing fees down.

The proposed rule amendment establishes reasonable qualifications in items A and B that are consistent with Minn. Stat. § 326B.555 and other similar rules. Specifically, item A requires a registered unlicensed water conditioner to be at least 18 years of age or a high school graduate, though individuals as young as 16 may register and perform work if they are supervised by the individual's parent. Item B requires applicants for an unlicensed water conditioner registration to provide to the Department certain personal information, including Social Security number as required by Minn. Stat. § 270C.72.<sup>22</sup> These qualifications are consistent with the qualifications for registered unlicensed plumbers in Minn. R. part 4716.0050, subp. 2, and Minn. Stat. § 326B.555. This information is necessary and reasonable for the Department to be able to verify individual identities and is consistent with Minnesota Statutes.

## **4716.0205 REQUIREMENTS**

### **Subpart 1. Continuing education; content.**

Plumbing licensees are currently required to take 16 hours of approved continuing education each two-year license period. The proposed rule amendment does not change that total number of required hours.

### **Subpart 1(A)**

The proposed rule amendment lowers the minimum number of continuing education hours that must pertain to the Plumbing Code from twelve to eight and allows the remainder of the required hours to pertain to the Plumbing Code or technical topics related plumbing installations and equipment, Minnesota Rules chapter 4716, the Minnesota State Building Code, or the Plumbing and Water Conditioning sections of Minnesota Statutes, chapter 326B. The proposed rule amendment changes only the minimum number of hours that must pertain to the Plumbing Code and allows a licensee to obtain all continuing education hours on the Plumbing Code. This is necessary and reasonable because eight hours of Plumbing Code instruction will be sufficient for some veteran licensed plumbers while newer licensed plumbers might benefit from more Plumbing Code instruction hours. The proposed rule amendment allows more flexibility while maintaining a high standard of qualifications. The proposed rule amendment is consistent with the state regulatory policy in Minn. Stat. § 14.002 that encourages agencies to develop rules that

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<sup>22</sup> See [Minn. Stat. § 270C.72 \(2018\)](#).

“emphasize superior achievement in meeting the agency’s regulatory objectives and maximum flexibility for the regulated party.”<sup>23</sup> Because knowledge of the Plumbing Code is essential to safe plumbing practices, and the Plumbing Code changes, it is reasonable to require licensed individuals have a minimum number of continuing education hours on the Plumbing Code.

The proposed rule amendment corrects the reference to Minnesota Statutes, sections 326B.41 to 326B.49 to Minnesota Statutes, sections 326B.41 to **326B.59**, emphasis added, because the range to 326B.49 does not include the water conditioning sections, which are sections 326B.50 through 326B.59. This also provides additional flexibility in the topics in which licensed plumbers may get the required continuing education hours.

The proposed rule amendment allows licensed individuals to tailor their continuing education hour topics to their needs while also maintaining high quality continuing education because all continuing education courses must be approved, pursuant to Minnesota Rules, parts 4716.0200 through 4716.0210.

The proposed rule amendment eliminates the current four-hour limit on continuing education hours obtained by any electronic media. That is, online continuing education hours are currently limited to four of the sixteen. The proposed rule amendment is necessary and reasonable because some licensed plumbers in outstate Minnesota have some challenges with accessing in-person continuing education courses that metro area plumbers do not have. For example, there are fewer in-person course offerings in outstate Minnesota. Allowing all sixteen continuing education hours to be obtained online modernizes the requirement and recognizes the changes and improvements in technology. Electronic media standards are established in Minnesota Statutes, sections 326B.098 to 326B.099. The online courses must also be approved pursuant to Minnesota Rules, parts 4716.0200 through 4716.0210 like any other in-person course. The proposed rule amendment is consistent with the state regulatory policy in Minn. Stat. § 14.002 that encourages agencies to develop rules that “emphasize superior achievement in meeting the agency’s regulatory objectives and maximum flexibility for the regulated party.”

These changes are intended to make it easier and less costly for licensees to obtain the continuing education required to maintain licensure while maintaining quality education. Continuing education requirements for regulated parties are necessary and reasonable to ensure competency and recognizes industry changes in the interest of public health.

### **Subpart 1(B)**

Licensed water conditioning journeyworkers and masters must obtain four hours of continuing education hours per two-year licensing period. The proposed rule amendment deletes unnecessary language and adds the requirement that two of the four required continuing education hours must pertain to the Plumbing Code and the remaining two hours may pertain to the Plumbing Code or an existing list of other relevant topics. The proposed rule amendment maintains the same number of hours as the current rule and maintains flexibility while ensuring licensed water conditioners stay current with the Plumbing Code in addition to technical topics. It is necessary and reasonable to require licensed water conditioners to take two hours of continuing education on the Plumbing Code because their work is subject to and governed by the

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<sup>23</sup> See [Minn. Stat. § 14.002 \(2018\)](#).

Plumbing Code. Because the scope of their work is not as broad as licensed plumbers, it is reasonable that the total number of required continuing education hours is fewer than licensed plumbers. Correspondingly, the required minimum number of continuing education hours on the Plumbing Code is also fewer than what is required for licensed plumbers.

The proposed rule amendment adds that the continuing education hours may be obtained online, subject to the requirements in Minn. Stat. §§ 326B.098 to 326B.099. This proposed amendment is consistent with the proposed amendment in subpart 1(A) above.

### **Subpart 1(C)**

The proposed rule amendment creates a new requirement for registered unlicensed plumbers and water conditioners to take two hours of continuing education each year as a condition of renewing their registration. Registered unlicensed plumbers must take two hours of continuing education on the Plumbing Code because the range of work they may perform is broad and includes the entire scope of the Plumbing Code. Registered unlicensed water conditioners must take one hour of continuing education on the Plumbing Code and the other hour of continuing education may be on the Plumbing Code or a technical topic related to water conditioning installation. The scope of the work of a registered unlicensed water conditioner is limited to water conditioning so they do not work with the entire Plumbing Code.

For many registered unlicensed plumbers and water conditioners, the continuing education requirement is absorbed into their training toward qualifying for the journeyworker exam in their respective field. For other registered unlicensed plumbers and registered unlicensed water conditioners who do not intend to take the journeyworker exam in their respective field, this requirement ensures they stay current with industry practices and the Plumbing Code.

For both registered unlicensed plumbers and water conditioners, the continuing education hours may be taken online. This requirement will enhance registrants' knowledge and understanding of the Plumbing Code and other information relevant to their work. While field work is important, there are tables, calculations and backflow protection of water supply system in the Plumbing Code that industry professionals must be aware of and learn about. A continuing education class is a setting conducive to learning about certain aspects of the Plumbing Code.

Similarly, registered unlicensed electricians have been required to obtain two hours of continuing education every renewal period since 2009.<sup>24</sup> It is necessary and reasonable to require a regulated party to obtain some continuing education to maintain their registration to ensure competence in the interest of public health.

### **Subpart 1(D) and (E)**

The proposed rule amendment renumbers these paragraphs to reflect the new paragraphs added above. There are no substantive changes.

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<sup>24</sup> See [Minn. R. 3800.3602 \(2018\)](#). See also [https://www.revisor.mn.gov/state\\_register/34/15/](https://www.revisor.mn.gov/state_register/34/15/).

## CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

November 13, 2018

  
\_\_\_\_\_  
Richard Jacobs  
Plumbing Board Chair

This Statement of Need and Reasonableness was made available for public review on November 13, 2018.

**Attachment A**

**2-hour Continuing Education Average Costs**

Plumbology*	\$60.00
Metro Testing & Plumbing**	\$50.00
TradesmanCE.com (At Your Pace)*** - electrical	\$36.00
<b>Total</b>	<b>\$146.00</b>
<b>Average</b>	<b>\$48.67</b>

**Continuing Education Average Cost-Per-Hour**

	<b># of hours</b>	<b>Total cost</b>	<b>Average cost per hour</b>
Plumbology*	8	\$130.00	\$16.25
Plumbology	4	\$85.00	\$21.25
Plumbology	2	\$60.00	\$30.00
Metro Testing & Plumbing**	8	\$150.00	\$18.75
Metro Testing & Plumbing	6	\$125.00	\$20.83
Metro Testing & Plumbing	2	\$50.00	\$25.00
TradesmanCE.com (At Your Pace)***	4	\$80.00	\$20.00
TradesmanCE.com (At Your Pace)	2	\$36.00	\$18.00
MyPlumbingTraining.com****	8	\$125 (incl. lunch)	\$15.63
MyPlumbingTraining.com - apprentices	8	\$20.00	\$2.50
<b>Total</b>		<b>\$861.00</b>	<b>\$18.82</b>

\*<http://www.plumbologymn.com/register>

\*\*<https://metrotesting.net/classes/>

\*\*\*<https://www.tradesmance.com/minnesota-plumbing-continuing-education>

\*\*\*\*[https://myplumbingtraining.com/onsite\\_courses](https://myplumbingtraining.com/onsite_courses)

1.1 **Plumbing Board**1.2 **Proposed Permanent Rules Governing Plumbing Licensing**1.3 **4716.0010 DEFINITIONS.**1.4 *[For text of subs 1 to 5, see M.R.]*

1.5 Subp. 6. **Registered unlicensed plumber.** "Registered unlicensed plumber" means  
1.6 an individual who performs plumbing work for a contractor or employer, does not hold any  
1.7 class of plumber license, is not a plumber's apprentice as described in Minnesota Statutes,  
1.8 section 326B.42, subdivision 6, and is registered with the commissioner under part  
1.9 4716.0050.

1.10 **4716.0020 EXAMINATION AND LICENSING OF PLUMBERS.**

1.11 Subpart 1. **Examinations.** An applicant for a plumber's license, other than a restricted  
1.12 journeyworker or restricted master plumber license, must satisfactorily pass an examination  
1.13 given by the commissioner. ~~Examinations for journeyworker and master plumber licenses~~  
1.14 ~~shall be held in March and September of each year. Applications for the March examination~~  
1.15 ~~must be filed not later than February 15 and for the September examination not later than~~  
1.16 ~~August 15.~~

1.17 A. An applicant for the master plumber examination must have:

1.18 (1) ~~a current Minnesota journeyworker plumber license and five years of~~  
1.19 ~~practical plumbing experience~~ at least one year of practical plumbing experience as a licensed  
1.20 journeyworker plumber as described in subpart 2;

1.21 *[For text of subitems (2) and (3), see M.R.]*

1.22 B. An applicant for the journeyworker examination:

1.23 (1) must be registered as a plumber's apprentice in Minnesota as described  
1.24 in Minnesota Statutes, section 326B.42, subdivision 6, or must be a registered unlicensed

2.1 plumber as described in part 4716.0010, subpart 6, and must have at least four years of  
2.2 recorded practical plumbing experience, as specified in subpart 2, item F;

2.3 *[For text of subitems (2) and (3), see M.R.]*

2.4 Subp. 2. **Experience.** This subpart applies to all practical plumbing experience  
2.5 described in subpart 1.

2.6 *[For text of items A to D, see M.R.]*

2.7 E. If the applicant is a licensed restricted journeyworker plumber or a licensed  
2.8 restricted master plumber, subitems (1) ~~to (3)~~ and (2) apply.

2.9 (1) The practical plumbing experience must include at least the following  
2.10 number of hours in the plumbing aspects specified in units (a) to (c). The remaining required  
2.11 hours of practical plumbing experience may be in any aspect of plumbing work included  
2.12 in the definition of plumbing in UPC section 218.0 as incorporated by reference in part  
2.13 4714.0050; however, the applicant must include in the application the type of plumbing  
2.14 work and corresponding number of hours:

2.15 (a) water distribution system installation, 1,000 hours;

2.16 (b) drain, waste, and vent system installation, 1,000 hours; and

2.17 (c) fixture installation, 500 hours.

2.18 *[For text of subitem (2), see M.R.]*

2.19 ~~(3) The applicant must have completed the entire two years of practical~~  
2.20 ~~plumbing experience within the four years before the applicant takes the examination.~~

2.21 F. If the applicant is a registered ~~plumber's apprentice~~ unlicensed plumber, subitems  
2.22 (1) ~~to (3)~~ and (2) apply.

3.1 (1) The practical plumbing experience must include at least the following  
3.2 number of hours in the plumbing aspects specified in units (a) to (c). The remaining required  
3.3 hours of practical plumbing experience may be in any aspect of plumbing work included  
3.4 in the definition of plumbing in UPC section 218.0 as incorporated by reference in part  
3.5 4714.0050; however, the applicant must include in the application the type of plumbing  
3.6 work and corresponding number of hours:

3.7 (a) water distribution system installation, 2,000 hours;

3.8 (b) drain, waste, and vent system installation, 2,000 hours; and

3.9 (c) fixture installation, 1,000 hours.

3.10 (2) ~~Except for experience qualifying under subitem (3),~~ The applicant must  
3.11 have been a registered ~~plumber's apprentice~~ unlicensed plumber at all times while obtaining  
3.12 the practical plumbing experience; or the applicant must have obtained the practical plumbing  
3.13 experience in one of the following ways:

3.14 (a) during military service, and the applicant's military officer certifies  
3.15 the experience;

3.16 (b) as part of a plumbing education class approved by the commissioner,  
3.17 and an authorized representative of the plumbing educational institution certifies the  
3.18 experience; or

3.19 (c) as a plumber's apprentice in another state where the experience is  
3.20 verified by a state agency that regulates plumbing licensing in that state or by a federal  
3.21 agency.

3.22 (3) ~~Up to 24 months of practical plumbing experience gained before the~~  
3.23 ~~effective date of the applicant's initial registration as a plumber's apprentice will be credited~~  
3.24 ~~if the applicant gained some of the experience during the 12-month period immediately~~  
3.25 ~~prior to the effective date of the applicant's initial registration and if:~~

4.1 (a) ~~the applicant gained the plumbing experience during military service,~~  
 4.2 ~~and the applicant's military officer certifies the experience;~~

4.3 (b) ~~the applicant gained the plumbing experience as part of a plumbing~~  
 4.4 ~~education class approved by the commissioner, and an authorized representative of the~~  
 4.5 ~~educational institution certifies the experience; or~~

4.6 (e) ~~the applicant gained the plumbing experience as a plumber's~~  
 4.7 ~~apprentice in another state where the experience is verified by a state agency in that state~~  
 4.8 ~~or by a federal agency.~~

4.9 G. Except as provided in item F, subitem ~~(3)~~ (2), units (a) to (c), all practical  
 4.10 plumbing experience must be certified by the licensed master plumber ~~or plumbing contractor~~  
 4.11 who is responsible for the work performed. A restricted master plumber cannot certify the  
 4.12 restricted master plumber's own experience. The employer of a journeyworker plumber,  
 4.13 restricted master plumber, restricted journeyworker plumber, or ~~plumber's apprentice~~  
 4.14 registered unlicensed plumber is responsible for:

4.15 *[For text of subitems (1) and (2), see M.R.]*

#### 4.16 **4716.0040 EXPIRATION OF LICENSES.**

4.17 Subpart 1. **Issuance and expiration.** Initial and ~~renewal~~ renewed journeyworker  
 4.18 plumber's licenses and renewed restricted journeyworker plumber's licenses expire on  
 4.19 December 31 of each odd-numbered year after issuance or renewal. Initial and renewed  
 4.20 master plumber's licenses, and renewal restricted journeyworker and renewed restricted  
 4.21 master plumber's licenses, shall be issued for the calendar year for which application is  
 4.22 made and shall expire on December 31 of such year each even-numbered year after issuance  
 4.23 or renewal. Any journeyworker plumber, master plumber, restricted journeyworker plumber,  
 4.24 or restricted master plumber who submits a renewal application after December 31 shall  
 4.25 not work as a plumber until the person has submitted an application, fee, and penalty fee.

5.1 Any licensed journeyworker or master plumber who does not renew the license within two  
5.2 years is no longer eligible for renewal. The person must retake and pass the examination  
5.3 before a new license will be issued. Any licensed restricted journeyworker or restricted  
5.4 master plumber who does not renew the license within ~~12 months~~ two years of the license  
5.5 expiration will permanently forfeit the restricted plumber license.

5.6 Subp. 2. **License renewals.** Applications for license renewal must be submitted to  
5.7 the commissioner on forms prepared by the commissioner no later than December 31 of  
5.8 ~~the year preceding~~ the year for in which ~~application is made~~ the license expires. The  
5.9 application must be accompanied by the required fee. Journeyworker and master plumbers  
5.10 who submit their license renewal applications after expiration of their license but within  
5.11 two years after expiration of the previously issued license must pay all past due renewal  
5.12 fees plus the required late fee. Restricted journeyworker and restricted master plumbers  
5.13 who submit their license renewal applications after expiration of their license but within ~~12~~  
5.14 ~~months~~ two years after expiration of the previously issued license must pay the past due  
5.15 renewal fee plus the required late fee.

5.16 **4716.0050 REGISTRATION OF ~~PLUMBER'S APPRENTICE~~ REGISTERED**  
5.17 **UNLICENSED PLUMBER.**

5.18 Subpart 1. **Scope.** Subpart 2 ~~shall~~ does not apply to a registered plumber's ~~apprentices~~  
5.19 apprentice under Minnesota Statutes, section 326B.47, subdivision 1, ~~clause (1)~~ paragraph  
5.20 (a).

5.21 Subp. 2. **Registration requirements.** No person shall work as a ~~plumber's apprentice~~  
5.22 registered unlicensed plumber until that person has submitted an application and fee for  
5.23 registration to the commissioner. Registration must be renewed annually and shall be for  
5.24 the period from July 1 of each year to June 30 of the following year. Applications for initial  
5.25 and renewal registration must be submitted to the commissioner before July 1 of each  
5.26 registration period on forms provided by the commissioner, and must be accompanied by

6.1 the required fee. A ~~plumber's apprentice~~ registered unlicensed plumber who submits a  
6.2 registration application after July 1 in any year must pay the ~~past-due~~ renewal fee plus the  
6.3 required late fee.

6.4 A. A ~~plumber's apprentice~~ registered unlicensed plumber must be at least 18 years  
6.5 of age or be a high school graduate, except that ~~an apprentice~~ a registered unlicensed plumber  
6.6 employed and supervised by the ~~apprentice's~~ registered unlicensed plumber's parent must  
6.7 be at least 16 years of age.

6.8 B. At the time of registration, ~~an apprentice~~ a registered unlicensed plumber must  
6.9 provide a name, address, date of birth, Social Security number, and information about  
6.10 education and practical plumbing experience.

#### 6.11 **4716.0091 DEFINITIONS.**

6.12 Subpart 1. Scope. The terms used in parts 4716.0090 to 4716.0092 have the meanings  
6.13 given them in this part, UPC sections 201.0 to 228.0 as incorporated by reference in part  
6.14 4714.0050, and Minnesota Statutes, section 326B.50.

6.15 Subp. 2. Registered unlicensed water conditioner. "Registered unlicensed water  
6.16 conditioner" means an individual who performs water conditioning work for a contractor  
6.17 or employer, does not hold any class of water conditioning license, and is registered with  
6.18 the commissioner under part 4716.0093.

#### 6.19 **4716.0092 LICENSURE.**

6.20 Subpart 1. **Water conditioning contractor.** An applicant for a water conditioning  
6.21 contractor license must designate a ~~water conditioning~~ responsible licensed master ~~or master~~  
6.22 ~~plumber, licensed by the commissioner, as the individual responsible for the water~~  
6.23 ~~conditioning contractor's compliance with this part, chapter 4714, Minnesota Statutes,~~  
6.24 ~~sections 326B.50 to 326B.59, and all orders issued under Minnesota Statutes, section~~  
6.25 ~~326B.082~~ as defined in Minnesota Statutes, section 326B.50. The responsible ~~water~~

7.1 ~~conditioning licensed master or master plumber~~ must give a minimum 15-day notice to the  
7.2 water conditioning contractor and the department before resigning as the responsible ~~water~~  
7.3 ~~conditioning licensed master or master plumber~~ for the contractor. The contractor and  
7.4 responsible ~~water conditioning licensed master or master plumber~~ must immediately notify  
7.5 the department upon the termination or separation of the contractor's responsible ~~water~~  
7.6 ~~conditioning licensed master or master plumber~~. The water conditioning contractor shall  
7.7 have 60 days from the last day of employment of its previous responsible ~~water conditioning~~  
7.8 ~~licensed master or master plumber~~ to employ another responsible ~~water conditioning licensed~~  
7.9 ~~master or master plumber~~. The water conditioning contractor shall submit written notification  
7.10 to the department that it has designated a different ~~water conditioning responsible licensed~~  
7.11 ~~master or master plumber~~ as the individual responsible for the contractor's compliance with  
7.12 ~~this part, chapter 4714, and Minnesota Statutes, sections 326B.50 to 326B.59~~. If the water  
7.13 conditioning contractor is unable to acquire a replacement responsible ~~water conditioning~~  
7.14 ~~licensed master or master plumber~~, the water conditioning contractor's license is invalid  
7.15 and the contractor shall cease and desist from performing any water conditioning work and  
7.16 return the contractor's license for voluntary termination. Upon acquiring a replacement  
7.17 responsible ~~water conditioning licensed master or master plumber~~, the water conditioning  
7.18 contractor may request reinstatement of the terminated license under Minnesota Statutes,  
7.19 section 326B.096.

7.20 *[For text of subp 2, see M.R.]*

7.21 Subp. 3. **Water conditioning journeyworker.** An applicant for a water conditioning  
7.22 journeyworker license must satisfactorily pass an examination given by the commissioner.  
7.23 An applicant for the water conditioning journeyworker examination must have been a  
7.24 registered unlicensed water conditioner at all times while obtaining at least six months of  
7.25 practical experience as listed in subpart 4, item C, subitem (2), except as permitted in subpart  
7.26 4, item A, subitem (4). The applicant is responsible for verifying practical experience.

8.1 Subp. 4. **Experience.** For the purposes of the experience required under subparts 2  
8.2 and 3, the following requirements apply.

8.3 *[For text of items A to C, see M.R.]*

8.4 D. If the applicant is a registered unlicensed water conditioner:

8.5 (1) the applicant must have been a registered unlicensed water conditioner  
8.6 at all times while obtaining the practical water conditioning experience, except as allowed  
8.7 under Minnesota Statutes, section 326B.555, subdivision 2; and

8.8 (2) all practical water conditioning experience must be certified by the licensed  
8.9 water conditioning master who is responsible for the work performed. Practical water  
8.10 conditioning experience includes installation, servicing, and training hours. The commissioner  
8.11 may require work records, time cards, pay records, or other documentation necessary to  
8.12 evaluate experience. The commissioner shall make the final determination about the adequacy  
8.13 and acceptability of an applicant's experience.

8.14 E. The employer of a water conditioning journeyworker or registered unlicensed  
8.15 water conditioner is responsible for:

8.16 (1) recording the practical water conditioning experience worked by each  
8.17 employee; and

8.18 (2) maintaining the records of practical water conditioning experience for at  
8.19 least six years after the employee's last recorded experience.

8.20 *[For text of subps 5 and 6, see M.R.]*

8.21 **4716.0093 UNLICENSED WATER CONDITIONER REGISTRATION.**

8.22 Subpart 1. Registration requirements. No person shall work as a registered unlicensed  
8.23 water conditioner until that person has submitted an application and fee for registration to  
8.24 the commissioner. Registration must be renewed annually and shall be for the period from

9.1 July 1 of each year to June 30 of the following year. Applications for initial and renewal  
 9.2 registration must be submitted to the commissioner before July 1 of each registration period  
 9.3 on forms provided by the commissioner, and must be accompanied by the required fee. A  
 9.4 registered unlicensed water conditioner who submits a registration application after July 1  
 9.5 in any year must pay the renewal fee plus the required late fee.

9.6 A. A registered unlicensed water conditioner must be at least 18 years of age or  
 9.7 a high school graduate, except that a registered unlicensed water conditioner employed and  
 9.8 supervised by the registered unlicensed water conditioner's parent must be at least 16 years  
 9.9 of age.

9.10 B. An applicant for registration under this part must provide a name, address, date  
 9.11 of birth, Social Security number, and information about education and practical water  
 9.12 conditioning experience on a form provided by the commissioner.

9.13 **4716.0205 REQUIREMENTS.**

9.14 **Subpart 1. Continuing education; content.**

9.15 A. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
 9.16 individuals who hold the following license types are required to obtain 16 hours of continuing  
 9.17 education instruction during the license period before the license may be renewed:

- 9.18 (1) master plumber;
- 9.19 (2) journeyworker plumber; and
- 9.20 (3) restricted plumber.

9.21 At least ~~12~~ eight hours of instruction must pertain to the Plumbing Code, and ~~at least four~~  
 9.22 ~~hours of instruction must pertain to the~~ remainder must pertain to the Plumbing Code,  
 9.23 technical topics related to plumbing installations and equipment, this chapter, the Minnesota  
 9.24 State Building Code, or Minnesota Statutes, sections 326B.41 to ~~326B.49~~ 326B.59.

10.1 Continuing education hours obtained by any electronic media must ~~not exceed four hours~~  
10.2 ~~during the renewal period~~ comply with Minnesota Statutes, sections 326B.098 to 326B.099.

10.3 B. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
10.4 individuals who hold the following license types are required to obtain four hours of  
10.5 continuing education instruction during the license period before the license may be renewed:

10.6 (1) water conditioning master; and

10.7 (2) water conditioning journeyworker.

10.8 ~~At least two hours of instruction~~ must pertain to the Plumbing Code and the remainder must  
10.9 pertain to the Plumbing Code, technical topics related to water conditioning installation and  
10.10 servicing, this chapter, or Minnesota Statutes, sections 326B.50 to 326B.59. Continuing  
10.11 education hours obtained by any electronic media must comply with Minnesota Statutes,  
10.12 sections 326B.098 to 326B.099.

10.13 C. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
10.14 individuals who hold the following registration types are required to obtain continuing  
10.15 education instruction during the registration period before the registration can be renewed:

10.16 (1) registered unlicensed plumbers; and

10.17 (2) registered unlicensed water conditioners.

10.18 The registered unlicensed plumber must obtain at least two hours of continuing education  
10.19 instruction that must pertain to the Plumbing Code.

10.20 The registered unlicensed water conditioner must obtain at least two hours of continuing  
10.21 education instruction. At least one hour of instruction must pertain to the Plumbing Code,  
10.22 and the remainder must pertain to the Plumbing Code, technical topics related to water  
10.23 conditioning installation and servicing, this chapter, or Minnesota Statutes, sections 326B.50



**Minnesota Plumbing Board**

**CERTIFICATE OF POSTING THE STATEMENT OF NEED AND REASONABLENESS  
AND THE DUAL NOTICE**

**Proposed Rules Governing Plumber Licensing, Minnesota Rules, Chapter 4716; Revisor's  
ID-04365**

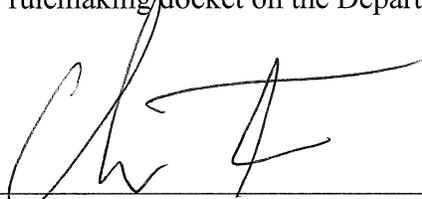
I certify that on November 13, 2018, at the City of St. Paul, County of Ramsey,  
Minnesota, I posted on the Minnesota Plumbing Board's rulemaking docket:

- Statement of Need and Reasonableness dated November 13, 2018

I certify that on November 26, 2018, at the City of St. Paul, County of Ramsey,  
Minnesota, I posted on the Minnesota Plumbing Board's rulemaking docket:

- Dual Notice dated November 13, 2018

I posted these documents to the Board's rulemaking docket on the Department of Labor  
and Industry's website.



---

Chris Thompson  
Information Officer

**Minnesota Plumbing Board**

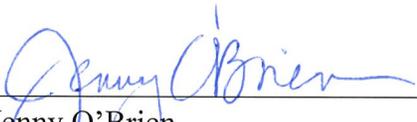
**CERTIFICATE OF POSTING THE PROPOSED RULE DRAFT**

**Proposed Rules Governing Plumber Licensing, Minnesota Rules, Chapter 4716; Revisor's ID-04365**

I certify that on August 31, 2018, at the City of St. Paul, County of Ramsey, Minnesota, I posted on the Minnesota Plumbing Board's rulemaking docket:

- Draft of the proposed rules dated August 29, 2018

I posted this documents to the Board's rulemaking docket on the Department of Labor and Industry's website.

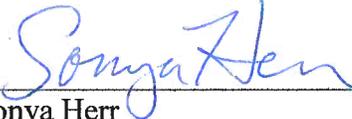
  
\_\_\_\_\_  
Jenny O'Brien  
Communications

**Minnesota Plumbing Board**

**CERTIFICATE OF MAILING A NOTICE OF HEARING TO THOSE WHO  
REQUESTED A HEARING**

**Proposed Rules Governing Plumber Licensing, Minnesota Rules, Chapter 4716; Revisor's  
ID Number R-04365**

I certify that on January 7, 2019, at the City of St. Paul, County of Ramsey, Minnesota, I mailed a copy of the Notice of Hearing to all persons who requested a hearing via USPS mail. Specifically, I accomplished this by depositing the notice in the State Central Office Mail System for United States mail for mailing the same day. A copy of the Notice and the labels for the recipients are attached to this Certificate.

  
\_\_\_\_\_  
Sonya Herr  
Office Services Supervisor

**Minnesota Plumbing Board**

**NOTICE OF HEARING TO THOSE WHO REQUESTED A HEARING**

**Proposed Amendment to Rules Governing Plumber Licensing, Minnesota Rules, Chapter 4716; Revisor's ID Number R-04365, OAH docket number 8-9001-35569**

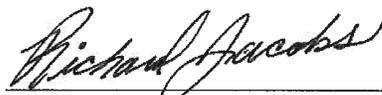
**To persons who requested a hearing.** In accordance with Minnesota Statutes, section 14.25, subdivision 1, the Plumbing Board is sending this Notice to all persons who requested a hearing.

**There will be a hearing.** In the November 26, 2018, State Register, on pages 585 to 587, the Minnesota Plumbing Board published a Notice of Intent to Adopt Rules relating to plumber licensing and registration. The Notice stated that the Board would hold a hearing on the proposed rules if 25 or more persons submitted written requests. We have received a sufficient number of requests for a hearing. The hearing will be conducted as stated in the State Register in the Minnesota Room of the Department of Labor and Industry located at 443 Lafayette Road North in St. Paul, MN starting at 9:30 a.m. on Friday, January 11, 2019, continuing until the hearing is completed.

**Administrative Law Judge.** Administrative Law Judge Eric L. Lipman will conduct the hearing. The judge can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **by telephone by calling OAH Legal Assistant Denise Collins at (651) 361-7875, or by email to [denise.collins@state.mn.us](mailto:denise.collins@state.mn.us),** and FAX (651) 539-0310. You should direct questions concerning the rule hearing procedure to the administrative law judge.

**Agency Contact Person.** The agency contact person is: Suzanne Todnem at Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, (651) 284 - 5006, [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us). You should direct questions or comments about the rules to the agency contact person. A copy of the Notice of Intent to Adopt Rules, as published in the State Register on November 26, 2018, is available upon request from the agency contact person.

January 7, 2019  
Date



---

Richard Jacobs  
Minnesota Plumbing Board, Chair

Javens Mechanical Contracting Co.  
Attn: Karmen Javens  
59160 Madison Avenue  
Mankato, MN 56001

James Ronnenberg  
318 5th Avenue NE  
Byron, MN 55920

Brad Smith  
PO Box 7308  
St. Cloud, MN 56302

Eric Gander  
518 24th Street SW  
Rochester, MN 55902

Jeff Jaeger  
2717 16th Street SW  
Stewartville, MN 55976

Greg Tryggeseth  
3556 Alpine Drive SW  
Pillager, MN 56473

Jim Gander  
2815 Merrihills Drive SW  
Rochester, MN 55902

Krista Gibbons  
919 10th Avenue NE  
Rochester, MN 55906

Michael A. Johnson  
8720 425th Street  
Rice, MN 56367

Craig Curley  
1244 60th Avenue NW  
Rochester, MN 55901

Amy Hoven  
858 8th Avenue SE  
Rochester, MN 55904

Megan Henkemeyer  
PO Box 7308  
St. Cloud, MN 56302

Randy Tupper  
12345 Cardinal Lane NE  
Rochester, MN 55906

Mike Nordstrom  
1209 37th Street SW  
Rochester, MN 55902

Derek Berdan  
25409 Lena Lane  
St. Cloud, MN 56301

Brian H. Lubbert  
PO Box 153  
Hayfield, MN 55940

Heather Madison  
4138 160th Avenue SE  
Dover, MN 55929

Jason Reinert  
4074 Golden Spike Road NE  
Sauk Rapids, MN 56379

Lisa A. Johnson  
3824 7th Place NW  
Rochester, MN 55901

Paul A. Van Tassel  
111 3rd Avenue NE  
Stewartville, MN 55976

Russ Eiyneck  
14865 Held Circle  
Cold Spring, MN 56320

Jeff Engelken  
4604 Sandy Wood Court SE  
Rochester, MN 55904

Reid Aleckson  
709 Laura Court  
Chaska, MN 55318

Brad Arkell  
37327 County Road 1  
Eagle Bend, MN 56446

Mary Kipp  
1607 10th Avenue SE  
Rochester, MN 55904

Nathan Henning  
2864 Geneva Road NE  
Alexandria, MN 56308

Shannon R. Peters  
603 2nd Street NW  
Kasson, MN 55944

Derek Berdan  
PO Box 7308  
St. Cloud, MN 56302

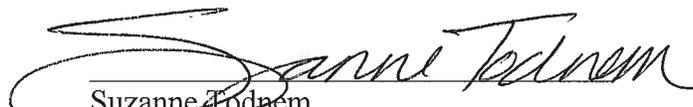
*mail list*  
R-04365.400

**Minnesota Plumbing Board**

**CERTIFICATE OF E-MAILING A NOTICE OF HEARING TO THOSE WHO  
REQUESTED A HEARING**

**Proposed Rules Governing Plumber Licensing, Minnesota Rules, Chapter 4716; Revisor's  
ID Number R-04365**

I certify that on January 7, 2019, I e-mailed a Notice of Hearing by sending an electronic copy to all persons who requested a hearing via email. A copy of the Notice and the email is attached to this Certificate.

  
Suzanne Todnem  
General Counsel

## Todnem, Suzanne (DLI)

---

**From:** RULES, DLI (DLI)  
**Sent:** Monday, January 07, 2019 2:01 PM  
**To:** Megan Henkemeyer  
**Cc:** Rick Jacobs (rick.jacobs@ci.stpaul.mn.us)  
**Subject:** RE: Request for Public Hearing R-04365  
**Attachments:** Notice\_to\_Requestors\_1.7.19\_Signed.pdf

Ms. Henkemeyer,

The attached document is being mailed via USPS today to all persons who requested a hearing. Feel free to share via email to the requestors as I do not have email addresses.

Regards,  
Suzanne Todnem

**Suzanne Todnem**  
General Counsel | Office of General Counsel

**Minnesota Department of Labor and Industry**  
443 Lafayette Road N., St. Paul, MN 55155  
Phone: (651) 284-5851 | Web: [www.dli.mn.gov](http://www.dli.mn.gov)



---

**From:** Megan Henkemeyer [mailto:MHenkemeyer@j-berd.com]  
**Sent:** Thursday, December 20, 2018 9:07 AM  
**To:** RULES, DLI (DLI) <dli.rules@state.mn.us>  
**Cc:** Megan Henkemeyer <MHenkemeyer@j-berd.com>  
**Subject:** Request for Public Hearing R-04365

Ms. Todnem;

Attached are written requests for a public hearing in regards to Proposed Permanent Rules to Amend Minn. Rules, Chapters 4716, R-04365.

Please advise if hard copies need to be mailed to you as well.

Sincerely,

**Megan Henkemeyer**  
[J-Berd Mechanical/Security Fire Sprinkler/Berd Electric](#)  
P.O. BOX 7308 | St. Cloud, MN 56302-7308  
3308 Southway Drive | St. Cloud, MN 56301  
Office: 320.656.0847 | Fax: 320.656.0312

Confidentiality Notice: This E-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521, is confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please contact the sender by reply email and destroy all copies of the original message.

**Minnesota Plumbing Board**

**NOTICE OF HEARING TO THOSE WHO REQUESTED A HEARING**

**Proposed Amendment to Rules Governing Plumber Licensing, Minnesota Rules, Chapter 4716; Revisor's ID Number R-04365, OAH docket number 8-9001-35569**

**To persons who requested a hearing.** In accordance with Minnesota Statutes, section 14.25, subdivision 1, the Plumbing Board is sending this Notice to all persons who requested a hearing.

**There will be a hearing.** In the November 26, 2018, State Register, on pages 585 to 587, the Minnesota Plumbing Board published a Notice of Intent to Adopt Rules relating to plumber licensing and registration. The Notice stated that the Board would hold a hearing on the proposed rules if 25 or more persons submitted written requests. We have received a sufficient number of requests for a hearing. The hearing will be conducted as stated in the State Register in the Minnesota Room of the Department of Labor and Industry located at 443 Lafayette Road North in St. Paul, MN starting at 9:30 a.m. on Friday, January 11, 2019, continuing until the hearing is completed.

**Administrative Law Judge.** Administrative Law Judge Eric L. Lipman will conduct the hearing. The judge can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **by telephone by calling OAH Legal Assistant Denise Collins at (651) 361-7875, or by email to [denise.collins@state.mn.us](mailto:denise.collins@state.mn.us),** and FAX (651) 539-0310. You should direct questions concerning the rule hearing procedure to the administrative law judge.

**Agency Contact Person.** The agency contact person is: Suzanne Todnem at Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, (651) 284 - 5006, [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us). You should direct questions or comments about the rules to the agency contact person. A copy of the Notice of Intent to Adopt Rules, as published in the State Register on November 26, 2018, is available upon request from the agency contact person.

January 7, 2019  
Date



---

Richard Jacobs  
Minnesota Plumbing Board, Chair

September 13, 2018

Marianne Conboy  
Executive Budget Officer  
Minnesota Management and Budget  
658 Cedar St., Suite 400  
St. Paul, MN 55155

Sent via E-MAIL

Re: In The Matter of the Proposed Rules of the Minnesota Plumbing Board Governing  
Plumber Licensing, Minnesota Rules, chapter 4716; Revisor's ID Number R-04365

Dear Ms. Conboy:

Minnesota Statutes, section 14.131, requires that an agency engaged in rulemaking consult with the Commissioner of Minnesota Management and Budget, "to help evaluate the fiscal impact and fiscal benefits of the proposed rule on units of local government." The Department of Labor and Industry ("Department") provides administrative support to the Board, including on rulemaking matters.

Enclosed for your review are copies of the following documents on proposed rules governing plumber licensing and apprentice registration.

1. The Governor's Office Proposed Rule and SONAR Form (signed by Board Chair Rick Jacobs).
2. The 8-29-2018 Revisor's draft of the proposed rule.
3. The most current draft of the near-final SONAR.

I am also delivering copies of these documents to the Governor's Office today.

The proposed rules will impact persons who perform plumbing and water conditioning work and potentially the employers of those persons. There is no anticipated effect on state revenues because the licensing enforcement is administered by the Department and licensing and permit fees fund enforcement. There is no anticipated effect on units of local government because all licensing and registration of plumbers and water conditioners is handled on the state level.

If you or any other representative of the Commissioner of Minnesota Management & Budget has questions about the proposed rule, please call me at 651.284.5851. Please send any correspondence about this matter to me at the following address: Suzanne Todnem, Minnesota Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155.

Yours very truly,



Suzanne Todnem  
General Counsel

*Equal Opportunity Employer*

**2018 Administrative Rule  
Proposed Rule and SONAR Form**

Revisor’s ID Number: R-04365

Submitting Agency: Minnesota Plumbing Board Date: 9/13/2018

Rule Contact: Suzanne Todnem, General Counsel, DLI

Email Address: [Suzanne.todnem@state.mn.us](mailto:Suzanne.todnem@state.mn.us) Phone #: 651.284.5851

Title: (Short descriptive title)	Proposed Amendment to Rules Governing Plumber Licensing
Chapter number(s):	4716
Comments received during Request for Comments:	One comment that requested that the Board support legislation that would change the licensing requirements for backflow prevention assembly rebuilders in Minnesota. 61 comments about the continuing education requirements for registered unlicensed plumbers. <sup>1</sup> The Board addressed those concerns at Board meetings and in the rule-by-rule analysis of the SONAR.
Statement of Need and Reasonableness (SONAR) Executive Summary:	<p>The Minnesota Plumbing Board (“Board”) intends to adopt rules regulating the registration of unlicensed individuals who perform water conditioning installation, registration of unlicensed individuals who perform plumbing, examination and licensing of plumbers, and continuing education requirements for licensed individuals and registered unlicensed individuals.</p> <p>In 2017, the Minnesota Legislature granted the Board rulemaking authority over a new category of registered unlicensed individuals who perform water conditioning installation and authorized the Board to adopt rules for the registration of these unlicensed individuals.<sup>2</sup> Additionally, the Minnesota Legislature newly granted the Board authority to regulate continuing education requirements for all registered unlicensed individuals.<sup>3</sup></p> <p>There are two notable changes in the proposed rule amendments. First, the Board’s proposed amendments provide the requirements for the registration of unlicensed water conditioners (registration of unlicensed plumbers is already in rule). The Board anticipates that some registered unlicensed individuals will apply their work experience to pursue licensure while some registered unlicensed individuals will not. The proposed rules facilitate the Department’s tracking of individuals’ work experience to determine when individuals have obtained sufficient experience to qualify</p>

<sup>1</sup> All comments submitted in response to the Request for Comments are available here <http://www.dli.mn.gov/sites/default/files/pdf/4716-comment.pdf>.

<sup>2</sup> See Minn. Laws, [2017 c. 94 art 2 s 14](#). This law became effective August 1, 2017.

<sup>3</sup> See Minn. Laws, [2017 c. 94 art 2 s 8](#). This law became effective August 1, 2017.

	them to take the appropriate licensing exam. Second, the proposed rules require minimal continuing education hours for registered unlicensed individuals to ensure they stay current with industry and Plumbing Code changes.
Supporters, opponents, and possible controversies:	Some employers of registered unlicensed individuals (plumbers and water conditioners) have expressed disagreement with the Board's proposed rule that requires registered unlicensed individuals to get 2 continuing education (CE) requirements per registration cycle, which is one year.  Most industry professionals have expressed agreement with the proposed rule, even the CE requirement for registered unlicensed individuals. For example, Minnesota Mechanical Contractors Association expressed agreement with the CE requirement as proposed. s
List significant changes from preliminary proposal:	None.
Other:	

**Fiscal Impact:**

Yes

No

\*If the Fiscal Impact determination has changed, please explain above.\*

**AGENCY: Attach draft rules and SONAR.**



Plumbing Board Chair's Signature

9/13/2018

Date

\*\*\*THIS SECTION TO BE COMPLETED BY THE GOVERNOR'S OFFICE\*\*\*

I have reviewed the above information and have approved this administrative rule. The respective Agency may formally publish a Notice of Intent to Adopt Proposed Rules.

\_\_\_\_\_  
Governor's Policy Advisor

\_\_\_\_\_  
Date

1.1 **Plumbing Board**1.2 **Proposed Permanent Rules Governing Plumbing Licensing**1.3 **4716.0010 DEFINITIONS.**1.4 *[For text of subs 1 to 5, see M.R.]*

1.5 Subp. 6. **Registered unlicensed plumber.** "Registered unlicensed plumber" means  
1.6 an individual who performs plumbing work for a contractor or employer, does not hold any  
1.7 class of plumber license, is not a plumber's apprentice as described in Minnesota Statutes,  
1.8 section 326B.42, subdivision 6, and is registered with the commissioner under part  
1.9 4716.0050.

1.10 **4716.0020 EXAMINATION AND LICENSING OF PLUMBERS.**

1.11 Subpart 1. **Examinations.** An applicant for a plumber's license, other than a restricted  
1.12 journeyworker or restricted master plumber license, must satisfactorily pass an examination  
1.13 given by the commissioner. ~~Examinations for journeyworker and master plumber licenses~~  
1.14 ~~shall be held in March and September of each year. Applications for the March examination~~  
1.15 ~~must be filed not later than February 15 and for the September examination not later than~~  
1.16 ~~August 15.~~

1.17 A. An applicant for the master plumber examination must have:

1.18 (1) ~~a current Minnesota journeyworker plumber license and five years of~~  
1.19 ~~practical plumbing experience~~ at least one year of practical plumbing experience as a licensed  
1.20 journeyworker plumber as described in subpart 2;

1.21 *[For text of subitems (2) and (3), see M.R.]*

1.22 B. An applicant for the journeyworker examination:

1.23 (1) must be registered as a plumber's apprentice in Minnesota as described  
1.24 in Minnesota Statutes, section 326B.42, subdivision 6, or must be a registered unlicensed

2.1 plumber as described in part 4716.0010, subpart 6, and must have at least four years of  
2.2 recorded practical plumbing experience, as specified in subpart 2, item F;

2.3 *[For text of subitems (2) and (3), see M.R.]*

2.4 Subp. 2. **Experience.** This subpart applies to all practical plumbing experience  
2.5 described in subpart 1.

2.6 *[For text of items A to D, see M.R.]*

2.7 E. If the applicant is a licensed restricted journeyworker plumber or a licensed  
2.8 restricted master plumber, subitems (1) ~~to (3)~~ and (2) apply.

