

Plumbing Board Meeting Minutes

July 19, 2016 at 9:30 a.m.

Minnesota Room – Department of Labor and Industry
443 Lafayette Road North, St. Paul, MN 55155

Members

Jeff Brown
Grant Edwards (Vice Chair)
Scott Eggen
John Flagg
Henry Gretsfield
Larry Justin
Jim Kittelson
John Parizek (Chair)
Phillip Sterner (Secretary)
Cathy Tran
Ron Thompson

Members Absent

Joe Beckel
Mike Herman
Jim Lungstrom
Pete Moulton

DLI Staff & Visitors

Wendy Legge (Chief Gen. Counsel, DLI)
Suzanne Todnem (DLI)
Jim Peterson (DLI)
Lyndy Lutz (DLI)
John Roehl (DLI)
Gary Thaden (MMCA)
Sophie Thaden (MMCA)
Matt Marciniak (IAPMO)
Scott Thompson (MN Plumbing Training)
Fonda Thompson (MN Plumbing Training)
Richard Hauffe (ICC)
Dean Berckes (Dept. of Military Affairs)
Adam Hanson (ABC)
Dennis Schilling (City of West St. Paul)
Luke Westman (PHCC)

I. Call to Order

The meeting was called to order by Chair Parizek at 9:50 a.m. and he noted that Cathy Tran was appointed as the temporary Commissioner's designee during Jim Lungstrom's absence (**see Attachment A**). Roll call was taken by Secretary Sterner and a quorum was declared. Introductions and housekeeping announcements were made.

II. Approval of Meeting agenda

A motion was made by Justin, seconded by Kittelson, to approve the agenda with modifications noted below in italics. The vote was unanimous; the motion carried. [10 voting members present].

VI. Special Business

- A) Officer Elections
 - a. Board Chairman
 - b. Vice Chairman
 - c. Secretary
- B) Committee Appointments
 - a. Recommendation for Board member to CCAC

- C) Approval of 2017 meeting schedule
- D) DLI Emergency Procedures – this was tabled at the April meeting
- E) *Rule updates*
- F) *Bylaws*
- G) *Review RFI form tabled at April meeting*
- H) Ongoing Litigation Updates (closed session due to attorney-client privilege)

III. Approval of Previous Meeting Minutes

- A motion was made by Kittelson, seconded by Flagg, to approve the April 19, 2016, regular meeting minutes as presented. The vote was unanimous with two abstentions [Justin/Eggen]; the motion carried.
- A motion was made by Justin, seconded Flagg, to approve the June 14, 2016, special meeting minutes with modifications shown below. The vote was unanimous with two abstentions [Edwards/Brown]; the motion carried.

III. Special Business

A) RFI – Grant Brekke – 1017.0

Striem said their tank is unrated and Justin said their product would then need to meet the specifications for ***unrated***.

B) RFI – David Henrich – Table 604.1, IS 7 (2.6.1) [Formatting modification only]

The Board discussed possible issues and solutions and then the below motion was made.

A motion was made by Justin, seconded by Kittelson, that the Board Chair be directed to issue a Final Interpretation with the following question and answer that includes as background a description of the conflicting provisions in the plumbing code that led to this question.

Question: Based on the Plumbing Board’s May 11, 2016, Final Interpretation, can polyethylene piping, when used for building supply be installed inside and under buildings?

Answer: Yes.

The majority vote ruled with 8 for/3 against [Moulton, Herman, Beckel]; the motion carried.

IV. Regular Business

Approval of Expense Reports – Parizek approved the expenses as presented.

V. Committee Reports

A) Department Updates

- Tran said the plumbing plan review program has a 6 week backlog due to a 20 percent increase in submittals.
 - Legge gave a legislative update on housekeeping issues found in MN Law Chapter 189 that became effective July 1, 2016.
- MN Statute 326B.13 Subdivision 8 (shown below). The Statute reinstated the Board's authority to provide for an earlier effective date if needed to protect public health and safety.

Subd. 8. Effective date of rules.

A rule to adopt or amend the State Building Code is effective 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 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.

