

# 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

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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>

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<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.