2.9 (1) The practical plumbing experience must include at least the following  
2.10 number of hours in the plumbing aspects specified in units (a) to (c). The remaining required  
2.11 hours of practical plumbing experience may be in any aspect of plumbing work included  
2.12 in the definition of plumbing in UPC section 218.0 as incorporated by reference in part  
2.13 4714.0050; however, the applicant must include in the application the type of plumbing  
2.14 work and corresponding number of hours:

2.15 (a) water distribution system installation, 1,000 hours;

2.16 (b) drain, waste, and vent system installation, 1,000 hours; and

2.17 (c) fixture installation, 500 hours.

2.18 *[For text of subitem (2), see M.R.]*

2.19 ~~(3) The applicant must have completed the entire two years of practical~~  
2.20 ~~plumbing experience within the four years before the applicant takes the examination.~~

2.21 F. If the applicant is a registered ~~plumber's apprentice~~ unlicensed plumber, subitems  
2.22 (1) ~~to (3)~~ and (2) apply.

3.1 (1) The practical plumbing experience must include at least the following  
3.2 number of hours in the plumbing aspects specified in units (a) to (c). The remaining required  
3.3 hours of practical plumbing experience may be in any aspect of plumbing work included  
3.4 in the definition of plumbing in UPC section 218.0 as incorporated by reference in part  
3.5 4714.0050; however, the applicant must include in the application the type of plumbing  
3.6 work and corresponding number of hours:

3.7 (a) water distribution system installation, 2,000 hours;

3.8 (b) drain, waste, and vent system installation, 2,000 hours; and

3.9 (c) fixture installation, 1,000 hours.

3.10 (2) ~~Except for experience qualifying under subitem (3),~~ The applicant must  
3.11 have been a registered ~~plumber's apprentice~~ unlicensed plumber at all times while obtaining  
3.12 the practical plumbing experience; or the applicant must have obtained the practical plumbing  
3.13 experience in one of the following ways:

3.14 (a) during military service, and the applicant's military officer certifies  
3.15 the experience;

3.16 (b) as part of a plumbing education class approved by the commissioner,  
3.17 and an authorized representative of the plumbing educational institution certifies the  
3.18 experience; or

3.19 (c) as a plumber's apprentice in another state where the experience is  
3.20 verified by a state agency that regulates plumbing licensing in that state or by a federal  
3.21 agency.

3.22 (3) ~~Up to 24 months of practical plumbing experience gained before the~~  
3.23 ~~effective date of the applicant's initial registration as a plumber's apprentice will be credited~~  
3.24 ~~if the applicant gained some of the experience during the 12-month period immediately~~  
3.25 ~~prior to the effective date of the applicant's initial registration and if:~~

4.1 (a) ~~the applicant gained the plumbing experience during military service,~~  
 4.2 ~~and the applicant's military officer certifies the experience;~~

4.3 (b) ~~the applicant gained the plumbing experience as part of a plumbing~~  
 4.4 ~~education class approved by the commissioner, and an authorized representative of the~~  
 4.5 ~~educational institution certifies the experience; or~~

4.6 (e) ~~the applicant gained the plumbing experience as a plumber's~~  
 4.7 ~~apprentice in another state where the experience is verified by a state agency in that state~~  
 4.8 ~~or by a federal agency.~~

4.9 G. Except as provided in item F, subitem ~~(3)~~ (2), units (a) to (c), all practical  
 4.10 plumbing experience must be certified by the licensed master plumber ~~or plumbing contractor~~  
 4.11 who is responsible for the work performed. A restricted master plumber cannot certify the  
 4.12 restricted master plumber's own experience. The employer of a journeyworker plumber,  
 4.13 restricted master plumber, restricted journeyworker plumber, or ~~plumber's apprentice~~  
 4.14 registered unlicensed plumber is responsible for:

4.15 *[For text of subitems (1) and (2), see M.R.]*

#### 4.16 **4716.0040 EXPIRATION OF LICENSES.**

4.17 Subpart 1. **Issuance and expiration.** Initial and ~~renewal~~ renewed journeyworker  
 4.18 plumber's licenses and renewed restricted journeyworker plumber's licenses expire on  
 4.19 December 31 of each odd-numbered year after issuance or renewal. Initial and renewed  
 4.20 master plumber's licenses, and renewal restricted journeyworker and renewed restricted  
 4.21 master plumber's licenses, shall be issued for the calendar year for which application is  
 4.22 made and shall expire on December 31 of such year each even-numbered year after issuance  
 4.23 or renewal. Any journeyworker plumber, master plumber, restricted journeyworker plumber,  
 4.24 or restricted master plumber who submits a renewal application after December 31 shall  
 4.25 not work as a plumber until the person has submitted an application, fee, and penalty fee.

5.1 Any licensed journeyworker or master plumber who does not renew the license within two  
5.2 years is no longer eligible for renewal. The person must retake and pass the examination  
5.3 before a new license will be issued. Any licensed restricted journeyworker or restricted  
5.4 master plumber who does not renew the license within ~~12 months~~ two years of the license  
5.5 expiration will permanently forfeit the restricted plumber license.

5.6 Subp. 2. **License renewals.** Applications for license renewal must be submitted to  
5.7 the commissioner on forms prepared by the commissioner no later than December 31 of  
5.8 ~~the year preceding~~ the year for in which ~~application is made~~ the license expires. The  
5.9 application must be accompanied by the required fee. Journeyworker and master plumbers  
5.10 who submit their license renewal applications after expiration of their license but within  
5.11 two years after expiration of the previously issued license must pay all past due renewal  
5.12 fees plus the required late fee. Restricted journeyworker and restricted master plumbers  
5.13 who submit their license renewal applications after expiration of their license but within ~~12~~  
5.14 ~~months~~ two years after expiration of the previously issued license must pay the past due  
5.15 renewal fee plus the required late fee.

5.16 **4716.0050 REGISTRATION OF ~~PLUMBER'S APPRENTICE~~ REGISTERED**  
5.17 **UNLICENSED PLUMBER.**

5.18 Subpart 1. **Scope.** Subpart 2 ~~shall~~ does not apply to a registered plumber's ~~apprentices~~  
5.19 apprentice under Minnesota Statutes, section 326B.47, subdivision 1, ~~clause (1)~~ paragraph  
5.20 (a).

5.21 Subp. 2. **Registration requirements.** No person shall work as a ~~plumber's apprentice~~  
5.22 registered unlicensed plumber until that person has submitted an application and fee for  
5.23 registration to the commissioner. Registration must be renewed annually and shall be for  
5.24 the period from July 1 of each year to June 30 of the following year. Applications for initial  
5.25 and renewal registration must be submitted to the commissioner before July 1 of each  
5.26 registration period on forms provided by the commissioner, and must be accompanied by

6.1 the required fee. A ~~plumber's apprentice~~ registered unlicensed plumber who submits a  
6.2 registration application after July 1 in any year must pay the ~~past due~~ renewal fee plus the  
6.3 required late fee.

6.4 A. A ~~plumber's apprentice~~ registered unlicensed plumber must be at least 18 years  
6.5 of age or be a high school graduate, except that ~~an apprentice~~ a registered unlicensed plumber  
6.6 employed and supervised by the ~~apprentice's~~ registered unlicensed plumber's parent must  
6.7 be at least 16 years of age.

6.8 B. At the time of registration, ~~an apprentice~~ a registered unlicensed plumber must  
6.9 provide a name, address, date of birth, Social Security number, and information about  
6.10 education and practical plumbing experience.

#### 6.11 **4716.0091 DEFINITIONS.**

6.12 Subpart 1. Scope. The terms used in parts 4716.0090 to 4716.0092 have the meanings  
6.13 given them in this part, UPC sections 201.0 to 228.0 as incorporated by reference in part  
6.14 4714.0050, and Minnesota Statutes, section 326B.50.

6.15 Subp. 2. Registered unlicensed water conditioner. "Registered unlicensed water  
6.16 conditioner" means an individual who performs water conditioning work for a contractor  
6.17 or employer, does not hold any class of water conditioning license, and is registered with  
6.18 the commissioner under part 4716.0093.

#### 6.19 **4716.0092 LICENSURE.**

6.20 Subpart 1. **Water conditioning contractor.** An applicant for a water conditioning  
6.21 contractor license must designate a ~~water conditioning~~ responsible licensed master ~~or master~~  
6.22 ~~plumber, licensed by the commissioner, as the individual responsible for the water~~  
6.23 ~~conditioning contractor's compliance with this part, chapter 4714, Minnesota Statutes,~~  
6.24 ~~sections 326B.50 to 326B.59, and all orders issued under Minnesota Statutes, section~~  
6.25 ~~326B.082~~ as defined in Minnesota Statutes, section 326B.50. The responsible ~~water~~

7.1 ~~conditioning licensed master or master plumber~~ must give a minimum 15-day notice to the  
7.2 water conditioning contractor and the department before resigning as the responsible ~~water~~  
7.3 ~~conditioning licensed master or master plumber~~ for the contractor. The contractor and  
7.4 responsible ~~water conditioning licensed master or master plumber~~ must immediately notify  
7.5 the department upon the termination or separation of the contractor's responsible ~~water~~  
7.6 ~~conditioning licensed master or master plumber~~. The water conditioning contractor shall  
7.7 have 60 days from the last day of employment of its previous responsible ~~water conditioning~~  
7.8 ~~licensed master or master plumber~~ to employ another responsible ~~water conditioning licensed~~  
7.9 ~~master or master plumber~~. The water conditioning contractor shall submit written notification  
7.10 to the department that it has designated a different ~~water conditioning~~ responsible licensed  
7.11 ~~master or master plumber as the individual responsible for the contractor's compliance with~~  
7.12 ~~this part, chapter 4714, and Minnesota Statutes, sections 326B.50 to 326B.59.~~ If the water  
7.13 conditioning contractor is unable to acquire a replacement responsible ~~water conditioning~~  
7.14 licensed master or master plumber, the water conditioning contractor's license is invalid  
7.15 and the contractor shall cease and desist from performing any water conditioning work and  
7.16 return the contractor's license for voluntary termination. Upon acquiring a replacement  
7.17 responsible ~~water conditioning licensed master or master plumber~~, the water conditioning  
7.18 contractor may request reinstatement of the terminated license under Minnesota Statutes,  
7.19 section 326B.096.

7.20 *[For text of subp 2, see M.R.]*

7.21 Subp. 3. **Water conditioning journeyworker.** An applicant for a water conditioning  
7.22 journeyworker license must satisfactorily pass an examination given by the commissioner.  
7.23 An applicant for the water conditioning journeyworker examination must have been a  
7.24 registered unlicensed water conditioner at all times while obtaining at least six months of  
7.25 practical experience as listed in subpart 4, item C, subitem (2), except as permitted in subpart  
7.26 4, item A, subitem (4). The applicant is responsible for verifying practical experience.

8.1 Subp. 4. **Experience.** For the purposes of the experience required under subparts 2  
8.2 and 3, the following requirements apply.

8.3 *[For text of items A to C, see M.R.]*

8.4 D. If the applicant is a registered unlicensed water conditioner:

8.5 (1) the applicant must have been a registered unlicensed water conditioner  
8.6 at all times while obtaining the practical water conditioning experience, except as allowed  
8.7 under Minnesota Statutes, section 326B.555, subdivision 2; and

8.8 (2) all practical water conditioning experience must be certified by the licensed  
8.9 water conditioning master who is responsible for the work performed. Practical water  
8.10 conditioning experience includes installation, servicing, and training hours. The commissioner  
8.11 may require work records, time cards, pay records, or other documentation necessary to  
8.12 evaluate experience. The commissioner shall make the final determination about the adequacy  
8.13 and acceptability of an applicant's experience.

8.14 E. The employer of a water conditioning journeyworker or registered unlicensed  
8.15 water conditioner is responsible for:

8.16 (1) recording the practical water conditioning experience worked by each  
8.17 employee; and

8.18 (2) maintaining the records of practical water conditioning experience for at  
8.19 least six years after the employee's last recorded experience.

8.20 *[For text of subps 5 and 6, see M.R.]*

8.21 **4716.0093 UNLICENSED WATER CONDITIONER REGISTRATION.**

8.22 Subpart 1. Registration requirements. No person shall work as a registered unlicensed  
8.23 water conditioner until that person has submitted an application and fee for registration to  
8.24 the commissioner. Registration must be renewed annually and shall be for the period from

9.1 July 1 of each year to June 30 of the following year. Applications for initial and renewal  
 9.2 registration must be submitted to the commissioner before July 1 of each registration period  
 9.3 on forms provided by the commissioner, and must be accompanied by the required fee. A  
 9.4 registered unlicensed water conditioner who submits a registration application after July 1  
 9.5 in any year must pay the renewal fee plus the required late fee.

9.6 A. A registered unlicensed water conditioner must be at least 18 years of age or  
 9.7 a high school graduate, except that a registered unlicensed water conditioner employed and  
 9.8 supervised by the registered unlicensed water conditioner's parent must be at least 16 years  
 9.9 of age.

9.10 B. An applicant for registration under this part must provide a name, address, date  
 9.11 of birth, Social Security number, and information about education and practical water  
 9.12 conditioning experience on a form provided by the commissioner.

9.13 **4716.0205 REQUIREMENTS.**

9.14 **Subpart 1. Continuing education; content.**

9.15 A. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
 9.16 individuals who hold the following license types are required to obtain 16 hours of continuing  
 9.17 education instruction during the license period before the license may be renewed:

- 9.18 (1) master plumber;
- 9.19 (2) journeyworker plumber; and
- 9.20 (3) restricted plumber.

9.21 At least ~~12~~ eight hours of instruction must pertain to the Plumbing Code, and ~~at least four~~  
 9.22 ~~hours of instruction must pertain to the~~ remainder must pertain to the Plumbing Code,  
 9.23 technical topics related to plumbing installations and equipment, this chapter, the Minnesota  
 9.24 State Building Code, or Minnesota Statutes, sections 326B.41 to ~~326B.49~~ 326B.59.

10.1 Continuing education hours obtained by any electronic media must ~~not exceed four hours~~  
10.2 ~~during the renewal period~~ comply with Minnesota Statutes, sections 326B.098 to 326B.099.

10.3 B. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
10.4 individuals who hold the following license types are required to obtain four hours of  
10.5 continuing education instruction during the license period before the license may be renewed:

10.6 (1) water conditioning master; and

10.7 (2) water conditioning journeyworker.

10.8 ~~At least two hours of instruction~~ must pertain to the Plumbing Code and the remainder must  
10.9 pertain to the Plumbing Code, technical topics related to water conditioning installation and  
10.10 servicing, this chapter, or Minnesota Statutes, sections 326B.50 to 326B.59. Continuing  
10.11 education hours obtained by any electronic media must comply with Minnesota Statutes,  
10.12 sections 326B.098 to 326B.099.

10.13 C. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
10.14 individuals who hold the following registration types are required to obtain continuing  
10.15 education instruction during the registration period before the registration can be renewed:

10.16 (1) registered unlicensed plumbers; and

10.17 (2) registered unlicensed water conditioners.

10.18 The registered unlicensed plumber must obtain at least two hours of continuing education  
10.19 instruction that must pertain to the Plumbing Code.

10.20 The registered unlicensed water conditioner must obtain at least two hours of continuing  
10.21 education instruction. At least one hour of instruction must pertain to the Plumbing Code,  
10.22 and the remainder must pertain to the Plumbing Code, technical topics related to water  
10.23 conditioning installation and servicing, this chapter, or Minnesota Statutes, sections 326B.50

11.1 to 326B.59. Continuing education hours obtained by any electronic media must comply  
11.2 with Minnesota Statutes, sections 326B.098 to 326B.099.

11.3           € D. In addition to satisfying the requirements of Minnesota Statutes, chapter  
11.4 326B, an applicant for renewal of a medical gas installer certification is required to obtain  
11.5 four hours of continuing education instruction during the certification period before the  
11.6 certification may be renewed. The required hours of instruction must pertain to the technical  
11.7 topics related to the installation, repair, or maintenance of medical gas systems, this chapter,  
11.8 NFPA 99, or Minnesota Statutes, section 326B.438.

11.9           Ð E. In addition to satisfying the requirements of part 4716.0097 and Minnesota  
11.10 Statutes, chapter 326B, individuals who hold the following certifications are required to  
11.11 obtain the following continuing education during the certification period before the certificate  
11.12 may be renewed:

11.13                   (1) a backflow prevention rebuilder shall meet the minimum requirements  
11.14 to recertify in ASSE Standards 5110 and 5130; and

11.15                   (2) a backflow prevention tester shall meet the minimum requirements to  
11.16 recertify in ASSE Standard 5110.

11.17   *[For text of subp 2, see M.R.]*

## Minnesota Plumbing Board

### STATEMENT OF NEED AND REASONABLENESS

#### Proposed Amendment to Rules Governing Plumber Licensing, Minnesota Rules, chapter 4716; Revisor's ID Number R-04365

#### INTRODUCTION

The Minnesota Plumbing Board (“Board”) intends to adopt rules regulating the registration of unlicensed individuals who perform water conditioning installation, registration of unlicensed individuals who perform plumbing, examination and licensing of plumbers, and continuing education requirements for licensed individuals and registered unlicensed individuals.

In 2017, the Minnesota Legislature granted the Board rulemaking authority over a new category of registered unlicensed individuals who perform water conditioning installation and authorized the Board to adopt rules for the registration of these unlicensed individuals.<sup>1</sup> Additionally, the Minnesota Legislature newly granted the Board authority to regulate continuing education requirements for all registered unlicensed individuals.<sup>2</sup>

There are two notable changes in the proposed rule amendments. First, the Board’s proposed amendments provide the requirements for the registration of unlicensed water conditioners (registration of unlicensed plumbers is already in rule). The Board anticipates that some registered unlicensed individuals will apply their work experience to pursue licensure while some registered unlicensed individuals will not. The proposed rules facilitate the Department’s tracking of individuals’ work experience to determine when individuals have obtained sufficient experience to qualify them to take the appropriate licensing exam. Second, the proposed rules require minimal continuing education hours for registered unlicensed individuals to ensure they stay current with industry and Plumbing Code changes.

The Board published a Request for Comments on October 30, 2017. In response to the Request for Comments, the Board received one comment that requested that the Board support legislation that would change the licensing requirements for backflow prevention assembly rebuilders in Minnesota. The Board received 61 comments about the continuing education requirements for registered unlicensed plumbers.<sup>3</sup> The Board addressed those concerns at Board meetings and in the rule-by-rule analysis below.<sup>4</sup>

The Minnesota Department of Labor and Industry (“Department”) is required to provide support to the Board, including for rulemaking.<sup>5</sup>

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<sup>1</sup> See Minn. Laws, [2017 c. 94 art 2 s 14](#). This law became effective August 1, 2017.

<sup>2</sup> See Minn. Laws, [2017 c. 94 art 2 s 8](#). This law became effective August 1, 2017.

<sup>3</sup> All comments submitted in response to the Request for Comments are available here <http://www.dli.mn.gov/sites/default/files/pdf/4716-comment.pdf>.

<sup>4</sup> See Board meeting minutes for March 12, 2018; June 12, 2018, August 28, 2018 at <http://www.dli.mn.gov/about-department/boards-and-councils/plumbing-board>

<sup>5</sup> See [Minn. Stat. § 326B.435, subd. 2\(c\) \(2018\)](#).

## ALTERNATIVE FORMAT

Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact Suzanne Todnem at the Department of Labor and Industry, 443 Lafayette Road North, Saint Paul, MN 55155-4342, or by telephone 651-284-5006, or email to: [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us).

## STATUTORY AUTHORITY

The Board's statutory authority to adopt rules related to licensure, certification, or registration is stated in *Minnesota Statutes*, section 326B.435, subd. 2(a)(5), which authorizes the Board to:

adopt rules that regulate the licensure, certification, or registration of plumbing contractors, journeyworkers, unlicensed individuals, master plumbers, restricted master plumbers, restricted journeyworkers, restricted plumbing contractors, backflow prevention rebuilders and testers, water conditioning contractors, and water conditioning installers, and other persons engaged in the design, installation, and alteration of plumbing systems or engaged in or working at the business of water conditioning installation or service, or engaged in or working at the business of medical gas system installation, maintenance, or repair, except for those individuals licensed under section 326.02, subdivisions 2 and 3.

*Minnesota Statutes*, section 326B.435, subd. 2(a)(6) was amended in 2017 to authorize the Board to adopt rules regulating continuing education for registered unlicensed individuals. Specifically, the Board has the authority to “adopt rules that regulate continuing education for individuals licensed as master plumbers, journeyworker plumbers, restricted master plumbers, restricted journeyworker plumbers, registered unlicensed individuals, water conditioning masters, and water conditioning journeyworkers, and for individuals certified under sections 326B.437 and 326B.438.”<sup>6</sup> While the Board's authority to regulate continuing education for licensed individuals is not new, the authority to regulate continuing education for registered unlicensed individuals is new.

*Minnesota Statutes*, section 326B.47, subd. 3, authorizes the Board to prescribe rules for the registration of unlicensed individuals.<sup>7</sup> The Board has been regulating registered unlicensed individuals who perform plumbing as a different classification than plumber's apprentices since 2010.<sup>8</sup>

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<sup>6</sup>See [Minn. Stat. § 326B.435, subd. 2 \(2018\)](#).

<sup>7</sup>See [Minn. Stat. § 326B.47, subd. 3 \(2018\)](#).

<sup>8</sup> See Minn. Laws, 2010 c 280 s <https://www.revisor.mn.gov/laws/2010/0/280/> and [Minn. R. part 4716.0050](#).

*Minnesota Statutes*, section 326B.555, which was enacted in 2017, creates a new category of registered unlicensed individuals to perform water conditioning installation and authorizes the Board to adopt rules for the registration of these unlicensed individuals.<sup>9</sup>

Because specific portions of the Board's rulemaking authority was new in 2017, effective August 1, 2017, those portions are subject to the 18-month time limit in *Minnesota Statutes*, section 14.125. The Board will publish a notice of intent to adopt rules or a notice of hearing within 18 months of the effective date.

Under these statutes, the Board has the necessary statutory authority to adopt the proposed rules.

## **REGULATORY ANALYSIS**

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (8) below quote these factors and then give the agency's response.

### **(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule**

The proposed amendments to the rules would likely affect individuals and contractors currently licensed, certified or registered in Minnesota under Chapter 4716; individuals and contractors who would like to be licensed, certified or registered under Chapter 4716; individuals who perform water conditioning installation but are not licensed, certified or registered; providers of continuing education courses; and the general public.

### **(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues**

Although the Board has the authority to adopt plumbing licensing rules, it does not implement or enforce the licensing rules. The Department currently administers and enforces the licensing rules. Any additional costs the Department incurs to implement and enforce the proposed rules will be offset by additional registration fees collected from registered unlicensed individuals. The Department does not anticipate increased costs to administer the rule except for the newly regulated individuals. The costs to enforce registration of the newly regulated individuals will be offset by the registration fees.

### **(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule**

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<sup>9</sup>See Minn. Laws, [2017 c. 94 art 2 s 14](#). This law became effective August 1, 2017.

The Board has determined there is no less costly or less intrusive method for achieving the purposes of the proposed rules. The proposed rules are anticipated to reduce some costs of compliance compared to the current rule.

**(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule**

No alternative methods for achieving the purpose of the proposed rule were identified. The Board determined that the existing requirements and procedures used have been successful and should be maintained. The same or similar procedures are used in other similar industries as well.

**(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals**

The probable costs of complying with the proposed rule are anticipated to be minimal. Registered unlicensed individuals who perform water conditioning work will be subject to the same \$14 registration fee that registered unlicensed plumbers and electricians are currently required to pay. Other regulated parties under this proposed rule are anticipated to see the same or lower costs to comply with the proposed rule.

**(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals**

The probable costs or consequences of not adopting the proposed rule are fewer avenues for unlicensed individuals to qualify for journeyworker licensing exams and fewer work options for individuals seeking employment in the water conditioning industry, which could limit the pool of qualified workers available to businesses that provide water conditioning services to the public.

Another consequence of not adopting the proposed rule is that the Board would lose its statutory authority to regulate certain parties. The legislature would then need to pass new legislation, which may have costs associated with it. Without rules to address the newly regulated party in statute, there would be confusion for anyone interested in hiring or becoming a registered unlicensed water conditioner.

**(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference**

There are no federal regulations that apply.

**(8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule. . . . '[C]umulative effect' means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules. Cumulative effects**

**can result from individually minor but collectively significant rules adopted over a period of time.**

The proposed rules cover areas that are not addressed by federal law or other Minnesota state laws. Therefore, this consideration is not applicable to this proposed rule.

## **PERFORMANCE-BASED RULES**

The Board carefully considered the directives of the legislature requiring performance-based standards to the extent possible. The Board sought input from interested parties at multiple scheduled committee and Board meetings. The proposed rules are prescriptive in that they establish a specific number of continuing education hour requirements for registered unlicensed individuals. The proposed rules are as performance-based as possible by allowing flexibility in the method and topics of continuing education while remaining clear and enforceable.

## **ADDITIONAL NOTICE**

This Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in a [date] letter by Administrative Law Judge [name].

Our Notice Plan also includes giving notice required by statute. We will mail or e-mail the [rules and] Notice of Intent to Adopt to everyone who has registered to be on the Department's rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a. We will also give notice to the Legislature per Minnesota Statutes, section 14.116. We will also e-mail the rules and Notice of Intent to Adopt to the following organizations and trade groups:

- a. Associated Builders and Contractors
- a. Local chapter of the Association of Minnesota Building Officials (AMBO)
- b. Minnesota Mechanical Contractors Association
- c. Association of General Contractors of Minnesota
- d. Builders Association of Minnesota (BAM)
- e. Builders Association of the Twin Cities
- f. Minnesota State Fire Chiefs Association
- g. Minnesota Plumbing, Heating and Cooling Contractors Association
- h. American Society of Plumbing Engineers – Minnesota Chapter
- i. American Society of Civil Engineers – Minnesota Section
- j. Association of Minnesota Counties
- k. Building Owners and Managers (BOMA), Minneapolis
- l. Building Owners and Managers (BOMA), St. Paul
- m. League of Minnesota Cities
- n. American Council of Engineering Companies of Minnesota
- o. Minnesota Pipe Trades Association
- p. Minnesota State Fire Marshal Division
- q. Minnesota Society of Professional Engineers (MNSPE)

Our Notice Plan did not include notifying the Commissioner of Agriculture because the rules do not affect farming operations per Minnesota Statutes, section 14.111.

## **CONSULTATION WITH MMB ON LOCAL GOVERNMENT IMPACT**

As required by Minnesota Statutes, section 14.131, the Board consulted with Minnesota Management and Budget (MMB). The Board did this by sending MMB copies of the documents that we sent to the Governor's Office for review and approval on the same day we sent them to the Governor's office. We did this before publishing the Notice of Intent to Adopt. The documents included: the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. A copy of the cover correspondence and the response received from Minnesota Management and Budget, dated [date], is attached as Attachment A.

Because local governments are not actively engaged in the regulation of businesses and individuals in the plumbing and water conditioning industry, the financial impact to them is minimal. To the extent that local governments inspect the installation of water conditioning systems, the proposed rules may benefit the inspection process by enhancing the knowledge of individuals working in the industry.

## **DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION**

Minnesota Statutes, section 14.128 requires agencies to determine whether a local government will have to adopt or amend an ordinance or other regulation to comply with a proposed agency rule and submit this determination for ALJ approval. An agency must make this determination before the close of the hearing record or before the agency submits the record to the administrative law judge if there is no hearing. The Board has determined that no local government will have to adopt or amend an ordinance or other regulation to comply with the proposed rule. Plumber and water conditioner licensing and registration is enforced at the state level so no local government or municipality will be required to adopt or amend a local ordinance as a result of the proposed rule.

## **COST OF COMPLYING FOR SMALL BUSINESS OR CITY**

### **Agency Determination of Cost**

As required by Minnesota Statutes, section 14.127, the Board has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city.<sup>10</sup> The Board has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city.

The proposed rule amendments are anticipated to keep the cost of complying with the rule the same or less with the exception of the continuing education requirements for registered unlicensed individuals (water conditioners and plumbers).

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<sup>10</sup> A small business is defined as "any one business that has less than 50 full-time employees" and a small city is defined as "any one statutory or home rule charter city that has less than ten full-time employees." [Minn. Stat. § 14.127, subd. 1 \(2018\)](#).

Small cities are not anticipated to incur any costs. It is not anticipated that a small city would employ a registered unlicensed individual. Therefore, even if there are minimal increased costs for registered unlicensed individuals or employers of registered unlicensed individuals, small cities will not be affected. Furthermore, because plumber and water conditioner licensing is administered and enforced at the state level, it is not anticipated that any city, including a small city, would incur any costs to comply with the proposed rule from an administrative perspective.

Small businesses already have to track the hours worked by their individual employees so there is no additional cost anticipated in the normal course of maintaining employment records.<sup>11</sup>

If the employer chooses to pay the registration cost, assuming all possible employees are registered unlicensed individuals, the maximum annual cost for a small business would be \$19 x 49 employees<sup>12</sup> = \$931, which is well below the \$25,000 threshold.

The average cost for a two-hour continuing education course is \$ 49.00.<sup>13</sup> Again, the cost for two hours of continuing education may be paid by the registrant or the employer. If the employer chooses to pay this cost, again assuming the maximum number of employees are registered unlicensed individuals, the maximum annual cost, on average, would be \$ 49.00 x 49 employees = \$ 2,401.00. This total is again well below the \$25,000 threshold. The combined total of annual registration fees and continuing education costs is approximately \$ 3,332.00, which is well below the \$25,000 threshold.

## **LIST OF WITNESSES**

If these rules go to a public hearing, the Department anticipates having the following witnesses testify in support of the need for and reasonableness of the rules:

1. Mr. Richard Jacobs, Plumbing Board Chair, will testify about the Board's interest in amending the code.
2. Mr. Charlie Durenberger, Assistant Director, CCLD, will testify about the technical aspects of the proposed amendments.
3. Other Board members or Department of Labor and Industry staff, if necessary.

## **RULE-BY-RULE ANALYSIS**

### **4716.0010 DEFINITIONS**

The proposed rule amendment adds a subpart 6 to codify the term, "Registered unlicensed plumber." Although registered unlicensed individuals who perform and assist in plumbing have

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<sup>11</sup> See [Minn. Stat. § 326B.47, subd. 1\(c\) \(2018\)](#).

<sup>12</sup> At least one employee would have to be a licensed journeyworker or master plumber. This example is for illustrative purposes only. A small business is unlikely to have 49 registered unlicensed individuals.

<sup>13</sup> See Attachment A.

been regulated under Minn. Stat. § 326B.47 since 2010, the proposed rule amendment formally names and clarifies this category of individuals.<sup>14</sup>

## **4716.0020 EXAMINATION AND LICENSING OF PLUMBERS**

### **Subpart 1. Examinations.**

The proposed rule amendment deletes language that states two specific times of the year in which journeyworker and master plumber licensing exams will be held. The Department began offering journeyworker and master plumber licensing examinations on a weekly basis several years ago in an effort to increase the availability of exams to those seeking licensure. As result, the current rule requirement that exams be given in March and September is outdated and no longer necessary. The proposed rule amendment is necessary and reasonable because it modernizes the rule part and deletes unnecessary language.

#### **Subpart 1(A)(1)**

The proposed rule amendment clarifies that an applicant for the master plumber examination must have worked as a licensed journeyworker plumber for at least one year before he or she can qualify to take the master plumber license examination. The current language that an applicant for the master plumber examination be a licensed Minnesota journeyworker plumber license and have “five years of practical plumbing experience” has the same meaning because four years of practical plumbing experience is required to qualify for the journeyworker plumber examination and the fifth year comes the year after an individual becomes a licensed journeyworker plumber. The proposed rule states that requirement more clearly.

#### **Subpart 1(B)(1)**

The proposed rule amendment clarifies the distinction between a plumber’s apprentice defined in Minn. Stat. § 326B.42, subd. 6, and the registered unlicensed plumber, which is a newly formalized term.<sup>15</sup> See 4716.0010 analysis above. The requirement is substantively the same but clarifies the two categories of applicants and clarifies that the four years of practical plumbing experience must be recorded as required in Minn. Stat. § 326B.47, subd. 1(c).

### **Subp. 2. Experience**

#### **Subpart 2(E)**

The proposed rule amendment corrects the subitems referenced here to correspond with the proposed rule below.

#### **Subpart 2(E)(1)**

The proposed rule amendment adds the word “plumbing” before “work” to clarify that the qualifying hours must be obtained performing plumbing work, as described in the list (a) through (c).

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<sup>14</sup> See Minn. Laws, 2010 c 280 s 27 at <https://www.revisor.mn.gov/laws/2010/0/280/>

<sup>15</sup> Minn. Stat. § 326B.42, subd. 6 (2018) provides a definition of “plumber’s apprentice and defines it as “any individual who is employed in the practical installation of plumbing under an apprenticeship agreement approved by the department under section 178.07.”

### **Subpart 2(E)(3)**

The current rule requires applicants who are licensed restricted journeyworker plumbers or licensed restricted master plumbers to have completed the entire two years of practical plumbing experience within the four years before the applicant takes the examination. The proposed rule amendment deletes subitem 3 because removing this timeframe encourages licensed restricted journeyworker plumbers and licensed restricted master plumbers to take the regular licensed journeyworker plumber and licensed master plumber examinations. The proposed rule amendment broadens the pool of possible applicants. A shortage of skilled laborers is anticipated according to industry experts and [source].<sup>16</sup> The proposed rule amendment is necessary and reasonable because the applicants are still subject to examination to ensure competent licensed plumbers.

### **Subpart 2(F)**

The proposed rule amendment deletes reference to plumber's apprentice and replaces it with registered unlicensed plumber because only registered unlicensed plumbers will have a situation subject to subitems (1) and (2) that follow. Because a registered plumber's apprentice, as defined in Minn. Stat. § 326B.42, subd. 6, is part of a formal, approved apprenticeship, subitems (1) and (2) are moot issues to them. The proposed rule amendment also corrects the subitems referenced here to correspond with the proposed rule below. The proposed rule amendment is necessary and reasonable because the distinction between a registered plumber's apprentice and registered unlicensed plumber should be clear.

### **Subpart 2(F)(1)**

The proposed rule amendment adds the word "plumbing" before "work" to clarify that the qualifying hours must be obtained performing plumbing work, as described in the list (a) through (c).

### **Subpart 2(F)(2)**

The proposed rule amendment deletes the reference to subitem (3) because subitem (3) is deleted in the proposed rule. Again, the reference to "plumber's apprentice" is deleted and "unlicensed plumber" is added because only registered unlicensed plumbers will have a situation subject to subitems (1) and (2) that follow.

The proposed rule amendment provides for alternate options for an applicant to have obtained the practical plumbing experience as listed in items (a) through (c). The alternate options are substantively the same as the language that is deleted in subpart 2(F)(3). The language was removed from subitem (3) and moved to subitem (2) because combining subitems (2) and (3) into one subitem, and removing the timing requirements in subitem (3), clarifies the two avenues through which an applicant may obtain the practical plumbing experience. That is, the practical experience must be obtained as a registered unlicensed plumber or through one of the ways listed in (2)(a) through (c). There is minimal substantive change to subitems (2) and (3) as the intent is to clarify the different acceptable ways to obtain the practical plumbing experience.

### **Subpart 2(G)**

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<sup>16</sup> [ADD SOURCE HERE]

The proposed rule amendment corrects the reference numbering to reflect the proposed amendments. For example, the reference to subitem (3) is replaced with subitem “(2), units (a) to (c)” because the proposed rule amendment moves the content in subitem (3) to subitem (2), units (a) to (c). The word “master” is added and “or plumbing contractor” is deleted because a plumbing contractor is a business entity and a human being must provide the certification. The reference to “plumber’s apprentice” is deleted and “registered unlicensed plumber” is added to be consistent with the proposed amendments above.

## **4716.0040 EXPIRATION OF LICENSES**

### **Subpart 1. Issuance and expiration**

The proposed rule amendment provides consistency for all journeyworker licensees and master licensees and aligns the rules with Minnesota Statutes.<sup>17</sup> The proposed rule amendment simplifies the renewal of journeyworker plumber and master plumber licenses. All journeyworker plumber licenses will expire on December 31 of odd-numbered years rather than on anniversary dates of license issuance. All master plumber licenses will expire on December 31 of even-numbered years. The Department can provide more efficient administration and enforcement of the licensing rules, thereby keeping enforcement costs, and therefore license fees, down. Individual licensees and the Department benefit from the proposed change.

The renewal window for restricted journeyworker and restricted master plumbers was changed from 12 months to within “two years of the license expiration” to grant restricted license holders additional time to renew their license before permanently forfeiting their restricted plumber license. Because failing to renew timely results in permanent forfeiture, it is reasonable to grant license holders more than 12 months to renew. The two-year time period to renew is consistent with the renewal period for licensed journeyworker and master plumbers. Restricted journeyworker and restricted master plumber licenses are relatively few in number and are a holdover from the transition from no licensure in cities with populations less than 5,000 to statewide plumber licensing in 2005. Restricted plumber licenses were granted to individuals who were performing plumbing at the time of the transition and who performed plumbing work in municipalities with a population under 5,000. A plumber holding a restricted license may not perform plumbing work in municipalities with a population over 5,000. No new restricted plumber licenses have been granted since the transition period. Once a restricted license is forfeited, it cannot be reinstated or renewed.

### **Subpart 2. License renewals**

The proposed rule amendment clarifies that license renewal applications must be submitted by December 31 of the year in which the license expires to be a timely renewal.

The proposed rule amends the timeframe in which a restricted journeyworker or restricted master plumber must pay the past due renewal fee to coordinate with the two year timeframe proposed in subpart 1 above.

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<sup>17</sup> See [Minn. Stat. § 326B.49, subd. 1\(b\) \(2018\)](#). This statute was amended in 2016. See [Minn. Laws, 2016 c. 189 art. 8 sec. 3](#).

## **4716.0050 REGISTRATION OF PLUMBER'S APPRENTICE**

The proposed rule amends the title of this rule part to “REGISTRATION OF REGISTERED UNLICENSED PLUMBER.” The proposed rule amendment aligns the title with the title change to Minn. Stat. § 326B.47, which was changed from “Plumber’s Apprentices” to “Unlicensed Individuals” in 2010.<sup>18</sup> This amendment is reasonable because chapter 4716 regulates registered unlicensed plumbers but not registered plumber’s apprentices who are part of a formal apprenticeship program. The formal distinction between a plumber’s apprentice and a registered unlicensed plumber is relatively new.<sup>19</sup> Rule titles are not enforceable but the title change adds clarity to the rule part particularly since the rule specifically states that it does not apply to registered plumber’s apprentices.

### **Subpart 1. Scope.**

The proposed rule amendment updates and corrects this subpart. The proposed rule amendment updates the word “shall (not)” with “does (not)” because “shall (not)” is not grammatically correct. Also, the change to “does (not)” modernizes the language and is plain language. The proposed rule amendment corrects the referenced statute cite. The current rule refers to “Minnesota Statutes, section 326B.47, subdivision 1, clause (1)” however, there is no such clause (1). The correct cite format is Minnesota Statutes, section 326B.47, subdivision 1, *paragraph (a)*. Emphasis added. The proposed rule amendment changes the plural “plumber’s apprentices” to singular for consistency with the rest of the rule chapter.

### **Subp. 2. Registration requirements**

The proposed rule amendments change all “plumber’s apprentice” references to “registered unlicensed plumber.” Plumber’s apprentices are regulated under the formal, approved apprenticeship agreement subject to Minnesota Statutes, chapter 178 and related rule chapters. The proposed rule amendment is necessary and reasonable because it uses terminology that is consistent with Minn. Stat. § 326B.47 and other proposed amendments in this rule chapter.

## **4716.0091 DEFINITIONS**

### **Subpart 1. Scope.**

The proposed rule amendment adds “Subpart 1. Scope” because now that a second subpart is added, it is necessary and reasonable to number and title the subpart. When it was the only subpart in this section, it was not necessary to number and title it.

### **Subpart 2. Registered unlicensed water conditioner**

The proposed rule amendment adds this subpart to establish and define the term, “Registered unlicensed water conditioner.” Although registered unlicensed individuals who perform and assist in plumbing have been regulated under Minn. Stat. § 326B.47 since 2010, registered unlicensed water conditioners is a newly established category of regulated parties per the 2017 legislature.<sup>20</sup> It is necessary and reasonable to establish and define this terms that identifies the legislature’s newly regulated category of individuals.

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<sup>18</sup> See Minn. Laws, 2010 c 280 s 27 at <https://www.revisor.mn.gov/laws/2010/0/280/>

<sup>19</sup> *Id.*

<sup>20</sup> See Minn. Laws, [2017 c 94 art 2 s 14](https://www.revisor.mn.gov/laws/2017/0/Session+Law/Chapter/94/) at <https://www.revisor.mn.gov/laws/2017/0/Session+Law/Chapter/94/>.

## **4716.0092 LICENSURE**

### **Subpart 1. Water conditioning contractor.**

The proposed rule amendment reduces redundant language and thereby provides clarity and consistency with the current Minnesota Statutes 326B.50, subs. 1a and 2a. The proposed rule amendment replaces all references to “water conditioning master or master plumber” with “responsible licensed master” because “responsible licensed master” is a term already defined in Minnesota Statutes 326B.50, subd. 1a and the definition requires the individual to be a “water conditioning master or licensed master plumber.” All the language that the proposed rule amendment deletes is deleted because it is addressed by using the defined term “responsible licensed master.” There is no substantive change to the rule part.

### **Subpart 3. Water conditioning journeyworker.**

The proposed rule amendment adds that, in addition to the six months of practical experience and passing an exam, an applicant for the water conditioning journeyworker license must be a registered unlicensed water conditioner in Minnesota except as permitted in subpart 4, item A, subitem (4). The proposed rule amendment is necessary and reasonable to ensure that the qualifying experience is obtained under proper qualified conditions and is consistent with Minn. Stat. § 326B.555.

### **Subpart 4. Experience.**

Subpart 4 provides specific requirements for the experience needed in subparts 2 and 3. There are no proposed amendments to items A through C. Items D and E are new to provide the specific experience requirements for registered unlicensed water conditioners and the employer of the registered unlicensed water conditioner and water conditioning journeyworker. The statutory authority to regulate registered unlicensed water conditioners is new. Therefore, this formalized category of regulated individuals is new, thus, the new items in this subpart. Items A through C detail the requirements for other required experiences listed in subparts 2 and 3.

#### **Subpart 4(D)(1)**

The proposed rule amendment is new to address the newly formalized category of registered unlicensed water conditioner and what is expected of those applicants. The proposed rule amendment clearly states the requirement (to be a registered unlicensed water conditioner while obtaining the practical water conditioning experience) and clarifies that the exception in Minn. Stat. § 326B.555, subd. 2, applies here. This is necessary and reasonable because it should be clear what is expected of the regulated parties, what other permissions apply to the requirement and is consistent with Minn. Stat. § 326B.555. The exception in Minn. Stat. § 326B.555, subd. 2, grants flexibility to applicants.

#### **Subpart 4(D)(2)**

The proposed rule amendment clarifies what is required of the licensed water conditioning master who is responsible for certifying the work performed by the registered unlicensed water conditioner. It is necessary and reasonable to clearly state the requirements. The requirements are reasonable and consistent with the requirements in Minn. R. part 4716.0020, subp. 2, and Minn.

R. part 4716.0092, subp. 4(C), while tailored to the water conditioner licensing requirements. The proposed rule amendment is consistent with Minn. Stat. § 326B.555.

### **Subpart 4(E)(1) and (2)**

The proposed rule amendment adds recordkeeping requirements for the employers of water conditioning journeyworkers and registered unlicensed water conditioners. The proposed rule amendment requires the employers to record the practical water conditioning experience worked by each employee and to maintain those records for at least six years. The registered unlicensed water conditioner needs this record of experience to qualify as an applicant for the journeyworker exam and the journeyworker needs the recorded experience to qualify for the master exam. It is necessary and reasonable to require the employer to make and maintain these records and such requirement is consistent with Minn. Stat. § 326B.555. It is necessary and reasonable for the employer to maintain these records for six years after the employee's last recorded experience because it gives applicants time to take the journeyworker exam after completing the training and for the journeyworker to take the master exam. There are a variety of reasons why an applicant might be delayed in taking an examination. For example, a medical incident or family emergency that delays the applicant from taking the examination. Six years balances flexibility for the applicant with minimal burden for the employer. Six years is consistent with the record retention requirement for registered unlicensed plumbers in part 4716.0020, subp. 2(G)(2).

## **4716.0093 UNLICENSED WATER CONDITIONER REGISTRATION**

### **Subpart 1. Registration requirements**

The proposed rule amendment establishes the requirements and qualifications to become a registered unlicensed water conditioner. For example, the proposed rule amendment requires a person to submit an application and fee to the Department annually to become a registered unlicensed water conditioner. Registrations are effective from July 1 through June 30 of the following year and late renewals require payment of a late fee. This date range is consistent with Minn. Stat. § 326B.555 and the registered unlicensed plumber registration dates in Minn. R. part 4716.0050, subp. 2. This is necessary and reasonable because having a set registration period makes administration of and compliance with the rule easier and more efficient for both the Department who enforces the rule and the registrants complying with the code. This efficiency keeps licensing fees down.

The proposed rule amendment establishes reasonable qualifications in items A and B that are consistent with Minn. Stat. § 326B.555 and other similar rules. Specifically, item A requires a registered unlicensed water conditioner to be at least 18 years of age or a high school graduate, though individuals as young as 16 may register and perform work if they are supervised by the individual's parent. Item B requires applicants for an unlicensed water conditioner registration to provide to the Department certain personal information, including Social Security number as required by Minn. Stat. § 270C.72.<sup>21</sup> These qualifications are consistent with the qualifications for registered unlicensed plumbers in Minn. R. part 4716.0050, subp. 2, and Minn. Stat. § 326B.555. This information is necessary and reasonable for the Department to be able to verify individual identities and is consistent with Minnesota Statutes.

