

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