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<sup>21</sup> See [Minn. Stat. § 270C.72 \(2018\)](#).

## 4716.0205 REQUIREMENTS

### **Subpart 1. Continuing education; content.**

Plumbing licensees are currently required to take 16 hours of approved continuing education each two-year license period. The proposed rule amendment does not change that total number of required hours.

### **Subpart 1(A)**

The proposed rule amendment lowers the minimum number of continuing education hours that must pertain to the Plumbing Code from twelve to eight and allows the remainder of the required hours to pertain to the Plumbing Code or technical topics related plumbing installations and equipment, Minnesota Rules chapter 4716, the Minnesota State Building Code, or the Plumbing and Water Conditioning sections of Minnesota Statutes, chapter 326B. The proposed rule amendment changes only the minimum number of hours that must pertain to the Plumbing Code and allows a licensee to obtain all continuing education hours on the Plumbing Code. This is necessary and reasonable because eight hours of Plumbing Code instruction will be sufficient for some veteran licensed plumbers while newer licensed plumbers might benefit from more Plumbing Code instruction hours. The proposed rule amendment allows more flexibility while maintaining a high standard of qualifications. The proposed rule amendment is consistent with the state regulatory policy in Minn. Stat. § 14.002 that encourages agencies to develop rules that “emphasize superior achievement in meeting the agency’s regulatory objectives and maximum flexibility for the regulated party.”<sup>22</sup> Because knowledge of the Plumbing Code is essential to safe plumbing practices, and the Plumbing Code changes, it is reasonable to require licensed individuals have a minimum number of continuing education hours on the Plumbing Code.

The proposed rule amendment corrects the reference to Minnesota Statutes, sections 326B.41 to 326B.49 to Minnesota Statutes, sections 326B.41 to **326B.59**, emphasis added, because the range to 326B.49 does not include the water conditioning sections, which are sections 326B.50 through 326B.59. This also provides additional flexibility in the topics in which licensed plumbers may get the required continuing education hours.

The proposed rule amendment allows licensed individuals to tailor their continuing education hour topics to their needs while also maintaining high quality continuing education because all continuing education courses must be approved, pursuant to Minnesota Rules, parts 4716.0200 through 4716.0210.

The proposed rule amendment eliminates the current four-hour limit on continuing education hours obtained by any electronic media. That is, online continuing education hours are currently limited to four of the sixteen. The proposed rule amendment is necessary and reasonable because some licensed plumbers in outstate Minnesota have some challenges with accessing in-person continuing education courses that metro area plumbers do not have. For example, there are fewer in-person course offerings in outstate Minnesota. Allowing all sixteen continuing education hours to be obtained online modernizes the requirement and recognizes the changes and improvements in technology. Electronic media standards are established in Minnesota Statutes,

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<sup>22</sup> See [Minn. Stat. § 14.002 \(2018\)](#).

sections 326B.098 to 326B.099. The online courses must also be approved pursuant to Minnesota Rules, parts 4716.0200 through 4716.0210 like any other in-person course. The proposed rule amendment is consistent with the state regulatory policy in Minn. Stat. § 14.002 that encourages agencies to develop rules that “emphasize superior achievement in meeting the agency’s regulatory objectives and maximum flexibility for the regulated party.”

These changes are intended to make it easier and less costly for licensees to obtain the continuing education required to maintain licensure while maintaining quality education. Continuing education requirements for regulated parties are necessary and reasonable to ensure competency and recognizes industry changes in the interest of public health.

### **Subpart 1(B)**

Licensed water conditioning journeyworkers and masters must obtain four hours of continuing education hours per two-year licensing period. The proposed rule amendment deletes unnecessary language and adds the requirement that two of the four required continuing education hours must pertain to the Plumbing Code and the remaining two hours may pertain to the Plumbing Code or an existing list of other relevant topics. The proposed rule amendment maintains the same number of hours as the current rule and maintains flexibility while ensuring licensed water conditioners stay current with the Plumbing Code in addition to technical topics. It is necessary and reasonable to require licensed water conditioners to take two hours of continuing education on the Plumbing Code because their work is controlled by the Plumbing Code. Because the scope of their work is not as broad as licensed plumbers, it is reasonable that the total number of required continuing education hours is fewer than licensed plumbers. Correspondingly, the required minimum number of continuing education hours on the Plumbing Code is also fewer than what is required for licensed plumbers.

The proposed rule amendment adds that the continuing education hours may be obtained online, subject to the requirements in Minn. Stat. §§ 326B.098 to 326B.099. This proposed amendment is consistent with the proposed amendment in subpart 1(A) above.

### **Subpart 1(C)**

The proposed rule amendment creates a new requirement for registered unlicensed plumbers and water conditioners to take two hours of continuing education each year as a condition of renewing their registration. Registered unlicensed plumbers must take two hours of continuing education on the Plumbing Code because the range of work they may perform is broad and includes the entire scope of the Plumbing Code. Registered unlicensed water conditioners must take one hour of continuing education on the Plumbing Code and the other hour of continuing education may be on the Plumbing Code or a technical topic related to water conditioning installation. The scope of the work of a registered unlicensed water conditioner is limited to water conditioning so they do not work with the entire Plumbing Code.

For many registered unlicensed plumbers and water conditioners, the continuing education requirement is absorbed into their training toward qualifying for the journeyworker exam in their respective field. For other registered unlicensed plumbers and registered unlicensed water conditioners who do not intend to take the journeyworker exam in their respective field, this requirement ensures they stay current with industry practices and the Plumbing Code.

For both registered unlicensed plumbers and water conditioners, the continuing education hours may be taken online. This requirement will enhance registrants' knowledge and understanding of the Plumbing Code and other information relevant to their work. While field work is important, there are tables and calculations in the Plumbing Code that industry professionals must be aware of and learn about. A continuing education class is a setting conducive to learning about certain aspects of the Plumbing Code.

Similarly, registered unlicensed electricians have been required to obtain two hours of continuing education every renewal period since 2009.<sup>23</sup> It is necessary and reasonable to require a regulated party to obtain some continuing education to maintain their registration to ensure competence in the interest of public health.

### **Subpart 1(D) and (E)**

The proposed rule amendment renumbers these paragraphs to reflect the new paragraphs added above. There are no substantive changes.

### **LIST OF EXHIBITS (Optional)**

In support of the need for and reasonableness of the proposed rules, the Department anticipates that it will enter the following exhibits into the hearing record: [List the exhibits.]

### **CONCLUSION**

Based on the foregoing, the proposed rules are both needed and reasonable.

\_\_\_\_\_  
[Date]

\_\_\_\_\_  
Richard Jacobs  
Plumbing Board Chair

This Statement of Need and Reasonableness was made available for public review on \_\_\_\_\_, 2018.

[References to Published Materials. Published materials should not be attachments or exhibits to the SONAR. The following published materials may just be referenced in the SONAR: Minnesota Statutes, Minnesota Rules, United States Statutes at Large, United States Code, Laws of Minnesota, Code of Federal Regulations, and the Federal Register. If you rely on or refer to other published materials in the SONAR, it would be a good idea to attach a bibliography to the SONAR and include a statement on where the material is available or the url links to find the material online.]

[References to Nonpublished Materials. Nonpublished materials such as letters from expert witnesses should either be exhibits attached to the SONAR or the content of the letter should be directly quoted in the SONAR. Note: All exhibits that are not attached to the SONAR must be available for review.]

<sup>23</sup> See [Minn. R. 3800.3602 \(2018\)](#). See also [https://www.revisor.mn.gov/state\\_register/34/15/](https://www.revisor.mn.gov/state_register/34/15/).

DRAFT

October 31, 2018

To: Suzanne Todnem, General Counsel  
Minnesota Department of Labor & Industry  
443 Lafayette Road N.  
St. Paul, MN 55155-4341

From: Marianne Conboy, Executive Budget Officer  
Minnesota Management & Budget

RE: In the Matter of the Proposed Rules of the Minnesota Plumbing Board, Minnesota Rules, chapter 4716;  
Revisor's ID Number R-04365

## Background

The Minnesota Plumbing Board ("the Board") adopts and amends the plumbing code and rules that regulate the licensing and registration of various plumbing-related professions, issues final interpretations, and has licensing authority over other persons engaged in the design, installation, and alteration of plumbing systems or engaged in or working at the business of water conditioning installation or service (except for individuals licensed as architects or professional engineers). The Board also regulates the continuing education for these groups. The Board receives support from the Department of Labor and Industry per MS 326B.435, subd. 2(c). The Minnesota Legislature, in the 2017 Session, granted the Board rulemaking authority over a new category of registered unlicensed individuals who perform water conditioning installation and authorized the Board to adopt rules for the registration of these unlicensed individuals.

The Board's proposed amendments to the rules governing plumber and water conditioning registration and licensing in Minnesota Rules, chapter 4716, at Revisor's ID Number R-04365 update terminology and provide clarity throughout the rule. Key changes in this rule amendment:

- (1) Restates current statute, effective since July 2017, which requires the registration of unlicensed water conditioners and corresponding registration fees (\$14 the first year, and \$19 each year thereafter).
- (2) Provide the requirements for the registration process for unlicensed water conditioners.
- (3) Require two hours per year of continuing education hours for registered unlicensed water conditioners.
- (4) Require two hours per year of continuing education hours for registered unlicensed plumbers.
- (5) Adjust the number of hours of continuing education that licensed plumbers can attain online from up to four hours to any number of hours to fulfill the existing sixteen hour requirement.
- (6) Decrease the number of hours of continuing education that licensed plumbers must obtain on code from 12 hours minimum to eight hours minimum.

## Evaluation

Pursuant to Minnesota Statutes 14.131, on behalf of the commissioner of Minnesota Management & Budget, I have reviewed the proposed rules and Statement of Need and Reasonableness (SONAR) for the fiscal impact and fiscal benefits on local units of government. There is not anticipated to be any significant fiscal impact on local units of government with this rule amendment. These rules impact water conditioners and plumbers. There is no requirement in this rule that the statutory registration fee for unlicensed water conditioners, or the continuing education requirements for unlicensed plumbers and water conditioners, must be paid by employers. Thus, if an unlicensed water conditioner or plumber is an employee of a local unit of government, the local unit of government may choose to or not to cover that fee or continuing education cost. In addition, the licensing and registration for licensed and unlicensed water conditioners and plumbers is administered at the state level, not at the local level of government. DLI maintains a free database online with this status for each individual. There appears to be no direct fiscal impact or fiscal benefit from this rule amendment to local units of government.

Sincerely,

Marianne Conboy  
Executive Budget Officer

cc: Ahna Minge, Minnesota Management & Budget

# Minnesota Plumbing Board

## c/o Minnesota Department of Labor and Industry

443 Lafayette Road North  
Saint Paul, MN 55155-4344  
[dli.cclboards@state.mn.us](mailto:dli.cclboards@state.mn.us)

October 25, 2018

The Honorable Tammy L. Pust  
Chief Administrative Law Judge  
Office of Administrative Hearings  
600 North Robert Street  
P.O. Box 64620  
Saint Paul, Minnesota 55164-0620

HAND- DELIVERED

Re: In The Matter of the Proposed Rules Governing Minnesota Plumber Licensing, *Minnesota Rules*, Chapter 4716; Request to Schedule a Rules Hearing, Request for Review and Approval of the Dual Notice and Request for Review and Approval of Additional Notice Plan; Revisor's ID Number R-04365

Dear Chief Judge Pust:

The Minnesota Plumbing Board ("Board") respectfully requests that you schedule a rules hearing under the *Minnesota Statutes*, sections 14.131 to 14.20, approve the Dual Notice, and assign an Administrative Law Judge. The hearing is for the Board's proposed permanent rules about the Minnesota Plumber Licensing rules. The Minnesota Department of Labor and Industry provides administrative support to the Board, including for rulemaking. We request that the judge conduct the hearing on January 11, 2019, beginning at 9:30 a.m. in the Minnesota Room at the Department of Labor and Industry, 443 Lafayette Road North, Saint Paul, Minnesota 55155.

Enclosed are the documents for the Administrative Law Judge's review, as required by *Minnesota Rules*, part 1400.2080, subpart 5:

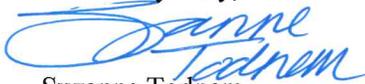
- 1) The Dual Notice proposed to be signed and issued by the Board Chair. If the Board receives fewer than 25 requests for a hearing in response to the Dual Notice, the hearing will be canceled. We will notify you if this occurs.
- 2) A copy of the proposed rules, with a certificate of approval as to form by the Revisor of Statutes, is attached.
- 3) A draft of the near-final Statement of Need and Reasonableness.

The Board also requests that you review and approve the Additional Notice Plan. The documents required for your review by *Minnesota Rules*, part 1400.2060, include the three documents listed above for requesting approval of the Additional Notice Plan. We are also providing you below with an explanation of why the Additional Notice Plan reflects reasonable efforts to notify persons or classes of persons who might be significantly affected by the rules in accordance with Minnesota Statute, section 14.14, subdivision 1a.

The Additional Notice Plan is described on page five of the near-final Statement of Need and Reasonableness. We believe the Additional Notice Plan complies with Minnesota Statutes, section 14.22, because the plan includes providing direct notification to persons or classes of persons who might be significantly affected by the rules including plumbing associations; water quality/treatment associations; builders associations; local municipality associations; mechanical trade associations; and building officials association. There are nineteen associations or groups listed in our Additional Notice Plan representing hundreds if not thousands of industry-related persons.

Please call me at 651.284.5851 if you have any questions.

Yours very truly,



Suzanne Todnem  
Department of Labor and Industry  
Office of General Counsel

cc: Richard Jacobs, Board Chair

## Minnesota Plumbing Board

### **DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R04365**

#### **Proposed Amendment to Rules Governing Plumber Licensing, *Minnesota Rules*, Chapter 4716**

**Introduction.** The Minnesota Plumbing Board intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on December 28, 2018, the Board will hold a public hearing in Minnesota Room, Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, starting at 9:30 a.m. on Friday, January 11, 2019. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after December 28, 2018, and before January 11, 2019.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Suzanne Todnem at Minnesota Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, (651) 284-5006 [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us).

**Subject of Rules and Statutory Authority.** The proposed rules are about the registration of unlicensed individuals who perform water conditioning installation, registration of unlicensed individuals who perform plumbing, examination and licensing of both plumbers and water conditioners, and continuing education requirements for licensed individuals and registered unlicensed individuals.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 326B.435, 326B.47, and 326B.555. A copy of the proposed rules is available on the Board's website at <https://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>. A free copy of the rules is available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on Friday, December 28, 2018, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Board hold a hearing on the rules. You must make your request for a public hearing in

writing, which the agency contact person must receive by 4:30 p.m. on Friday, December 28, 2018. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The Board might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The Board will cancel the hearing scheduled for January 11, 2019, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at 651.284.5006 after December 28, 2018, to find out whether the hearing will be held. You may check for whether the hearing will be held by going on-line at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Eric Lipman is assigned to conduct the hearing. Judge Lipman can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7875, and fax (651) 539-0310.

**Hearing Procedure.** If the Board holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an

opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit **new** evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge **via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoh.granicusideas.com/discussions>** no later than 4:30 p.m. on the due date. All comments or responses received will be available for review **at the Minnesota Department of Labor and Industry or on the agency's website at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>**. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. Or, you may access a free copy on the agency's website at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-4716>.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The Board will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure after a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to

be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

DRAFT

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard Jacobs  
Chair, Minnesota Plumbing Board

DRAFT

1.1 **Plumbing Board**1.2 **Proposed Permanent Rules Governing Plumbing Licensing**1.3 **4716.0010 DEFINITIONS.**1.4 *[For text of subps 1 to 5, see M.R.]*

1.5 **Subp. 6. Registered unlicensed plumber.** "Registered unlicensed plumber" means  
1.6 an individual who performs plumbing work for a contractor or employer, does not hold any  
1.7 class of plumber license, is not a plumber's apprentice as described in Minnesota Statutes,  
1.8 section 326B.42, subdivision 6, and is registered with the commissioner under part  
1.9 4716.0050.

1.10 **4716.0020 EXAMINATION AND LICENSING OF PLUMBERS.**

1.11 **Subpart 1. Examinations.** An applicant for a plumber's license, other than a restricted  
1.12 journeyworker or restricted master plumber license, must satisfactorily pass an examination  
1.13 given by the commissioner. ~~Examinations for journeyworker and master plumber licenses~~  
1.14 ~~shall be held in March and September of each year. Applications for the March examination~~  
1.15 ~~must be filed not later than February 15 and for the September examination not later than~~  
1.16 ~~August 15.~~

1.17 A. An applicant for the master plumber examination must have:

1.18 (1) ~~a current Minnesota journeyworker plumber license and five years of~~  
1.19 ~~practical plumbing experience~~ at least one year of practical plumbing experience as a licensed  
1.20 journeyworker plumber as described in subpart 2;

1.21 *[For text of subitems (2) and (3), see M.R.]*

1.22 B. An applicant for the journeyworker examination:

1.23 (1) must be registered as a plumber's apprentice in Minnesota as described  
1.24 in Minnesota Statutes, section 326B.42, subdivision 6, or must be a registered unlicensed

2.1 plumber as described in part 4716.0010, subpart 6, and must have at least four years of  
2.2 recorded practical plumbing experience, as specified in subpart 2, item F;

2.3 *[For text of subitems (2) and (3), see M.R.]*

2.4 Subp. 2. **Experience.** This subpart applies to all practical plumbing experience  
2.5 described in subpart 1.

2.6 *[For text of items A to D, see M.R.]*

2.7 E. If the applicant is a licensed restricted journeyworker plumber or a licensed  
2.8 restricted master plumber, subitems (1) ~~to (3)~~ and (2) apply.

2.9 (1) The practical plumbing experience must include at least the following  
2.10 number of hours in the plumbing aspects specified in units (a) to (c). The remaining required  
2.11 hours of practical plumbing experience may be in any aspect of plumbing work included  
2.12 in the definition of plumbing in UPC section 218.0 as incorporated by reference in part  
2.13 4714.0050; however, the applicant must include in the application the type of plumbing  
2.14 work and corresponding number of hours:

2.15 (a) water distribution system installation, 1,000 hours;

2.16 (b) drain, waste, and vent system installation, 1,000 hours; and

2.17 (c) fixture installation, 500 hours.

2.18 *[For text of subitem (2), see M.R.]*

2.19 ~~(3) The applicant must have completed the entire two years of practical~~  
2.20 ~~plumbing experience within the four years before the applicant takes the examination.~~

2.21 F. If the applicant is a registered plumber's apprentice unlicensed plumber, subitems  
2.22 (1) ~~to (3)~~ and (2) apply.

3.1 (1) The practical plumbing experience must include at least the following  
3.2 number of hours in the plumbing aspects specified in units (a) to (c). The remaining required  
3.3 hours of practical plumbing experience may be in any aspect of plumbing work included  
3.4 in the definition of plumbing in UPC section 218.0 as incorporated by reference in part  
3.5 4714.0050; however, the applicant must include in the application the type of plumbing  
3.6 work and corresponding number of hours:

3.7 (a) water distribution system installation, 2,000 hours;

3.8 (b) drain, waste, and vent system installation, 2,000 hours; and

3.9 (c) fixture installation, 1,000 hours.

3.10 (2) ~~Except for experience qualifying under subitem (3),~~ The applicant must  
3.11 have been a registered ~~plumber's apprentice~~ unlicensed plumber at all times while obtaining  
3.12 the practical plumbing experience. ~~or the applicant must have obtained the practical plumbing~~  
3.13 experience in one of the following ways:

3.14 (a) during military service, and the applicant's military officer certifies  
3.15 the experience;

3.16 (b) as part of a plumbing education class approved by the commissioner,  
3.17 and an authorized representative of the plumbing educational institution certifies the  
3.18 experience; or

3.19 (c) as a plumber's apprentice in another state where the experience is  
3.20 verified by a state agency that regulates plumbing licensing in that state or by a federal  
3.21 agency.

3.22 (3) ~~Up to 24 months of practical plumbing experience gained before the~~  
3.23 ~~effective date of the applicant's initial registration as a plumber's apprentice will be credited~~  
3.24 ~~if the applicant gained some of the experience during the 12-month period immediately~~  
3.25 ~~prior to the effective date of the applicant's initial registration and if:~~

4.1 (a) ~~the applicant gained the plumbing experience during military service,~~  
4.2 ~~and the applicant's military officer certifies the experience;~~

4.3 (b) ~~the applicant gained the plumbing experience as part of a plumbing~~  
4.4 ~~education class approved by the commissioner, and an authorized representative of the~~  
4.5 ~~educational institution certifies the experience; or~~

4.6 (c) ~~the applicant gained the plumbing experience as a plumber's~~  
4.7 ~~apprentice in another state where the experience is verified by a state agency in that state~~  
4.8 ~~or by a federal agency.~~

4.9 G. Except as provided in item F, subitem ~~(3)~~ (2), units (a) to (c), all practical  
4.10 plumbing experience must be certified by the licensed master plumber ~~or plumbing contractor~~  
4.11 who is responsible for the work performed. A restricted master plumber cannot certify the  
4.12 restricted master plumber's own experience. The employer of a journeyworker plumber,  
4.13 restricted master plumber, restricted journeyworker plumber, or ~~plumber's apprentice~~  
4.14 registered unlicensed plumber is responsible for:

4.15 *[For text of subitems (1) and (2), see M.R.]*

#### 4.16 **4716.0040 EXPIRATION OF LICENSES.**

4.17 Subpart 1. **Issuance and expiration.** Initial and ~~renewal~~ renewed journeyworker  
4.18 plumber's licenses and renewed restricted journeyworker plumber's licenses expire on  
4.19 December 31 of each odd-numbered year after issuance or renewal. Initial and renewed  
4.20 master plumber's licenses, and renewal restricted journeyworker and renewed restricted  
4.21 master plumber's licenses, shall be issued for the calendar year for which application is  
4.22 made and shall expire on December 31 of such year each even-numbered year after issuance  
4.23 or renewal. Any journeyworker plumber, master plumber, restricted journeyworker plumber,  
4.24 or restricted master plumber who submits a renewal application after December 31 shall  
4.25 not work as a plumber until the person has submitted an application, fee, and penalty fee.

5.1 Any licensed journeyworker or master plumber who does not renew the license within two  
5.2 years is no longer eligible for renewal. The person must retake and pass the examination  
5.3 before a new license will be issued. Any licensed restricted journeyworker or restricted  
5.4 master plumber who does not renew the license within ~~12 months~~ two years of the license  
5.5 expiration will permanently forfeit the restricted plumber license.

5.6 Subp. 2. **License renewals.** Applications for license renewal must be submitted to  
5.7 the commissioner on forms prepared by the commissioner no later than December 31 of  
5.8 ~~the year preceeding the year for in~~ which application is made the license expires. The  
5.9 application must be accompanied by the required fee. Journeyworker and master plumbers  
5.10 who submit their license renewal applications after expiration of their license but within  
5.11 two years after expiration of the previously issued license must pay all past due renewal  
5.12 fees plus the required late fee. Restricted journeyworker and restricted master plumbers  
5.13 who submit their license renewal applications after expiration of their license but within ~~12~~  
5.14 ~~months~~ two years after expiration of the previously issued license must pay the past due  
5.15 renewal fee plus the required late fee.

5.16 **4716.0050 REGISTRATION OF PLUMBER'S APPRENTICE REGISTERED**  
5.17 **UNLICENSED PLUMBER.**

5.18 Subpart 1. **Scope.** Subpart 2 ~~shall~~ does not apply to a registered plumber's apprentices  
5.19 apprentice under Minnesota Statutes, section 326B.47, subdivision 1, ~~clause (1)~~ paragraph  
5.20 (a).

5.21 Subp. 2. **Registration requirements.** No person shall work as a ~~plumber's apprentice~~  
5.22 registered unlicensed plumber until that person has submitted an application and fee for  
5.23 registration to the commissioner. Registration must be renewed annually and shall be for  
5.24 the period from July 1 of each year to June 30 of the following year. Applications for initial  
5.25 and renewal registration must be submitted to the commissioner before July 1 of each  
5.26 registration period on forms provided by the commissioner, and must be accompanied by

6.1 the required fee. A ~~plumber's apprentice~~ registered unlicensed plumber who submits a  
6.2 registration application after July 1 in any year must pay the ~~past due~~ renewal fee plus the  
6.3 required late fee.

6.4 A. A ~~plumber's apprentice~~ registered unlicensed plumber must be at least 18 years  
6.5 of age or be a high school graduate, except that an ~~apprentice~~ a registered unlicensed plumber  
6.6 employed and supervised by the ~~apprentice's~~ registered unlicensed plumber's parent must  
6.7 be at least 16 years of age.

6.8 B. At the time of registration, an ~~apprentice~~ a registered unlicensed plumber must  
6.9 provide a name, address, date of birth, Social Security number, and information about  
6.10 education and practical plumbing experience.

#### 6.11 **4716.0091 DEFINITIONS.**

6.12 Subpart 1. Scope. The terms used in parts 4716.0090 to 4716.0092 have the meanings  
6.13 given them in this part, UPC sections 201.0 to 228.0 as incorporated by reference in part  
6.14 4714.0050, and Minnesota Statutes, section 326B.50.

6.15 Subp. 2. Registered unlicensed water conditioner. "Registered unlicensed water  
6.16 conditioner" means an individual who performs water conditioning work for a contractor  
6.17 or employer, does not hold any class of water conditioning license, and is registered with  
6.18 the commissioner under part 4716.0093.

#### 6.19 **4716.0092 LICENSURE.**

6.20 Subpart 1. **Water conditioning contractor.** An applicant for a water conditioning  
6.21 contractor license must designate a ~~water conditioning~~ responsible licensed ~~master or master~~  
6.22 ~~plumber, licensed by the commissioner, as the individual responsible for the water~~  
6.23 ~~conditioning contractor's compliance with this part, chapter 4714, Minnesota Statutes,~~  
6.24 ~~sections 326B.50 to 326B.59, and all orders issued under Minnesota Statutes, section~~  
6.25 ~~326B.082~~ as defined in Minnesota Statutes, section 326B.50. The responsible water

7.1 ~~conditioning licensed master or master plumber~~ must give a minimum 15-day notice to the  
7.2 water conditioning contractor and the department before resigning as the responsible ~~water~~  
7.3 ~~conditioning licensed master or master plumber~~ for the contractor. The contractor and  
7.4 responsible ~~water conditioning licensed master or master plumber~~ must immediately notify  
7.5 the department upon the termination or separation of the contractor's responsible ~~water~~  
7.6 ~~conditioning licensed master or master plumber~~. The water conditioning contractor shall  
7.7 have 60 days from the last day of employment of its previous responsible ~~water conditioning~~  
7.8 ~~licensed master or master plumber~~ to employ another responsible ~~water conditioning licensed~~  
7.9 ~~master or master plumber~~. The water conditioning contractor shall submit written notification  
7.10 to the department that it has designated a different ~~water conditioning responsible licensed~~  
7.11 ~~master or master plumber~~ as the individual responsible for the contractor's compliance with  
7.12 ~~this part, chapter 4714, and Minnesota Statutes, sections 326B.50 to 326B.59~~. If the water  
7.13 conditioning contractor is unable to acquire a replacement responsible ~~water conditioning~~  
7.14 ~~licensed master or master plumber~~, the water conditioning contractor's license is invalid  
7.15 and the contractor shall cease and desist from performing any water conditioning work and  
7.16 return the contractor's license for voluntary termination. Upon acquiring a replacement  
7.17 responsible ~~water conditioning licensed master or master plumber~~, the water conditioning  
7.18 contractor may request reinstatement of the terminated license under Minnesota Statutes,  
7.19 section 326B.096.

7.20 *[For text of subp 2, see M.R.]*

7.21 Subp. 3. **Water conditioning journeyworker.** An applicant for a water conditioning  
7.22 journeyworker license must satisfactorily pass an examination given by the commissioner.  
7.23 An applicant for the water conditioning journeyworker examination must have been a  
7.24 registered unlicensed water conditioner at all times while obtaining at least six months of  
7.25 practical experience as listed in subpart 4, item C, subitem (2), except as permitted in subpart  
7.26 4, item A, subitem (4). The applicant is responsible for verifying practical experience.

8.1 Subp. 4. **Experience.** For the purposes of the experience required under subparts 2  
8.2 and 3, the following requirements apply.

8.3 *[For text of items A to C, see M.R.]*

8.4 D. If the applicant is a registered unlicensed water conditioner:

8.5 (1) the applicant must have been a registered unlicensed water conditioner  
8.6 at all times while obtaining the practical water conditioning experience, except as allowed  
8.7 under Minnesota Statutes, section 326B.555, subdivision 2; and

8.8 (2) all practical water conditioning experience must be certified by the licensed  
8.9 water conditioning master who is responsible for the work performed. Practical water  
8.10 conditioning experience includes installation, servicing, and training hours. The commissioner  
8.11 may require work records, time cards, pay records, or other documentation necessary to  
8.12 evaluate experience. The commissioner shall make the final determination about the adequacy  
8.13 and acceptability of an applicant's experience.

8.14 E. The employer of a water conditioning journeyworker or registered unlicensed  
8.15 water conditioner is responsible for:

8.16 (1) recording the practical water conditioning experience worked by each  
8.17 employee; and

8.18 (2) maintaining the records of practical water conditioning experience for at  
8.19 least six years after the employee's last recorded experience.

8.20 *[For text of subps 5 and 6, see M.R.]*

8.21 **4716.0093 UNLICENSED WATER CONDITIONER REGISTRATION.**

8.22 Subpart 1. Registration requirements. No person shall work as a registered unlicensed  
8.23 water conditioner until that person has submitted an application and fee for registration to  
8.24 the commissioner. Registration must be renewed annually and shall be for the period from

9.1 July 1 of each year to June 30 of the following year. Applications for initial and renewal  
9.2 registration must be submitted to the commissioner before July 1 of each registration period  
9.3 on forms provided by the commissioner, and must be accompanied by the required fee. A  
9.4 registered unlicensed water conditioner who submits a registration application after July 1  
9.5 in any year must pay the renewal fee plus the required late fee.

9.6 A. A registered unlicensed water conditioner must be at least 18 years of age or  
9.7 a high school graduate, except that a registered unlicensed water conditioner employed and  
9.8 supervised by the registered unlicensed water conditioner's parent must be at least 16 years  
9.9 of age.

9.10 B. An applicant for registration under this part must provide a name, address, date  
9.11 of birth, Social Security number, and information about education and practical water  
9.12 conditioning experience on a form provided by the commissioner.

9.13 **4716.0205 REQUIREMENTS.**

9.14 **Subpart 1. Continuing education; content.**

9.15 A. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
9.16 individuals who hold the following license types are required to obtain 16 hours of continuing  
9.17 education instruction during the license period before the license may be renewed:

9.18 (1) master plumber;

9.19 (2) journeyworker plumber; and

9.20 (3) restricted plumber.

9.21 ~~At least 12~~ eight hours of instruction must pertain to the Plumbing Code, and ~~at least four~~  
9.22 ~~hours of instruction must pertain to the remainder~~ must pertain to the Plumbing Code,  
9.23 technical topics related to plumbing installations and equipment, this chapter, the Minnesota  
9.24 State Building Code, or Minnesota Statutes, sections 326B.41 to ~~326B.49~~ 326B.59.

10.1 Continuing education hours obtained by any electronic media must ~~not exceed four hours~~  
10.2 ~~during the renewal period~~ comply with Minnesota Statutes, sections 326B.098 to 326B.099.

10.3 B. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
10.4 individuals who hold the following license types are required to obtain four hours of  
10.5 continuing education instruction during the license period before the license may be renewed:

10.6 (1) water conditioning master; and

10.7 (2) water conditioning journeyworker.

10.8 ~~At least two hours of instruction~~ must pertain to the Plumbing Code and the remainder must  
10.9 pertain to the Plumbing Code, technical topics related to water conditioning installation and  
10.10 servicing, this chapter, or Minnesota Statutes, sections 326B.50 to 326B.59. Continuing  
10.11 education hours obtained by any electronic media must comply with Minnesota Statutes,  
10.12 sections 326B.098 to 326B.099.

10.13 C. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
10.14 individuals who hold the following registration types are required to obtain continuing  
10.15 education instruction during the registration period before the registration can be renewed:

10.16 (1) registered unlicensed plumbers; and

10.17 (2) registered unlicensed water conditioners.

10.18 The registered unlicensed plumber must obtain at least two hours of continuing education  
10.19 instruction that must pertain to the Plumbing Code.

10.20 The registered unlicensed water conditioner must obtain at least two hours of continuing  
10.21 education instruction. At least one hour of instruction must pertain to the Plumbing Code,  
10.22 and the remainder must pertain to the Plumbing Code, technical topics related to water  
10.23 conditioning installation and servicing, this chapter, or Minnesota Statutes, sections 326B.50



# Office of the Revisor of Statutes

## Administrative Rules



**TITLE:** Proposed Permanent Rules Governing Plumbing Licensing

**AGENCY:** Plumbing Board

**REVISOR ID:** R-4365

**MINNESOTA RULES:** Chapter 4716

The attached rules are approved for  
publication in the State Register

*Sheree Speer*

Sheree Speer  
Assistant Deputy Revisor

## Minnesota Plumbing Board

### STATEMENT OF NEED AND REASONABLENESS

#### Proposed Amendment to Rules Governing Plumber Licensing, Minnesota Rules, chapter 4716; Revisor's ID Number R-04365

#### INTRODUCTION

The Minnesota Plumbing Board (“Board”) intends to adopt rules regulating the registration of unlicensed individuals who perform water conditioning installation, registration of unlicensed individuals who perform plumbing, examination and licensing of plumbers, and continuing education requirements for licensed individuals and registered unlicensed individuals.

In 2017, the Minnesota Legislature granted the Board rulemaking authority over a new category of registered unlicensed individuals who perform water conditioning installation and authorized the Board to adopt rules for the registration of these unlicensed individuals.<sup>1</sup> Additionally, the Minnesota Legislature newly granted the Board authority to regulate continuing education requirements for all registered unlicensed individuals.<sup>2</sup>

There are two notable changes in the proposed rule amendments. First, the Board’s proposed amendments provide the requirements for the registration of unlicensed water conditioners (registration of unlicensed plumbers is already in rule). The Board anticipates that some registered unlicensed individuals will apply their work experience to pursue licensure while some registered unlicensed individuals will not. The proposed rules facilitate the Department’s tracking of individuals’ work experience to determine when individuals have obtained sufficient experience to qualify them to take the appropriate licensing exam. Second, the proposed rules require minimal continuing education hours for registered unlicensed individuals to ensure they stay current with industry and Plumbing Code changes.

The Board published a Request for Comments on October 30, 2017. In response to the Request for Comments, the Board received one comment that requested that the Board support legislation that would change the licensing requirements for backflow prevention assembly rebuilders in Minnesota. The Board received 61 comments about the continuing education requirements for registered unlicensed plumbers.<sup>3</sup> The Board addressed those concerns at Board meetings and in the rule-by-rule analysis below.<sup>4</sup>

The Minnesota Department of Labor and Industry (“Department”) is required to provide support to the Board, including for rulemaking.<sup>5</sup>

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<sup>1</sup> See Minn. Laws, [2017 c. 94 art 2 s 14](#). This law became effective August 1, 2017.

<sup>2</sup> See Minn. Laws, [2017 c. 94 art 2 s 8](#). This law became effective August 1, 2017.

<sup>3</sup> All comments submitted in response to the Request for Comments are available here <http://www.dli.mn.gov/sites/default/files/pdf/4716-comment.pdf>.

<sup>4</sup> See Board meeting minutes for March 12, 2018; June 12, 2018, August 28, 2018 at <http://www.dli.mn.gov/about-department/boards-and-councils/plumbing-board>

<sup>5</sup> See [Minn. Stat. § 326B.435, subd. 2\(c\) \(2018\)](#).

## ALTERNATIVE FORMAT

Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact Suzanne Todnem at the Department of Labor and Industry, 443 Lafayette Road North, Saint Paul, MN 55155-4342, or by telephone 651-284-5006, or email to: [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us).

## STATUTORY AUTHORITY

The Board's statutory authority to adopt rules related to licensure, certification, or registration is stated in *Minnesota Statutes*, section 326B.435, subd. 2(a)(5), which authorizes the Board to:

adopt rules that regulate the licensure, certification, or registration of plumbing contractors, journeyworkers, unlicensed individuals, master plumbers, restricted master plumbers, restricted journeyworkers, restricted plumbing contractors, backflow prevention rebuilders and testers, water conditioning contractors, and water conditioning installers, and other persons engaged in the design, installation, and alteration of plumbing systems or engaged in or working at the business of water conditioning installation or service, or engaged in or working at the business of medical gas system installation, maintenance, or repair, except for those individuals licensed under section 326.02, subdivisions 2 and 3.

*Minnesota Statutes*, section 326B.435, subd. 2(a)(6) was amended in 2017 to authorize the Board to adopt rules regulating continuing education for registered unlicensed individuals. Specifically, the Board has the authority to “adopt rules that regulate continuing education for individuals licensed as master plumbers, journeyworker plumbers, restricted master plumbers, restricted journeyworker plumbers, registered unlicensed individuals, water conditioning masters, and water conditioning journeyworkers, and for individuals certified under sections 326B.437 and 326B.438.”<sup>6</sup> While the Board's authority to regulate continuing education for licensed individuals is not new, the authority to regulate continuing education for registered unlicensed individuals is new.

*Minnesota Statutes*, section 326B.47, subd. 3, authorizes the Board to prescribe rules for the registration of unlicensed individuals.<sup>7</sup> The Board has been regulating registered unlicensed individuals who perform plumbing as a different classification than plumber's apprentices since 2010.<sup>8</sup>

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<sup>6</sup>See [Minn. Stat. § 326B.435, subd. 2 \(2018\)](#).

<sup>7</sup>See [Minn. Stat. § 326B.47, subd. 3 \(2018\)](#).

<sup>8</sup> See Minn. Laws, 2010 c 280 s <https://www.revisor.mn.gov/laws/2010/0/280/> and [Minn. R. part 4716.0050](#).

*Minnesota Statutes*, section 326B.555, which was enacted in 2017, creates a new category of registered unlicensed individuals to perform water conditioning installation and authorizes the Board to adopt rules for the registration of these unlicensed individuals.<sup>9</sup>

Because specific portions of the Board's rulemaking authority was new in 2017, effective August 1, 2017, those portions are subject to the 18-month time limit in *Minnesota Statutes*, section 14.125. The Board will publish a notice of intent to adopt rules or a notice of hearing within 18 months of the effective date.

Under these statutes, the Board has the necessary statutory authority to adopt the proposed rules.

## **REGULATORY ANALYSIS**

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (8) below quote these factors and then give the agency's response.

### **(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule**

The proposed amendments to the rules would likely affect individuals and contractors currently licensed, certified or registered in Minnesota under Chapter 4716; individuals and contractors who would like to be licensed, certified or registered under Chapter 4716; individuals who perform water conditioning installation but are not licensed, certified or registered; providers of continuing education courses; and the general public.

### **(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues**

Although the Board has the authority to adopt plumbing licensing rules, it does not implement or enforce the licensing rules. The Department currently administers and enforces the licensing rules. Any additional costs the Department incurs to implement and enforce the proposed rules will be offset by additional registration fees collected from registered unlicensed individuals. The Department does not anticipate increased costs to administer the rule except for the newly regulated individuals. The costs to enforce registration of the newly regulated individuals will be offset by the registration fees.

### **(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule**

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<sup>9</sup>See Minn. Laws, [2017 c. 94 art 2 s 14](#). This law became effective August 1, 2017.

The Board has determined there is no less costly or less intrusive method for achieving the purposes of the proposed rules. The proposed rules are anticipated to reduce some costs of compliance compared to the current rule.

**(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule**

No alternative methods for achieving the purpose of the proposed rule were identified. The Board determined that the existing requirements and procedures used have been successful and should be maintained. The same or similar procedures are used in other similar industries as well.

**(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals**

The probable costs of complying with the proposed rule are anticipated to be minimal. Registered unlicensed individuals who perform water conditioning work will be subject to the same \$14 registration fee that registered unlicensed plumbers and electricians are currently required to pay. Other regulated parties under this proposed rule are anticipated to see the same or lower costs to comply with the proposed rule.

**(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals**

The probable costs or consequences of not adopting the proposed rule are fewer avenues for unlicensed individuals to qualify for journeyworker licensing exams and fewer work options for individuals seeking employment in the water conditioning industry, which could limit the pool of qualified workers available to businesses that provide water conditioning services to the public.

Another consequence of not adopting the proposed rule is that the Board would lose its statutory authority to regulate certain parties. The legislature would then need to pass new legislation, which may have costs associated with it. Without rules to address the newly regulated party in statute, there would be confusion for anyone interested in hiring or becoming a registered unlicensed water conditioner.

**(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference**

There are no federal regulations that apply.

**(8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule. . . . '[C]umulative effect' means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules. Cumulative effects**

**can result from individually minor but collectively significant rules adopted over a period of time.**

The proposed rules cover areas that are not addressed by federal law or other Minnesota state laws. Therefore, this consideration is not applicable to this proposed rule.

## **PERFORMANCE-BASED RULES**

The Board carefully considered the directives of the legislature requiring performance-based standards to the extent possible. The Board sought input from interested parties at multiple scheduled committee and Board meetings. The proposed rules are prescriptive in that they establish a specific number of continuing education hour requirements for registered unlicensed individuals. The proposed rules are as performance-based as possible by allowing flexibility in the method and topics of continuing education while remaining clear and enforceable.

## **ADDITIONAL NOTICE**

This Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in a [date] letter by Administrative Law Judge [name].

Our Notice Plan also includes giving notice required by statute. We will mail or e-mail the [rules and] Notice of Intent to Adopt to everyone who has registered to be on the Department's rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a. We will also give notice to the Legislature per Minnesota Statutes, section 14.116. We will also e-mail the rules and Notice of Intent to Adopt to the following organizations and trade groups:

- a. Associated Builders and Contractors
- a. Local chapter of the Association of Minnesota Building Officials (AMBO)
- b. Minnesota Mechanical Contractors Association
- c. Association of General Contractors of Minnesota
- d. Builders Association of Minnesota (BAM)
- e. Builders Association of the Twin Cities
- f. Minnesota State Fire Chiefs Association
- g. Minnesota Plumbing, Heating and Cooling Contractors Association
- h. American Society of Plumbing Engineers – Minnesota Chapter
- i. American Society of Civil Engineers – Minnesota Section
- j. Association of Minnesota Counties
- k. Building Owners and Managers (BOMA), Minneapolis
- l. Building Owners and Managers (BOMA), St. Paul
- m. League of Minnesota Cities
- n. American Council of Engineering Companies of Minnesota
- o. Minnesota Pipe Trades Association
- p. Minnesota State Fire Marshal Division
- q. Minnesota Society of Professional Engineers (MNSPE)

Our Notice Plan did not include notifying the Commissioner of Agriculture because the rules do not affect farming operations per Minnesota Statutes, section 14.111.

## **CONSULTATION WITH MMB ON LOCAL GOVERNMENT IMPACT**

As required by Minnesota Statutes, section 14.131, the Board consulted with Minnesota Management and Budget (MMB). The Board did this by sending MMB copies of the documents that we sent to the Governor's Office for review and approval on the same day we sent them to the Governor's office. We did this before publishing the Notice of Intent to Adopt. The documents included: the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. A copy of the cover correspondence and the response received from Minnesota Management and Budget, dated [date], is attached as Attachment A.

Because local governments are not actively engaged in the regulation of businesses and individuals in the plumbing and water conditioning industry, the financial impact to them is minimal. To the extent that local governments inspect the installation of water conditioning systems, the proposed rules may benefit the inspection process by enhancing the knowledge of individuals working in the industry.

## **DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION**

Minnesota Statutes, section 14.128 requires agencies to determine whether a local government will have to adopt or amend an ordinance or other regulation to comply with a proposed agency rule and submit this determination for ALJ approval. An agency must make this determination before the close of the hearing record or before the agency submits the record to the administrative law judge if there is no hearing. The Board has determined that no local government will have to adopt or amend an ordinance or other regulation to comply with the proposed rule. Plumber and water conditioner licensing and registration is enforced at the state level so no local government or municipality will be required to adopt or amend a local ordinance as a result of the proposed rule.

## **COST OF COMPLYING FOR SMALL BUSINESS OR CITY**

### **Agency Determination of Cost**

As required by Minnesota Statutes, section 14.127, the Board has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city.<sup>10</sup> The Board has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city.

The proposed rule amendments are anticipated to keep the cost of complying with the rule the same or less with the exception of the continuing education requirements for registered unlicensed individuals (water conditioners and plumbers).

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<sup>10</sup> A small business is defined as "any one business that has less than 50 full-time employees" and a small city is defined as "any one statutory or home rule charter city that has less than ten full-time employees." [Minn. Stat. § 14.127, subd. 1 \(2018\)](#).

Small cities are not anticipated to incur any costs. It is not anticipated that a small city would employ a registered unlicensed individual. Therefore, even if there are minimal increased costs for registered unlicensed individuals or employers of registered unlicensed individuals, small cities will not be affected. Furthermore, because plumber and water conditioner licensing is administered and enforced at the state level, it is not anticipated that any city, including a small city, would incur any costs to comply with the proposed rule from an administrative perspective.

Small businesses already have to track the hours worked by their individual employees so there is no additional cost anticipated in the normal course of maintaining employment records.<sup>11</sup>

If the employer chooses to pay the registration cost, assuming all possible employees are registered unlicensed individuals, the maximum annual cost for a small business would be \$19 x 49 employees<sup>12</sup> = \$931, which is well below the \$25,000 threshold.

The average cost for a two-hour continuing education course is \$ 49.00.<sup>13</sup> Again, the cost for two hours of continuing education may be paid by the registrant or the employer. If the employer chooses to pay this cost, again assuming the maximum number of employees are registered unlicensed individuals, the maximum annual cost, on average, would be \$ 49.00 x 49 employees = \$ 2,401.00. This total is again well below the \$25,000 threshold. The combined total of annual registration fees and continuing education costs is approximately \$ 3,332.00, which is well below the \$25,000 threshold.

## **LIST OF WITNESSES**

If these rules go to a public hearing, the Department anticipates having the following witnesses testify in support of the need for and reasonableness of the rules:

1. Mr. Richard Jacobs, Plumbing Board Chair, will testify about the Board's interest in amending the code.
2. Mr. Charlie Durenberger, Assistant Director, CCLD, will testify about the technical aspects of the proposed amendments.
3. Other Board members or Department of Labor and Industry staff, if necessary.

## **RULE-BY-RULE ANALYSIS**

### **4716.0010 DEFINITIONS**

The proposed rule amendment adds a subpart 6 to codify the term, "Registered unlicensed plumber." Although registered unlicensed individuals who perform and assist in plumbing have

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<sup>11</sup> See [Minn. Stat. § 326B.47, subd. 1\(c\) \(2018\)](#).

<sup>12</sup> At least one employee would have to be a licensed journeyworker or master plumber. This example is for illustrative purposes only. A small business is unlikely to have 49 registered unlicensed individuals.

<sup>13</sup> See Attachment A.

been regulated under Minn. Stat. § 326B.47 since 2010, the proposed rule amendment formally names and clarifies this category of individuals.<sup>14</sup>

## **4716.0020 EXAMINATION AND LICENSING OF PLUMBERS**

### **Subpart 1. Examinations.**

The proposed rule amendment deletes language that states two specific times of the year in which journeyworker and master plumber licensing exams will be held. The Department began offering journeyworker and master plumber licensing examinations on a weekly basis several years ago in an effort to increase the availability of exams to those seeking licensure. As result, the current rule requirement that exams be given in March and September is outdated and no longer necessary. The proposed rule amendment is necessary and reasonable because it modernizes the rule part and deletes unnecessary language.

#### **Subpart 1(A)(1)**

The proposed rule amendment clarifies that an applicant for the master plumber examination must have worked as a licensed journeyworker plumber for at least one year before he or she can qualify to take the master plumber license examination. The current language that an applicant for the master plumber examination be a licensed Minnesota journeyworker plumber license and have “five years of practical plumbing experience” has the same meaning because four years of practical plumbing experience is required to qualify for the journeyworker plumber examination and the fifth year comes the year after an individual becomes a licensed journeyworker plumber. The proposed rule states that requirement more clearly.

#### **Subpart 1(B)(1)**

The proposed rule amendment clarifies the distinction between a plumber’s apprentice defined in Minn. Stat. § 326B.42, subd. 6, and the registered unlicensed plumber, which is a newly formalized term.<sup>15</sup> See 4716.0010 analysis above. The requirement is substantively the same but clarifies the two categories of applicants and clarifies that the four years of practical plumbing experience must be recorded as required in Minn. Stat. § 326B.47, subd. 1(c).

### **Subp. 2. Experience**

#### **Subpart 2(E)**

The proposed rule amendment corrects the subitems referenced here to correspond with the proposed rule below.

#### **Subpart 2(E)(1)**

The proposed rule amendment adds the word “plumbing” before “work” to clarify that the qualifying hours must be obtained performing plumbing work, as described in the list (a) through (c).

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<sup>14</sup> See Minn. Laws, 2010 c 280 s 27 at <https://www.revisor.mn.gov/laws/2010/0/280/>

<sup>15</sup> Minn. Stat. § 326B.42, subd. 6 (2018) provides a definition of “plumber’s apprentice and defines it as “any individual who is employed in the practical installation of plumbing under an apprenticeship agreement approved by the department under section 178.07.”

### **Subpart 2(E)(3)**

The current rule requires applicants who are licensed restricted journeyworker plumbers or licensed restricted master plumbers to have completed the entire two years of practical plumbing experience within the four years before the applicant takes the examination. The proposed rule amendment deletes subitem 3 because removing this timeframe encourages licensed restricted journeyworker plumbers and licensed restricted master plumbers to take the regular licensed journeyworker plumber and licensed master plumber examinations. The proposed rule amendment broadens the pool of possible applicants. A shortage of skilled laborers is anticipated according to industry experts and [source].<sup>16</sup> The proposed rule amendment is necessary and reasonable because the applicants are still subject to examination to ensure competent licensed plumbers.

### **Subpart 2(F)**

The proposed rule amendment deletes reference to plumber's apprentice and replaces it with registered unlicensed plumber because only registered unlicensed plumbers will have a situation subject to subitems (1) and (2) that follow. Because a registered plumber's apprentice, as defined in Minn. Stat. § 326B.42, subd. 6, is part of a formal, approved apprenticeship, subitems (1) and (2) are moot issues to them. The proposed rule amendment also corrects the subitems referenced here to correspond with the proposed rule below. The proposed rule amendment is necessary and reasonable because the distinction between a registered plumber's apprentice and registered unlicensed plumber should be clear.

### **Subpart 2(F)(1)**

The proposed rule amendment adds the word "plumbing" before "work" to clarify that the qualifying hours must be obtained performing plumbing work, as described in the list (a) through (c).

### **Subpart 2(F)(2)**

The proposed rule amendment deletes the reference to subitem (3) because subitem (3) is deleted in the proposed rule. Again, the reference to "plumber's apprentice" is deleted and "unlicensed plumber" is added because only registered unlicensed plumbers will have a situation subject to subitems (1) and (2) that follow.

The proposed rule amendment provides for alternate options for an applicant to have obtained the practical plumbing experience as listed in items (a) through (c). The alternate options are substantively the same as the language that is deleted in subpart 2(F)(3). The language was removed from subitem (3) and moved to subitem (2) because combining subitems (2) and (3) into one subitem, and removing the timing requirements in subitem (3), clarifies the two avenues through which an applicant may obtain the practical plumbing experience. That is, the practical experience must be obtained as a registered unlicensed plumber or through one of the ways listed in (2)(a) through (c). There is minimal substantive change to subitems (2) and (3) as the intent is to clarify the different acceptable ways to obtain the practical plumbing experience.

### **Subpart 2(G)**

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<sup>16</sup> [ADD SOURCE HERE]

The proposed rule amendment corrects the reference numbering to reflect the proposed amendments. For example, the reference to subitem (3) is replaced with subitem “(2), units (a) to (c)” because the proposed rule amendment moves the content in subitem (3) to subitem (2), units (a) to (c). The word “master” is added and “or plumbing contractor” is deleted because a plumbing contractor is a business entity and a human being must provide the certification. The reference to “plumber’s apprentice” is deleted and “registered unlicensed plumber” is added to be consistent with the proposed amendments above.

## **4716.0040 EXPIRATION OF LICENSES**

### **Subpart 1. Issuance and expiration**

The proposed rule amendment provides consistency for all journeyworker licensees and master licensees and aligns the rules with Minnesota Statutes.<sup>17</sup> The proposed rule amendment simplifies the renewal of journeyworker plumber and master plumber licenses. All journeyworker plumber licenses will expire on December 31 of odd-numbered years rather than on anniversary dates of license issuance. All master plumber licenses will expire on December 31 of even-numbered years. The Department can provide more efficient administration and enforcement of the licensing rules, thereby keeping enforcement costs, and therefore license fees, down. Individual licensees and the Department benefit from the proposed change.

The renewal window for restricted journeyworker and restricted master plumbers was changed from 12 months to within “two years of the license expiration” to grant restricted license holders additional time to renew their license before permanently forfeiting their restricted plumber license. Because failing to renew timely results in permanent forfeiture, it is reasonable to grant license holders more than 12 months to renew. The two-year time period to renew is consistent with the renewal period for licensed journeyworker and master plumbers. Restricted journeyworker and restricted master plumber licenses are relatively few in number and are a holdover from the transition from no licensure in cities with populations less than 5,000 to statewide plumber licensing in 2005. Restricted plumber licenses were granted to individuals who were performing plumbing at the time of the transition and who performed plumbing work in municipalities with a population under 5,000. A plumber holding a restricted license may not perform plumbing work in municipalities with a population over 5,000. No new restricted plumber licenses have been granted since the transition period. Once a restricted license is forfeited, it cannot be reinstated or renewed.

### **Subpart 2. License renewals**

The proposed rule amendment clarifies that license renewal applications must be submitted by December 31 of the year in which the license expires to be a timely renewal.

The proposed rule amends the timeframe in which a restricted journeyworker or restricted master plumber must pay the past due renewal fee to coordinate with the two year timeframe proposed in subpart 1 above.

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<sup>17</sup> See [Minn. Stat. § 326B.49, subd. 1\(b\) \(2018\)](#). This statute was amended in 2016. See [Minn. Laws, 2016 c. 189 art. 8 sec. 3](#).

## **4716.0050 REGISTRATION OF PLUMBER'S APPRENTICE**

The proposed rule amends the title of this rule part to “REGISTRATION OF REGISTERED UNLICENSED PLUMBER.” The proposed rule amendment aligns the title with the title change to Minn. Stat. § 326B.47, which was changed from “Plumber’s Apprentices” to “Unlicensed Individuals” in 2010.<sup>18</sup> This amendment is reasonable because chapter 4716 regulates registered unlicensed plumbers but not registered plumber’s apprentices who are part of a formal apprenticeship program. The formal distinction between a plumber’s apprentice and a registered unlicensed plumber is relatively new.<sup>19</sup> Rule titles are not enforceable but the title change adds clarity to the rule part particularly since the rule specifically states that it does not apply to registered plumber’s apprentices.

### **Subpart 1. Scope.**

The proposed rule amendment updates and corrects this subpart. The proposed rule amendment updates the word “shall (not)” with “does (not)” because “shall (not)” is not grammatically correct. Also, the change to “does (not)” modernizes the language and is plain language. The proposed rule amendment corrects the referenced statute cite. The current rule refers to “Minnesota Statutes, section 326B.47, subdivision 1, clause (1)” however, there is no such clause (1). The correct cite format is Minnesota Statutes, section 326B.47, subdivision 1, *paragraph (a)*. Emphasis added. The proposed rule amendment changes the plural “plumber’s apprentices” to singular for consistency with the rest of the rule chapter.

### **Subp. 2. Registration requirements**

The proposed rule amendments change all “plumber’s apprentice” references to “registered unlicensed plumber.” Plumber’s apprentices are regulated under the formal, approved apprenticeship agreement subject to Minnesota Statutes, chapter 178 and related rule chapters. The proposed rule amendment is necessary and reasonable because it uses terminology that is consistent with Minn. Stat. § 326B.47 and other proposed amendments in this rule chapter.

## **4716.0091 DEFINITIONS**

### **Subpart 1. Scope.**

The proposed rule amendment adds “Subpart 1. Scope” because now that a second subpart is added, it is necessary and reasonable to number and title the subpart. When it was the only subpart in this section, it was not necessary to number and title it.

### **Subpart 2. Registered unlicensed water conditioner**

The proposed rule amendment adds this subpart to establish and define the term, “Registered unlicensed water conditioner.” Although registered unlicensed individuals who perform and assist in plumbing have been regulated under Minn. Stat. § 326B.47 since 2010, registered unlicensed water conditioners is a newly established category of regulated parties per the 2017 legislature.<sup>20</sup> It is necessary and reasonable to establish and define this terms that identifies the legislature’s newly regulated category of individuals.

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<sup>18</sup> See Minn. Laws, 2010 c 280 s 27 at <https://www.revisor.mn.gov/laws/2010/0/280/>

<sup>19</sup> *Id.*

<sup>20</sup> See Minn. Laws, [2017 c 94 art 2 s 14](https://www.revisor.mn.gov/laws/2017/0/Session+Law/Chapter/94/) at <https://www.revisor.mn.gov/laws/2017/0/Session+Law/Chapter/94/>.

## **4716.0092 LICENSURE**

### **Subpart 1. Water conditioning contractor.**

The proposed rule amendment reduces redundant language and thereby provides clarity and consistency with the current Minnesota Statutes 326B.50, subs. 1a and 2a. The proposed rule amendment replaces all references to “water conditioning master or master plumber” with “responsible licensed master” because “responsible licensed master” is a term already defined in Minnesota Statutes 326B.50, subd. 1a and the definition requires the individual to be a “water conditioning master or licensed master plumber.” All the language that the proposed rule amendment deletes is deleted because it is addressed by using the defined term “responsible licensed master.” There is no substantive change to the rule part.

### **Subpart 3. Water conditioning journeyworker.**

The proposed rule amendment adds that, in addition to the six months of practical experience and passing an exam, an applicant for the water conditioning journeyworker license must be a registered unlicensed water conditioner in Minnesota except as permitted in subpart 4, item A, subitem (4). The proposed rule amendment is necessary and reasonable to ensure that the qualifying experience is obtained under proper qualified conditions and is consistent with Minn. Stat. § 326B.555.

### **Subpart 4. Experience.**

Subpart 4 provides specific requirements for the experience needed in subparts 2 and 3. There are no proposed amendments to items A through C. Items D and E are new to provide the specific experience requirements for registered unlicensed water conditioners and the employer of the registered unlicensed water conditioner and water conditioning journeyworker. The statutory authority to regulate registered unlicensed water conditioners is new. Therefore, this formalized category of regulated individuals is new, thus, the new items in this subpart. Items A through C detail the requirements for other required experiences listed in subparts 2 and 3.

#### **Subpart 4(D)(1)**

The proposed rule amendment is new to address the newly formalized category of registered unlicensed water conditioner and what is expected of those applicants. The proposed rule amendment clearly states the requirement (to be a registered unlicensed water conditioner while obtaining the practical water conditioning experience) and clarifies that the exception in Minn. Stat. § 326B.555, subd. 2, applies here. This is necessary and reasonable because it should be clear what is expected of the regulated parties, what other permissions apply to the requirement and is consistent with Minn. Stat. § 326B.555. The exception in Minn. Stat. § 326B.555, subd. 2, grants flexibility to applicants.

#### **Subpart 4(D)(2)**

The proposed rule amendment clarifies what is required of the licensed water conditioning master who is responsible for certifying the work performed by the registered unlicensed water conditioner. It is necessary and reasonable to clearly state the requirements. The requirements are reasonable and consistent with the requirements in Minn. R. part 4716.0020, subp. 2, and Minn.

R. part 4716.0092, subp. 4(C), while tailored to the water conditioner licensing requirements. The proposed rule amendment is consistent with Minn. Stat. § 326B.555.

### **Subpart 4(E)(1) and (2)**

The proposed rule amendment adds recordkeeping requirements for the employers of water conditioning journeyworkers and registered unlicensed water conditioners. The proposed rule amendment requires the employers to record the practical water conditioning experience worked by each employee and to maintain those records for at least six years. The registered unlicensed water conditioner needs this record of experience to qualify as an applicant for the journeyworker exam and the journeyworker needs the recorded experience to qualify for the master exam. It is necessary and reasonable to require the employer to make and maintain these records and such requirement is consistent with Minn. Stat. § 326B.555. It is necessary and reasonable for the employer to maintain these records for six years after the employee's last recorded experience because it gives applicants time to take the journeyworker exam after completing the training and for the journeyworker to take the master exam. There are a variety of reasons why an applicant might be delayed in taking an examination. For example, a medical incident or family emergency that delays the applicant from taking the examination. Six years balances flexibility for the applicant with minimal burden for the employer. Six years is consistent with the record retention requirement for registered unlicensed plumbers in part 4716.0020, subp. 2(G)(2).

## **4716.0093 UNLICENSED WATER CONDITIONER REGISTRATION**

### **Subpart 1. Registration requirements**

The proposed rule amendment establishes the requirements and qualifications to become a registered unlicensed water conditioner. For example, the proposed rule amendment requires a person to submit an application and fee to the Department annually to become a registered unlicensed water conditioner. Registrations are effective from July 1 through June 30 of the following year and late renewals require payment of a late fee. This date range is consistent with Minn. Stat. § 326B.555 and the registered unlicensed plumber registration dates in Minn. R. part 4716.0050, subp. 2. This is necessary and reasonable because having a set registration period makes administration of and compliance with the rule easier and more efficient for both the Department who enforces the rule and the registrants complying with the code. This efficiency keeps licensing fees down.

The proposed rule amendment establishes reasonable qualifications in items A and B that are consistent with Minn. Stat. § 326B.555 and other similar rules. Specifically, item A requires a registered unlicensed water conditioner to be at least 18 years of age or a high school graduate, though individuals as young as 16 may register and perform work if they are supervised by the individual's parent. Item B requires applicants for an unlicensed water conditioner registration to provide to the Department certain personal information, including Social Security number as required by Minn. Stat. § 270C.72.<sup>21</sup> These qualifications are consistent with the qualifications for registered unlicensed plumbers in Minn. R. part 4716.0050, subp. 2, and Minn. Stat. § 326B.555. This information is necessary and reasonable for the Department to be able to verify individual identities and is consistent with Minnesota Statutes.

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<sup>21</sup> See [Minn. Stat. § 270C.72 \(2018\)](#).

## 4716.0205 REQUIREMENTS

### **Subpart 1. Continuing education; content.**

Plumbing licensees are currently required to take 16 hours of approved continuing education each two-year license period. The proposed rule amendment does not change that total number of required hours.

### **Subpart 1(A)**

The proposed rule amendment lowers the minimum number of continuing education hours that must pertain to the Plumbing Code from twelve to eight and allows the remainder of the required hours to pertain to the Plumbing Code or technical topics related plumbing installations and equipment, Minnesota Rules chapter 4716, the Minnesota State Building Code, or the Plumbing and Water Conditioning sections of Minnesota Statutes, chapter 326B. The proposed rule amendment changes only the minimum number of hours that must pertain to the Plumbing Code and allows a licensee to obtain all continuing education hours on the Plumbing Code. This is necessary and reasonable because eight hours of Plumbing Code instruction will be sufficient for some veteran licensed plumbers while newer licensed plumbers might benefit from more Plumbing Code instruction hours. The proposed rule amendment allows more flexibility while maintaining a high standard of qualifications. The proposed rule amendment is consistent with the state regulatory policy in Minn. Stat. § 14.002 that encourages agencies to develop rules that “emphasize superior achievement in meeting the agency’s regulatory objectives and maximum flexibility for the regulated party.”<sup>22</sup> Because knowledge of the Plumbing Code is essential to safe plumbing practices, and the Plumbing Code changes, it is reasonable to require licensed individuals have a minimum number of continuing education hours on the Plumbing Code.

The proposed rule amendment corrects the reference to Minnesota Statutes, sections 326B.41 to 326B.49 to Minnesota Statutes, sections 326B.41 to **326B.59**, emphasis added, because the range to 326B.49 does not include the water conditioning sections, which are sections 326B.50 through 326B.59. This also provides additional flexibility in the topics in which licensed plumbers may get the required continuing education hours.

The proposed rule amendment allows licensed individuals to tailor their continuing education hour topics to their needs while also maintaining high quality continuing education because all continuing education courses must be approved, pursuant to Minnesota Rules, parts 4716.0200 through 4716.0210.

The proposed rule amendment eliminates the current four-hour limit on continuing education hours obtained by any electronic media. That is, online continuing education hours are currently limited to four of the sixteen. The proposed rule amendment is necessary and reasonable because some licensed plumbers in outstate Minnesota have some challenges with accessing in-person continuing education courses that metro area plumbers do not have. For example, there are fewer in-person course offerings in outstate Minnesota. Allowing all sixteen continuing education hours to be obtained online modernizes the requirement and recognizes the changes and improvements in technology. Electronic media standards are established in Minnesota Statutes,

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<sup>22</sup> See [Minn. Stat. § 14.002 \(2018\)](#).

sections 326B.098 to 326B.099. The online courses must also be approved pursuant to Minnesota Rules, parts 4716.0200 through 4716.0210 like any other in-person course. The proposed rule amendment is consistent with the state regulatory policy in Minn. Stat. § 14.002 that encourages agencies to develop rules that “emphasize superior achievement in meeting the agency’s regulatory objectives and maximum flexibility for the regulated party.”

These changes are intended to make it easier and less costly for licensees to obtain the continuing education required to maintain licensure while maintaining quality education. Continuing education requirements for regulated parties are necessary and reasonable to ensure competency and recognizes industry changes in the interest of public health.

### **Subpart 1(B)**

Licensed water conditioning journeyworkers and masters must obtain four hours of continuing education hours per two-year licensing period. The proposed rule amendment deletes unnecessary language and adds the requirement that two of the four required continuing education hours must pertain to the Plumbing Code and the remaining two hours may pertain to the Plumbing Code or an existing list of other relevant topics. The proposed rule amendment maintains the same number of hours as the current rule and maintains flexibility while ensuring licensed water conditioners stay current with the Plumbing Code in addition to technical topics. It is necessary and reasonable to require licensed water conditioners to take two hours of continuing education on the Plumbing Code because their work is controlled by the Plumbing Code. Because the scope of their work is not as broad as licensed plumbers, it is reasonable that the total number of required continuing education hours is fewer than licensed plumbers. Correspondingly, the required minimum number of continuing education hours on the Plumbing Code is also fewer than what is required for licensed plumbers.

The proposed rule amendment adds that the continuing education hours may be obtained online, subject to the requirements in Minn. Stat. §§ 326B.098 to 326B.099. This proposed amendment is consistent with the proposed amendment in subpart 1(A) above.

### **Subpart 1(C)**

The proposed rule amendment creates a new requirement for registered unlicensed plumbers and water conditioners to take two hours of continuing education each year as a condition of renewing their registration. Registered unlicensed plumbers must take two hours of continuing education on the Plumbing Code because the range of work they may perform is broad and includes the entire scope of the Plumbing Code. Registered unlicensed water conditioners must take one hour of continuing education on the Plumbing Code and the other hour of continuing education may be on the Plumbing Code or a technical topic related to water conditioning installation. The scope of the work of a registered unlicensed water conditioner is limited to water conditioning so they do not work with the entire Plumbing Code.

For many registered unlicensed plumbers and water conditioners, the continuing education requirement is absorbed into their training toward qualifying for the journeyworker exam in their respective field. For other registered unlicensed plumbers and registered unlicensed water conditioners who do not intend to take the journeyworker exam in their respective field, this requirement ensures they stay current with industry practices and the Plumbing Code.

For both registered unlicensed plumbers and water conditioners, the continuing education hours may be taken online. This requirement will enhance registrants' knowledge and understanding of the Plumbing Code and other information relevant to their work. While field work is important, there are tables and calculations in the Plumbing Code that industry professionals must be aware of and learn about. A continuing education class is a setting conducive to learning about certain aspects of the Plumbing Code.

Similarly, registered unlicensed electricians have been required to obtain two hours of continuing education every renewal period since 2009.<sup>23</sup> It is necessary and reasonable to require a regulated party to obtain some continuing education to maintain their registration to ensure competence in the interest of public health.

### **Subpart 1(D) and (E)**

The proposed rule amendment renumbers these paragraphs to reflect the new paragraphs added above. There are no substantive changes.

### **LIST OF EXHIBITS (Optional)**

In support of the need for and reasonableness of the proposed rules, the Department anticipates that it will enter the following exhibits into the hearing record: [List the exhibits.]

### **CONCLUSION**

Based on the foregoing, the proposed rules are both needed and reasonable.

\_\_\_\_\_  
[Date]

\_\_\_\_\_  
Richard Jacobs  
Plumbing Board Chair

This Statement of Need and Reasonableness was made available for public review on \_\_\_\_\_, 2018.

[References to Published Materials. Published materials should not be attachments or exhibits to the SONAR. The following published materials may just be referenced in the SONAR: Minnesota Statutes, Minnesota Rules, United States Statutes at Large, United States Code, Laws of Minnesota, Code of Federal Regulations, and the Federal Register. If you rely on or refer to other published materials in the SONAR, it would be a good idea to attach a bibliography to the SONAR and include a statement on where the material is available or the url links to find the material online.]

[References to Nonpublished Materials. Nonpublished materials such as letters from expert witnesses should either be exhibits attached to the SONAR or the content of the letter should be directly quoted in the SONAR. Note: All exhibits that are not attached to the SONAR must be available for review.]

<sup>23</sup> See [Minn. R. 3800.3602 \(2018\)](#). See also [https://www.revisor.mn.gov/state\\_register/34/15/](https://www.revisor.mn.gov/state_register/34/15/).

DRAFT

November 1, 2018

**VIA EMAIL ONLY**

Suzanne Todnem  
Department of Labor and Industry  
443 Lafayette Rd N  
Saint Paul, MN 55155  
[Suzanne.Todnem@state.mn.us](mailto:Suzanne.Todnem@state.mn.us)

**Re: Request for Notice Hearing for Proposed Amendments to  
Rules Governing Plumbing Licensing  
OAH 8-9001-35569; Revisor R-4365**

Dear Ms. Todnem:

Enclosed herewith and served upon you please find the **ORDER ON REVIEW OF ADDITIONAL NOTICE PLAN AND DUAL NOTICE** in the above-entitled matter.

Prior to publishing the notice in the State Register, please notify the Office of Administrative Hearings (OAH) at [katie.lin@state.mn.us](mailto:katie.lin@state.mn.us) in order to activate the agency's eComments page on OAH's website. **Please note that if you do not notify us of the publication, the eComments site will not be available to receive public comments.**

If you have any questions regarding this matter, please contact Katie Lin at (651) 361-7911, [katie.lin@state.mn.us](mailto:katie.lin@state.mn.us) or facsimile at (651) 539-0310.

Sincerely,



Sheena Denny  
Legal Assistant

Enclosure

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Rules Governing the  
Minnesota Plumbing Code

**ORDER ON REVIEW OF ADDITIONAL  
NOTICE PLAN AND DUAL NOTICE**

This matter came before Administrative Law Judge Eric L. Lipman upon the application of the Minnesota Department of Labor and Industry (Department) for a legal review under Minn. R. 1400.2060, subp. 3 and 1400.2080, subp. 5 (2017).

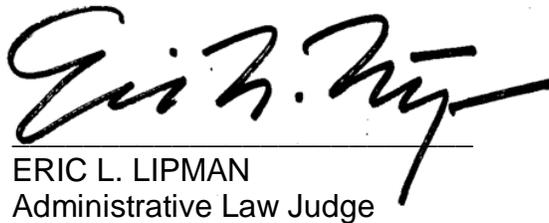
October 25, 2018, the Department filed documents with the Office of Administrative Hearings seeking review and approval of its additional notice plan and dual notice.

Based upon a review of the written submissions by the Department, including its plan to notify a variety of professional associations of plumbers, building contractors, engineers and fire safety officials,

**IT IS HEREBY ORDERED THAT:**

1. The Additional Notice Plan is **APPROVED**.
2. The Dual Notice is **APPROVED** contingent upon the following additions to the text of the Notice: The appointment of the undersigned Administrative Law Judge, Eric L. Lipman is noted in the paragraph entitled: "Notice of Hearing."

Dated: November 1, 2018

  
ERIC L. LIPMAN  
Administrative Law Judge

# Plumbing Board Meeting Minutes

July 21, 2015 at 9:30 a.m.

Minnesota Room – Department of Labor and Industry  
443 Lafayette Road North, St. Paul, MN 55155

## Members

John Parizek (Chair)  
Joe Beckel  
Jeff Brown  
Scott Eggen  
John Flagg  
Mike Herman  
Larry Justin  
Jim Kittelson  
Jim Lungstrom  
Pete Moulton  
Phillip Sterner

## Members Absent

Grant Edwards  
Ron Thompson

## DLI Staff & Visitors

Wendy Legge (Chief Gen. Counsel, DLI)  
Suzanne Todnem (DLI)  
Jim Peterson (DLI)  
Lyndy Lutz (DLI)  
Charlie Durenberger (DLI)  
Chuck Olson (DLI)  
Gary Thaden (MMCA)  
Matt Marciniak (IAPMO)  
Doug Seaton (ICC)  
Richard Hauffe (ICC)  
Mike McGowan (MWQA)  
Jeff Hill (Robert B. Hill Co/MNQA)  
Mike Carter (MWQA)  
M. Johnson (MWQA)  
Scott Thompson (MN Plumbing Training)  
Tim Power (MNLA)  
Phil Raines (ABC)  
Luke Westman (PHCC)  
Brian Soderholm (Soderholm/Water Control)  
Ryan Ries (Ramsey County Parks)  
Scott Yonke (Ramsey County)  
Shawn McMillan (FSI)  
Rebecca Ames (City of Bloomington)  
Jim Gander (Superior Mechanical)  
Paul Diegnau (Keller Golf Course)  
Bernie Mays (WaterMaze) via teleconference

### **I. Call to Order**

The meeting was called to order by Chair Parizek at 9:40 a.m. Introductions and housekeeping announcements were made. Attendance was taken; a quorum was met.

### **II. Approval of Meeting agenda**

A motion was made by Justin, seconded by Eggen, to approve the agenda with items added to VI Special Business as shown below. The vote was unanimous; the motion carried.

- A) Officer Elections
  - a. Board Chairman
  - b. Vice Chairman
  - c. Secretary

- B) **Data Practices**
- C) Petition for Variance – Manitou Ridge Golf Course
- D) Reciprocity
- E) Minnesota Rules, Chapter 4716
  - a. Continuing Education
  - b. Registered Unlicensed – Water Conditioning
  - c. Effects of Plumbing Code Rules
- F) **Committee Appointments**
  - a. **Recommendation for Board member to CCAC**
  - b. **Ad-hoc Committee for proposed amendments to UPC**
  - c. **Ad-hoc Committee to address inspection uniformity on a state-wide basis**
- G) **Approval of 2015/2016 meeting schedule**

### III. Approval of Previous Meeting Minutes

- A. Plumbing Board Minutes – April 27, 2015  
 A motion was made by Flagg, seconded by Beckel, to approve the Minutes as presented. The majority vote ruled with three abstentions; the motion carried.

### IV. Regular Business

- Approval of Expense Reports –Parizek approved the expenses as presented.

### V. Committee Reports

#### A) Department Updates

Charlie Durenberger, Licensing and Enforcement/Assistant Director, CCLD gave an update on issues regarding continuing education (CE) for master plumbers. One of the biggest issues for master plumbers that renewed their licenses this last summer and journeyman workers that will renew this winter is the inability to complete CE courses online. In current rule there is a 4 hour limitation for the number of online hours that can be taken. In addition, plumbers do not realize they need 4 hours of technical topic areas. The Board should consider changing CE requirements.

**Currently Rulemaking** – Todnem gave an update. The last step is to publish the Notice of Adoption, hopefully by July 27, 2015. There is new legislation that will become effective August 1, 2015 – see Attachment A.

**Legislative Changes** – Legge referred to Attachment A noting that Section 6 of 326B.106 does not affect the Board, only building code rules adopted by the Commissioner but 326B.106, Section 7 does affect the Board and changes the language as follows: “A rule to adopt or amend the State Building Code is effective **180 270** days after publication of the rule’s notice of adoption in the State Register.” This amendment took away the Board’s authority and the department plans to seek legislation to reinsert “or board” where shown: “The rule may provide for an earlier effective date if the commissioner ~~or board~~ proposing the rule finds that an earlier effective date is necessary to protect public health and safety considering, among other things, the need for time for training of individuals to comply with and enforce the rule.”

- B) **Executive Committee**
  - a. Report of Chair
    - i. Code Book Update – visit <http://www.dli.mn.gov/cclcd/codes15.asp>
    - ii. Outstanding RFA's – with the code going into effect these will be taken care of.
  
- C) **Construction Codes Advisory Council**

John McConnell did not attend the meeting. No update.

VI. **Special Business**

- A) **Officer Elections** – Lungstrom asked for nominations.
  - a. **Board Chairman** – Sterner nominated Parizek. No other nominations were given. The vote was unanimous, nomination passed. John Parizek was re-elected as Chair.
  - b. **Vice Chairman** – Flagg nominated Edwards. No other nominations were given. The vote was unanimous, nomination passed. Edwards was re-elected as Vice-Chair.
  - c. **Secretary** – Kittelson nominated Sterner. No other nominations were given. The vote was unanimous; nomination passed. Phil Sterner was re-elected as Secretary.

The meeting was turned back over to Chair Parizek.

- B) **Data Practices**

Legge referred to Attachment B, a data practices request from Seaton, Peters & Revnew, and said all Board members should have received an email from her reminding them not to destroy any emails or correspondence that might be responsive. Under the Data Practices Act, when someone makes a request for public data, the department can charge for the time spent gathering the data and making copies and she would provide an estimate of these charges to the requestor. Legge referred to the Board's By-Laws (shown below) and said the Board needs to consider whether to specifically authorize the Board members as directed by *counsel* to respond to the data practices request and also needs to consider if members should be compensated at the rate of \$55 per Diem for this work.

*Article VIII. Internal standards related to "day spent on Board business"*

*When authorized by the Board, members may be compensated at the rate of \$55 per diem for each day spent on Board activities in addition to being reimbursed for expenses as authorized by the commissioner's plan adopted under Minnesota Statutes section 43A.18, subdivision 2. The Board defines a day spent on Board activities as any day members attend a regular or special Board meeting, or when specifically authorized by the Board to attend committee meetings or other meetings or activities or perform other duties on any day other than the day of a regular or special Board meeting.*

**A motion was made by Eggen, seconded by Flagg, for the Board to specifically authorize Board members to perform duties as directed by Board *counsel* in order to respond to Mr. Seaton’s July 9, 2015, data practices request and the Board authorizes Board members to be compensated at the rate of \$55 per Diem for each day spent performing these duties. The vote was unanimous; the motion carried.**

**C) Petition for Variance – Manitou Ridge Golf Course**

- Ryan Ries, Project Manager, Ramsey County Parks and Recreation
- Shawn McMillan, Fluid Solutions representing WaterMaze
- Bernie Mays, WaterMaze via teleconference
- Paul Diegnau, Keller Golf Course superintendent.

Environment stewardship is very important to Ramsey County and they feel very strongly about their obligation to preserve natural resources. See Attachment C regarding their Petition for a Variance.

**A motion was made by Eggen, seconded by Kittelson, based on all information provided; the Board has determined that no variance is required from Minnesota Rule 4715.1200. The majority vote ruled with 10 for / 1 against; the motion carried.**

**D) Reciprocity**

The Chair stated that Board does not have the authority to enter into a reciprocity agreement with other states but the Board does have the authority to approve a reciprocity agreement entered into by the commissioner. A recommendation needs to be made by the Board to resolve this issue. The last agreement was signed in 1989. A Reciprocal Agreement was approved back in 2009 and is supposed to be renewed regularly if not annually.

Legge referred to Minnesota Statute 326B.48, as shown below:

***“326B.48 RECIPROCITY WITH OTHER STATES.***

*(a) The commissioner may enter into reciprocity agreements for personal licenses with another state if approved by the board. Once approved by the board, the commissioner may issue a plumber's license without requiring the applicant to pass an examination provided the applicant...”*

CE requirements were discussed and Legge added that a rule change would be needed to amend hours. Durenberger provided handouts – see Attachment D, E, and F. The Board should look at amending the 4 hour CE requirement – it is very difficult to find courses online because companies do not want to invest in providing only 4 hours.

**A Motion was made by Kittelson, seconded by Beckel, to recommend that a new reciprocity agreement be drafted for the commissioner of the Department of Labor and Industry to sign between Minnesota and North & South Dakota for initial licenses. The vote was unanimous; the motion carried.**

The meeting broke for lunch until 1:15 p.m.

**E) Minnesota Rules, Chapter 4716**

**a. Continuing Education**

A rulemaking process would need to be opened to make any changes with a request for comments period this could take 1 to 2 years to adopt any proposed changes.

**b. Registered Unlicensed – Water Conditioning**

Legge noted that in order to change provisions a change in statute would be required. Jeff Hill, Minnesota Water Quality Association, said he should present a full scope of their legislation at the next Board meeting.

**c. Effects of Plumbing Code Rules**

Parizek said that with the publication of the adoption of the proposed plumbing code in the State Register the Board needs to review changes to licensing and certifications. He noted that rain water catchment system language needs to be reviewed. Parizek said draft language could be brought back to the board with a request for comments so that rulemaking could be opened up to address reciprocity and CE requirements.

Justin asked the Board if they wanted to start the process so that an agreement on CE could be reached. Input from the public could occur before the next meeting.

**A motion was made by Justin, seconded by Sterner, to authorize the Board Chair to publish a Request for Comments on amendments to all of Chapter 4716 including amendments on the following topics: Amending Continuing Education (CE) rules, consideration of registered unlicensed water conditioning individuals, and amendments for consistency with the new plumbing code. The vote was unanimous; the motion carried.**

**F) Committee Appointments**

**a. Recommendation for Board member to CCAC**

By unanimous decision, the Board voted Jim Kittelson to continue as the Board's member to the Construction Codes Advisory Council with Larry Justin as his alternate.

**b. Ad-hoc Committee for proposed amendments to UPC**

The Committee will review UPC edition (2015) with possible amendments to 2018 plumbing code. Members:

1. John Parizek
2. John Flagg
3. Scott Eggen – Chair
4. Phil Sterner
5. Larry Justin
6. Jim Lungstrom
7. Joe Beckel
8. (possibly Edwards and Moulton)

**c. Ad-hoc Committee to address inspection uniformity on a state-wide basis**

Members:

1. Phil Sterner – Chair
2. Scott Eggen
3. Jim Kittelson
4. Jim Lungstrom
5. John Parizek
6. (possibly Edwards and Moulton)

**G) Approval of 2016 meeting schedule as follows:**

A motion was made by Sterner, seconded by Justin, to approve the proposed Board meeting dates for 2016 as shown below. Vote was unanimous; the motion passed.

- January 19, 2016
- April 19, 2016
- July 19, 2016
- October 18, 2016

**VII. Complaints**

No complaints

**VIII. Open Forum**

Douglas Seaton and Richard Hauffe, both from ICC, addressed the Board, stating they will be filing an appeal of Judge LaFave's decision approving the issuance of the amendments to the plumbing code statute and rules. This will be filed as soon as possible. The basic idea of the appeal is to have the Board reconsider the codes and consider the alternate code to the UPC. They believe the Board should have adopted the *IPC* all along and would like to see the Board adopt this code instead. In light of this there is one approach, the statutory standard that they would be applying and seeking to convince the appeals court that there is simply no need for this particular rule adoption and it is not reasonable to have adopted the code that was adopted as opposed to the alternative code. They believe there are procedural issues in regards to the manner in which the code was adopted. The procedural issue relates back to what *board counsel* commented on in terms of the adoption process because they understood from earlier comments of *board counsel* this morning that the Board would be proceeding to publish the amendments prior to the August 1 deadline of the statutory provision providing for

a 270 day *delay* before the effective date. What they would ask the Board to do is not to do this but instead to proceed to publish the rule after August 1<sup>st</sup> so that the new statute would be in effect and there would be a 270 day interval. *They claim waiting* would be to everyone's advantage.

Chair Parizek announced that the Board was entering a closed session due to attorney client communication with respect to the threatened litigation by Douglas Seaton and Richard Hauffe, ICC.

The meeting closed and was not recorded due to attorney client communication; the meeting re-opened and recording resumed.

**A motion was made by Eggen, seconded by Justin, to continue moving forward with the publication of the Notice of Adoption as soon as possible as originally planned. The vote was unanimous; the motion carried.**

**IX. Board Discussion**

No discussion

**X. Announcements**

Next regularly scheduled meetings – all meetings will be held at 9:30 a.m. in the Minnesota Room. Executive Committee meetings occur at 8:00 a.m. prior to each regular meeting.

- a) January 19, 2016
- b) April 19, 2016
- c) July 19, 2016
- d) October 18, 2016

**XI. Adjournment**

A motion was made by Sterner, seconded by Beckel, to adjourn the meeting at 2:41 p.m. The vote was unanimous; the motion carried.

Respectfully submitted,

*Phil Sterner*

Phil Sterner

**Legislative Update For July 21, 2015, Plumbing Board Meeting**

**From 2015 Minnesota Laws, chapter 54, Article 1**

**Sec. 6. Minnesota Statutes 2014, section 326B.106, subdivision 1, is amended to read:  
Subdivision 1.**

**Adoption of code.**

(a) Subject to paragraphs (c) and (d) and sections 326B.101 to 326B.194, the commissioner shall by rule and in consultation with the Construction Codes Advisory Council establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control. The code must also include duties and responsibilities for code administration, including procedures for administrative action, penalties, and suspension and revocation of certification. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall administer and enforce the provisions of those sections.

(b) The commissioner shall develop rules addressing the plan review fee assessed to similar buildings without significant modifications including provisions for use of building systems as specified in the industrial/modular program specified in section 326B.194. Additional plan review fees associated with similar plans must be based on costs commensurate with the direct and indirect costs of the service.

(c) Beginning with the 2018 edition of the model building codes and every six years thereafter, the commissioner shall review the new model building codes and adopt the model codes as amended for use in Minnesota, within two years of the published edition date. The commissioner may adopt amendments to the building codes prior to the adoption of the new building codes to advance construction methods, technology, or materials, or, where necessary to protect the health, safety, and welfare of the public, or to improve the efficiency or the use of a building. –

(d) Notwithstanding paragraph (c), the commissioner shall act on each new model residential energy code and the new model commercial energy code in accordance with federal law for which the United States Department of Energy has issued an affirmative

determination in compliance with United States Code, title 42, section 6833. The commissioner may adopt amendments prior to adoption of the new energy codes, as amended for use in Minnesota, to advance construction methods, technology, or materials, or, where necessary to protect the health, safety, and welfare of the public, or to improve the efficiency or use of a building. ...

... **EFFECTIVE DATE.** ...

... This section is effective August 1, 2015, and applies to all model code adoptions beginning with the 2018 model building code. ...

**Sec. 7. Minnesota Statutes 2014, section 326B.13, subdivision 8, is amended to read:  
Subd. 8.**

**Effective date of rules.**

A rule to adopt or amend the State Building Code is effective ...180...270... days after publication of the rule's notice of adoption in the State Register. The rule may provide for a later effective date. The rule may provide for an earlier effective date if the commissioner ...or board... proposing the rule finds that an earlier effective date is necessary to protect public health and safety after considering, among other things, the need for time for training of individuals to comply with and enforce the rule. ...The commissioner must publish an electronic version of the entire adopted rule chapter on the department's Web site within ten days of receipt from the revisor of statutes. The commissioner shall clearly indicate the effective date of the rule on the department's Web site....

**Note from Wendy Legge:** This section is effective August 1, 2015.



# Seaton | Peters | Revnew

*The Lawyers for Employers*

**Attachment B -**

Douglas P. Seaton  
Attorney at Law

Tel 952.921.4604  
dseaton@seatonlaw.com

**VIA EMAIL**

July 9, 2015

Jessica Looman  
Deputy Commissioner  
443 Lafayette Road North  
St. Paul, MN 55155  
[jessica.looman@state.mn.us](mailto:jessica.looman@state.mn.us)

Re: Minnesota Government Data Practices Act Request

Dear Ms. Looman:

This letter is directed to you as the assigned data practices compliance official for the Minnesota Department of Labor and Industry. Please consider this a formal request from a member of the public under the Minnesota Government Data Practices Act (Minn. Stat. § 13.01 *et seq.*) regarding the following documents and other information in the possession of the Minnesota Department of Labor and Industry (“MnDOLI”) and any of its subdivisions regarding:

1. All correspondence and email messages, including emails from personal email accounts, sent to or received from any members of the Minnesota State Plumbing Board and/or its subcommittees that mention the Uniform Plumbing Code (UPC), the International Association of Plumbing and Mechanical Officials (IAPMO), the International Plumbing Code (IPC), or the Minnesota Plumbing Code, since January of 2010.
2. All correspondence and email messages, including emails to and from personal email accounts, sent to or received from any employee, contractor, or commissioner of MnDOLI, including attorneys and legal liaisons, that mention the Uniform Plumbing Code (UPC), the International Association of Plumbing and Mechanical Officials (IAPMO), the International Plumbing Code (IPC), or the Minnesota Plumbing Code, since January of 2010.
3. All email messages, including emails to and from personal email accounts, sent to or received from any email address containing “iapmo.”

4. All correspondence and email messages, including emails to and from personal email accounts, sent between any members of the Minnesota State Plumbing Board and/or its subcommittees and the following individuals:
  - a. Neil Bogatz, general counsel of IAPMO
  - b. Russ Chaney, CEO of IAPMO
  - c. Matt Marciniak
  - d. Minnesota State Representative Tim Mahoney
  - e. Allen Inlow, Senior Vice President Business & Product Development for IAPMO
  - f. Bruce Pfeiffer, President of IAPMO Board of Directors
  - g. DJ Nunez, Vice President of IAPMO Board of Directors
  - h. David Straub, Secretary/Treasurer of IAPMO Board of Directors
  - i. Gary Hile, Immediate Past President of IAPMO Board of Directors
  - j. Laura Biggie, Member of IAPMO Board of Directors
  - k. Thomas Bigley, Member of IAPMO Board of Directors
  - l. Ken Borski, Member of IAPMO Board of Directors
  - m. Rick Coffman, Member of IAPMO Board of Directors
  - n. Marty Cooper, Member of IAPMO Board of Directors
  - o. Mike Durfee, Member of IAPMO Board of Directors
  - p. David Gans, Member of IAPMO Board of Directors
  - q. Jim Humphrey, Member of IAPMO Board of Directors
  - r. Jim Imprescia, Member of IAPMO Board of Directors
  - s. Hugh Kelleher, Member of IAPMO Board of Directors
  - t. Steven Nastruz, Member of IAPMO Board of Directors
  - u. Steven Panelli, Member of IAPMO Board of Directors
  - v. Don Summers, Jr., Member of IAPMO Board of Directors
  - w. Dave Viola, IAPMO Chief Operating Officer & Sr. VP Business Strategy
  - x. Peter DeMarco, IAPMO Senior Vice President of Advocacy and Research
  - y. Dwight Perkins, IAPMO Senior Vice President of Field Services
  - z. Gary Thaden, Government Affairs Director for Minnesota Mechanical Contractors Association
  
5. All correspondence and email messages, including emails to and from personal email accounts, sent between any employee, contractor, or commissioner of MnDOLI or any of its subdivisions, including attorneys and legal liaisons, and the following individuals:
  - a. Neil Bogatz, general counsel of IAPMO
  - b. Russ Chaney, CEO of IAPMO
  - c. Matt Marciniak
  - d. Minnesota State Representative Tim Mahoney

- e. Allen Inlow, Senior Vice President Business & Product Development for IAPMO
  - f. Bruce Pfeiffer, President of IAPMO Board of Directors
  - g. DJ Nunez, Vice President of IAPMO Board of Directors
  - h. David Straub, Secretary/Treasurer of IAPMO Board of Directors
  - i. Gary Hile, Immediate Past President of IAPMO Board of Directors
  - j. Laura Biggie, Member of IAPMO Board of Directors
  - k. Thomas Bigley, Member of IAPMO Board of Directors
  - l. Ken Borski, Member of IAPMO Board of Directors
  - m. Rick Coffman, Member of IAPMO Board of Directors
  - n. Marty Cooper, Member of IAPMO Board of Directors
  - o. Mike Durfee, Member of IAPMO Board of Directors
  - p. David Gans, Member of IAPMO Board of Directors
  - q. Jim Humphrey, Member of IAPMO Board of Directors
  - r. Jim Imprescia, Member of IAPMO Board of Directors
  - s. Hugh Kelleher, Member of IAPMO Board of Directors
  - t. Steven Nastruz, Member of IAPMO Board of Directors
  - u. Steven Panelli, Member of IAPMO Board of Directors
  - v. Don Summers, Jr., Member of IAPMO Board of Directors
  - w. Dave Viola, IAPMO Chief Operating Officer & Sr. VP Business Strategy
  - x. Peter DeMarco, IAPMO Senior Vice President of Advocacy and Research
  - y. Dwight Perkins, IAPMO Senior Vice President of Field Services
  - z. Gary Thaden, Government Affairs Director for Minnesota Mechanical Contractors Association
6. All correspondence and email messages, including emails to and from personal email accounts, regarding the selection of the Uniform Plumbing Code (UPC) as the replacement plumbing code in Minnesota.
7. All correspondence and email messages, including emails to and from personal email accounts, sent to or received from all members of the Minnesota State Plumbing Board and/or its subcommittees regarding replacing the current Minnesota Plumbing Code with a model plumbing code.
8. All correspondence and email messages, including emails to and from personal email accounts, sent to or received from all members of the Minnesota State Plumbing Board and/or its subcommittees, that mention the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada (UA) or its Twin Cities affiliate, Local 15.
9. All correspondence and email messages, including emails to and from personal email accounts, sent to or received from any employee, contractor, or

Jessica Looman  
July 9, 2015  
Page 4

commissioner of MnDOLI, including attorneys and legal liaisons, that mention the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada (UA), or its Twin Cities affiliate, Local 15.

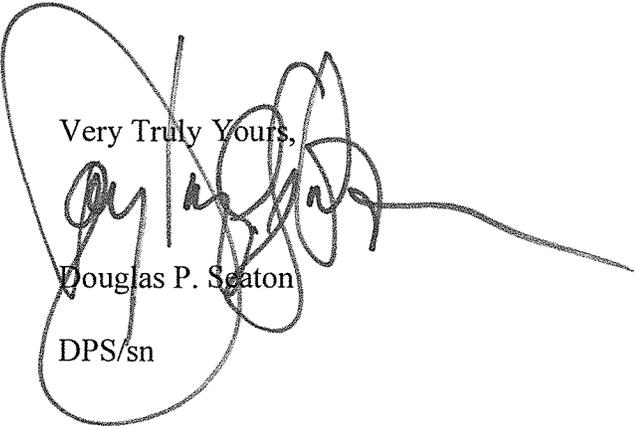
Please provide me with photocopies of the requested information above preferably in electronic format, or if the information is not available in electronic format, by U.S. Mail at the address listed above. I am aware that this request may incur search, processing and photocopying costs and would ask that MnDOLI invoice my firm when it produces the requested information. You may also contact me when an amount is determined and I will send you payment. However, if the fee for this request exceeds \$150.00, please contact me before proceeding with making any copies.

If MnDOLI denies this request in whole or in part based on a claim that the information requested is not public, please provide a list of information withheld, cite the specific statutory or regulatory authority upon which MnDOLI's denial is based for each piece of information withheld, and explain any statutory rights to appeal the determination.

If the intent of this request is not understood, or you are not the responsible authority designated to handle Minnesota Government Data Practices Act requests, please contact me immediately.

Thank you for your attention to this matter.

Very Truly Yours,

  
Douglas P. Seaton

DPS/sn

cc: John Parizek, Chair of the Minnesota State Plumbing Board, via U.S. Mail



July 9, 2015

Plumbing Board  
c/o Department of Labor and Industry  
443 Lafayette Road North  
St Paul MN 55155-4344

Re: Petition for a Variance  
Manitou Ridge Golf Course – White Bear Lake, MN  
DOLI Plan No. PLB1306-00125

Response to April 30, 2015 Letter,

To Whom It May Concern,

Please find below our formal response to your letter dated April 30, 2015 regarding the above-listed variance petition.

**1. Please submit to the Plumbing Board the information that was submitted to the Department of Health in order to obtain permission for the Keller Golf Course installation.**

Attached are the architectural and plumbing plans from the 2002 Keller Golf Course Maintenance Facility project. As previously stated, we do not have access to information for Minikahda Golf Club. However, attached is a 2001 document discussing the WaterMaze system installed there.

**2. Please explain why you believe that a variance is justified either as a mandatory variance or a discretionary variance under Minn. Stat. 14.055.**

Response: This variance is justified as a discretionary variance for the following reasons:

- 1. - (A)pplication of the rule to the petitioner would result in hardship or injustice.**  
Application of this rule would force Ramsey County to use hundreds of thousands of gallons of unnecessary water instead of being able to recycle water for cart washing. This would cause hardship to White Bear Lake, which is fed from the same aquifer. Additionally, Ramsey County Parks and Recreation is committed to environmental stewardship as part of our mission. We take great pride in managing natural resources and utilizing creative technologies to lessen our footprint on the environment.

Application of this rule would force us into a business practice that is counter to our mission.

2. - **(V)ariance from the rule would be consistent with the public interest.** Variance from this rule is consistent with the public interest. In fact, it appears the current rule is in conflict with the public interest when it comes to environmental concerns. Water conservation and recycling is directly applicable to Minn. Stat. 116D.02 Subd. 2, paragraph (13) which states that the State is responsible to:

(C)onserve natural resources and minimize environmental impact by encouraging extension of product lifetime, by reducing the number of unnecessary and wasteful materials practices, and by recycling materials to conserve both materials and energy.

Variance from the rule would result in a reduction of a wasteful material practice (using large quantities of water to wash carts) by recycling (and conserving) water.

3. - **(V)ariance from this rule would not prejudice the substantial legal or economic rights of any person or entity.** This variance would not negatively impact the legal or economic rights of any person or entity. Water conservation, and by extension natural resource (White Bear Lake) preservation, is a best practice that enhances quality of life in our communities.

**3. Please provide information on the discharge water quality in connection with the proposed system. If approved for reuse, to what water quality standard will the discharge water conform to, such as ANSI/NSF Standard 350? Please provide your intended requirements.**

Response: The discharge water is treated with high-output ultraviolet ozone, which disinfects the water so it is suitable for re-use.

**4. Which type of system are you proposing to use? There are various models of the Water Maze system contained in the paperwork submitted. It is unclear which of the models listed is the intended model for installation.**

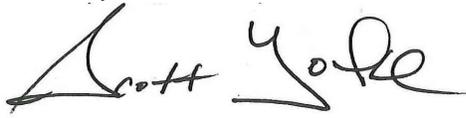
Response: The proposed system is the Recycle System, CLB-603A.

**5. Please clarify if the grey water would be re-used in any way. It is not clear if the variance request is to treat waste water for discharge into the sanitary system or to treat waste water for reuse. Is it the intent to have the Plumbing Board make that decision?**

Response: The variance request is to treat waste water for closed-loop reuse in cart-washing applications.

Please contact me if you have any questions.

Sincerely, -

A handwritten signature in black ink that reads "Scott Yonke". The signature is written in a cursive style with a large, sweeping initial "S" and a distinct "Y".

Scott Yonke  
Director of Planning & Development  
Ramsey County Parks & Recreation  
2015 N. Van Dyke St.  
Maplewood, MN 55109

# 2014 Minnesota Statutes

## **326B.0981 CONTINUING EDUCATION; NONDEPARTMENT SEMINARS.**

### **Subd. 4. Internet continuing education.**

(a) The design and delivery of an Internet continuing education course must be approved by the International Distance Education Certification Center (IDECC) or the International Association for Continuing Education and Training (IACET) before the course is submitted for the commissioner's approval. The approval must accompany the course submitted.

(b) An Internet continuing education course must:

- (1) specify the minimum computer system requirements;
- (2) provide encryption that ensures that all personal information, including the student's name, address, and credit card number, cannot be read as it passes across the Internet;
- (3) include technology to guarantee seat time;
- (4) include a high level of interactivity;
- (5) include graphics that reinforce the content;
- (6) include the ability for the student to contact an instructor or course sponsor within a reasonable amount of time;
- (7) include the ability for the student to get technical support within a reasonable amount of time;
- (8) include a statement that the student's information will not be sold or distributed to any third party without prior written consent of the student. Taking the course does not constitute consent;
- (9) be available 24 hours a day, seven days a week, excluding minimal downtime for updating and administration, except that this provision does not apply to live courses taught by an actual instructor and delivered over the Internet;
- (10) provide viewing access to the online course at all times to the commissioner, excluding minimal downtime for updating and administration;
- (11) include a process to authenticate the student's identity;
- (12) inform the student and the commissioner how long after its purchase a course will be accessible;
- (13) inform the student that license education credit will not be awarded for taking the course after it loses its status as an approved course;
- (14) provide clear instructions on how to navigate through the course;
- (15) provide automatic bookmarking at any point in the course;

(16) provide questions after each unit or chapter that must be answered before the student can proceed to the next unit or chapter;

(17) include a reinforcement response when a quiz question is answered correctly;

(18) include a response when a quiz question is answered incorrectly;

(19) include a final examination in which the student must correctly answer 70 percent of the questions;

(20) allow the student to go back and review any unit at any time, except during the final examination;

(21) provide a course evaluation at the end of the course. At a minimum, the evaluation must ask the student to report any difficulties caused by the online education delivery method;

(22) provide a completion certificate when the course and exam have been completed and the provider has verified the completion. Electronic certificates are sufficient and shall include the name of the provider, date and location of the course, educational program identification that was provided by the department, hours of instruction or continuing education hours, and licensee's or attendee's name and license, certification, or registration number or the last four digits of the licensee's or attendee's Social Security number; and

(23) allow the commissioner the ability to electronically review the class to determine if credit can be approved.

(c) The final examination must be either an encrypted online examination or a paper examination that is monitored by a proctor who certifies that the student took the examination.

cb_legal_name	zc_city	zc_state
NATIONAL CODE SEMINARS	PELHAM	AL
NORTEK SECURITY AND CONTROL	CARLSBAD	CA
LOGIX INSULATED CONCETE FORMS	HEADINGLEY MB	CN
AMERICAN TRAINCO INC	ENGLEWOOD	CO
NATIONAL TECHNOLOGY TRANSFER INC	ENGLEWOOD	CO
BRIDGEPORT FITTINGS INC	STRATFORD	CT
CBT DEVELOPMENT CORP	ZEPHYRHILLS	FL
MIKE HOLT ENTERPRISES	LEESBURG	FL
TECHKNOWLEDGE	MIAMI	FL
THE MEDIA FACTORY INC	TAMPA	FL
NATIONAL ASSCICATION OF ELEVATOR CONTRACTORS	CONYERS	GA
COOPER ELECTRIC	DECORAH	IA
INTERSTATES CONSTRUCTION SERVICES	SIOUX CENTER	IA
THE CEU AUTHORITY LLC	DES MOINES	IA
VGM GROUP INC - AHIA	WATERLOO	IA
WLN ENTERPRISES	SHELDON	IA
GLENTRONICS INC	PRAIRIE VIEW	IL
HARGER LIGHTNING & GROUNDING	GRAYSLAKE	IL
INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHAN	MOKENA	IL
HOME DEPOT	SHAWNEE MISSIOI	KS
IDEAL WERNER ELECTRIC	SHAWNEE MISSIOI	KS
VIEGA LLC	WICHITA	KS
HONEYWELL	LOUISVILLE	KY
ALLIANCE FOR ENVIRONMENTAL SUSTAINABILITY - GREENHI	GRAND RAPIDS	MI
BUILDERS LICENSE TRAINING	WILLIAMSBURG	MI
CONTRACTORS TRAINING INSTITUTE LLC	WHITE LAKE	MI
10000 LAKES CHAPTER INTERNATIONAL CODE COUNCIL	ST PAUL	MN
A MASTERS WORK CE LTD	ST FRANCIS	MN
A1 MEDICAL GAS INC	EAGAN	MN
ADAM WOLFE	ROSEMOUNT	MN
ALLINA HEALTH MERCY HOSPITAL	COON RAPIDS	MN
AMERICAN TRADES TRAINING INSTITUTE INC	ANOKA	MN
ANASTASIS INC	GLYNDON	MN
APEX SOLAR	ST CLOUD	MN
ARROWHEAD BUILDERS ASSOCIATION	DULUTH	MN
ARROWHEAD CHAPTER IC OF BO	DULUTH	MN
ASSN REALTORS/RANGE	BRITT	MN
ASSOCIATION OF MN BUILDING OFFICIAL	BROOKLYN PARK	MN
BAYER BUILT WOODWORKS, INC.	BELGRADE	MN
BETTER BUSINESS BUREAU OF MN & ND	BURNSVILLE	MN
BLANDIN PAPER CO	GRAND RAPIDS	MN
BUILDERS ASSOCIATION OF THE TWIN CITIES	ROSEVILLE	MN
BUILDING KNOWLEDGE INC	BURNSVILLE	MN

C BLOCK INSPECTIONS	LE CENTER	MN
CARI HELBERG	WEST ST PAUL	MN
CCARSA	MENDOTA	MN
CENTER POINT ENERGY RESOURCES CORP	MINNEAPOLIS	MN
CENTRACARE HEALTH	ST CLOUD	MN
CENTRAL IRRIGATION SUPPLY	EAGAN	MN
CENTRAL LAKES COLLEGE	BRAINERD	MN
CENTRAL MN BUILDERS ASSN	ST CLOUD	MN
CENTURY COLLEGE	WHITE BEAR LAKE	MN
CHRIS FROEMMING	WABASHA	MN
CITY OF ALBERT LEA	ALBERT LEA	MN
CITY OF ALEXANDRIA - BLDG DEPARTMENT	ALEXANDRIA	MN
CITY OF AUSTIN	AUSTIN	MN
CITY OF LA CRESCENT	LA CRESCENT	MN
CITY OF NORTHFIELD	NORTHFIELD	MN
CITY OF RAMSEY	ANOKA	MN
CITY OF WINONA	WINONA	MN
CODE PLUS ELECTRIC INC	DETROIT LAKES	MN
COMCAST	ST PAUL	MN
CONSOLIDATED LUMBER COMPANY	STILLWATER	MN
CONSTRUCTION EDUCATION FOUNDATION OF MN	EDEN PRAIRIE	MN
COOK COUNTY LOCAL ENERGY PROJECT	GRAND MARAIS	MN
COUNTRY LUMBER INC	BECKER	MN
CS MEDIA INC	BLAINE	MN
DAKOTA COUNTY TECHNICAL COLLEGE	ROSEMOUNT	MN
DALE E WHITE PROBID LLC MANAGING PARTNER	MINNEAPOLIS	MN
DALEY ELECTRIC LLC	ST PAUL	MN
DAVE KICHLER INSPECTIONS INC	STACY	MN
DOYLE TRANKEL	MINNEAPOLIS	MN
DRN ENTERPRISES - ARROW LIFT	DULUTH	MN
DUNWOODY COLLEGE OF TECHNOLOGY	MINNEAPOLIS	MN
ED LETHERT ASSOCIATES INC	GOLDEN VALLEY	MN
EDUCATION SPECIALTIES	EDEN PRAIRIE	MN
ELECTROTECH INCORPORATED	GOLDEN VALLEY	MN
ELEVATOR SPECIALTY SERVICES	FERTILE	MN
ELLINGSON PLUMBING HEATING & AC	ALEXANDRIA	MN
ENERGY & ENVIRONMENTAL BLDG ASSN	EDEN PRAIRIE	MN
FARRISH JOHNSON LAW OFFICE CHTD	MANKATO	MN
FEDERAL MEDICAL CENTER	FARIBAULT	MN
FERCHE MILLWORK INC	RICE	MN
FERGUSON ENTERPRISES	ROSEVILLE	MN
FIRST SUPPLY LLC	ROCHESTER	MN
FOLEY & MANSFIELD PLLP	MINNEAPOLIS	MN
FOUR MATION SALES	ROGERS	MN

GAF	MINNEAPOLIS	MN
GAS TEACHERS	HOPKINS	MN
GREEN CODE KNOWLEDGE LLC	BLAINE	MN
HEADWATERS BUILDERS ASSOCIATION	BEMIDJI	MN
HELLMUTH & JOHNSON PLLC	MINNEAPOLIS	MN
HENNEPIN TECHNICAL COLLEGE	EDEN PRAIRIE	MN
HIBBING COMMUNITY COLLEGE	HIBBING	MN
HILMERSON SAFETY SERVICES INC	SAVAGE	MN
IBEW NECA TWIN PORTS ARROWHEAD ELECTRICAL JATC	DULUTH	MN
INDEPENDENT ELECTRICAL CONSULTING LLC	ROSEVILLE	MN
INDUSTRIAL INSITE LLC	MAPLE GROVE	MN
J BERD MECHANICAL CONTRACTORS INC	ST CLOUD	MN
JB OMEARA CO	BURNSVILLE	MN
JOHN NOZZARELLA	ANOKA	MN
KAPLAN PROFESSIONAL SCHOOLS	ST PAUL	MN
LAKE REGION BUILDERS ASSOCIATION	DETROIT LAKES	MN
LAKES AREA PLUMBING CODE INSTRUCTION	HEWITT	MN
MARVIN LUMBER AND CEDAR COMPANY	WARROAD	MN
METRO SHEETMETAL JATC	WHITE BEAR LAKE	MN
METRO TESTING METRO MECHANICAL CONSULTANTS LLC	HINCKLEY	MN
MICHEL SALES AGENCY INC	ST PAUL	MN
MIDWAY VOTECH	ST PAUL	MN
MIDWEST ENVIRONMENTAL CONSULTING LLC	MORA	MN
MIDWESTERN ELECTRICAL SEMINARS	NEW LONDON	MN
MINNEAPOLIS ELECTRICAL JATC	ST MICHAEL	MN
MINNEAPOLIS PUBLIC SCHOOL	MINNEAPOLIS	MN
MINNESOTA ASSN OF HOUSING CODE OFFICIALS	ST PAUL	MN
MINNESOTA ASSOCIATION OF PLUMBING AND MECHANICA	BLOOMINGTON	MN
MINNESOTA ASSOCIATION OF PLUMBING HEATING COOLING	MINNEAPOLIS	MN
MINNESOTA BUILDING PERMIT TECHNICIANS ASSN	ANOKA	MN
MINNESOTA CHAPTER IAEI	ROSEVILLE	MN
MINNESOTA DEPT OF CORRECTIONS LINO LAKES	CIRCLE PINES	MN
MINNESOTA DEPT OF HEALTH	ST PAUL	MN
MINNESOTA DEPT OF LABOR AND INDUSTRY	ST PAUL	MN
MINNESOTA DEPT OF TRANSPORTATION ELECTRICAL SERVICE	ST PAUL	MN
MINNESOTA ELECTRICAL ASSN INC	MINNEAPOLIS	MN
MINNESOTA ELECTRICAL EDUCATION AND TRAINING SEMINAR	AITKIN	MN
MINNESOTA ELECTRICAL TRAINING CENTER	MINNEAPOLIS	MN
MINNESOTA PIPE TRADES	MINNEAPOLIS	MN
MINNESOTA POWER	DULUTH	MN
MINNESOTA RIVER BUILDERS ASSN	MANKATO	MN
MINNESOTA SAFETY COUNCIL INC	ST PAUL	MN
MINNESOTA STATE COMMUNITY & TECH COLLEGE WADENAWADENA	WADENA	MN
MINNESOTA STATEWIDE LIMITED ENERGY JATC	FRIDLEY	MN

MINNESOTA WATER QUALITY ASSOCIATION	COON RAPIDS	MN
MLK SEMINARS LLC	PRIOR LAKE	MN
MN NURSERY & LANDSCAPE ASSOCIATION	ROSEVILLE	MN
MNSPECT LLC	WACONIA	MN
MONDALE & ASSOCIATES INC	EDEN PRAIRIE	MN
MULCAHY COMPANY	EAGAN	MN
NATIONAL ASSOCIATION OF THE REMODELING INDUSTRY	MINNEAPOLIS	MN
NORTH CENTRAL ELECTRICAL LEAGUE	BLOOMINGTON	MN
NORTH COUNTRY AQUACARE INC	BRAINERD	MN
NORTHERN MINNESOTA BUILDERS ASSOCIATION	GRAND RAPIDS	MN
NORTHERN STATES POWER COMPANY - XCEL ENERGY	MINNEAPOLIS	MN
NORTHLAND ELECTRICAL CODE SEMINARS LLC	MENAHGA	MN
NORTHSTAR ASSOCIATES INC	BLAINE	MN
NORTHSTAR TECH	ALEXANDRIA	MN
NORTHWEST CHAPTER OF MN	DETROIT LAKES	MN
OPTIVATION BEMIDJI STATE UNIVERSITY	BEMIDJI	MN
OSHA ENVIRONMENTAL COMPLIANCE SYSTEMS INC	ROBBINSDALE	MN
PAUL KRMPOTICH	MELROSE	MN
PLUMBERS SERVICES MN	RUSHFORD	MN
PLUMBOLOGY LLC	MARSHALL	MN
POWER CONSULTING & TRAINING INC	ROSEVILLE	MN
POWER LIMITED TRAINING SERVICES	WYOMING	MN
PREWIRE SPECIALISTS	ROSEVILLE	MN
PROFESSIONAL EDUCATION RESOURCES LLC	RED WING	MN
RESIDENTIAL SCIENCE RESOURCES	EAGAN	MN
RG HIGGINS AND ASSOCIATES INC	FRIDLEY	MN
RIDGEWATER COLLEGE	WILLMAR	MN
RIVERLAND COMMUNITY COLLEGE	AUSTIN	MN
RL BURK & ASSOCIATES	MENDOTA HEIGHT	MN
ROCHESTER AREA BUILDERS INC	ROCHESTER	MN
ROEDER SMITH JADIN LLC	BLOOMINGTON	MN
RON BELDO LLC	EVELETH	MN
RONALD M STROM	SPICER	MN
RUSSELL THORNBURG	OWATONNA	MN
RYAN ELECTRIC INC	EAGAN	MN
SCHROEDER SALES COMPANY	MAPLE GROVE	MN
SILENT KNIGHT	MINNEAPOLIS	MN
SIMPSON STRONG TIE	EAGAN	MN
SIWEK LUMBER & MILLWORK INC	JORDAN	MN
SODERHOLM & ASSOCIATES	ANOKA	MN
SOUTH CENTRAL COLLEGE NORTH MANKATO	NORTH MANKATO	MN
SOUTH CENTRAL MN JATC	ROCHESTER	MN
ST CLOUD TECHNICAL & COMMUNITY COLLEGE	ST CLOUD	MN
ST PAUL ELECTRICAL JATC	ST PAUL	MN

ST PAUL PIPEFITTERS JOINT APPRENTICE TRAINING COMMIT	ROSEVILLE	MN
STANDARD HEATING AND AIR CONDITIONING	MINNEAPOLIS	MN
SUNDE SCHOOL	AUSTIN	MN
SUNDE SEMINARS INC	BLOOMING PRAIRI	MN
TERRA LOGIC BUILDING PRODUCTS	PELICAN RAPIDS	MN
TERRADEK LIGHTING INC	PLYMOUTH	MN
THE BUILDERS GROUP	EAGAN	MN
THOMAS KOPPERUD	RUSHFORD	MN
THREE RIVERS PARK DISTRICT	PLYMOUTH	MN
UNIVERSITY OF MINNESOTA	ST PAUL	MN
UPONOR INC	APPLE VALLEY	MN
WALLIS ACADEMY INC	ROBBINSDALE	MN
WATER HEATERS ONLY LLC	GOLDEN VALLEY	MN
WATERGROUP INC	FRIDLEY	MN
WEST CENTRAL BUILDERS ASSOCIATION	NEW LONDON	MN
WESTERN LAKE SUPERIOR PLBG CONTRATORS	DULUTH	MN
WESTWOOD PROFESSIONAL SERVICES INC	EDEN PRAIRIE	MN
WILLMAR ELECTRIC SERVICE CORP	WILLMAR	MN
ZOTA SAFETY SERVICES LLC	ANDOVER	MN
HCI INC	O FALLON	MO
JADE LEARNING	RALEIGH	NC
TEKTONE SOUND & SIGNAL MFG INC	FRANKLIN	NC
BERGSTROM ELECTRIC ICS INC	GRAND FORKS	ND
DAKOTAS ELECTRICAL JATC	FARGO	ND
ENVIRONMENTAL TRAINING INSTITUTE	GRAND FORKS	ND
FORX BUILDERS ASSN	GRAND FORKS	ND
HOME BLDRS ASSN OF FARGO-MOORHEAD	FARGO	ND
LUNSETH PLUMBING AND HEATING CO	GRAND FORKS	ND
MINNKOTA POWER COOPERATIVE INC	GRAND FORKS	ND
NORTH DAKOTA CHAPTER IAEI	BISMARCK	ND
NORTH DAKOTA STATE COLLEGE OF SCIENCE	WAHPETON	ND
NORTH DAKOTA STATE ELECTRICAL BOARD	BISMARCK	ND
TJP ELECTRICAL TRAINING	COLFAX	ND
ADVANCE ELECTRIC SOLUTIONS	OMAHA	NE
FLIR SYSTEMS INFRARED TRAINING CENTER	NASHUA	NH
ELECTRICAL DIAGNOSTIC SURVEYS	FRANKLIN	OH
HONDROS PROFESSIONAL EDUCATION	WESTERVILLE	OH
MINNESOTA WATER WELL ASSOCIATION	WESTERVILLE	OH
PLY GEM CORPORATION	SIDNEY	OH
AT YOUR PACE ONLINE LLC	GRANTS PASS	OR
LUTRON ELECTRONICS	COOPERSBURG	PA
ARNE ELECTRO TECH SEMINARS	RAPID CITY	SD
BUILDING PRODUCTS INC	SIOUX FALLS	SD
IEC DAKOTAS INC	PIERRE	SD

MIDWESTERN MECHANICAL INC	SIOUX FALLS	SD
MIKE MILLER INSTRUCTIONAL SERVICES	WATERTOWN	SD
MUTH ELECTRIC INC	MITCHELL	SD
ADVANTAGE LIEN PROTECTION LLC	HALES CORNERS	WI
CAPITAL WATER SOFTENER INC	MADISON	WI
ENTERPRISE SAFETY LLC	DURAND	WI
FOXBLOCKS	BALSAM LAKE	WI
GTO MARKETING LLC	REESEVILLE	WI
LAKE STATES ENVIRONMENTAL LTD	RICE LAKE	WI
MIDWEST RENEWABLE ENERGY ASSOCIATION	CUSTER	WI
PDH ACADEMY LLC	PEWAUKEE	WI
SARRAK LLC	RIVER FALLS	WI
SEVENTHWAVE	MADISON	WI
SHOCK ELECTRIC INC	HUDSON	WI
SPEARS MANUFACTURING	JANESVILLE	WI
LORMAN EDUCATION SERVICES		



## Approved continuing education courses

To limit the search change "All" to a specific license discipline. Columns can be sorted by clicking the column header (e.g. Course name, Location, etc.), clicking the same column header again will reverse the order. For information click the "Details" link.



 Courses per page 

	Date	Course name	Location	Limited	Credits
<a href="#">Details</a>	7/22/2015	ADVANCED PLUMBING CONTINUING EDUCATION COURSE PART 2	ST PAUL MN	INSTALLER	8.00
<a href="#">Details</a>	7/22/2015	INITIAL EPA LEAD SAFETY FOR RENOVATION, REPAIR, AND PAINTING	SOUTH ST PAUL MN		8.00
<a href="#">Details</a>	7/24/2015	PLUMBING CONTINUING ED 2	ST PAUL MN		8.00
<a href="#">Details</a>	7/25/2015	PLUMBING CONTINUING EDUCATION	ST PAUL MN		8.00
<a href="#">Details</a>	7/29/2015	TANKLESS WATER HEATER TROUBLESHOOTING	GOLDEN VALLEY MN		2.00
<a href="#">Details</a>	7/31/2015	MN ADOPTION OF THE 2012 IRC	MAPLE GROVE MN	INSTALLER	3.00
<a href="#">Details</a>	7/31/2015	PLUMBING CONTINUING EDUCATION	ST PAUL MN		8.00
<a href="#">Details</a>	7/31/2015	REFRESHER EPA RENOVATE, REPAIR, AND PAINT & MN ADOPTION OF THE 2012 IRC	MAPLE GROVE MN	ENERGY	7.00
<a href="#">Details</a>	8/1/2015	PLUMBING CONTINUING ED 2	ST PAUL MN		8.00
<a href="#">Details</a>	8/3/2015	2014 NFPA 13D RESIDENTIAL FIRE SPRINKLER TRAINING	APPLE VALLEY MN		4.00
<a href="#">Details</a>	8/3/2015	LEAD RENOVATION, REPAIR & PAINTING REFRESHER TRAINING	COON RAPIDS MN		4.00
<a href="#">Details</a>	8/4/2015	MN ADOPTION OF THE 2012 IRC	SOUTH ST PAUL MN	INSTALLER	3.00
<a href="#">Details</a>	8/4/2015	REFRESHER EPA RENOVATE, REPAIR, AND PAINT & MN ADOPTION OF THE 2012 IRC	SOUTH ST PAUL MN	ENERGY	7.00
<a href="#">Details</a>	8/5/2015	LEAD SAFE RENOVATOR - REFRESHER	WHITE BEAR LAKE MN		4.00
<a href="#">Details</a>	8/6/2015	LEAD SAFTY FOR RENOVATION REPAIR & PAINTING CERTIFIED RENOVATOR (MI)	COON RAPIDS MN		8.00
<a href="#">Details</a>	8/7/2015	PLUMBING CONTINUING ED 2	ST PAUL MN		8.00
<a href="#">Details</a>	8/8/2015	PLUMBING CONTINUING EDUCATION	ST PAUL MN		8.00
<a href="#">Details</a>	8/10/2015	BACKFLOW PREVENTION RENEWAL TRAINING AND CERTIFICATION	ELBOW LAKE MN		16.00
<a href="#">Details</a>	8/10/2015	BACKFLOW PREVENTION TESTER ASSE 5110 TRAINING AND CERTIFICATION	ELBOW LAKE MN		40.00
<a href="#">Details</a>	8/10/2015	MINNESOTA REBUILDER CONVERSION TO ASSE 5130 REPAIRER TRAINING & CERTIFICATION	ELBOW LAKE MN		8.00
<a href="#">Details</a>	8/11/2015	LEAD SAFE RENOVATOR - REFRESHER	RICE LAKE WI		4.00
<a href="#">Details</a>	8/12/2015	TANKLESS WATER HEATER TROUBLESHOOTING	GOLDEN VALLEY MN		2.00
<a href="#">Details</a>	8/14/2015	LEAD SAFE RENOVATOR - REFRESHER	CHIPPEWA FALLS WI		4.00
<a href="#">Details</a>	8/14/2015	PLUMBING CONTINUING EDUCATION	ST PAUL MN		8.00
<a href="#">Details</a>	8/15/2015	PLUMBING CONTINUING ED 2	ST PAUL MN		8.00
<a href="#">Details</a>	8/17/2015	ASSE 5110 TESTER RECERTIFICATION	CIRCLE PINES MN		8.00
<a href="#">Details</a>	8/21/2015	MN ADOPTION OF THE 2012 IRC	MAPLE GROVE MN	INSTALLER	3.00
<a href="#">Details</a>	8/21/2015	PLUMBING CONTINUING ED 2	ST PAUL MN		8.00
<a href="#">Details</a>	8/21/2015	REFRESHER EPA RENOVATE, REPAIR, AND PAINT & MN ADOPTION OF THE 2012 IRC	MAPLE GROVE MN	ENERGY	7.00
<a href="#">Details</a>	8/22/2015	PLUMBING CONTINUING EDUCATION	ST PAUL MN		8.00
<a href="#">Details</a>	8/26/2015	TANKLESS WATER HEATER TROUBLESHOOTING	GOLDEN VALLEY MN		2.00
<a href="#">Details</a>	8/28/2015	LEAD SAFE RENOVATOR - REFRESHER	SUPERIOR WI		4.00
<a href="#">Details</a>	8/28/2015	PLUMBING CONTINUING EDUCATION	ST PAUL MN		8.00
<a href="#">Details</a>	8/29/2015	PLUMBING CONTINUING ED 2	ST PAUL MN		8.00
<a href="#">Details</a>	8/31/2015	LEAD RENOVATION, REPAIR & PAINTING REFRESHER TRAINING	COON RAPIDS MN		4.00
<a href="#">Details</a>	9/1/2015	LEAD SAFTY FOR RENOVATION REPAIR & PAINTING CERTIFIED RENOVATOR (MI)	COON RAPIDS MN		8.00
<a href="#">Details</a>	9/4/2015	LEAD SAFE RENOVATOR - REFRESHER	SUPERIOR WI		4.00
<a href="#">Details</a>	9/8/2015	MN ADOPTION OF THE 2012 IRC	SOUTH ST PAUL MN	INSTALLER	3.00
<a href="#">Details</a>	9/8/2015	REFRESHER EPA RENOVATE, REPAIR, AND PAINT & MN ADOPTION OF THE 2012 IRC	SOUTH ST PAUL MN	ENERGY	7.00
<a href="#">Details</a>	9/9/2015	LEAD SAFE RENOVATOR - REFRESHER	WHITE BEAR LAKE MN		4.00
<a href="#">Details</a>	9/9/2015	PREPARING PLUMBERS FOR THE UPC	ROCHESTER MN		8.00
<a href="#">Details</a>	9/10/2015	PREPARING PLUMBERS FOR THE UPC	NORTH MANKATO MN		8.00
<a href="#">Details</a>	9/11/2015	PLUMBING CONTINUING ED 2	ST PAUL MN		8.00
<a href="#">Details</a>	9/12/2015	PLUMBING CONTINUING EDUCATION	ST PAUL MN		8.00
<a href="#">Details</a>	9/14/2015	ASSE 5110 NEW TESTER COURSE 40 HOUR	CIRCLE PINES MN		24.00
<a href="#">Details</a>	9/14/2015	ASSE 5110 TESTER RECERTIFICATION	CIRCLE PINES MN		8.00
<a href="#">Details</a>	9/14/2015	ASSE BACKFLOW TESTER AND REBUILDER RECERTIFICATION	CIRCLE PINES MN		16.00
<a href="#">Details</a>	9/14/2015	BACKFLOW PREVENTION TESTER ASSE 5110 TRAINING AND CERTIFICATION	ANOKA MN		40.00

<a href="#">Details</a>	9/14/2015	LEAD RENOVATION, REPAIR & PAINTING REFRESHER TRAINING	COON RAPIDS MN		4.00
<a href="#">Details</a>	9/16/2015	INITIAL EPA LEAD SAFETY FOR RENOVATION, REPAIR, AND PAINTING	SOUTH ST PAUL MN		8.00
<a href="#">Details</a>	9/16/2015	LEAD SAFE RENOVATOR - REFRESHER	LA CROSSE WI		4.00
<a href="#">Details</a>	9/18/2015	LEAD SAFE RENOVATOR - REFRESHER	RICE LAKE WI		4.00
<a href="#">Details</a>	9/18/2015	PLUMBING CONTINUING EDUCATION	ST PAUL MN		8.00
<a href="#">Details</a>	9/19/2015	PLUMBING CONTINUING ED 2	ST PAUL MN		8.00
<a href="#">Details</a>	9/21/2015	BACKFLOW PREVENTION TESTER ASSE 5110 TRAINING AND CERTIFICATION	GRAND RAPIDS MN		40.00
<a href="#">Details</a>	9/22/2015	PREPARING PLUMBERS FOR THE UPC	ST CLOUD MN		8.00
<a href="#">Details</a>	9/23/2015	PREPARING PLUMBERS FOR THE UPC	BAXTER MN		8.00
<a href="#">Details</a>	9/24/2015	PREPARING PLUMBERS FOR THE UPC	DULUTH MN		8.00
<a href="#">Details</a>	9/25/2015	MN ADOPTION OF THE 2012 IRC	MAPLE GROVE MN	INSTALLER	3.00
<a href="#">Details</a>	9/25/2015	PLUMBING CONTINUING ED 2	ST PAUL MN		8.00
<a href="#">Details</a>	9/25/2015	REFRESHER EPA RENOVATE, REPAIR, AND PAINT & MN ADOPTION OF THE 2012 IRC	MAPLE GROVE MN	ENERGY	7.00
<a href="#">Details</a>	9/26/2015	PLUMBING CONTINUING EDUCATION	ST PAUL MN		8.00
<a href="#">Details</a>	9/29/2015	LEAD SAFE RENOVATOR - REFRESHER	APPLETON WI		4.00
<a href="#">Details</a>	9/30/2015	LEAD SAFE RENOVATOR - REFRESHER	GREEN BAY WI		4.00
<a href="#">Details</a>	10/1/2015	LEAD RENOVATION, REPAIR & PAINTING REFRESHER TRAINING	COON RAPIDS MN		4.00
<a href="#">Details</a>	10/2/2015	PLUMBING CONTINUING EDUCATION	ST PAUL MN		8.00
<a href="#">Details</a>	10/3/2015	PLUMBING CONTINUING ED 2	ST PAUL MN		8.00
<a href="#">Details</a>	10/6/2015	MN ADOPTION OF THE 2012 IRC	SOUTH ST PAUL MN	INSTALLER	3.00
<a href="#">Details</a>	10/6/2015	PREPARING PLUMBERS FOR THE UPC	LAKE ELMO MN		8.00
<a href="#">Details</a>	10/6/2015	REFRESHER EPA RENOVATE, REPAIR, AND PAINT & MN ADOPTION OF THE 2012 IRC	SOUTH ST PAUL MN	ENERGY	7.00
<a href="#">Details</a>	10/7/2015	PREPARING PLUMBERS FOR THE UPC	BURNSVILLE MN		8.00
<a href="#">Details</a>	10/8/2015	PREPARING PLUMBERS FOR THE UPC	PLYMOUTH MN		8.00
<a href="#">Details</a>	10/9/2015	PLUMBING CONTINUING ED 2	ST PAUL MN		8.00
<a href="#">Details</a>	10/10/2015	PLUMBING CONTINUING EDUCATION	ST PAUL MN		8.00
<a href="#">Details</a>	10/12/2015	BACKFLOW PREVENTION TESTER ASSE 5110 TRAINING AND CERTIFICATION	BURNSVILLE MN		40.00
<a href="#">Details</a>	10/13/2015	PREPARING PLUMBERS FOR THE UPC	BEMIDJI MN		8.00
<a href="#">Details</a>	10/14/2015	PREPARING PLUMBERS FOR THE UPC	FARGO ND		8.00
<a href="#">Details</a>	10/15/2015	PREPARING PLUMBERS FOR THE UPC	ALEXANDRIA MN		8.00
<a href="#">Details</a>	10/16/2015	PLUMBING CONTINUING EDUCATION	ST PAUL MN		8.00
<a href="#">Details</a>	10/17/2015	PLUMBING CONTINUING ED 2	ST PAUL MN		8.00
<a href="#">Details</a>	10/19/2015	LEAD SAFTY FOR RENOVATION REPAIR & PAINTING CERTIFIED RENOVATOR (MI)	COON RAPIDS MN		8.00
<a href="#">Details</a>	10/23/2015	MN ADOPTION OF THE 2012 IRC	MAPLE GROVE MN	INSTALLER	3.00
<a href="#">Details</a>	10/23/2015	PLUMBING CONTINUING ED 2	ST PAUL MN		8.00
<a href="#">Details</a>	10/23/2015	REFRESHER EPA RENOVATE, REPAIR, AND PAINT & MN ADOPTION OF THE 2012 IRC	MAPLE GROVE MN	ENERGY	7.00
<a href="#">Details</a>	10/24/2015	PLUMBING CONTINUING EDUCATION	ST PAUL MN		8.00
<a href="#">Details</a>	10/26/2015	ASSE 5130 NEW REBUILDER	CIRCLE PINES MN		8.00
<a href="#">Details</a>	10/29/2015	LEAD RENOVATION, REPAIR & PAINTING REFRESHER TRAINING	COON RAPIDS MN		4.00
<a href="#">Details</a>	11/2/2015	ASSE 5110 TESTER RECERTIFICATION	CIRCLE PINES MN		8.00
<a href="#">Details</a>	11/2/2015	ASSE BACKFLOW TESTER AND REBUILDER RECERTIFICATION	CIRCLE PINES MN		16.00
<a href="#">Details</a>	11/3/2015	MN ADOPTION OF THE 2012 IRC	SOUTH ST PAUL MN	INSTALLER	3.00
<a href="#">Details</a>	11/3/2015	REFRESHER EPA RENOVATE, REPAIR, AND PAINT & MN ADOPTION OF THE 2012 IRC	SOUTH ST PAUL MN	ENERGY	7.00
<a href="#">Details</a>	11/5/2015	2014 NFPA 13D RESIDENTIAL FIRE SPRINKLER TRAINING	APPLE VALLEY MN		4.00
<a href="#">Details</a>	11/6/2015	PLUMBING CONTINUING EDUCATION	ST PAUL MN		8.00
<a href="#">Details</a>	11/7/2015	PLUMBING CONTINUING ED 2	ST PAUL MN		8.00
<a href="#">Details</a>	11/11/2015	INITIAL EPA LEAD SAFETY FOR RENOVATION, REPAIR, AND PAINTING	SOUTH ST PAUL MN		8.00
<a href="#">Details</a>	11/11/2015	PLUMBING CODE INSPECTIONS	FARGO ND		4.00
<a href="#">Details</a>	11/12/2015	PLUMBING CODE INSPECTIONS	ALEXANDRIA MN		4.00
<a href="#">Details</a>	11/13/2015	PLUMBING CONTINUING ED 2	ST PAUL MN		8.00
<a href="#">Details</a>	11/14/2015	PLUMBING CONTINUING EDUCATION	ST PAUL MN		8.00
<a href="#">Details</a>	11/16/2015	BACKFLOW PREVENTION TESTER ASSE 5110 TRAINING AND CERTIFICATION	ANOKA MN		40.00

<a href="#">Details</a>
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## Approved continuing education courses

To limit the search change "All" to a specific license discipline. Columns can be sorted by clicking the column header (e.g. Course name, Location, etc.), clicking the same column header again will reverse the order. For information click the "Details" link.



 Courses per page 

	<u>Date</u>	<u>Course name</u>	<u>Location</u>	<u>Limited</u>	<u>Credits</u>
<a href="#">Details</a>	11/16/2015	LEAD RENOVATION, REPAIR & PAINTING REFRESHER TRAINING	COON RAPIDS MN		4.00
<a href="#">Details</a>	11/17/2015	LEAD SAFTY FOR RENOVATION REPAIR & PAINTING CERTIFIED RENOVATOR (MI)	COON RAPIDS MN		8.00
<a href="#">Details</a>	11/17/2015	PLUMBING CODE INSPECTIONS	ROCHESTER MN		4.00
<a href="#">Details</a>	11/18/2015	PLUMBING CODE INSPECTIONS	NORTH MANKATO MN		4.00
<a href="#">Details</a>	11/20/2015	MN ADOPTION OF THE 2012 IRC	MAPLE GROVE MN	INSTALLER	3.00
<a href="#">Details</a>	11/20/2015	PLUMBING CONTINUING EDUCATION	ST PAUL MN		8.00
<a href="#">Details</a>	11/20/2015	REFRESHER EPA RENOVATE, REPAIR, AND PAINT & MN ADOPTION OF THE 2012 IRC	MAPLE GROVE MN	ENERGY	7.00
<a href="#">Details</a>	11/21/2015	PLUMBING CONTINUING ED 2	ST PAUL MN		8.00
<a href="#">Details</a>	12/1/2015	PLUMBING CODE INSPECTIONS	ST CLOUD MN		4.00
<a href="#">Details</a>	12/2/2015	PLUMBING CODE INSPECTIONS	BAXTER MN		4.00
<a href="#">Details</a>	12/3/2015	PLUMBING CODE INSPECTIONS	DULUTH MN		4.00
<a href="#">Details</a>	12/4/2015	PLUMBING CONTINUING ED 2	ST PAUL MN		8.00
<a href="#">Details</a>	12/5/2015	PLUMBING CONTINUING EDUCATION	ST PAUL MN		8.00
<a href="#">Details</a>	12/7/2015	2014 NFPA 13D RESIDENTIAL FIRE SPRINKLER TRAINING	APPLE VALLEY MN		4.00
<a href="#">Details</a>	12/8/2015	PLUMBING CODE INSPECTIONS	LAKE ELMO MN		4.00
<a href="#">Details</a>	12/9/2015	PLUMBING CODE INSPECTIONS	BURNSVILLE MN		4.00
<a href="#">Details</a>	12/10/2015	PLUMBING CODE INSPECTIONS	PLYMOUTH MN		4.00
<a href="#">Details</a>	12/11/2015	PLUMBING CONTINUING EDUCATION	ST PAUL MN		8.00
<a href="#">Details</a>	12/12/2015	PLUMBING CONTINUING ED 2	ST PAUL MN		8.00
<a href="#">Details</a>	12/14/2015	LEAD SAFTY FOR RENOVATION REPAIR & PAINTING CERTIFIED RENOVATOR (MI)	COON RAPIDS MN		8.00
<a href="#">Details</a>	12/15/2015	LEAD RENOVATION, REPAIR & PAINTING REFRESHER TRAINING	COON RAPIDS MN		4.00
<a href="#">Details</a>	12/18/2015	PLUMBING CONTINUING ED 2	ST PAUL MN		8.00
<a href="#">Details</a>	12/19/2015	PLUMBING CONTINUING EDUCATION	ST PAUL MN		8.00

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Minnesota Department of Labor and Industry  
 443 Lafayette Road N., St. Paul, MN 55155 ([directions/maps](#))

# Plumbing Board

## Meeting Minutes

April 18, 2017 @ 9:30 a.m.

Minnesota Room – Department of Labor and Industry  
443 Lafayette Road North, St. Paul, MN 55155

### Members

Tom Andresen  
Jeff Brown  
Michael Dryke  
Grant Edwards (Vice Chair)  
John Flagg  
Mike Herman  
Rick Jacobs  
Larry Justin  
Jim Lungstrom (Comm. Designee)  
John Parizek (Chair)  
Phillip Sterner (Secretary)  
David Wagner

### Members Absent

None

### DLI Staff & Visitors

Suzanne Todnem (Gen. Counsel, DLI)  
Jim Peterson (DLI)  
Cathy Tran (DLI)  
Lyndy Logan (DLI)  
Charles Olson (DLI)  
Brad Jensen (DLI)  
Charlie Durenberger (DLI)  
Brian Noma (MDH)  
Matt Marciniak (IAPMO)  
David Ybarra (MN Pipe Trades Assoc.)  
Tim Power (Minnesota Nursery & Landscape)  
Alicia Munson (Minnesota Nursery & Landscape)  
Russ Jundt (Minnesota Nursery & Landscape)  
Adam Hanson (ABC)  
Ray VinZant (Midway Votech)  
Luke Westman (PHCC)  
Gary Thaden (MMCA)  
Sophie Thaden (MMCA)  
Gary Schick (City of Rochester)  
Scott Eggen (City of Minneapolis)  
Jim Kittelson (Former Board member)

### **I. Call to Order**

The meeting was called to order by Chair Parizek at 9:41 a.m. Roll call was taken by Secretary Sterner and a quorum was declared with 12 of 12 voting members present in person. Introductions and housekeeping announcements were made and new members – Jacobs, Wagner, Dryke, and Andresen – introduced themselves.

### **II. Approval of meeting agenda**

A motion was made by Justin, seconded by Herman, to approve the agenda with the addition of item F) CCAC – Appoint representative. The vote was unanimous with 12 votes in favor; the motion carried.

### III. Approval of previous meeting minutes

- A. A motion was made by Justin, seconded by Flagg, to approve the January 17, 2017, regular meeting minutes with a correction to page 4, item 4, as shown below. The vote was 7 votes in favor with five abstentions; the motion carried.

“Unless prohibited by structural conditions, each vent shall rise vertically to a point not less than 6 inches (152 mm) above the flood-level rim of the fixture served before offsetting horizontally, and where two or more vent pipes converge, each such vent pipe shall rise to a point not less than 6 inches (152 mm) in height above the flood-level rim of the plumbing fixture it serves before being connected to any other vent. Vents les (should read “less”) ~~than that 6”~~ (152 mm) above flood level rim of the fixture served shall be installed with approved drainage fittings, material, and grade to drain.”

- B. A motion was made by Justin, seconded by Herman, to approve the March 6, 2017, special meeting minutes as presented. The vote was 7 votes in favor with one opposed and four abstentions; the motion carried.

### IV. Regular Business

Approval of expense reports – Parizek approved the expenses as presented.

### V. Committee Reports

#### A. Department Updates

Nothing to report

#### B. Executive Committee

Will report during board discussion

#### C. Construction Codes Advisory Council

The CCAC Bylaws were revised and approved at the March 16, 2017 meeting.

### VI. Special Business

#### A. Legislative Update – Alexis Russell, Assistant to the Commissioner

Russell discussed the status of the following legislative items:

- Water Conditioning Bill, HF805 was laid over for possible inclusion in the Omnibus Bill. The Senate File version, SF369, was passed onto the floor and is awaiting a vote. The Senate and House file were combined in the Omnibus Bill and is now SF1937.
- \$1,000 Residential Contractor Bill, HF1001, is awaiting a floor vote. The Senate version, SF745, is in Senate finance currently and if passed it will go to the Senate floor for the solo track.

#### B. Request for Action (see Attachment A) – Tim Power, Minnesota Nursery and

**Landscape Association.** Power presented a PowerPoint titled “ASSE’s Cross Connection Control Certification Program” – See **Attachment B.** Power asked the Board to consider allowing non plumbers to attend an approved school or be allowed to use their backflow assembly certification. This is important because a certain number of systems

need to be rebuilt each year and requires a plumber to do this and all of the skills to be an effective rebuilder are contained in the ASSE course. This is a self-contained enough process that an individual shouldn't be required to be a licensed plumber. He asked the board to consider moving forward with rulemaking as requested in his RFA (**Attachment A**). Power discussed three MN Statutes: 1) Definitions, 2) Licensing, Bond and Insurance, and 3) RPZ Rebuilders and Testing. Parizek said you are asking for an exception for someone that isn't licensed and Minnesota has very distinct laws as to what is and is not plumbing. Todnem cautioned the Board that changing the definition of "plumbing" or "plumbing appliance" would likely have unintended consequences?

Parizek said that the landscaping industry should band together with the plumbing industry to review licensing requirements and then a proposal could be brought back to the Board.

Parizek said there isn't anything the Board can do because of the statutes – these statutes would need to be changed first; therefore, the Board cannot move forward with the RFA. There could be a resolution down the road if the two industries work together. Parizek said he would get in touch with Power and they could begin the process.

**C. Online Continuing Education requirement, Tim Bell – Attachment C**

Tim Bell, At Your Pace Online, addressed the Board via teleconference. He wants to open online education for all licensees that want or need a different option. Had great success with their pilot course and only 8 individuals gave negative feedback (too much reading, irrelevant content or the course was too long.) Many people were grateful they didn't have to travel.

Bell said every student has to answer every question correctly or they will not move forward. Webcam's are in place to ensure compliance. Parizek said a Request for Comments on rulemaking addressing continuing education (CE) for 4716 will most likely be posted in late May or early June; therefore, he advised Power to submit his RFA after this posting.

Charlie Durenberger, Director of Licensing and Enforcement, CCLD, added that plumbers would like to see CE offered online – it is very difficult for some people to find courses due to location. He has had very good experience with At Your Pace Online and added that there aren't any online education limitations for electricians and residential building contractors. Durenberger said there aren't any webcam requirements for electrical and building contractors. He added that Sean O'Neil is the department's primary plumbing investigator for the Enforcement unit.

**D. Welcome new Board members, Suzanne Todnem**

We are subject to open meeting law – which is about public transparency. Anytime a quorum is present the open meeting law applies, for example, a group email discussing a particular item would be in violation of the open meeting law. Please reserve your discussions for board meetings only. If there is a special meeting, a notice stating what the nature of the meeting with the date, time and location must be posted at DLI at least 3 days prior to the meeting. The Board is required to provide at least one handout at each meeting. The only reason a meeting is closed is due to attorney client privilege discussions, otherwise meetings will generally remain open. There is no violation to use social media although the Board does not currently use this type of avenue.

General data practices – The Board is a public entity; therefore, Board members should *assume* that everything is public – an exception would be attorney-client privilege.

**E. Request for Action – Department of Labor and Industry (DLI)**

Tran referred to **Attachment D** and said the department would like to propose some amendments to Chapter 10. The goal of the department is to provide safer and more consistent design and more effective administration among jurisdictions.

Parizek asked Justin to reconvene the **Ad-Hoc Rulemaking Committee** in order to review the department's RFA and bring the Committee's recommendation to the Board. Justin agreed to meet with the Ad-Hoc Committee members and send out notification of a meeting to all interested parties. Justin was appointed as Chair and the following board members were appointed to the Committee: Mike Herman, John Parizek, Grant Edwards, Tom Andresen, and Rick Jacobs.

**F. CCAC appointment:** The Board needed a new Construction Codes Advisory Council (CCAC) appointment.

**A motion was made to recommend Commissioner Peterson appoint Grant Edwards as the Plumbing Board representative with John Flagg as his alternate. The vote was unanimous with 12 votes in favor; the motion carried.**

**VII. Complaints**

Nothing to report.

**VIII. Open Forum**

Ray VinZant, Midway Votech, addressed the Board regarding backflow testing programs. There are a number of cities that have said they are not going to enforce. If you build a new building and you put a fire suppression system in then it has to have a backflow preventer if it is on a public water supply. VinZant discussed his concerns and Parizek said this is not under the jurisdiction of the Plumbing board, it is under the jurisdiction of the department.

Sterner asked if there were additional members that wanted to join the **Inspection Uniformity Committee** (Sub-committee of the Plumbing Board) to provide more consistency throughout

the state. The following Board members were appointed: Sterner (Chair), Lungstrom, Parizek, Andresen, and Jacobs. Justin recommended that Eggen and Kittelson be included in any emails sent and Parizek said it will be an open meeting and all interested parties would be notified.

**IX. Correspondence**

Parizek is still reviewing information he received from the Fresh Water Society

**X. Board Discussion**

**A.** Parizek noted that authority needs to be given to the Chair to post a request for comments for chapter 4716. Parizek asked the board for re-approval in order to publish a Request for Comments for chapter 4716.

**A motion was made by Herman, seconded by Edwards, to allow the Chair to update and publish the Request for Comments. The vote was unanimous with 12 of 12 votes in favor; the motion carried.**

**B.** IAPMO committee meeting in May – reviewing proposals of possible code amendments to the 2018 plumbing code.

**A motion was made by Justin, seconded by Jacobs, to authorize the Chair to speak for the Board at the IAPMO meeting on May 1 through May 4, 2017. The vote was unanimous with 12 votes in favor; the motion carried.**

**C.** Parizek said the 2018 UPC should be finalized at the end of September 2017 and he recommended forming a committee to review possible amendments. The following members were appointed to the **Code Review Committee**: Parizek (Chair), Flagg, Justin, Lungstrom, and Jacobs.

**XI. Announcements**

Next regularly scheduled meetings in 2017 – all meetings will be held at 9:30 a.m. in the Minnesota Room. The Executive Committee meetings occur at 8:00 a.m. prior to each regular meeting in the Minnesota Room.

A) July 18, 2017 (annual meeting)

B) October 17, 2017

**XII. Adjournment**

A motion was made by Sterner, seconded by Edwards, to adjourn the meeting at 12:30 p.m. The vote was unanimous with 12 votes in favor of the motion; the motion passed.

Respectfully submitted,

*Phil Sterner*

Phil Sterner, Board Secretary

February 2, 2017

From: Timothy H. Power, Minnesota Nursery & Landscape Association  
To: Minnesota State Plumbing Board

Subj: Request for Action dated February 2, 2017

Please consider the following to be MNLA's proposed language change for consideration in my attached Request for Action dated February 2, 2017. I was unable to format the online RFA form to include either underlining or my signature. Thanks.

The Minnesota Nursery & Landscaping Association (MNLA) proposes the following addition to Minnesota Rules Chapter 4716.0096:

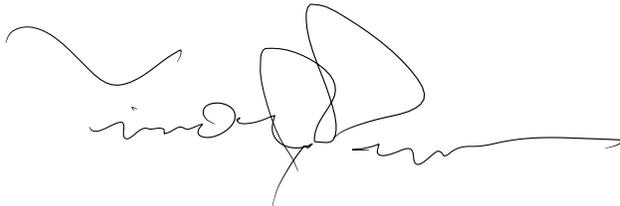
4716.0096 LICENSURE; CERTIFICATION.

Subpart 1. Backflow prevention rebuilder.

An applicant for backflow prevention rebuilder certification must be a licensed master plumber, journeyman plumber, or restricted master or restricted journeyman plumber and possess current American Society of Sanitary Engineering (ASSE) Standard 5110 Backflow Prevention Assembly Tester and ASSE Standard 5130 Backflow Prevention Assembly Repairer certifications.

Subpart 1a. Non-RPZ backflow prevention rebuilder.

An applicant for non-RPZ backflow prevention rebuilder certification must possess current American Society of Sanitary Engineering (ASSE) Standard 5110 Backflow Prevention Assembly Tester and ASSE Standard 5130 Backflow Prevention Assembly Repairer certifications.

A handwritten signature in black ink, appearing to read "Timothy H. Power". The signature is fluid and cursive, with a large loop at the end.

# Plumbing Board Request for Action

PRINT IN INK or TYPE

<b>NAME OF SUBMITTER</b> Timothy H. Power, MN Nursery & Landscaping Assn.	<b>PURPOSE OF REQUEST</b> (check all that apply): <input type="checkbox"/> New Code <input checked="" type="checkbox"/> Code Amendment <input type="checkbox"/> Repeal of an existing Rule
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The Minnesota Plumbing Code (MN Rules, Chapter 4714) is available at [www.dli.mn.gov/CCLD/PlumbingCode.asp](http://www.dli.mn.gov/CCLD/PlumbingCode.asp)

**Specify the purpose of the proposal:** If recommendation for code change for appurtenance or method (check all that apply)

Appurtenance (e.g., water conditioning equipment)  Test Method  
 Amend MN Rules 4716.0096 to allow qualified non-plumbers to rebuild non-RPZ backflow prevention assemblies

Other (describe)

**Does your submission contain a Trade Secret?**  Yes  No

If Yes, mark “**TRADE SECRET**” prominently on each page of your submission that you believe contains trade secret information. Minnesota Statutes, section 13.37, subdivision 1(b), defines “trade secret” as follows:

“Trade secret information” means government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the affected individual or organization, (2) that is the subject of efforts by the individual or organization that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

Note that, although “trade secret” information is generally not public, the Board and its committees may disclose “trade secret” information at a public meeting of the Board or committee if reasonably necessary for the Board or committee to conduct the business or agenda item before it (such as your request.) The record of the meeting will be public.

**Describe the proposed change.** The Minnesota Plumbing Code (Minnesota Rules Chapter 4714) is available via the World Wide Web at <http://www.revisor.leg.state.mn.us/arule/4714/>

**NOTE:**

- Please review the Minnesota Plumbing Code and include all parts of the Code that require revision to accomplish your purpose.
- The proposed change, including suggested rule language, should be *specific*. If modifying existing rule language, underline new words and ~~strike through deleted words~~. Please list all areas of the Minnesota Plumbing Code that would be affected.

See proposed language change in attached "Draft Rebuilder Rule 020217", over my signature.

**Office Use Only**

RFA File No.	Date Received by DLI	Dated Received by Committee	Date of Forwarded to Board
Title of RFA	By:		
Committee Recommendation to the Board: <input type="checkbox"/> Accept <input type="checkbox"/> Reject <input type="checkbox"/> Abstain			
Board approved as submitted: <input type="checkbox"/> Yes <input type="checkbox"/> No		Board approved as modified: <input type="checkbox"/> Yes <input type="checkbox"/> No	



**Need and Reasons For the Change.** Thoroughly explain the need and why you believe it is reasonable to make this change. During a rulemaking process, the need and reasonableness of all proposed rule changes must be justified; therefore, a detailed explanation is necessary to ensure the Board thoroughly considers all aspects of the proposal. The 2015 MN Plumbing Code added several types of backflow prevention assemblies as "testable devices", in addition to the RPZ's that were previously regulated in MN. The new MN plumbing code regulates for the first time the testing and rebuilding of the vast majority of backflow prevention assemblies used to protect public potable water supplies connected to landscape irrigation systems.

Non-plumbers who have five years of plumbing-related experience (including landscape irrigation) are currently eligible to train, test and certify as ASSE Standard 5110 Backflow Prevention Assembly Testers and to use that certification to become MN DLI Backflow Prevention Testers. ASSE's only national prerequisite to train, test and certify as ASSE Standard 5130 Backflow Prevention Assembly Repairers is that applicants hold a current ASSE 5110 tester certification. However, since MN has a statutory requirement that MN rebuilders must be licensed plumbers, ASSE has signed an agreement with MN DLI requiring that only 5110-holders who are also licensed plumbers can train, test and certify for ASSE Standard 5130.

MNLA believes that non-plumbers who hold a current ASSE 5110 should be eligible to train, test and certify as ASSE 5130 repairers and to use that certification to rebuild non-RPZ backflow prevention assemblies. There are 100,000+ landscape irrigation systems currently installed in Minnesota. They all need to be tested and possibly rebuilt during a highly-compressed annual spring startup period. Increasing the pool of trained and certified rebuilders in Minnesota to include non-plumbers would ease the huge backlog of rebuilding work that will ensue each spring and allow irrigation contractors to complete their spring startups in timely fashion.

If your product/method standard(s) is not currently listed in both national codes, your Request For Action will not be considered by the Board or its committees, however, you are welcome to present at any Board meeting during the Open Forum section of the Agenda.

The proposal must be accompanied by copies of any published standards, the results of testing, and copies of any product listings, as documentation of the health, sanitation and safety performance of any materials, methods, fixtures, and/or appurtenances. If none are available, please explain:

ASSE International lists requirements and prerequisites for ASSE Standards 5110 and 5130 as part of their Cross-Connection Control Certification program here: <http://www.asse-plumbing.org/backflow/proctor/CCC-Guidelines.pdf>.

Please attach electronic scanned copies of any literature, standards and product approvals or listings. Printed or copyrighted materials, **along with written permission from the publisher to distribute the materials at meetings**, should be sent to the Plumbing Board, c/o Department of Labor and Industry, 443 Lafayette Road No., St. Paul, MN 55155-4344.

**Primary reason for change:** (check only one)

- Protect public, health, safety, welfare, or security
- Lower construction costs
- Encourage new methods and materials
- Change made at national level

- Mandated by legislature
- Provide uniform application
- Clarify provisions
- Situation unique to Minnesota

As-needed rebuilding of backflow prevention assemblies connected to landscape irrigation systems will strain and likely exceed the capacity of currently-certified MN rebuilders

Other (describe) during the hectic annual spring start-up period.

**Anticipated benefits:** (check all that apply)

- Save lives/reduce injuries
- Improve uniform application
- Improve health of indoor environment
- Provide more construction alternatives

- Provide more affordable construction
- Provide building property
- Drinking water quality protection
- Decrease cost of enforcement

Landscape irrigation companies would be better able to service

Reduce regulation  Other (describe) their clients' needs, while increasing the pool of certified rebuilders.

**Economic impact:** (explain all answers marked "yes")

1. Does the proposed change increase or decrease the cost of enforcement?  Yes  No If yes, explain

2. Does the proposed change increase or decrease the cost of compliance?  Yes  No If yes, explain  
Include the estimated cost increase or decrease, and who will bear the cost increase or experience the cost decrease:  
Allowing irrigation contractors to have certified non-plumber backflow rebuilders on staff should allow more streamlined and less expensive spring start-ups for their customers, though the contractors and/or their employees would incur the costs associated with certification.

3. Are there less costly or intrusive methods to achieve the proposed change?  Yes  No If yes, explain

4. Were alternative methods considered?  Yes  No If no, why not? If yes, explain what alternative methods were considered and why they were rejected.

5. If there is a fiscal impact, try to explain any benefit that will offset the cost of the change. If there is no impact, mark "N/A." The only anticipated fiscal impact for MN would be an increase in MN certification/recertification fees that would accompany the increase in certified repairers.

6. Provide a description of the classes of persons affected by a proposed change, who will bear the cost, and who will benefit. If adopted, this change would require non-plumbers who want to rebuild in addition to their current certification in testing would incur the costs of training, testing, certifying and remaining certified.

7. Does the proposed rule affect farming operations? (Agricultural buildings are exempt from the Minnesota Building Code under Minnesota Statutes, Section 326B.121.)  Yes  No If yes, explain  
MNLA is unclear whether or not farming operations will be affected by the proposed change. However, should the proposed change be allowed, MNLA speculates that increased availability of qualified individuals to perform necessary service to backflow prevention assemblies located in farming operations will result in faster service and increased protection of the public health, safety and welfare

Are there any existing Federal Standards?  Yes  No If yes, list:  
ASSE's 5000-series cross-connection control certification programs constitute a national standard for backflow certification.

Are there any differences between the proposed change and existing federal regulations?  Yes  No  
 Not applicable  Unknown If yes, describe each difference & explain why each difference is needed & reasonable.

Minnesota Statutes, section 14.127, requires the Board to determine if the cost of complying with proposed rule changes in the first year after the changes take effect will exceed \$25,000 for any small business or small city. A small business is defined as a business (either for profit or nonprofit) with less than 50 full-time employees and a small city is defined as a city with less than ten full-time employees.

During the first year after the proposed changes go into effect, will it cost more than \$25,000 for any small business or small city of comply with the change?  Yes  No If yes, identify by name the small business(es or small city(ies). Attachment A

---

Will this proposed plumbing code amendment require any local government to adopt or amend an ordinance or other regulation in order to comply with the proposed plumbing code amendment?  Yes  No, If yes, identify by name the government(s) and ordinances(s) that will need to be amended in order to comply with the proposed plumbing code amendment.

Attachment A

Additional supporting documentation may also be attached to this form. Are there any additional comments you feel the Committee/Board may need to consider? If so, please state them here:

No

**Information regarding submitting this form:**

- Submissions are received and heard by the Committee on an “as received” basis. **Any missing documentation will delay the process, and your proposal will be listed as the date it was received “Complete.”**
- **Submit any supporting documentation to be considered**, such as manufacturer’s literature, approvals by other states, and engineering data electronically to [DLI.CCLDBOARDS@state.mn.us](mailto:DLI.CCLDBOARDS@state.mn.us). Once your Request For Action form has been received, it will be assigned a file number. Please reference this file number on any correspondence and supplemental submissions.
- **For copyrighted materials that must be purchased from publishers, such as published standards, product approvals or testing data, listings by agencies (IAPMO, ASSE, ASTM, etc..) you may send just 2 copies, along with written permission from the publisher to distribute the materials at meetings, via U.S. Mail to: Plumbing Board, c/o Department of Labor and Industry, 443 Lafayette Road No., St. Paul, MN 55155-4344.**
- **For materials that must be submitted by U.S. Mail, please include a copy of your “Request For Action” form originally submitted and reference your assigned RFA file number.**

**Information for presentation to the Committee and/or Board:**

- Limit presentations to 5 minutes or less.
- Be prepared to answer questions regarding the proposal and any documentation.

**Information regarding Committee and/or Board function:**

- The Plumbing Board or designated Committee.

I understand that any action is a recommendation to the Plumbing Board and is not to be considered final action.

NAME AND E-MAIL ADDRESS		FIRM NAME	
Timothy H. Power, tim@mnlb.biz		Minnesota Nursery & Landscape Association	
NAME, PHONE NUMBER AND E-MAIL ADDRESS OF PRESENTER TO THE COMMITTEE (if different):			
Same			
ADDRESS	CITY	STAT E	ZIP CODE
5199 Neal Ave. S.	Afton	MN	55001
PHONE	SIGNATURE (original or electronic)	DATE	
651-295-5910	Timothy H. Power	February 2, 2017	

For Assistance or questions on completing this form, contact Cathy Tran, Department of Labor and Industry at 651-284-5898.

<b>For Office/Committee Use Only</b> Proposal received completed? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Date Proposer notified of gaps:	Mode of notification (e.g., e-mail)	Date returned to Proposer:	Date materials re-received:

# MNLA's RFA on Backflow Rebuilder Certification

Tim Power, MNLA Government Affairs Consultant  
April 18, 2017



# ASSE's Cross Connection Control Certification Program (excerpt)

B. Certification to Standard 5110 for Backflow Prevention Assembly Testers is available only to individuals who have a minimum of five (5) years experience in the installation or service of plumbing, mechanical, fire sprinkler, lawn irrigation or a related industry field using potable water. Certification shall consist of a minimum of forty (40) hours of instruction and exams.

D. Certification to Standard 5130 for Backflow Prevention Assembly Repairers is available only to individuals who hold a current backflow prevention assembly tester certification in accordance with ASSE 5110. Certification shall consist of a minimum of twenty (20) hours of instruction and exams.

# MN Rules 4716.0096 LICENSURE; CERTIFICATION.

- **Subpart 1. Backflow prevention rebuilder.**
- An applicant for backflow prevention rebuilder certification must be a licensed master plumber, journeyman plumber, or restricted master plumber possess current American Society of Sanitary Engineering (ASSE) Standard 5110 Backflow Prevention Assembly Tester and ASSE Standard 5130 Backflow Prevention Assembly Repairer certifications.
- **Subp. 2. Backflow prevention tester.**
- An applicant for backflow prevention tester certification shall possess a current ASSE Standard 5110 Backflow Prevention Assembly Tester certification.

# MNLA's RFA

- 4716.0096 LICENSURE; CERTIFICATION. (**DRAFT PROPOSAL**)
- Subpart 1. Backflow prevention rebuilder.
- An applicant for backflow prevention rebuilder certification must be a licensed master plumber, journeyman plumber, or restricted master or restricted journeyman plumber and possess current American Society of Sanitary Engineering (ASSE) Standard 5110 Backflow Prevention Assembly Tester and ASSE Standard 5130 Backflow Prevention Assembly Repairer certifications.
- Subpart 1a. Non-RPZ backflow prevention rebuilder.
- An applicant for non-RPZ backflow prevention rebuilder certification must possess current American Society of Sanitary Engineering (ASSE) Standard 5110 Backflow Prevention Assembly Tester and ASSE Standard 5130 Backflow Prevention Assembly Repairer certifications.

# **MN Statutes CHAPTER 326B. CONSTRUCTION CODES AND LICENSING**

- **PLUMBING (excerpt)**
- 326B.41 PURPOSE.
- 326B.42 DEFINITIONS.
- 326B.435 PLUMBING BOARD.
- 326B.437 REDUCED PRESSURE BACKFLOW PREVENTION REBUILDERS AND TESTERS.
- 326B.44 LOCAL REGULATIONS.
- 326B.46 LICENSING, BOND AND INSURANCE.
- 326B.48 RECIPROCITY WITH OTHER STATES.

# MN Statutes 326B.42 DEFINITIONS.

## **Subdivision 1. Words, terms, and phrases.**

For purposes of sections [326B.41](#) to [326B.49](#), the terms defined in this section have the meanings given to them.

### **Subd. 1a. Contractor.**

"Contractor" means a person who performs or offers to perform any plumbing work, with or without compensation, who is licensed as a contractor by the commissioner. Contractor includes plumbing contractors and restricted plumbing contractors.

### **Subd. 1b. Backflow prevention rebuilder.**

A "backflow prevention rebuilder" is an individual who is qualified by training prescribed by the Plumbing Board and possesses a master or journeyman plumber's license to engage in the testing, maintenance, and rebuilding of reduced pressure zone type backflow prevention assemblies as regulated by the Plumbing Code.

### **Subd. 1c. Backflow prevention tester.**

A "backflow prevention tester" is an individual who is qualified by training prescribed by the Plumbing Board to engage in the testing of reduced pressure zone type backflow prevention assemblies as regulated by the Plumbing Code.

# MN Statutes 326B.46 LICENSING, BOND AND INSURANCE.

- **Subdivision 1. License required.**
- (a) No individual shall engage in or work at the business of a master plumber, restricted master plumber, journeyman plumber, and restricted journeyman plumber unless licensed to do so by the commissioner.....
- (c) Except as provided in subdivision 1a, no person shall perform or offer to perform **plumbing work** with or without compensation unless the person obtains a contractor's license. A contractor's license does not of itself qualify its holder to perform the plumbing work authorized by holding a master, journeyman, restricted master, or restricted journeyman license.
- **Subd. 2. Bond; insurance.**

# MN Statutes 326B.437 REDUCED PRESSURE BACKFLOW PREVENTION REBUILDERS AND TESTERS.

- (a) No person shall perform or offer to perform the installation, maintenance, repair, replacement, or rebuilding of reduced pressure zone backflow prevention assemblies unless the person obtains a plumbing contractor's license. An individual shall not engage in the testing, maintenance, repair, or rebuilding of reduced pressure zone backflow prevention assemblies, as regulated by the Plumbing Code, unless the individual is certified by the commissioner as a backflow prevention rebuilder.
- (b) An individual shall not engage in testing of a reduced pressure zone backflow prevention assembly, as regulated by the Plumbing Code, unless the individual possesses a backflow prevention rebuilder certificate or is certified by the commissioner as a backflow prevention tester.

# Fact Sheet: Backflow Devices, from DLI website

- REQUIREMENTS Devices that need to be tested** The 2015 Minnesota Plumbing Code requires that all testable backflow devices be tested upon installation and at least annually thereafter by a certified backflow assembly tester. Testable devices include: •• Reduced pressure principal backflow prevention assemblies, •• Reduced pressure detector fire protection backflow prevention assemblies, •• Double check backflow prevention assemblies, •• Pressure vacuum breaker backflow prevention assemblies, •• Double check detector fire protection backflow prevention assemblies, and •• Spill resistant pressure vacuum breakers. **Installing the device** •• A licensed plumber must perform the installation of a backflow prevention device. •• The public water supplier must be notified within 30 days following installation of the device on a community public water system. •• A plumbing permit must be obtained from the administrative authority prior to installation. **Testing and maintenance** •• The backflow device must be tested upon initial installation and at least annually thereafter. •• Test results must be submitted to the administrative authority and to the community public water supplier within 30 days of testing. **Applicability** •• Reduced pressure (RPZ) devices have had testing requirements for many years. New and existing RPZ installations must be tested annually. •• *The testing requirements for testable non-RPZ devices became effective for installations made on or after Jan. 23, 2016.* **Tester qualifications** Testing of backflow prevention devices requires certification to ASSE Standard 5110. Testing of reduced pressure principal devices (RPZs) requires an additional certification by the commissioner of the Minnesota Department of Labor and Industry.

# ASSE's Letter 10/15/2013 to DLI

.....Any individual not holding a current MN Rebuilder or ASSE 5130 Repairer certification shall meet all of the following requirements to obtain an ASSE 5130 Professional Qualifications Standard for Backflow Prevention Assembly Repairers certification:

- 1) Prior to enrolling in an ASSE approved Repairer course at an ASSE approved school, the applicant shall possess a current ASSE 5110 Professional Qualifications Standard for Backflow Prevention Assembly Testers certification and a MN Plumbing

.....



## **At Your Pace Online. LLC**

### Request for Limitation on Online CE Hours to be Removed

#### **I. Introduction**

#### **II. Need for the Change**

- A. Previous Requests made to the Board
  - 1. Gary Ford of Metro Testing
  - 2. Charlie Durenberger
  - 3. John Parizek
- B. Licensees
  - 1. Success with Pilot Course
  - 2. Requests Made

#### **III. Objective**

- A. Provide Accessible Industry Leading Content to Licensees
  - 1. Instructor - Chris D'Amato
  - 2. Primary Writer - Peter Quince
- B. Ensure student/licensee accountability
  - 1. IDECC
  - 2. Custom Security Features
    - a) Security Question Modules
    - b) Webcam Module

#### **IV. Why AYPO?**

- A. Proven working model
- B. Tested methods & advanced security features
- C. Ability to quickly adapt to future needs
- D. Highly Trained Support Team
- E. Commitment to Excellence

#### **V. Questions?**

# Plumbing Board Request for Action

PRINT IN INK or TYPE

<b>NAME OF SUBMITTER</b> Cathy Tran, DLI	<b>PURPOSE OF REQUEST</b> (check all that apply): <input type="checkbox"/> New Code <input checked="" type="checkbox"/> Code Amendment <input type="checkbox"/> Repeal of an existing Rule
---	---

The Minnesota Plumbing Code (MN Rules, Chapter 4714) is available at [www.dli.mn.gov/CCLD/PlumbingCode.asp](http://www.dli.mn.gov/CCLD/PlumbingCode.asp)

**Specify the purpose of the proposal:** If recommendation for code change for appurtenance or method (check all that apply)

- Appurtenance (e.g., water conditioning equipment)  Test Method  
 Other (describe) \_\_\_\_\_

**Does your submission contain a Trade Secret?**  Yes  No

If Yes, mark “**TRADE SECRET**” prominently on each page of your submission that you believe contains trade secret information. Minnesota Statutes, section 13.37, subdivision 1(b), defines “trade secret” as follows:

“Trade secret information” means government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the affected individual or organization, (2) that is the subject of efforts by the individual or organization that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

Note that, although “trade secret” information is generally not public, the Board and its committees may disclose “trade secret” information at a public meeting of the Board or committee if reasonably necessary for the Board or committee to conduct the business or agenda item before it (such as your request.) The record of the meeting will be public.

**Describe the proposed change.** The Minnesota Plumbing Code (Minnesota Rules Chapter 4714) is available via the World Wide Web at <http://www.revisor.leg.state.mn.us/arule/4714/>

**NOTE:**

- Please review the Minnesota Plumbing Code and include all parts of the Code that require revision to accomplish your purpose.
- The proposed change, including suggested rule language, should be *specific*. If modifying existing rule language, underline new words and ~~strike through deleted words~~. Please list all areas of the Minnesota Plumbing Code that would be affected.

see attached

Office Use Only			
RFA File No. <b>PB0089</b>	Date Received by DLI <b>4/12/2017</b>	Dated Received by Committee	Date of Forwarded to Board
Title of RFA	By: _____		
Committee Recommendation to the Board: <input type="checkbox"/> Accept <input type="checkbox"/> Reject <input type="checkbox"/> Abstain			
Board approved as submitted: <input type="checkbox"/> Yes <input type="checkbox"/> No		Board approved as modified: <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI).</b>			

**Need and Reasons For the Change.** Thoroughly explain the need and why you believe it is reasonable to make this change. During a rulemaking process, the need and reasonableness of all proposed rule changes must be justified; therefore, a detailed explanation is necessary to ensure the Board thoroughly considers all aspects of the proposal.  
see attached

If your product/method standard(s) is not currently listed in both national codes, your Request For Action will not be considered by the Board or its committees, however, you are welcome to present at any Board meeting during the Open Forum section of the Agenda.

The proposal must be accompanied by copies of any published standards, the results of testing, and copies of any product listings, as documentation of the health, sanitation and safety performance of any materials, methods, fixtures, and/or appurtenances. If none are available, please explain:

Please attach electronic scanned copies of any literature, standards and product approvals or listings. Printed or copyrighted materials, ***along with written permission from the publisher to distribute the materials at meetings***, should be sent to the Plumbing Board, c/o Department of Labor and Industry, 443 Lafayette Road No., St. Paul, MN 55155-4344.

**Primary reason for change:** (check only one)

- Protect public, health, safety, welfare, or security
- Lower construction costs
- Encourage new methods and materials
- Change made at national level
- Other (describe) \_\_\_\_\_
- Mandated by legislature
- Provide uniform application
- Clarify provisions
- Situation unique to Minnesota

**Anticipated benefits:** (check all that apply)

- Save lives/reduce injuries
- Improve uniform application
- Improve health of indoor environment
- Provide more construction alternatives
- Reduce regulation
- Other (describe) \_\_\_\_\_
- Provide more affordable construction
- Provide building property
- Drinking water quality protection
- Decrease cost of enforcement

**Economic impact:** (explain all answers marked "yes")

1. Does the proposed change increase or decrease the cost of enforcement?  Yes  No If yes, explain

2. Does the proposed change increase or decrease the cost of compliance?  Yes  No If yes, explain  
Include the estimated cost increase or decrease, and who will bear the cost increase or experience the cost decrease:

3. Are there less costly or intrusive methods to achieve the proposed change?  Yes  No If yes, explain

4. Were alternative methods considered?  Yes  No If no, why not? If yes, explain what alternative methods were considered and why they were rejected.

5. If there is a fiscal impact, try to explain any benefit that will offset the cost of the change. If there is no impact, mark "N/A."

6. Provide a description of the classes of persons affected by a proposed change, who will bear the cost, and who will benefit.

7. Does the proposed rule affect farming operations? (Agricultural buildings are exempt from the Minnesota Building Code under Minnesota Statutes, Section 326B.121.)  Yes  No If yes, explain

Are there any existing Federal Standards?  Yes  No If yes, list:

Are there any differences between the proposed change and existing federal regulations?  Yes  No  
 Not applicable  Unknown If yes, describe each difference & explain why each difference is needed & reasonable.

Minnesota Statutes, section 14.127, requires the Board to determine if the cost of complying with proposed rule changes in the first year after the changes take effect will exceed \$25,000 for any small business or small city. A small business is defined as a business (either for profit or nonprofit) with less than 50 full-time employees and a small city is defined as a city with less than ten full-time employees.

During the first year after the proposed changes go into effect, will it cost more than \$25,000 for any small business or small city of comply with the change?  Yes  No If yes, identify by name the small business(es or small city(ies).

Will this proposed plumbing code amendment require any local government to adopt or amend an ordinance or other regulation in order to comply with the proposed plumbing code amendment?  Yes  No, If yes, identify by name the government(s) and ordinances(s) that will need to be amended in order to comply with the proposed plumbing code amendment.

Additional supporting documentation may also be attached to this form. Are there any additional comments you feel the Committee/Board may need to consider? If so, please state them here:

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#### Information for presentation to the Committee and/or Board:

- Limit presentations to 5 minutes or less.
- Be prepared to answer questions regarding the proposal and any documentation.

#### Information regarding Committee and/or Board function:

- The Plumbing Board or designated Committee.

I understand that any action is a recommendation to the Plumbing Board and is not to be considered final action.

NAME AND E-MAIL ADDRESS		FIRM NAME	
Cathy Tran		DLI	
NAME, PHONE NUMBER AND E-MAIL ADDRESS OF PRESENTER TO THE COMMITTEE (if different):			
ADDRESS		CITY	STAT E
651/284-5898		SIGNATURE (original or electronic)	DATE
			April 11, 2017
PHONE		SIGNATURE (original or electronic)	DATE
651/284-5898			April 11, 2017

For Assistance or questions on completing this form, contact Cathy Tran, Department of Labor and Industry at 651-284-5898.

<b>For Office/Committee Use Only</b> Proposal received completed? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Date Proposer notified of gaps:	Mode of notification (e.g., e-mail)	Date returned to Proposer:	Date materials re-received:

DLI proposed 4-2017

**1002.0 Traps Protected by Vent Pipes.**

**1002.1 Vent Pipes.** Each plumbing fixture trap, except as otherwise provided in this code, shall be protected against siphonage, backpressure, and air circulation shall be assured throughout the drainage system by means of a vent pipe installed in accordance with the requirements of this code.

**1002.2 Fixture Traps.** Each fixture trap shall have a protecting vent so located that the developed length of the trap arm from the trap weir to the inner edge of the vent shall be within the distance given in Table 1002.2, but in no case less than two times the diameter of the trap arm.

**Exception:** Emergency floor drains and floor-set fixtures not used as waste receptors installed within 25 feet of a vented branch or main..

*SONAR: exception to not require individual vent on emergency floor drains and floor drains not receiving indirect waste piping. This is reasonable and needed as emergency floor drains and drains not receiving indirect waste discharges are unlikely to siphon the trap seals and do not need to be individually vented.*

**1006.0 Floor Drain Traps.**

**1006.1 General.** Floor drains shall connect into a trap so constructed that it can be readily cleaned and of a size to serve efficiently the purpose for which it is intended. The drain inlet shall be so located that it is in full view. Where subject to reverse flow of sewage or liquid waste, such drains shall be equipped with an approved backwater valve.

**Exception:** Floor drains or trench drains which connect to sand interceptors or oily and flammable liquid interceptors need not be trapped.

*SONAR: Without this language, the requirement is that all fixtures including floor drains/floor set fixtures or laundry tubs in service garages must be trapped. This creates unsafe installation where oily/flammable wastes are retained in traps as well defeating the purpose of designing a sand interceptor for separation and as sand/dirt/solids filling trap before entering the sand interceptor for separation. Furthermore, if trapped then each fixture requires a vent located near a wall which is difficult in an open space such as a garage.*

**1014.2 Hydromechanical Grease Interceptors.** **Hydromechanical grease interceptors must comply with ASME Standard A112.14.3-2000.**

Plumbing fixtures or equipment connected to a Type A and B hydromechanical grease interceptor shall discharge through an approved type of vented flow control installed in a readily accessible and visible location. Flow control devices shall be designed and installed so that the total flow through such device or devices shall at no time be greater than the rated flow of the connected grease interceptor. No flow control device having adjustable or removable parts shall be approved. The vented flow control device shall be located such that no system vent shall be between the flow control and the grease interceptor inlet. The vent or air inlet of the flow control device shall connect with the sanitary drainage vent system, as elsewhere required by this code, or shall terminate through the roof of the building, and shall not terminate to the free atmosphere inside the building.

**1016.1 Discharge.** Where the discharge of a fixture or drain contain solids or semi-solids heavier than water that would be harmful to a drainage system or cause a stoppage within the system, the discharge shall be through a sand interceptor. Multiple floor drains shall be permitted to discharge into one sand interceptor.

**1016.2 Authority Having Jurisdiction.** Sand interceptors are required where the Authority Having Jurisdiction deems it advisable to have an sand interceptor to protect the drainage system.

**1016.3 Construction and Size.** Sand interceptors shall be built of brick or concrete, prefabricated coated steel, or other watertight material. The interceptor shall have an interior baffle for full separation of the interceptor into two sections. The outlet pipe shall be the same size as the inlet pipe of the sand interceptor, the minimum being 3 inches (80 mm), and the baffle shall have two openings of the same diameter as the outlet pipe and at the same invert as the outlet pipe. These openings shall be staggered so that there cannot be a straight line flow between the inlet pipe and the outlet pipe. The invert of the inlet pipe shall be no lower than the invert of the outlet pipe.

The sand interceptor shall have a minimum dimension of 2 square feet (0.2 m<sup>2</sup>) for the net free opening of the inlet section and a minimum depth under the invert of the outlet pipe of 2 feet (610 mm).

For each 5 gpm (0.3 L/s) flow or fraction thereof over 20 gpm (1.26 L/s), the area of the sand interceptor inlet section is to be increased by 1 square foot (0.09 m<sup>2</sup>). The outlet section shall at all times have a minimum area of 50 percent of the inlet section.

DLI proposed 4-2017

The outlet section shall be covered by a solid removable cover, set flush with the finished floor, and the inlet section shall have an open grating, set flush with the finished floor and suitable for the traffic in the area in which it is located.

**1016.4 Separate Use.** Sand and similar interceptors for every solid shall be so designed and located as to be readily accessible for cleaning, shall have a water seal of not less than 6 inches (152 mm), and shall be vented.

**Exception:** Sand interceptors connecting to oily and flammable liquid interceptors meeting the requirements of Section 1017.0 do not require a water seal.

### 1017.0 Oil and Flammable Liquid Interceptors.

**1017.1 Interceptors Required.** Repair garages and gasoline stations with grease racks or grease pits, parking garages over 1000 square feet, vehicle wash facilities, and factories that have oily, flammable, or both types of wastes as a result of manufacturing, storage, maintenance, repair, or testing processes, shall be provided with an oil or flammable liquid interceptor that shall be connected to necessary floor drains. The separation or vapor compartment shall be independently vented to the outer air. Where two or more separation or vapor compartments are used, each shall be vented to the outer air or shall be permitted to connect to a header that is installed at a minimum of 6 inches (152 mm) above the spill line of the lowest floor drain and vented independently to the outer air. The minimum size of a flammable vapor vent shall be not less than 2 inches (51 mm), and, where vented through a sidewall, the vent shall be not less than 10 feet (3048 mm) above the adjacent level at an approved location. The interceptor shall be vented on the sewer side and shall not connect to a flammable vapor vent. Oil and flammable interceptors shall be provided with gastight cleanout covers that shall be readily accessible. **Drains discharging into interceptors must not be designed to retain liquid wastes.** The waste line shall be not less than 3 inches (80 mm) in diameter with a full-size cleanout to grade. Where an interceptor is provided with an overflow, it shall be provided with an overflow line [not less than 2 inches (50 mm) in diameter] to an approved waste oil tank having a minimum capacity of 550 gallons (2082 L) and meeting the requirements of the Authority Having Jurisdiction. The waste oil from the separator shall flow by gravity or shall be pumped to a higher elevation by an automatic pump. Pumps shall be adequately sized and accessible. Waste oil tanks shall have a 2 inch (50 mm) minimum pump-out connection at grade and a 1½ inch (38 mm) minimum vent to atmosphere at an approved location not less than 10 feet (3048 mm) above grade.

**1017.2 Design of Interceptors.** Each manufactured interceptor that is rated shall be stamped or labeled by the manufacturer with an indication of its full discharge rate in gpm (L/s). The full discharge rate to such an interceptor shall be determined at full flow. Each interceptor shall be rated equal to or greater than the incoming flow and shall be provided with an overflow line to an underground tank.

Interceptors not rated by the manufacturer shall have a depth of not less than 2 feet (610 mm) below the invert of the discharge drain. The outlet opening shall have not less than an 18 inch (457 mm) water seal and shall have a minimum capacity as follows: Where not more than three motor vehicles are serviced, stored, or both, interceptors shall have a minimum capacity of 6 cubic feet (0.2 m<sup>3</sup>), and 1 cubic foot (0.03 m<sup>3</sup>) of capacity shall be added for each vehicle up to 10 vehicles. Above 10 vehicles, the Authority Having Jurisdiction shall determine the size of the interceptor required. Where vehicles are serviced and not stored, interceptor capacity shall be based on a net capacity of 1 cubic foot (0.03 m<sup>3</sup>) for each 100 square feet (9.29 m<sup>2</sup>) of surface to be drained into the interceptor, with a minimum of 6 cubic feet (0.2 m<sup>3</sup>).

**SONAR:** This proposed language coordinates with section 1009.1 and 418.7 of the code. Currently, a flammable/oily waste interceptor must be provided where required by the AHJ under sections 1009.1 and 418.7 require an oil and flammable liquid interceptor shall be provided for parking garage if required by this section (1017) to protect the sewer systems. Furthermore, the proposed language also provides a minimum size garage that must be provided with a flammable waste interceptor when required by the AHJ. Without the proposed language, these sections are not consistently administered among jurisdictions and is subject to approval project by project basis.

**Plumbing Board  
Meeting Minutes  
July 18, 2017 @ 9:30 a.m.**

Minnesota Room – Department of Labor and Industry  
443 Lafayette Road North, St. Paul, MN 55155

**Members**

Tom Andresen  
Jeff Brown  
Michael Dryke  
Grant Edwards (Vice Chair)  
John Flagg  
Mike Herman (via teleconference)  
Rick Jacobs  
John Parizek  
Phillip Sterner (Secretary)  
Cathy Tran (Comm. Designee)  
David Weum

**Members Absent**

Larry Justin  
David Wagner

**DLI Staff & Visitors**

Wendy Legge (Chief Gen. Counsel, DLI)  
Suzanne Todnem (Attorney to the Board, Gen. Counsel, DLI)  
Jim Peterson (DLI)  
Jim Lungstrom (DLI)  
Lyndy Logan (DLI)  
Brad Jensen (DLI)  
Charles Olson (DLI)  
Gary Thaden (MMCA)  
Sophie Thaden (MMCA)  
Dennis Schilling (City of West St. Paul)  
Adam Hanson (ABC)  
Jim Kittelson (Former BOP member)  
Scott Thompson (My Plumbing Training)  
Nick Erickson (Housing First MN)  
Dean Berckes (Military Affairs)  
Brian Soderholm (Soderholm/Water Control)  
Anita Anderson (MDH)  
Gary Schick (City of Rochester)  
Robert Aagaard (Viega)  
Tom Miller (Local 36)  
Jami Sehm (City of Blaine)  
Gary Simmons (Pipe Masters Inc.)  
Matt Marciniak (IAPMO)  
David Ybarra (MN Pipe Trades Assoc.)  
Doug Morin (A.G. O'Brien Plumbing – via phone)  
Justin Opperman (Mayo Clinic – via phone)

**I. Call to Order**

The meeting was called to order by Chair Parizek at 9:34 a.m. Roll call was taken by Secretary Sterner and a quorum was declared with 10 of 12 voting members present in person or via teleconference and one non-voting member present. Introductions and housekeeping announcements were made. Parizek announced that Cathy Tran is now the Commissioner's designee for the Department of Labor, replacing Jim Lungstrom, and David Weum is the Commissioner's designee for the Department of Health.

**II. Approval of meeting agenda**

A motion was made by Sterner, seconded by Jacobs, to approve the agenda as presented but it was noted that a responsible authority for data requests would be appointed during VI. Special Business, Item B) Data Practices, Records Retention and the Open Meeting Law: An Introduction for the Plumbing Board. The roll call vote was unanimous with 10 votes in favor; the motion carried.

**III. Approval of previous meeting minutes**

A motion was made by Edwards, seconded by Sterner, to approve the April 18, 2017, regular meeting minutes with the deletion of David Ybarra because his name was listed twice under DLI Staff & Visitors. The roll call vote was unanimous with 10 votes in favor; the motion carried.

**IV. Regular Business**

Approval of expense reports – Parizek approved the expenses as presented.

**V. Committee Reports**

**A. Department Updates**

Nothing to report

**B. Executive Committee**

The Committee moved their start time to 8:30 a.m. from 8:00 a.m.

**C. Construction Codes Advisory Council**

Edwards noted he received his appointment to the CCAC and the next meeting is scheduled for July 20, 2017.

**VI. Special Business**

**A. Request for Interpretation (RFI) – Doug Morin, A.G. O’Brien Plumbing & Heating (see Attachment A)**

Doug Morin attended the meeting via teleconference. Morin noted that the code section referenced on the RFI to be interpreted, 4715.2110N, should read “4714.603.5.12” and Parizek read the definition aloud as follows: *4714.603.5.12 Beverage Dispensers. Potable water supply to beverage dispensers, carbonated beverage dispensers, or coffee machines shall be protected by an air gap or a vented backflow preventer in accordance with ASSE 1022. For carbonated beverage dispensers, piping material installed downstream of the backflow preventer shall not be made of copper and not be affected by carbon dioxide gas.* Morin said a combi-oven was approved as an acceptable device in Final Interpretation #PB0078<sup>1</sup> but he was not sure if 603.5.12 was the correct section.

Morin noted that he worked with Jim Peterson to draft the RFI. Peterson said he did an inspection for A.G. O’Brien Plumbing & Heating at the Sandstone Hospital and they had a combi-oven with an ASSE 1022 device for backflow protection. The ASSE 1022 device is listed only for beverage dispensers and although beverages are not being dispensed in

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<sup>1</sup> Final Interpretation PB0078 was issued on September 16, 2013, under the previous Plumbing Code.

a combi-oven, it is a similar type device. The ASSE 1022 has non-copper bearing components and might be adequate for this installation.

Lengthy discussion followed regarding ASSE 1022 and ASSE 1012.

Parizek read aloud section 603.2.3 Backflow Prevention as follows: *No plumbing fixture, device, or construction shall be installed or maintained, or shall be connected to a domestic water supply, where such installation or connection provides a possibility of polluting such water supply or cross-connection between a distributing system of water for drinking and domestic purposes and water that becomes contaminated by such plumbing fixture, device, or construction unless there is provided a backflow prevention device approved for the potential hazard.*

Parizek read aloud section 603.2 Approval of Devices or Assemblies as follows: *Before a device or an assembly is installed for the prevention of backflow, it shall have first been approved. Devices or assemblies shall be tested in accordance with recognized standards or other approved standards. Backflow prevention devices and assemblies shall comply with Table 603.2, except for specific applications and provisions as stated in Sections 603.5.1 through 603.5.23.*

Parizek said ASSE 1012 is not listed in 603.2.3 or 603.2. Looking at the PB0078 Final Interpretation, Parizek asked each board member to answer the same three questions that are in PB0078 as follows:

**Question 1: Is a combi-oven a low hazard application?**

**Answer: Yes**

**Question 2: Is the combi-oven subject to back pressure?**

**Answer: Yes**

**Question 3: Is a double-check valve with intermediate atmosphere vent adequate protection for a combi-oven?**

**Answer: Yes, one board member answered no**

#### **Commentary**

**Question 1:** All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to Question one. Parizek asked if anyone had any further comments and there were none. There was nothing further added.

**Question 2:** All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to Question two. Parizek asked if anyone had any further comments and there were none. There was nothing further added.

**Question 3:** All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to Question three. The Board also read dual check and double-check documentation for clarification. Parizek asked if anyone had any further comments and there were none. Parizek said it should be noted that the installation of the device or assembly must be within the application and the scope of the standard.

The Board took a 10 minute break and reconvened at 11:23 a.m.

Parizek said it does not appear that the ASSE 1022 is a good choice for combi-ovens. The Board needs to interpret a specific code section or ask Morin to withdraw his Request for Interpretation and bring it back to the Board after it has been modified. Parizek then asked Morin if there was a specific section of the code he wanted interpreted. Morin replied 603.2. Parizek asked if Morin wanted to know if the ASSE 1022 was suitable for a combi-oven under 603.2; Morin said yes.

**A motion was made by Parizek, seconded by Edwards, that NO, an ASSE 1022 cannot be installed in a combi-oven per section 603.2. The roll call vote passed with 9 of 10 votes in favor (1 opposed); the motion carried.**

**A motion was made by Parizek, seconded by Edwards, asking the question, would an ASSE 1012 be a suitable device for the installation of a combi-oven under section 603.2 when approved by the Authority Having Jurisdiction. The answer is YES. The roll call vote was unanimous with 10 votes in favor; the motion carried.** Parizek noted that there are a number of applications that are in gray areas where installations are not specified exactly.

- B. Data Practices, Records Retention and the Open Meeting Law: An Introduction for the Plumbing Board – See Attachment B.** Legge gave a brief overview of the presentation and Todnem noted that Board members should use an email address only they have access to.

The board broke for lunch at 12:20 p.m. and resumed at 1:25 p.m.

Parizek said the Board needed to appoint a responsible authority for data requests.

**A motion was made by Sterner, seconded by Flagg, to appoint Lyndy Logan as the Board's responsible authority for the Data Practices Act. The roll call vote was unanimous with 10 votes in favor; the motion carried.**

**C. Board rulemaking discussion**

Parizek recommended that the Board consider postponing rulemaking for chapter 4714 until the review of the 2018 UPC. The previous goal was every three years but now a 6-year cycle is more realistic.

Parizek said the Chair should publish a Request for Comments for chapter 4716, licensing chapter, as quickly as possible.

**D. Officer Elections – the meeting was turned over to Cathy Tran, Commissioner’s Designee, for election of officers.**

- a. **Chair** – Parizek nominated Rick Jacobs. No other nominations were given. The roll call vote was unanimous with 9 votes in favor (Mike Herman no longer present via teleconference); the nomination passed. Jacobs was elected as Chair.
- b. **Vice-Chair** – Sterner nominated Grant Edwards. No other nominations were given. The roll call vote was unanimous with 9 votes in favor; the nomination passed. Edwards was re-elected as Vice-Chair.
- c. **Secretary** – Parizek nominated Phil Sterner. No other nominations were given. The roll call vote was unanimous with 9 votes in favor; the nomination passed. Sterner was re-elected as Secretary.

The meeting was turned over to the newly-elected Chair, Rick Jacobs.

- E. Committee appointments** – Parizek recommended combining the Ad-Hoc Rulemaking Committee and the Code Review Committee and he said he would continue as Chair of the Committee and Jacobs agreed to co-Chair. The newly combined Committee is now called “Ad-Hoc Code Review and Rulemaking Committee” with volunteer members as follows: Parizek (Chair), Jacobs (Co-Chair), Flagg, Herman, Justin and Tran.

The Inspection Uniformity Committee was reestablished with Phil Sterner as Chair. Members include Sterner (Chair), Edwards, Andresen, and Jacobs.

The Board recommended and the Commissioner of Labor and Industry appointed Grant Edwards to the Construction Codes Advisory Council with John Flagg serving as his alternate.

Todnem noted that she would do her best to attend all Sub-Committee meetings.

**VII. Complaints**

Nothing to report.

**VIII. Open Forum**

Nothing brought forth.

**IX. Correspondence**

None

**X. Board Discussion**

Parizek said it would be helpful to include an appendix in the back of the Plumbing Code book.

**XI. Announcements**

**A motion was made by Sterner, seconded by Parizek, to approve the following 2018 meeting dates for the Plumbing Board and Executive Committee: January 16, 2018, April 17, 2018, July 17, 2018, and October 16, 2018. The vote was unanimous with 9 votes in favor; the motion passed.**

Next regularly scheduled meetings in 2017 – all meetings will be held at 9:30 a.m. in the Minnesota Room. The Executive Committee meetings occur at **8:30 a.m.** prior to each regular meeting.

A) October 17, 2017

**XII. Adjournment**

A motion was made by Edwards, seconded by Sterner, to adjourn the meeting at 2:07 p.m. The vote was unanimous with 9 votes in favor of the motion; the motion passed.

Respectfully submitted,

*Phil Sterner*

Phil Sterner, Board Secretary



Plumbing Board  
c/o Department of Labor and Industry  
443 Lafayette Road North  
St. Paul, MN 55155-4344  
www.dli.mn.gov

# Plumbing Board Request for Interpretation

PRINT IN INK or TYPE

NAME OF SUBMITTER <b>Douglas R Morin</b>	Rule(s) to be interpreted (e.g., 4714.0330) <b>4714 603.3</b>
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The Minnesota Plumbing Code (MN Rules, Chapter 4714) is available at [www.dli.mn.gov/CCLD/PlumbingCode.asp](http://www.dli.mn.gov/CCLD/PlumbingCode.asp)  
Has a request for interpretation been submitted to Department of Labor and Industry (DLI) staff, either as a verbal request or a written request?  Yes  No

If "No," contact DLI staff at 651-284-5187. The DLI is responsible for administration and interpretation of the Minnesota Plumbing Code, and all requests must be processed and provided a DLI interpretation before being referred to the Plumbing Board. This form is intended to be used to request an interpretation from the Plumbing Board only as a resolution of dispute with DLI interpretation.

CODE/RULE to be interpreted: <b>4715.2110N <del>4714.603.5.12</del> changed to:</b>	NAME OF DLI employee gave interpretation: <b>John Parizek</b>	DATE interpretation originally requested: <b>6/21/17</b>
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Provide a copy of the DLI interpretation with this request (a copy must be provided as reference).

Is there a local dispute with an Inspector of other official? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, state the name or type of official <b>Jim Peterson</b>
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State the circumstances of the initial dispute:

The new plumbing code 2015 can be interpreted to follow the old code, and allow a double check assembly with an atmospheric vent, for a domestic water connection serving a combi-oven.

Explain why you disagree with the interpretation given to you by DLI staff:

I believe the interpretation should be the same as it was on the PB0078 inquiry issued 9/16/2013.

What is your interpretation of the language:

That a double check assembly with vent should or could be an approved device for this application.

List any other information you would like the Board to consider:

Is it the intention of the Plumbing Board interpretation dated 9/16/13 to allow the use of an ASSE 1012, and or an ASSE1022 device on water supplied kitchen equipment to apply to MN 4714.603.3 ?

**Information regarding submitting this form:**

- Submit any supporting documentation to be considered electronically to [DLI.CCLDBOARDS@state.mn.us](mailto:DLI.CCLDBOARDS@state.mn.us). Once your Request For Interpretation form has been received, it will be assigned a file number. Please reference this file number on any correspondence and supplemental submissions.

**Information for presentation to the Board.**

- You will be notified with the date of the Board Meeting in which your Request For Interpretation will be heard.
- Limit presentations to 5 minutes or less.
- Be prepared to answer questions regarding the Code, the circumstances that led to the dispute and please bring copies of any documentation.

**What you can do if you disagree with the Board's determination:**

- You may appeal the Board's determination pursuant to Minn. Stat. Chapter 14.

RFI File No. PB0092	Date Received by DLI	Dated Received by Board	Date of Board Meeting
Title of RFI	By:		

This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.

**Submitted by:**

NAME Douglas R Morin		FIRM NAME A.G. Obrien Plumbing & Heating Co.	
ADDRESS 4907 Lightning Drive		CITY Hermantown	STATE ZIP CODE Mn 55811
PHONE (218) 729-9662	SIGNATURE (original or electronic)	DATE 6/21/17	

For assistance or questions on completing this form, please call 651-284-5898 or 651-284-5889.

Mailing address:

**Plumbing Board**  
c/o Department of Labor and Industry  
443 Lafayette Road North  
St. Paul, MN 55155-4344

\*\*\* Please remember to attach all necessary explanations and supporting documentation\*\*\* Page 2 of 2

## PLUMBING BOARD: NOTICE OF FINAL INTERPRETATION

On September 16, 2013, the Minnesota Plumbing Board issued a Final Interpretation, which is printed below, pursuant to Minnesota Statutes §§ 326B.435, subdivision 2(a)(4), and 326B.127, subdivision 5. The submitter agreed that this Request for Interpretation would be heard by the Board at its July 16, 2013 meeting.

Any person aggrieved by this Final Interpretation may appeal it by filing a petition for a writ of certiorari with the Minnesota Court of Appeals pursuant to Minn. Stat. § 14.63.

As required by Minnesota Statutes § 326B.127, subd. 5, the Plumbing Board will consider this Final Interpretation for adoption as part of the Code. Questions may be directed to Patricia Munkel-Olson, phone: (651) 284-5128, *email*: patricia.munkel-olson@state.mn.us. TTY users may call (651) 297-4198.

### FINAL INTERPRETATION

**Inquiry:** PB0078  
**Subject:** Low pressure hazard  
**Code Reference:** Minnesota Plumbing Code, Minnesota Rules Part 4715.2110, item N (2011)  
**Submitted by:** Mr. Daniel Ruelle  
 Shannon's Inc.  
 1919 Main Avenue  
 International Falls, MN 56649  
**Approved by:** Minnesota Plumbing Board  
 by John Parizek, Board Chair  
**Date Received:** June 20, 2013  
**Issue Date:** September 16, 2013  
**Background:** On July 16, 2013, the Board considered en banc information regarding the application of the Plumbing Code as it relates to the connection of the domestic water supply to a combi-oven in a commercial kitchen.

The submitter agreed that this Final Interpretation could be issued more than 30 days after his request for interpretation was received (PB0078).

The Board considered information presented by DLI Plumbing Inspector Jim Peterson. Mr. Ruelle was not in attendance. All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to each questions contained in this Final Interpretation. The Board also sought comment, thoughts, opinions, and questions from persons in attendance.

As required by Minnesota Statutes § 326B.127, subd. 5, the Plumbing Board will consider this Final Interpretation for adoption as part of the Plumbing Code.

**Question One:** Is a combi-oven a low hazard application?  
**Answer One:** Yes.  
**Commentary:** All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to Question One.

**Question Two:** Is the combi-oven subject to back pressure?  
**Answer Two:** Yes.  
**Commentary:** All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to Question Two.

**Question Three:** Is a double-check valve with intermediate atmosphere vent adequate protection for a combi-oven?  
**Answer Three:** Yes.  
**Commentary:** All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to Question Three. The Board also read dual check and double-check documentation for clarification.

Date: 09/16/2013      /s/John Parizek  
John Parizek, Chair  
Minnesota Plumbing Board

# Meeting Minutes: Plumbing Board

Date: October 17, 2017 @ 9:30 a.m.  
Minutes prepared by: Lyndy Logan  
Location: Minnesota Room, Department of Labor and Industry  
443 Lafayette Road No., St. Paul, MN 55117-4344

## **Members**

Tom Andresen  
Jeff Brown  
Michael Dryke  
John Flagg  
Mike Herman (via teleconference)  
Rick Jacobs (Chair)  
Larry Justin  
John Parizek  
Phillip Sterner (Secretary)  
Cathy Tran (Commissioner's Designee)  
David Wagner  
David Weum

## **Members Absent**

Grant Edwards (Vice Chair)

## **DLI Staff & Visitors**

Suzanne Todnem (Gen. Counsel, DLI)  
Jim Peterson (DLI)  
Lyndy Logan (DLI)  
Charles Olson (DLI)  
Brad Jensen (DLI)  
John Roehl (DLI)  
Scott Thompson (MN Plumbing Training)  
Andy Thielen (Crane Engineering)  
Matt Torein (J-Berd Mechanical)  
Josh Matinson (J-Berd Mechanical)  
Ray VinZant (Midway Votech)  
Jim Gander (PHCC)  
Gary Schick (City of Rochester)  
Adam Hanson (ABC)  
Dean Berckes (Military Affairs)  
Tom McCarthy (Local 34)  
Sophie Thaden (MMCA)  
Scott Eggen (City of Minneapolis)  
Matt Marciniak (IAPMO)  
Richard Hauffe (ICC)

## **I. Call to Order**

The meeting was called to order by Chair Jacobs at 9:30 a.m. Roll call was taken by Secretary Sterner and a quorum was declared with 11 of 12 voting members present in person or via teleconference and one non-voting member. Introductions and housekeeping announcements were made.

## **II. Approval of Meeting agenda**

A motion was made by Justin, seconded by Parizek, to approve the agenda with a change to Announcements, item D, to read "October 16, 2018." The roll call vote was unanimous with 11 votes in favor; the motion carried.

## **III. Approval of Previous Meeting Minutes**

A motion was made by Herman, seconded by Parizek, to approve the July 18, 2017, regular meeting minutes as presented. The roll call vote was 9 votes in favor with 2 abstentions; the motion carried.

#### **IV. Regular Business**

Approval of expense reports – Jacobs approved the expenses as presented.

#### **V. Committee Reports**

##### **A. Department Updates**

Nothing to report

##### **B. Executive Committee**

Met this morning at 8:30 a.m.

##### **C. Construction Codes Advisory Council**

September CCAC meeting was canceled so nothing to report at this time. The next meeting is in November.

#### **VI. Special Business**

##### **A. Inspection Uniformity Committee update**

Sterner said the Committee meeting was well attended and involved audience participation. Parizek thought it was a good first meeting and his recommendation would be to take a look at what direction the Committee should go. Uniformity across the state, from one suburb to the next, was discussed at the meeting – with a performance-based code, it is more open to interpretation to the authority having jurisdiction. Jacobs said most of the discussion that took place was specific to the authority having jurisdiction – items that fell within alternative means and methods. Many items discussed pertained to the authority having jurisdiction. Jacobs recommended dissolving the Committee unless the Board gave the Committee clear direction on its goals. He said most of the comments weren't regarding uniformity across the state for inspectors. Justin agreed with Jacobs and said the Committee's goal needs to be clear, that the Board already has the Request for Interpretation process, and once the Committee understands completely how inspection uniformity works in Minnesota they could bring this information back to the Board. Peterson said he believed attendees attended the meeting to air their grievances and this isn't the point of the Committee. Peterson agreed the Committee needed to define their purpose if there was to be another meeting.

Parizek said plumbing inspections are not the role of the Board for enforcement but perhaps the Committee could work with the department. Peterson said the industry is getting the level of code enforcement that they want and the industry should do the lobbying for statewide inspections if that is what they desire. Jacobs asked if the Board had the authority to add more inspections in outstate Minnesota and Peterson said the Department has the authority but there would need to be a program in place to pay for inspections. Tran said any recommendation should come from the Commissioner's office. Peterson added that it would take legislative action to setup a program to pay for this.

Sterner stated he believes the Committee has a purpose but focus is needed. Jacobs asked how the Board felt about the Committee and what type of direction should be given. Justin asked Todnem what authority the Board has on inspections and Todnem said the Board can make a recommendation to the department but the Board has no authority. Justin asked Tran if the department should put some effort into an outstate inspections program and Tran said any type of recommendation on this topic would need to come from the Commissioner's office. Justin reiterated Jacobs thoughts that if the Committee is to continue, the Board would need to provide clear direction.

Jacobs asked if the Committee should develop recommendations on uniformity for providing inspections versus uniformity in the code specifically. Would this be the guidance given to the committee? Andresen said he thought the Committee was to look at requiring plumbers to do plumbing inspections; he agreed that clear direction needed to be given to the Committee.

Jacobs asked if the purpose of the Committee would be to draft proposed legislation on statewide uniformity for plumbing inspections. Peterson said if the Committee wants to focus on setting inspections in non-code enforced areas and non-plan reviewed projects then this may eliminate people venting their grievances at a Committee meeting. Peterson added that unless there is support from the industry, he wouldn't chase this and said the department will remain neutral on this issue. Justin said input should also come from the populous (cities and counties, etc.) not just the industry. Parizek agreed that input should be sought from the industry (contractor associations, building officials, and the League of Minnesota Cities).

Sterner said he suggested that at the next meeting the industry provide their input.

Justin said it sounds as if there are two steps – 1) inspectors should be versed in plumbing in code enforced areas – either a master plumber or whatever licensure is required and 2) non-code enforced areas – how are these areas affected. One could dramatically affect the other.

Jacobs said that if the changes the Committee is going to be discussing require legislative action then he doesn't believe this is something the Board needs to get into. There is no evidence that there is an industry push for statewide inspections. Peterson said an invitation could be extended to the industry asking for comments/input for a statewide inspection program. If no comments are received by the next meeting, then the Committee could be dissolved. Jacobs said that he will afford the opportunity for the Committee to meet again after comments are received by the industry. Peterson agreed and said if no comments are received then this would sum up what the industry wants. Todnem asked Jacobs if the Board would send out an email to interested parties and Jacobs said yes – the Board would send an invitation for comments on a statewide basis and once comments were received the Board would meet to determine if the Committee should continue or be dissolved.

Jim Gander said he doesn't think there is an outcry from the industry in outstate Minnesota. From an industry standpoint, the biggest issue is how inspectors interpret the code. He said there are differing interpretations of the code by inspectors and contractors want the code enforced uniformly throughout each jurisdiction. More uniformity among the code-enforced areas is needed, not more inspections.

Scott Thompson stated he believes the Committee was set up to discuss code enforcement throughout the state in non-code enforced areas and this is a hot item. Competency of inspections is a separate issue. He believes the Committee was designed to move these issues forward with legislation and if this doesn't happen then there won't be inspections throughout greater Minnesota.

Jacobs summarized that from the audience, one person said he thought the Committee was to discuss uniformity in code areas and the second person said their interpretation of the Committee was to address the competency of the inspectors. This is his point – a clear direction of what the Committee is hoping to accomplish is necessary. He urged the Plumbing Board to provide the Committee with a clear direction/goal or dissolve it.

A motion was made by Parizek, seconded by Justin, to table the discussion with the Committee until the January meeting and a representative of the Board contact the industry for their input and then revisit the purpose of the committee for direction or to dissolve the Committee. The motion was amended as shown below.

**A motion made by Parizek, seconded by Justin, to table the discussion of the Inspection Uniformity Committee until the January meeting. The roll call vote was 10 votes in favor with 1 opposed; the motion carried.**

## **VII. Complaints**

Nothing to report

## **VIII. Open Forum**

Scott Thompson – Licensed plumbers must get Continuing Education (“CE”) credits to renew their license, including 4 hours of mandatory technical credits. The 4 hours of mandatory technical is a hardship on plumbers and should not be mandatory – some plumbers satisfy their 16 hours of CE but are missing 2 hours of technical, which means they have not satisfied the CE requirements for license renewal. The code should say 16 hours of CE with a technical option.

Parizek said this could be addressed when 4716 is opened up for rulemaking. Jacobs asked Todnem if a Request for Comments would be sent out and would this be an opportunity for Thompson to make these comments and Todnem said yes. Todnem said that in the next two to four weeks a Request for Comments should be published regarding this rulemaking.

Todnem said the request for comments is the first step to open up rulemaking and at two different times the Board will accept comments on the rule chapter. She recommended comments be submitted in writing and said that proposed amendments would be discussed at a regularly scheduled Board meeting.

**IX. Correspondence**

None

**X. Board Discussion**

Parizek said would set a meeting with the Ad-Hoc Code Review & Rulemaking Committee to review possible revisions to the 2018 UPC.

Todnem briefly described the rulemaking timeline/process.

Todnem asked for clarification from the Board regarding gathering of industry input and Parizek suggested the Board send out an email to the Interested Parties list and all key players such as PHCC, mechanical contractors, the AVC, AMBO, League of Minnesota Cities, the Association of Minnesota Counties, Township Associations, and the Department to collaborate the direction, if any, of the Inspection Uniformity Committee. This industry group could inform the Board on whether the industry wants any changes made to inspections in non-code enforced areas and inspector certification.

**XI. Announcements**

Next regularly scheduled meetings in 2018 – all meetings will be held at 9:30 a.m. in the Minnesota Room. The Executive Committee meetings occur at 8:30 a.m. prior to each regular meeting in the Minnesota Room.

- A. January 16, 2018
- B. April 17, 2018
- C. July 17, 2018
- D. October 16, 2018

**XII. Adjournment**

A motion was made by Parizek, seconded by Sterner, to adjourn the meeting at 10:33 a.m. The vote was unanimous with 11 votes in favor of the motion; the motion passed.

Respectfully submitted,

*Phil Sterner*

Phil Sterner, Board Secretary

# Meeting Minutes: Ad-Hoc Code Review & Rulemaking Committee of the Plumbing Board

Date: November 21, 2017  
Time: 9:30 a.m.  
Location: Minnesota Room, Department of Labor and Industry  
443 Lafayette Road North, St. Paul, MN 55155

## Committee Members Present

John Parizek (Chair)  
Larry Justin  
John Flagg  
Rick Jacobs  
Tom Andresen  
Cathy Tran

## Committee Members Absent

Mike Herman

## DLI Staff

Jim Peterson (DLI)  
Brad Jensen (DLI)  
Suzanne Todnem (DLI)

## Visitors

Scott Thompson (My Plumbing Training)  
Matthew Marciniak (IAPMO)  
Adam Hansen (ABC)  
Chris Rosival (Lakeville)  
David Fisher (Edina)  
Andy Thielen (Crane Eng.)  
David Skallet (St. Louis Park)  
Steve Kartak (Edina)  
Stephanie Menning (MUCA)  
Gary Thaden (MMCA)  
Sophie Thaden (MMCA)  
David Ybarra (MPTA)  
Tom McCarthy (Local 34)  
Tim Power (MNLA)  
Noah Rouen (Standard)  
Timothy Bell (AYPO) – via telephone

## Call to Order

The meeting was called to order by Chair Parizek at 9:35 a.m. Introductions and housekeeping announcements were made.

## Approval of Meeting Agenda

A **motion** was made by Justin, seconded by Flagg, to approve the Agenda. **The vote was unanimous and the motion carried.**

## Charge of Committee

Parizek commented on the charge of the committee from the Board. Committee members are to review Minnesota Rules, chapter 4714 and 4716 for possible amendments and review comments for recommendation to the Board

## Special Business

The Committee discussed the publication of the 2018 Uniform Plumbing Code (UPC) and that a comparison between the 2015 Minnesota Plumbing Code and the 2018 UPC can begin. The Request for Action (“RFA”) form was reviewed to determine if there are any necessary modifications and to determine if the form could be used by the public to submit suggested rule amendments during the rulemaking comment period. There is currently an

open Request for Comments (“RFC”) for amendments to the current code. The committee discussed if the RFC should be modified or closed and a new Request for Comments opened.

A **motion** was made by Justin, second by Flagg, to recommend to the Board to use the current RFA requesting that it must be properly and completely filled out. **The vote was unanimous and the motion carried.**

A **motion** was made by Justin, second by Flagg, to recommend to the Board to close the current Request for Comments and publish a new Request when ready to update the current code. **The vote was unanimous and the motion carried.**

The review process for comparing the two versions of the codes were discussed. Matt Marciniak will check if a 2012 UPC to 2015 UPC to 2018 UPC comparison is available. The Committee and Department will begin the review process of the Minnesota code and the 2018 UPC. Parizek reminded the Committee of the interpretations pertaining to the 2015 Minnesota Code that would also require a review for amendment into the next code cycle.

Parizek called for a break. The meeting resumed and the Committee began discussion of Minnesota Rules, chapter 4716. Timothy Bell (At Your Pace Online) joined the meeting by phone. Rulemaking for chapter 4716 was opened on October 30<sup>th</sup>, 2017, with the publication of a Request for Comments in the *State Register*. Action by the Legislature during the previous session affected laws that govern the Board’s authority over licensing and continuing education, justifying a review of chapter 4716. Parizek read through the relevant changes to statutes. The Committee began discussion of possible amendments to present to the full Board. Language for Registered Unlicensed Plumber and Registered Unlicensed Water Conditioning will need to be drafted and included in 4716. The Board was also given rulemaking authority for continuing education requirements of the registered unlicensed individuals. The Committee discussed the amount of required CE hours and breakdown of the hours. The Committee will make the following recommendations to the full Board at the next scheduled Board meeting:

- 1) That there should be no restriction on the number of online CE hours whereas currently there is a limit of four hours for online CE credits per reporting period;
- 2) Of the 16 required CE hours per reporting period, only 8 (instead of the 12) hours must be on the Plumbing Code; the other 8 hours should be plumbing-related or approved CE instruction; and
- 3) Two hours of CE per reporting period for registered unlicensed individuals, or whatever the registered unlicensed electrical requirement is as the Committee wishes to offer consistency amount the different trades.

Parizek volunteered to craft language for 4716 and present it to the Board at the January 16, 2018, meeting.

## Future Meetings

January 16, 2018, 9:00 am, prior to the Plumbing Board meeting.

## Adjournment

With no further business a motion for adjournment was made by Justin, second by Flagg. Motion passed unanimously

Respectfully submitted,



John A. Parizek,  
Committee Chair

# Meeting Minutes: Plumbing Board

Date: January 16, 2018  
Time: 9:30 a.m.  
Minutes by: Lyndy Logan  
Location: Minnesota Room, Department of Labor and Industry  
443 Lafayette Road No., St. Paul, MN 55117-4344

## **Members**

Tom Andresen  
Michael Dryke (via teleconference)  
Grant Edwards (Vice Chair)  
John Flagg  
Mike Herman  
Rick Jacobs (Chair)  
Larry Justin  
John Parizek  
Phillip Sterner (Secretary)  
Cathy Tran (Commissioner's Designee)  
David Wagner  
David Weum (via teleconference)

## **Members Absent**

Jeff Brown

## **DLI Staff & Visitors**

Suzanne Todnem (Gen. Counsel, DLI)  
Jim Peterson (DLI)  
Lyndy Logan (DLI)  
Charles Olson (DLI)  
Brad Jensen (DLI)  
Gary Thaden (MMCA)  
Mike Johnson (J-Berd)  
Tim Power (MNLA)  
Richard Hauffe (ICC)  
David Skallet (City of St. Louis Park)  
Gary Schick (City of Rochester)  
Matt Marciniak (IAPMO)  
Dave Wagner (AWWD)  
Mark Hines (MUCA)  
Timothy Bell (AYPO) – via teleconference

## **1. Call to Order**

The meeting was called to order by Chair Jacobs at 9:33 a.m. Roll call was taken by Secretary Sterner and a quorum was declared with 11 of 12 voting members present in person or via teleconference and one non-voting member. Introductions and housekeeping announcements were made.

## **2. Approval of meeting agenda**

A motion was made by Justin, seconded by Flagg, to approve the agenda with modifications as shown below in italics. The roll call vote was unanimous with 11 votes in favor; the motion carried.

### **6. Special Business**

- A. Plumbing Board survey results
- B. *Ad-Hoc Code Review and Rulemaking Committee update*
- C. *Rulemaking update*

### 3. **Approval of previous meeting minutes**

A motion was made by Herman, seconded by Parizek, to approve the October 17, 2017, regular meeting minutes as presented. The roll call vote was 10 votes in favor with 1 abstention; the motion carried.

### 4. **Regular Business**

Approval of expense reports – Jacobs approved the expenses as presented.

### 5. **Committee Reports**

#### A. **Department Updates**

- Tran said that Jessica Looman, DLI's former Deputy Commissioner, has taken a position as the Commissioner at the Department of Commerce. Scott McLellan, CCLD's Director and State Building Official, has taken on additional responsibilities and is now also the Assistant Commissioner overseeing CCLD and Labor Standards. Heather McGannon is also an Assistant Commissioner and Chris Leifeld is the Deputy Commissioner.
- The department is undergoing a renovation on all of its floors.
- The department's website is being redesigned to make it user friendly and documents are being made accessible.

#### B. **Executive Committee**

The Committee met this morning and approved the Plumbing Board agenda with the changes noted above.

#### C. **Construction Codes Advisory Council**

- The Council met on November 30, 2017. Todnem said the CCAC reviewed and approved Technical Advisory Group (TAG) members for reviewing building code chapters to determine if there should be any amendment recommendations for the upcoming code cycle. The TAG kick-off meeting was held on Friday, Jan. 12, 2018.
- Edwards noted that the September CCAC meeting discussed old barns being used for weddings and other gatherings.

### 6. **Special Business**

#### A. **Plumbing Board survey results - see Attachment A**

Jacobs said the survey had 218 participants and ended Jan. 5, 2018. Jacobs summarized the results and said the survey was conducted to determine whether the Inspection Uniformity Committee (Committee) should move forward. [The survey was sent to the following groups: Plumbing Board Interested Parties, PHCC, Mechanical Contractors Association, ABC, AMBO, DLI, League of Cities, Association of Minnesota Counties and Township Associations].

Edwards said consistency is the biggest complaint he hears and Justin said this is also what he hears at the plan review stage. Justin said the Board does not have the authority to direct inspections in non-code enforced areas. Peterson said the industry could propose a plan to the legislature and use the electrical program as a base, how it

would be funded, staffed, etc. Parizek said the Board can only encourage the industry to work on a plan similar to the electrical program. Weum said the Committee needs to be more detailed in what “inspection uniformity” means and what would be proposed to draft for the legislature.

Thaden, Minnesota Mechanical Contractors Association, said that part of what the Board is missing are the political dynamics. He thinks there would be a lot of people in Greater Minnesota who would not be in favor of increased inspections and he sees the legislature not being in favor of expanding inspections to Greater Minnesota.

Dave Skallots, City of St. Louis Park, said that [inspecting in] outstate will be very hard to enforce. It is hard to get licensed plumbers to inspect work even in the Metro. Inspectors who are not licensed plumbers miss things because their expertise is not in the plumbing field. Peterson said his recommendation would be to tighten certification requirements for the construction code inspector. The Board can make recommendations to the legislature but that is as far as the Board can go.

Jacobs suggested that the inspection uniformity discussion be tabled until the next meeting. He recommended the Committee meet again, before the next Board meeting, and bring ideas to the Board for moving forward. Edwards said that the survey could be sent out to more people and Jacobs said the Committee can request this. Parizek asked if the Committee could find out what the building official certification requirements are in order to inspect plumbing. Jacobs said the Committee should let the Board know how and where they want to move forward, what kind of training would be considered, and what types of certifications there are currently for building officials. Jacobs said the Board has given direction to the Committee by asking the Committee to bring something to the Board to review.

The Board took a 15 minute break and resumed at 11:04 a.m.

**B. Ad-Hoc Rule and Rulemaking Committee update**

Parizek said the Ad-Hoc Rule and Rulemaking Committee met on Nov. 21, 2017, and proposed amendments to Chapter 4716 were sent to the Revisor for the Board’s consideration. Todnem noted these are proposed amendments and the Board would need to review, approve, and continue through the rulemaking process before officially complete.

**C. Rulemaking update**

Todnem said the Committee discussed making a recommendation to the Board to withdraw Chapter 4714 rulemaking and begin with a new rulemaking with a new Revisor number and a new Request for Comments.

**A motion was made by Parizek, seconded by Justin, to withdraw current rulemaking of Chapter 4714. The roll call vote was 11 votes in favor; the motion carried.**

**7. Complaints**

Nothing to report

**8. Open Forum**

Nothing brought forward

**9. Correspondence**

None

**10. Board Discussion**

Sterner said he would find a date for the Inspection Uniformity Committee to meet.

**11. Announcements**

Next regularly scheduled meetings in 2018 – all meetings will be held at 9:30 a.m. in the Minnesota Room. The Executive Committee meetings occur at 8:30 a.m. prior to each regular meeting in the Minnesota Room.

- A) April 17, 2018
- B) July 17, 2018
- C) October 16, 2018

**12. Adjournment**

A motion was made by Edwards, seconded by Sterner, to adjourn the meeting at 11:53 a.m. The vote was unanimous with 11 votes in favor of the motion; the motion passed.

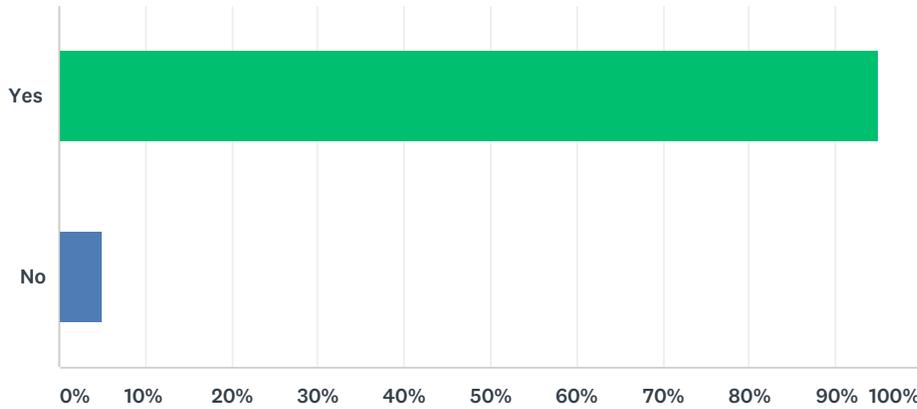
Respectfully submitted,

*Phil Sterner*

Phil Sterner, Board Secretary

# Q1 Should residential plumbing be inspected in non-code-enforced areas of Minnesota?

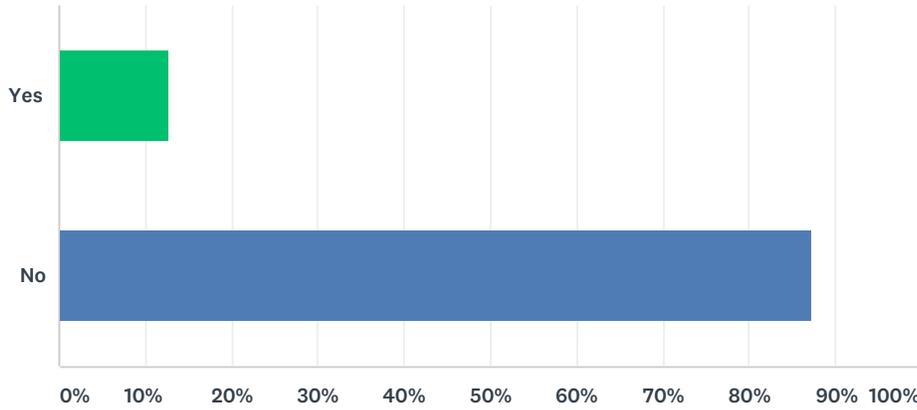
Answered: 218 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	94.95%	207
No	5.05%	11
TOTAL		218

## Q2 Are the current certification and competency requirements for individuals who inspect plumbing, including building officials and construction code inspectors, sufficient?

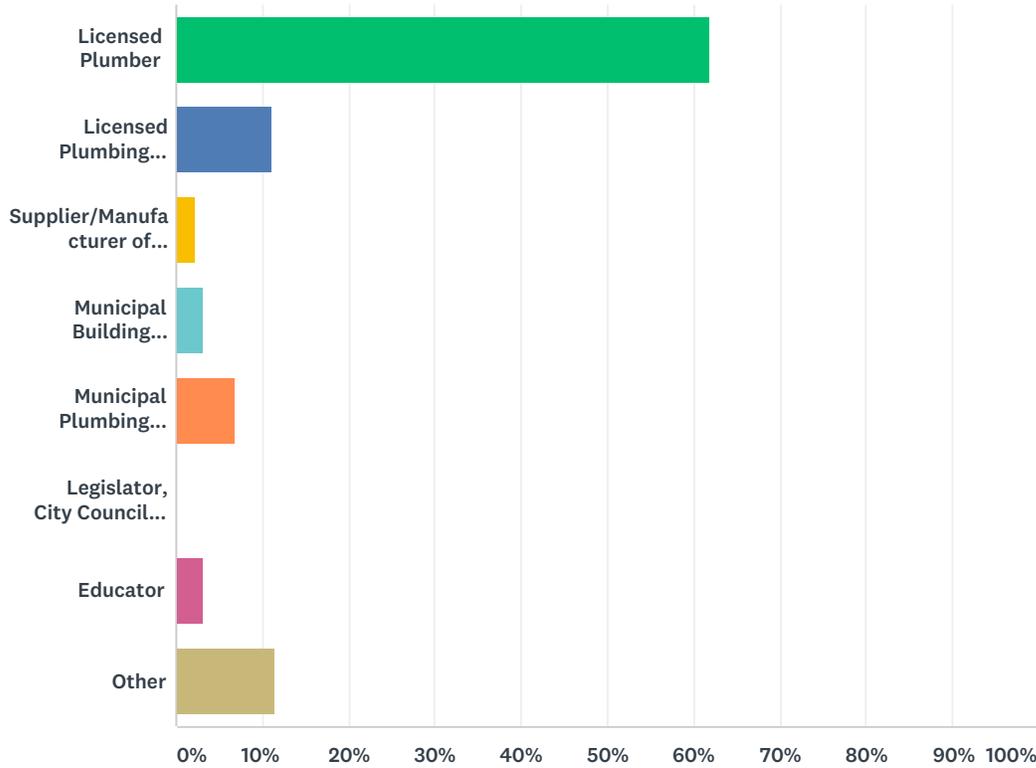
Answered: 218 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	12.84%	28
No	87.16%	190
TOTAL		218

### Q3 What segment of the plumbing industry do you represent?

Answered: 218 Skipped: 0



ANSWER CHOICES	RESPONSES	
Licensed Plumber	61.93%	135
Licensed Plumbing Contractor	11.01%	24
Supplier/Manufacturer of plumbing products	2.29%	5
Municipal Building Official	3.21%	7
Municipal Plumbing Inspector	6.88%	15
Legislator, City Council or County Board member	0.00%	0
Educator	3.21%	7
Other	11.47%	25
<b>TOTAL</b>		<b>218</b>

## Q4 Please enter your contact information.

Answered: 218 Skipped: 0

ANSWER CHOICES	RESPONSES	
Name	100.00%	218
Company	100.00%	218
Address	0.00%	0
Address 2	0.00%	0
City/Town	0.00%	0
State/Province	0.00%	0
ZIP/Postal Code	0.00%	0
Country	0.00%	0
Email Address	100.00%	218
Phone Number	100.00%	218

# SPECIAL Meeting Minutes: Ad-Hoc Code Review & Rulemaking Committee

Date: March 15, 2018  
Time: 12:30 p.m.  
Location: Minnesota Room, Department of Labor and Industry  
443 Lafayette Road No., St. Paul, MN 55117-4344

## Committee Members Present

John Parizek (Co-chair)  
Mike Herman  
Rick Jacobs (Co-chair)  
Cathy Tran

## DLI Staff & Visitors

Suzanne Todnem (DLI)  
Jim Peterson (DLI)  
Ruth Thompson (My Plumbing Training)  
Mark Heines

## Committee Members Absent

John Flagg  
Larry Justin

### 1. Call to Order

The meeting was called to order by Co-chair Parizek at 12:38 p.m. Introductions and housekeeping announcements were made. Attendance was taken; a quorum was met.

### 2. Approval of meeting agenda

A **motion** was made by Herman, seconded by Parizek, to approve the agenda. The vote was unanimous with 4 votes in favor; the motion carried.

### 3. Approval of previous meeting minutes

A motion was made by Herman, seconded by Parizek, to approve minutes from the January 16, 2018, Special Meeting. The vote was unanimous with 4 votes in favor; the motion carried.

### 4. Regular Business

Approval of Expense Reports – Jacobs approved the expenses as presented.

### 5. Special Business

The Committee reviewed the draft of possible amendments to Minnesota Rules, Chapter 4716 – Plumber Licensing and Apprentice Registration. The following changes were recommended:

**Line 2.1:** Replace “4716.0091, subpart 2,” with “4716.0010, subpart 6,”

**Line 4.18:** will read, in part, “...plumber’s licenses, and renewed restricted journeyworker plumber’s licenses....”

**Line 4.19:** STET: “licenses,”

**Line 4.20:** will read, in part, “...and renewed restricted master plumber’s.....”

**Line 5.4:** will read, in part, "...within two years of the license expiration will permanently....."

**Line 8.8:** remove added language "water conditioning"

**Line 8.23:** add "1" between "July" and "in"

**Line 9.19:** replace "326B.49" with "326B.59"

**Line 10.3:** delete "on" and add "must pertain to the Plumbing Code" at the end of the line.

The Committee will review the revisions prior to the April 17, 2018 Plumbing Board meeting.

A letter from the Minnesota Nursery & Landscape Association was discussed and the Committee determined that the scope of the letter would require changes to Statute which is outside of the Board's authority.

## **6. Adjournment**

With no further business a motion was made by Herman, seconded by Parizek to adjourn the meeting. The vote was unanimous and the meeting adjourned.

Respectfully submitted,



John A. Parizek,  
Committee Co-chair

# Meeting Minutes: Ad-Hoc Code Review & Rulemaking Committee

Date: April 17, 2018  
Time: 9:00 a.m.  
Location: Minnesota Room, Department of Labor and Industry  
443 Lafayette Road No., St. Paul, MN 55117-4344

## Committee Members Present

John Flagg  
Larry Justin  
Mike Herman  
Rick Jacobs (Co-chair)  
Cathy Tran

## Committee Members Absent

John Parizek (Co-chair)

## DLI Staff & Visitors

Suzanne Todnem, General Counsel (DLI)  
Jim Peterson (DLI)  
Lyndy Logan (DLI)  
John Roehl (DLI)  
Chuck Olson (DLI)  
Brad Jensen (DLI)  
Tom Andresen (Board member)  
Phil Sterner (Board member)  
Mike Johnson (J. Berd)  
Gary Schick (City of Rochester)  
Brian Soderholm (Soderholm & Assoc.)  
Gary Thaden (MMCA)  
Gary Simmons (contractor)  
Matthew Marciniak (IAPMO)  
Scott Thompson (My Plumbing Training)  
Gary Ford (Metro Testing)  
Timothy Bell (AYPO) – via teleconference

### **1. Call to Order**

The meeting was called to order by Co-chair Jacobs at 9:06 a.m. Introductions and housekeeping announcements were made. Attendance was taken; a quorum was met with 5 of 6 members present.

### **2. Approval of meeting agenda**

A motion was made by Justin, seconded by Herman, to approve the agenda. The vote was unanimous with 5 votes in favor; the motion carried.

### **3. Approval of previous meeting minutes**

A motion was made by Herman, seconded by Tran, to approve minutes from the March 15, 2018, Special Meeting. The vote was unanimous with 3 votes in favor with two abstentions; the motion carried.

### **4. Regular Business**

Approval of Expense Reports – Jacobs approved the expenses as presented.

## 5. Special Business

The draft of proposed amendments to Minnesota Rules, Chapter 4716 – Plumber Licensing and Apprentice Registration dated 3/19/2018 (see Attachment A) was reviewed. Possible modifications were discussed; Jacobs tabled further discussion and said a Committee meeting would be scheduled to discuss modifications then brought forward to the Board at the July annual meeting.

Gary Ford asked a question about lines 3.10 to 3.13, page 3, of Attachment A and the Board discussed the need to clarify this language. After lengthy discussion Jacobs said discussion should be tabled until the Ad-Hoc Code Review and Rulemaking Committee could meet and bring revisions back to the Board.

**A motion was made by Jacobs, seconded by Herman, that the Ad-Hoc Code Review and Rulemaking Committee meet to review lines 3.10 to 3.13 [shown below] and bring any revisions forward to the full Board. The majority vote ruled; the motion carried.**

- |      |  |
|------|--|
| 3.10 | (2) Except for experience qualifying under subitem (3), The applicant must                         |
| 3.11 | have been a registered plumber's apprentice <u>unlicensed plumber</u> at all times while obtaining |
| 3.12 | the practical plumbing experience. The applicant must have obtained the <u>practical plumbing</u>  |
| 3.13 | <u>experience in one of the following ways:</u>  |

## 6. Adjournment

With no further business a motion was made by Justin, seconded by Flagg, to adjourn the meeting. The vote was unanimous and the meeting adjourned.

Respectfully submitted,



Rick Jacobs  
Committee Co-chair

03/19/18

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1.1 **Plumbing Board**1.2 **Proposed Permanent Rules Governing Plumbing Licensing**1.3 **4716.0010 DEFINITIONS.**1.4 *[For text of subps 1 to 5, see M.R.]*

1.5 Subp. 6. **Registered unlicensed plumber.** "Registered unlicensed plumber" means  
1.6 an individual who performs plumbing work for a contractor or employer, does not hold any  
1.7 class of plumber license, is not a plumber's apprentice as described in Minnesota Statutes,  
1.8 section 326B.42, subdivision 6, and is registered with the commissioner under part  
1.9 4716.0050.

1.10 **4716.0020 EXAMINATION AND LICENSING OF PLUMBERS.**

1.11 Subpart 1. **Examinations.** An applicant for a plumber's license, other than a restricted  
1.12 journeyworker or restricted master plumber license, must satisfactorily pass an examination  
1.13 given by the commissioner. ~~Examinations for journeyworker and master plumber licenses~~  
1.14 ~~shall be held in March and September of each year. Applications for the March examination~~  
1.15 ~~must be filed not later than February 15 and for the September examination not later than~~  
1.16 ~~August 15.~~

1.17 A. An applicant for the master plumber examination must have:

1.18 (1) ~~a current Minnesota journeyworker plumber license and five years of~~  
1.19 ~~practical plumbing experience~~ at least one year of practical plumbing experience as a licensed  
1.20 journeyworker plumber as described in subpart 2;

1.21 *[For text of subitems (2) and (3), see M.R.]*

1.22 B. An applicant for the journeyworker examination:

1.23 (1) must be registered as a plumber's apprentice in Minnesota as described  
1.24 in Minnesota Statutes, section 326B.42, subdivision 6, or must be a registered unlicensed

2.1 plumber as described in part 4716.0010, subpart 6, and must have at least four years of  
 2.2 recorded practical plumbing experience, as specified in subpart 2, item F;

2.3 *[For text of subitems (2) and (3), see M.R.]*

2.4 Subp. 2. **Experience.** This subpart applies to all practical plumbing experience  
 2.5 described in subpart 1.

2.6 *[For text of items A to D, see M.R.]*

2.7 E. If the applicant is a licensed restricted journeyworker plumber or a licensed  
 2.8 restricted master plumber, subitems (1) ~~to (3)~~ and (2) apply.

2.9 (1) The practical plumbing experience must include at least the following  
 2.10 number of hours in the plumbing aspects specified in units (a) to (c). The remaining required  
 2.11 hours of practical plumbing experience may be in any aspect of plumbing work included  
 2.12 in the definition of plumbing in UPC section 218.0 as incorporated by reference in part  
 2.13 4714.0050; however, the applicant must include in the application the type of plumbing  
 2.14 work and corresponding number of hours:

2.15 (a) water distribution system installation, 1,000 hours;

2.16 (b) drain, waste, and vent system installation, 1,000 hours; and

2.17 (c) fixture installation, 500 hours.

2.18 *[For text of subitem (2), see M.R.]*

2.19 ~~(3) The applicant must have completed the entire two years of practical~~  
 2.20 ~~plumbing experience within the four years before the applicant takes the examination.~~

2.21 F. If the applicant is a registered ~~plumber's apprentice~~ unlicensed plumber, subitems  
 2.22 (1) ~~to (3)~~ and (2) apply.

3.1 (1) The practical plumbing experience must include at least the following  
3.2 number of hours in the plumbing aspects specified in units (a) to (c). The remaining required  
3.3 hours of practical plumbing experience may be in any aspect of plumbing work included  
3.4 in the definition of plumbing in UPC section 218.0 as incorporated by reference in part  
3.5 4714.0050; however, the applicant must include in the application the type of plumbing  
3.6 work and corresponding number of hours:

3.7 (a) water distribution system installation, 2,000 hours;

3.8 (b) drain, waste, and vent system installation, 2,000 hours; and

3.9 (c) fixture installation, 1,000 hours.

3.10 (2) ~~Except for experience qualifying under subitem (3),~~ The applicant must  
3.11 have been a registered ~~plumber's apprentice~~ unlicensed plumber at all times while obtaining  
3.12 the practical plumbing experience. The applicant must have obtained the practical plumbing  
3.13 experience in one of the following ways:

3.14 (a) during military service, and the applicant's military officer certifies  
3.15 the experience;

3.16 (b) as part of a plumbing education class approved by the commissioner,  
3.17 and an authorized representative of the plumbing educational institution certifies the  
3.18 experience; or

3.19 (c) as a plumber's apprentice in another state where the experience is  
3.20 verified by a state agency that regulates plumbing licensing in that state or by a federal  
3.21 agency.

3.22 (3) ~~Up to 24 months of practical plumbing experience gained before the~~  
3.23 ~~effective date of the applicant's initial registration as a plumber's apprentice will be credited~~  
3.24 ~~if the applicant gained some of the experience during the 12-month period immediately~~  
3.25 ~~prior to the effective date of the applicant's initial registration and if:~~

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4.1 ~~(a) the applicant gained the plumbing experience during military service,~~  
 4.2 ~~and the applicant's military officer certifies the experience;~~

4.3 ~~(b) the applicant gained the plumbing experience as part of a plumbing~~  
 4.4 ~~education class approved by the commissioner, and an authorized representative of the~~  
 4.5 ~~educational institution certifies the experience; or~~

4.6 ~~(c) the applicant gained the plumbing experience as a plumber's~~  
 4.7 ~~apprentice in another state where the experience is verified by a state agency in that state~~  
 4.8 ~~or by a federal agency.~~

4.9 G. Except as provided in item F, subitem ~~(3)~~ (2), all practical plumbing experience  
 4.10 must be certified by the licensed master plumber ~~or plumbing contractor~~ who is responsible  
 4.11 for the work performed. A restricted master plumber cannot certify the restricted master  
 4.12 plumber's own experience. The employer of a journeyworker plumber, restricted master  
 4.13 plumber, restricted journeyworker plumber, or ~~plumber's apprentice~~ registered unlicensed  
 4.14 plumber is responsible for:

4.15 *[For text of subitems (1) and (2), see M.R.]*

#### 4.16 **4716.0040 EXPIRATION OF LICENSES.**

4.17 Subpart 1. **Issuance and expiration.** Initial and ~~renewal~~ renewed journeyworker  
 4.18 plumber's licenses and renewed restricted journeyworker plumber's licenses expire on  
 4.19 December 31 of each odd-numbered year after issuance or renewal. Initial and renewed  
 4.20 master plumber's licenses, and renewal restricted journeyworker and renewed restricted  
 4.21 master plumber's licenses, shall be issued for the calendar year for which application is  
 4.22 made and shall expire on December 31 of such year each even-numbered year after issuance  
 4.23 or renewal. Any journeyworker plumber, master plumber, restricted journeyworker plumber,  
 4.24 or restricted master plumber who submits a renewal application after December 31 shall  
 4.25 not work as a plumber until the person has submitted an application, fee, and penalty fee.

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5.1 Any licensed journeyworker or master plumber who does not renew the license within two  
 5.2 years is no longer eligible for renewal. The person must retake and pass the examination  
 5.3 before a new license will be issued. Any licensed restricted journeyworker or restricted  
 5.4 master plumber who does not renew the license within ~~12 months~~ two years of the license  
 5.5 expiration will permanently forfeit the restricted plumber license.

5.6 Subp. 2. **License renewals.** Applications for license renewal must be submitted to  
 5.7 the commissioner on forms prepared by the commissioner no later than December 31 of  
 5.8 ~~the year preceding~~ after the year ~~for~~ in which the application is made. The application must  
 5.9 be accompanied by the required fee. Journeyworker and master plumbers who submit their  
 5.10 license renewal applications after expiration of their license but within two years after  
 5.11 expiration of the previously issued license must pay all past due renewal fees plus the  
 5.12 required late fee. Restricted journeyworker and restricted master plumbers who submit their  
 5.13 license renewal applications after expiration of their license but within ~~12 months~~ two years  
 5.14 after expiration of the previously issued license must pay the past due renewal fee plus the  
 5.15 required late fee.

5.16 **4716.0050 REGISTRATION OF ~~PLUMBER'S APPRENTICE~~ REGISTERED**  
 5.17 **UNLICENSED PLUMBER.**

5.18 Subpart 1. **Scope.** Subpart 2 ~~shall~~ does not apply to a registered plumber's ~~apprentices~~  
 5.19 apprentice under Minnesota Statutes, section 326B.47, subdivision 1, ~~clause (1)~~ paragraph  
 5.20 (a).

5.21 Subp. 2. **Registration requirements.** No person shall work as a ~~plumber's apprentice~~  
 5.22 registered unlicensed plumber until that person has submitted an application and fee for  
 5.23 registration to the commissioner. Registration must be renewed annually and shall be for  
 5.24 the period from July 1 of each year to June 30 of the following year. Applications for initial  
 5.25 and renewal registration must be submitted to the commissioner before July 1 of each  
 5.26 registration period on forms provided by the commissioner, and must be accompanied by

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6.1 the required fee. A ~~plumber's apprentice~~ registered unlicensed plumber who submits a  
 6.2 registration application after July 1 in any year must pay the ~~past due~~ renewal fee plus the  
 6.3 required late fee.

6.4 A. A ~~plumber's apprentice~~ registered unlicensed plumber must be at least 18 years  
 6.5 of age or be a high school graduate, except that ~~an apprentice~~ a registered unlicensed plumber  
 6.6 employed and supervised by the ~~apprentice's~~ registered unlicensed plumber's parent must  
 6.7 be at least 16 years of age.

6.8 B. At the time of registration, ~~an apprentice~~ a registered unlicensed plumber must  
 6.9 provide a name, address, date of birth, Social Security number, and information about  
 6.10 education and practical plumbing experience.

#### 6.11 **4716.0091 DEFINITIONS.**

6.12 Subpart 1. Scope. The terms used in parts 4716.0090 to 4716.0092 have the meanings  
 6.13 given them in this part, UPC sections 201.0 to 228.0 as incorporated by reference in part  
 6.14 4714.0050, and Minnesota Statutes, section 326B.50.

6.15 Subp. 2. Registered unlicensed water conditioner. "Registered unlicensed water  
 6.16 conditioner" means an individual who performs water conditioning work for a contractor  
 6.17 or employer, does not hold any class of water conditioning license, and is registered with  
 6.18 the commissioner under part 4716.0093.

#### 6.19 **4716.0092 LICENSURE.**

6.20 Subpart 1. **Water conditioning contractor.** An applicant for a water conditioning  
 6.21 contractor license must designate a ~~water conditioning~~ responsible licensed master ~~or master~~  
 6.22 plumber, licensed by the commissioner, as the individual responsible for the water  
 6.23 conditioning contractor's compliance with this part, chapter 4714, Minnesota Statutes,  
 6.24 sections 326B.50 to 326B.59, and all orders issued under Minnesota Statutes, section  
 6.25 ~~326B.082~~ as defined in Minnesota Statutes, section 326B.50. The responsible water

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7.1 ~~conditioning licensed master or master plumber~~ must give a minimum 15-day notice to the  
7.2 water conditioning contractor and the department before resigning as the responsible ~~water~~  
7.3 ~~conditioning licensed master or master plumber~~ for the contractor. The contractor and  
7.4 responsible ~~water conditioning licensed master or master plumber~~ must immediately notify  
7.5 the department upon the termination or separation of the contractor's responsible ~~water~~  
7.6 ~~conditioning licensed master or master plumber~~. The water conditioning contractor shall  
7.7 have 60 days from the last day of employment of its previous responsible ~~water conditioning~~  
7.8 ~~licensed master or master plumber~~ to employ another responsible ~~water conditioning licensed~~  
7.9 ~~master or master plumber~~. The water conditioning contractor shall submit written notification  
7.10 to the department that it has designated a different ~~water conditioning responsible licensed~~  
7.11 ~~master or master plumber~~ as the individual responsible for the contractor's compliance with  
7.12 ~~this part, chapter 4714, and Minnesota Statutes, sections 326B.50 to 326B.59~~. If the water  
7.13 conditioning contractor is unable to acquire a replacement responsible ~~water conditioning~~  
7.14 ~~licensed master or master plumber~~, the water conditioning contractor's license is invalid  
7.15 and the contractor shall cease and desist from performing any water conditioning work and  
7.16 return the contractor's license for voluntary termination. Upon acquiring a replacement  
7.17 responsible ~~water conditioning licensed master or master plumber~~, the water conditioning  
7.18 contractor may request reinstatement of the terminated license under Minnesota Statutes,  
7.19 section 326B.096.

7.20 *[For text of subp 2, see M.R.]*

7.21 Subp. 3. **Water conditioning journeyworker.** An applicant for a water conditioning  
7.22 journeyworker license must satisfactorily pass an examination given by the commissioner.  
7.23 An applicant for the water conditioning journeyworker examination must be a registered  
7.24 unlicensed water conditioner in Minnesota and must have at least six months of practical  
7.25 experience as listed in subpart 4, item C, subitem (2). The applicant is responsible for  
7.26 verifying practical experience.

8.1 Subp. 4. **Experience.** For the purposes of the experience required under subparts 2  
8.2 and 3, the following requirements apply.

8.3 [For text of items A to C, see M.R.]

8.4 D. If the applicant is a registered unlicensed water conditioner:

8.5 (1) the applicant must have been a registered unlicensed water conditioner  
8.6 at all times while obtaining the practical water conditioning experience; and

8.7 (2) all practical water conditioning experience must be certified by the licensed  
8.8 master who is responsible for the work performed.

8.9 E. The employer of a water conditioning journeyworker or registered unlicensed  
8.10 water conditioner is responsible for:

8.11 (1) recording the practical water conditioning experience worked by each  
8.12 employee; and

8.13 (2) maintaining the records of practical water conditioning experience for at  
8.14 least six years after the employee's last recorded experience.

8.15 [For text of subps 5 and 6, see M.R.]

8.16 **4716.0093 UNLICENSED WATER CONDITIONER REGISTRATION.**

8.17 Subpart 1. **Registration requirements.** No person shall work as a registered unlicensed  
8.18 water conditioner until that person has submitted an application and fee for registration to  
8.19 the commissioner. Registration must be renewed annually and shall be for the period from  
8.20 July 1 of each year to June 30 of the following year. Applications for initial and renewal  
8.21 registration must be submitted to the commissioner before July 1 of each registration period  
8.22 on forms provided by the commissioner, and must be accompanied by the required fee. A  
8.23 registered unlicensed water conditioner who submits a registration application after July 1  
8.24 in any year must pay the renewal fee plus the required late fee.

9.1 A. A registered unlicensed water conditioner must be at least 18 years of age or  
 9.2 a high school graduate, except that a registered unlicensed water conditioner employed and  
 9.3 supervised by the registered unlicensed water conditioner's parent must be at least 16 years  
 9.4 of age.

9.5 B. An applicant for registration under this part must provide a name, address, date  
 9.6 of birth, Social Security number, and information about education and practical water  
 9.7 conditioning experience on a form provided by the commissioner.

9.8 **4716.0205 REQUIREMENTS.**

9.9 **Subpart 1. Continuing education; content.**

9.10 A. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
 9.11 individuals who hold the following license types are required to obtain 16 hours of continuing  
 9.12 education instruction during the license period before the license may be renewed:

9.13 (1) master plumber;

9.14 (2) journeyworker plumber; and

9.15 (3) restricted plumber.

9.16 At least ~~12~~ eight hours of instruction must pertain to the Plumbing Code, and ~~at least four~~  
 9.17 ~~hours of instruction must pertain to the~~ remainder must pertain to the Plumbing Code,  
 9.18 technical topics related to plumbing installations and equipment, this chapter, the Minnesota  
 9.19 State Building Code, or Minnesota Statutes, sections 326B.41 to ~~326B.49~~ 326B.59.

9.20 Continuing education hours obtained by any electronic media must ~~not exceed four hours~~  
 9.21 ~~during the renewal period~~ comply with Minnesota Statutes, sections 326B.098 to 326B.099.

9.22 B. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
 9.23 individuals who hold the following license types are required to obtain four hours of  
 9.24 continuing education instruction during the license period before the license may be renewed:

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10.1 (1) water conditioning master; and

10.2 (2) water conditioning journeyworker.

10.3 ~~At least two hours of instruction~~ must pertain to the Plumbing Code and the remainder must  
 10.4 pertain to the Plumbing Code, technical topics related to water conditioning installation and  
 10.5 servicing, this chapter, or Minnesota Statutes, sections 326B.50 to 326B.59. Continuing  
 10.6 education hours obtained by any electronic media must comply with Minnesota Statutes,  
 10.7 sections 326B.098 to 326B.099.

10.8 C. In addition to satisfying the requirements of Minnesota Statutes, chapter 326B,  
 10.9 individuals who hold the following registration types are required to obtain continuing  
 10.10 education instruction during the registration period before the registration can be renewed:

10.11 (1) registered unlicensed plumbers; and

10.12 (2) registered unlicensed water conditioners.

10.13 The registered unlicensed plumber must obtain at least two hours of continuing education  
 10.14 instruction that must pertain to the Plumbing Code.

10.15 The registered unlicensed water conditioner must obtain at least two hours of continuing  
 10.16 education instruction. At least one hour of instruction must pertain to the Plumbing Code,  
 10.17 and the remainder must pertain to the Plumbing Code, technical topics related to water  
 10.18 conditioning installation and servicing, this chapter, or Minnesota Statutes, sections 326B.50  
 10.19 to 326B.59. Continuing education hours obtained by any electronic media must comply  
 10.20 with Minnesota Statutes, sections 326B.098 to 326B.099.

10.21 E. D. In addition to satisfying the requirements of Minnesota Statutes, chapter  
 10.22 326B, an applicant for renewal of a medical gas installer certification is required to obtain  
 10.23 four hours of continuing education instruction during the certification period before the  
 10.24 certification may be renewed. The required hours of instruction must pertain to the technical

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11.1 topics related to the installation, repair, or maintenance of medical gas systems, this chapter,  
11.2 NFPA 99, or Minnesota Statutes, section 326B.438.

11.3 DE. In addition to satisfying the requirements of part 4716.0097 and Minnesota  
11.4 Statutes, chapter 326B, individuals who hold the following certifications are required to  
11.5 obtain the following continuing education during the certification period before the certificate  
11.6 may be renewed:

11.7 (1) a backflow prevention rebuilder shall meet the minimum requirements  
11.8 to recertify in ASSE Standards 5110 and 5130; and

11.9 (2) a backflow prevention tester shall meet the minimum requirements to  
11.10 recertify in ASSE Standard 5110.

11.11 *[For text of subp 2, see M.R.]*

Subp. 4. **Experience.** For the purposes of the experience required under subparts 2 and 3, the following requirements apply.

*[For text of items A to C, see M.R.]*

D. If the applicant is a registered unlicensed water conditioner:

(1) the applicant must have been a registered unlicensed water conditioner at all times while obtaining the practical water conditioning experience **other than obtaining up to 100 hours of practical experience allowable under Minnesota Statutes, section 326B.555, subdivision 2 prior to becoming a registered unlicensed individual.**<sup>1</sup>

(2) all practical water conditioning experience **installation, servicing and training hours** must be certified by the licensed water conditioning master who is responsible for the work performed.<sup>2</sup>

(3) the commissioner may require work records, time cards, pay records, or other documentation necessary to evaluate experience. The commissioner shall make the final determination about the adequacy and acceptability of an applicant's experience.<sup>3</sup>

<sup>1</sup> The newly added language makes the requirement consistent with Minnesota Statutes 326B.555, subdivision 2, which provides:

“A registered unlicensed individual who has completed 875 hours of practical water conditioning installation, servicing, and training is eligible to take the water conditioning journeyworker examination. Up to 100 hours of practical water conditioning installation and servicing experience prior to becoming a registered unlicensed individual may be applied to the practical experience requirement.”

<sup>2</sup> The revised language makes the requirement consistent with the need to track the completion of 875 hours of practical water conditioning installation, servicing and training as provided for in Minnesota Statutes 326B.555, subdivision 2 (see footnote 1 above).

<sup>3</sup> The newly added language applicable to the practical water conditioning work of registered unlicensed water conditioners is the same language as in Minn. Rules section 4716.0092 subp. 4(C) applicable to water conditioning masters and journeyworkers.

E. The employer of a water conditioning journeyworker or registered unlicensed water conditioner is responsible for:

(1) recording the **hours of** practical water conditioning experience worked by each employee;<sup>4</sup> and

(2) maintaining the records of practical water conditioning experience worked for at least six years after the employee's last recorded experience.

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<sup>4</sup> The newly added language clarifies that the employer is responsible for recording the hours of practical water conditioning experience and maintaining the records of that experience.

# Meeting Minutes: Ad-Hoc Code Review & Rulemaking Committee

Date: May 30, 2018  
Time: 1:30 pm  
Location: Minnesota Room, Department of Labor and Industry  
443 Lafayette Road No., St. Paul, MN 55117-4344

## Committee Members Present

Rick Jacobs (Co-chair)  
John Parizek (Co-chair)  
Larry Justin  
Mike Herman  
John Flagg  
Cathy Tran

## DLI Staff & Visitors

Suzanne Todnem, General Counsel (DLI)  
Adam Hanson (ABC)  
Mike Johnson (J-Berd)  
Brad Smith (J-Berd)  
Megan Henkemeyer (J-Berd)  
David Radziej

### 1. Call to Order

The meeting was called to order by Co-chair Jacobs at 1:34 p.m. Introductions and housekeeping announcements were made. Attendance was taken; a quorum was met with 6 of 6 members present.

### 2. Approval of meeting agenda

A motion was made by Justin, seconded by Herman, to approve the agenda. The vote was unanimous with 6 votes in favor; the motion carried.

### 3. Approval of previous meeting minutes

A motion was made by Herman, seconded by Flagg, to approve the minutes from the April 17, 2018, Ad-Hoc Code Review & Rulemaking Committee. The vote was unanimous with 6 votes in favor; the motion carried.

### 4. Regular Business

Approval of Expense Reports – Jacobs approved the expenses as presented.

### 5. Special Business

The draft of proposed amendments to the Minnesota Rules, Chapter 4716 – Plumber Licensing and Apprenticeship Registration dated 3/19/2018 was reviewed. Proposed modifications were presented and discussed as shown below.

**A motion was made by Flagg, seconded by Herman, to make the below amendments(s) to Lines 3.12 and 4.9 of the draft to read as shown below. The vote was unanimous with 6 votes in favor; the motion carried.**

- 3.12 the practical plumbing experience or the applicant must have obtained the practical plumbing
- 4.9 G. Except as provided in item F, subitems 2(a) – 2(c), all practical plumbing experience

**A motion was made by Justin, seconded by Flagg to make the below amendment(s) to Lines 8.4 – 8.8 of the draft to read as shown below. The vote was unanimous with 6 votes in favor; the motion carried.**

D. If the applicant is a registered unlicensed water conditioner:

- (1) the applicant must have been a registered unlicensed water conditioner at all times while obtaining the practical water conditioning experience except up to 100 hours of practical experience allowable under Minnesota Statutes, section 326B.555, subdivision 2; and
- (2) all practical water conditioning experience must be certified by the licensed water conditioning master who is responsible for the work performed. Practical water conditioning experience includes installation, servicing and training. The commissioner may require work records, time cards, pay records, or other documentation necessary to evaluate experience. The commissioner shall make the final determination about the adequacy and acceptability of an applicant's experience.

**A motion was made by Justin, seconded by Flagg, to have the above amendments to Minnesota Rules, Chapter 4716, subject to Revisor edits, be presented to the full Plumbing Board for approval. The vote was unanimous with 6 votes in favor; the motion carried.**

## 6. Other Discussion

It was decided that a special Plumbing Board meeting would take place June 12, 2018. Time TBD.

## 7. Adjournment

With no further business a motion was made by Justin, seconded by Flagg, to adjourn the meeting. The vote was unanimous with 6 votes in favor; the motion carried.

Respectfully submitted,



Rick Jacobs  
Committee Co-chair

# Meeting Minutes: Plumbing Board

Date: July 17, 2018  
Time: 9:30 a.m.  
Minutes by: Lyndy Logan  
Location: Minnesota Room, Department of Labor and Industry  
443 Lafayette Road No., St. Paul, MN 55117-4344

## **Members**

Tom Andresen  
Richard Becker  
Jeff Brown  
Michael Dryke – via teleconference  
Grant Edwards (Vice Chair)  
John Flagg  
Mike Herman  
Rick Jacobs (Chair)  
Phillip Sterner (Secretary)  
Cathy Tran (DLI Commissioner’s Designee)  
David Wagner  
David Weum (DOH Commissioner’s Designee)

## **Members Absent**

Justin Parizek

## **DLI Staff & Visitors**

Jeff Lebowski (Gen. Counsel, DLI)  
Lyndy Logan (DLI)  
Jim Peterson (DLI)  
Brad Jensen (DLI)  
Larry Justin (KFI Engineers)  
Megan Henkemeyer (J-Berd)  
Mike Johnson (J-Berd)

## **DLI Staff & Visitors continued**

Adam Hanson (ABC)  
Larry Johnson (MNLA)  
Gary Schick (City of Rochester)  
Matt Marciniak (IAPMO)  
Jim Gander (PHCC)  
Jim Kittelson (former Board member)  
John Parizek (Mpls Plumbers JAC)  
Gary Thaden (MMCA)  
Sophie Thaden (MMCA)  
Scott Thompson (My Plumbing Training)  
Ruth Thompson (My Plumbing Training)  
Tim Power (MNLA)  
Tom McCarthy (Local Union 34)  
Trevor Ogilvie (City of Minneapolis)  
Ryan Imel (AYPO) – via teleconference  
Stephanie Menning (MUCA) – via teleconference  
Dean Berckes (Dept. of Military Affairs, Camp Ripley) – via teleconference  
Scott Crossman (Attorney for MN Laborers Fringe Benefit Fund) – via teleconference  
Tony Bowers (At Your Pace Online) – via teleconference

## **1. Call to Order**

The meeting was called to order by Chair Jacobs at 9:33 a.m. Roll call was taken by Secretary Sterner and a quorum was declared with 11 of 12 voting members present in person or via teleconference and one non-voting member. Introductions and housekeeping announcements were made and Richard Becker, new Board member, introduced himself.

## **2. Approval of meeting agenda**

A motion was made by Herman, seconded by Flagg, to approve the agenda as presented. The roll call vote was unanimous with 11 votes in favor; the motion carried.

### 3. **Approval of previous meeting minutes**

- A. A motion was made by Herman, seconded by Flagg, to approve the April 17, 2018, regular meeting minutes with a revised start time of 9:30 a.m. The roll call vote was 10 votes in favor with 1 abstention; the motion carried.
- B. A motion was made by Flagg, seconded by Herman, to approve the June 12, 2018, special meeting minutes as presented. The roll call vote was 8 votes in favor with 3 abstentions; the motion carried.

### 4. **Regular Business**

Approval of expense reports – Jacobs approved the expenses as presented.

### 5. **Committee Reports**

#### A. **Department Updates**

Nothing to report

#### B. **Executive Committee**

The Committee met this morning and approved the Plumbing Board agenda as presented.

#### C. **Construction Codes Advisory Council**

Edwards gave an update from the last meeting on June 21, 2018. Technical Advisory Groups (TAGs) met and a report will be sent to the Commissioner of DLI for his approval. There is not another meeting scheduled at this time.

#### D. **Inspection Uniformity Committee**

Edwards said they met on May 30, 2018 and he was tasked with making a presentation to the Board on increasing inspection consistency.

### 6. **Special Business**

#### A. **Request for Interpretation – PB0096 – see Attachment A**

RFI received from Peter Daniels, PE, regarding MN Plumbing Code Sections 710.3-710.12 & 906.4. Jacobs summarized the RFI; Peter Daniels was not present.

**Initial Dispute:** Requirement #5 in the DLI plan review letter dated June 1, 2018 (PLB 1805-00156) requires a 10-ft tall vent pipe to be added to a proposed grinder pump lift station located outside a building, in green space. Installing a vent pipe in this manner is not feasible, and not necessary, given the design and location of the grinder pump station.

Discussion followed regarding MPCA regulations, plumbing code requirements for grinder pumps, and the diagrams submitted.

Peterson said the question from the submitter should be more specific before the Board provide an answer. Is this a municipal system, what is the discharge rate, is the tank air

tight or water tight and what does the manufacturer offer in these installations? If after the septic tank then this would not be a question for the Plumbing Board.

The Chair said he would ask the submitter for additional information on the RFI.

**A motion was made by Becker, seconded by Flagg, to authorize the Chair to ask the submitter of the RFI for additional information on design specifics, such as: water tightness, additional venting options as indicated by the manufacturer, how close it is to the building, and if the grinder pump is on the discharge of the septic tank then it would not fall under the jurisdiction of the Plumbing Code; it would be bound by the MPCA requirements. The roll call vote was unanimous with 11 votes in favor; the motion passed.**

**B. Discuss proposed amendments to Minnesota Rules, Chapter 4714 – Plumber Licensing and Apprentice Registration – and comments received.**

No discussion.

**C. Officer Elections – the meeting was turned over to Cathy Tran, Commissioner’s Designee, for election of officers.**

a. **Chair** – Edwards made a motion, seconded by Flagg, to nominate Rick Jacobs. No other nominations were given. The roll call vote was unanimous with 11 votes in favor; the nomination passed. Jacobs was re-elected as Chair.

b. **Vice-Chair** – Flagg made a motion, seconded by Herman, to nominate Grant Edwards. No other nominations were given. The roll call vote was unanimous with 11 votes in favor; the nomination passed. Edwards was re-elected as Vice-Chair.

c. **Secretary** – Flagg made a motion, seconded by Edwards, to nominate Phil Sterner as Secretary. No other nominations were given. The roll call vote was unanimous with 11 votes in favor; the nomination passed. Sterner was re-elected as Secretary.

The meeting was turned over to re-elected Chair, Rick Jacobs.

**D. Committees and Committee appointments**

No discussion

**7. Complaints**

Nothing to report

**8. Open Forum**

A. Tony Bowers, At Your Pace Online.com, addressed the Board via teleconference to voice their support of the proposed revisions to Chapter 4716 regarding the licensing and apprentice registration. They support the code change and give their support.

- B. Larry Justin, representing KFI Engineers and the Minnesota Chapter of the American Society of Plumbing Engineers. Justin addressed the Board regarding Chapter 4714, Section 421.2 Limitation of Hot Water Temperature for Public Lavatories and DLI's interpretation regarding CSA B125.3 being superseded by CSA B125.70. KFI Engineers has a project where they are installing a valve in a boiler room that meets CSA B125.3. The intent of the design is to distribute 110 degrees throughout the building and public lavatories meeting code Section 421.2. The inspector, Jim Peterson, said it was rejected based on an interpretation from the department that the CSAB125.3 was superseded by CSA B125.70. DLI made an interpretation that because of this change they will no longer accept the CSA B125.3. Justin said he doesn't see in the code where CSA B125.3 isn't allowed. Tran said that a CCLD newsletter communication was sent out that provided clarification and Grant Brekke was contacted.

**9. Correspondence**

- RFA from Joel Hoistad/NW Chapter of Building Officials – will be addressed when Chapter 4714 rulemaking opens.
- Farr Plumbing & Heating letter – will be addressed when Chapter 4714 rulemaking opens.

**10. Board Discussion**

None

**11. Announcements**

Next regularly scheduled meetings in 2018/2019 – all meetings will be held at 9:30 a.m. in the Minnesota Room. The Executive Committee meetings occur at 8:30 a.m. prior to each regular meeting in the Minnesota Room.

- A. October 16, 2018
- B. January 15, 2019
- C. April 16, 2019
- D. July 16, 2019
- E. October 15, 2019

**12. Adjournment**

A motion was made by Flagg, seconded by Edwards, to adjourn the meeting at 11:37 a.m. The vote was unanimous with 11 votes in favor of the motion; the motion passed.

Respectfully submitted,

*Phil Sterner*

Phil Sterner, Board Secretary

# Plumbing Board Request for Interpretation

PRINT IN INK or TYPE

NAME OF SUBMITTER  Peter Daniels, PE	Rule(s) to be interpreted (e.g., 4714.0330) MN Plumbing Code Sections 710.3-710.12 & 906.4
--	--

The Minnesota Plumbing Code (MN Rules, Chapter 4714) is available at [www.dli.mn.gov/CCLD/PlumbingCode.asp](http://www.dli.mn.gov/CCLD/PlumbingCode.asp)  
Has a request for interpretation been submitted to Department of Labor and Industry (DLI) staff, either as a verbal request or a written request?  Yes  No  
If "No," contact DLI staff at 651-284-5187. The DLI is responsible for administration and interpretation of the Minnesota Plumbing Code, and all requests must be processed and provided a DLI interpretation before being referred to the Plumbing Board. This form is intended to be used to request an interpretation from the Plumbing Board only as a resolution of dispute with DLI interpretation.

CODE/RULE to be interpreted: MN Plumbing Code Sections 710.3-710.12 & 906.4	NAME OF DLI employee gave interpretation: Corey Frain	DATE interpretation originally requested: Plans submitted May 10, 2018
---	--	---

Provide a copy of the DLI interpretation with this request (a copy must be provided as reference).

Is there a local dispute with an Inspector of other official?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If Yes, state the name or type of official
--	--

State the circumstances of the initial dispute:

Requirement #5 in the DOLI plan review letter dated June 1, 2018 (PLB1805-00156) requires a 10-ft tall vent pipe to be added to a proposed grinder pump lift station located outside a building, in green space. Installing a vent pipe in this manner is not feasible, and not necessary, given the design and location of the grinder pump station.

Explain why you disagree with the interpretation given to you by DLI staff:

There are thousands of grinder pump stations installed in Minnesota at commercial, residential, industrial, and institutional facilities. We are not aware of any of these grinder pump stations that are equipped with 10-ft tall vent pipes. These grinder pump stations are often located in yards or green space outside of homes and buildings. The grinder stations themselves are designed with several venting options. Adding an additional 10-ft tall vent is not needed. There is also not a practical way to install a 10-ft tall vent pipe on a buried grinder pump station located in a property's backyard. We are also concerned that a 10-ft tall exterior vent could freeze with condensation in the winter.

What is your interpretation of the language:

Venting of exterior grinder pump stations should be allowed through the grinder pump station's standard design options, as has been done for thousands of grinder pump stations in the past. An additional 10-ft tall vent pipe should not be required.

List any other information you would like the Board to consider:

See attached for photos of typical grinder pump station installation. Also attached is a letter from a vendor that sells packaged grinder pump stations.

### Information regarding submitting this form:

- Submit any supporting documentation to be considered electronically to [DLI.CCLDBOARDS@state.mn.us](mailto:DLI.CCLDBOARDS@state.mn.us). Once your Request For Interpretation form has been received, it will be assigned a file number. Please reference this file number on any correspondence and supplemental submissions.

### Information for presentation to the Board.

- You will be notified with the date of the Board Meeting in which your Request For Interpretation will be heard.
- Limit presentations to 5 minutes or less.
- Be prepared to answer questions regarding the Code, the circumstances that led to the dispute and please bring copies of any documentation.

### What you can do if you disagree with the Board's determination:

- You may appeal the Board's determination pursuant to Minn. Stat. Chapter 14.

RFI File No. PB0096	Date Received by DLI June 15, 2018	Dated Received by Board July 17, 2018	Date of Board Meeting July 17, 2018
Title of RFI	By: _____ Attachment A		

This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.

**Submitted by:**

NAME Peter Daniels		FIRM NAME Wenck Associates, Inc.	
ADDRESS 7500 Olson Memorial Highway Suite 300		CITY Golden Valley, MN 55427	STATE ZIP CODE
PHONE 763-252-6838	SIGNATURE (original or electronic) 	DATE June 13, 2018	

For assistance or questions on completing this form, please call 651-284-5898 or 651-284-5889.

Mailing address:

**Plumbing Board**  
**c/o Department of Labor and Industry**  
**443 Lafayette Road North**  
**St. Paul, MN 55155-4344**

\*\*\* Please remember to attach all necessary explanations and supporting documentation\*\*\* Page 2 of 2



R-04365 582







**WWGOETSCH**  
ASSOCIATES, INC.  
800-831-7914

5250 WEST 74<sup>TH</sup> STREET  
MINNEAPOLIS, MN 55439-2226  
952-831-4340/FAX: 952-831-2357

7674 COLLEGE ROAD, SUITE 105  
BAXTER, MN 56425  
218-829-6890/FAX: 218-829-6972

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June 13, 2018

WENCK ASSOCIATES, INC.  
7500 Olson Memorial Highway, Suite 300  
Golden Valley, MN 55427

Attention Peter Daniels, PE

Dear Peter,

Per our conversation please find my correspondence regarding the question of using vent stack pipes according to MN Plumbing Code Sections 710.3-710.12 & 906.4.on a lift station outside of a building.

I have been selling submersible sewage grinder stations for 23 years. We have provided literally thousands of residential, commercial and municipal simplex and duplex grinder stations over this time and we've never seen a requirement for vent stack on the lift station cover for sumps that have been installed outdoors.

I have downloaded the 2015 MN Plumbing Code 11 Chapter 7 and have read 710.3 through 710.12 and have reviewed it. I feel there is confusion on the review as to the location of this grinder station with specific regard to 710.10

710.10 reads in part [ "Sumps and receiving tanks shall be provided with substantial covers having a bolt-and-gasket- type manhole or equivalent opening to permit access for inspection, repairs, and cleaning. The top shall be provided **with a vent pipe that shall extend separately through the roof or, where permitted, be combined with other vent pipes. Such vent shall be large enough to maintain atmospheric pressure within the sump under normal operating conditions** and, in no case, shall be less in size than that required by Table 703.2 for the number and type of fixtures discharging into the sump"] Table 703.2 is for vent sizing for the number and type of fixtures discharging into the sump and is referencing gasketed sump covers inside a building.

After reading 710.10 the reason we've have not been required to install vents in sump covers **installed outdoors** over the past 23 years is because vents are not required. [Per 703.2 ["such vent shall be large enough to maintain atmospheric pressure within the sump under normal operating conditions"]. Also, sump covers installed outside of a building are typically not airtight. This would include a typical septic tank system. The sump is open to atmosphere and also uses the gravity invert piping and the vent stacks inside the building to vent the sump to atmosphere which is 100% applicable to 710.10.

With these observations it is my opinion that the code does read correctly for sump covers inside a building. However, it is ambiguous and implies all sumps and covers are installed inside a building. 710.10 does not specifically address sump covers or lift station covers installed outside of building which is applicable to the type of installation you are specifying and should be revised.

Thank you,

Steven P Green  
Sales Engineer  
W.W. Goetsch Associates, Inc.