- MN Statute 326B.439 BAN ON LEAD IN PLUMBING
Legge noted modifications to only the first sentence as follows: ~~Lead pipe, Solders and flux containing more than 0.2 percent lead, and pipes and pipe fittings containing not more than eight a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures shall not be used in any plumbing installation which conveys a potable water supply.~~
- MN Statute 326B.49. Sec. 3. Minnesota Statutes 2014, section 326B.49, subdivision 1, is amended to read [modification due to new processes; old statute referred to 2011 and was no longer necessary]:
Subdivision 1. Application, examination, and license fees.
(a) Applications for master and journeyman plumber's licenses shall be made to the commissioner, with all fees required by section 326B.092. Unless the applicant is entitled to a renewal, the applicant shall be licensed by the commissioner only after passing a satisfactory examination developed and administered by the commissioner, based upon rules adopted by the Plumbing Board, showing fitness.
(b) All ~~initial~~ journeyman plumber's licenses shall ~~be effective for more than one calendar year and shall expire on December 31 of the year after the year in which the application is made~~ each odd-

numbered year after issuance or renewal. All master plumber's licenses shall expire on December 31 of each even-numbered year after issuance or renewal. ~~The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of master and journeyman plumber's licenses from one year to two years. By June 30, 2011,~~ All renewed master and journeyman plumber's licenses shall be two-year licenses.

B) Executive Committee

Parizek briefly discussed email correspondence between himself and Jim Merchlewitz (**Attachment B**) regarding Advanced Drainage Systems RFA submitted to the Board on May 9, 2016. The RFA was not complete and Merchlewitz was notified that installation could be pursued under alternative materials.

C) Construction Codes Advisory Council

Kittelson did not attend the last CCAC meeting.

VI. Special Business

A) Officer Elections – the meeting was turned over to Cathy Tran, Commissioner's Designee, for election of officers.

- a. Chair** – Flagg nominated John Parizek. No other nominations were given. The vote was unanimous; the nomination passed. Parizek was re-elected as Board Chair. [10 of 13 voting members present]
- b. Vice-Chair** – Parizek nominated Grant Edwards. No other nominations were given. The vote was unanimous; the nomination passed. Edwards was re-elected as Vice-Chair. [10 of 13 voting members present]
- c. Secretary** – Gretsfield nominated Phil Sterner. No other nominations were given. The vote was unanimous; the nomination passed. Sterner was re-elected as Secretary. [10 of 13 voting members present]

The meeting was turned back over to re-elected Chair, John Parizek.

B) Committee Appointments

a. Recommendation for Board member to the Construction Codes Advisory Council (CCAC)

Scott Eggen expressed an interest in replacing Kittelson (term expires 12/31/2016) and Edwards said he would accept as Eggen's alternate.

A motion was made by Parizek, seconded by Justin, to appoint Scott Eggen to the CCAC as the liaison from the Plumbing board and Grant Edwards would act as his alternate. The vote was unanimous; the motion carried.

C) Approval of 2017 meeting schedule

A motion was made by Justin, seconded by Flagg, to accept all of the proposed meeting dates shown below. The vote was unanimous; the motion carried.

- a. January 17, 2017
- b. April 18, 2017
- c. July 18, 2017
- d. October 17, 2017

D) DLI Emergency Procedures (tabled from April meeting)

Legge reviewed "Emergency procedures for 443 Lafayette Road N." The review included weather emergency, medical emergency and fire evacuation.

E) Rule Updates

Todnem said a Request for Comments was published on May 23, 2016, opening parts of chapter 4714. The department has not received any substantive comments to date. Rule amendments will be drafted next and the comment period is open until the dual notice is published.

F) Bylaws

A motion was made by Kittelson, seconded by Justin, to approve proposed amendments to the Bylaws as shown in **Attachment C**. The vote was unanimous; the motion carried. [10 of 13 voting members present]

G) Review of tabled RFI – Todnem noted that "or TDD (651) 297-4198" should be removed from the Word and PDF versions of the RFI form posted on the Plumbing Board's website at: <http://www.dli.mn.gov/pb.asp> Legge noted that the revision above was already completed as it was previously determined that modifications could be made to the forms without board approval.

H) Ongoing Litigation Updates (closed session due to attorney-client privilege)

The Board meeting went into a closed session. The Board chair announced that the closed session was for the purpose of the attorney-client privileged discussions regarding the ongoing litigation. All visitors and non-board members were asked to leave the meeting and the recording was turned off.

The meeting was re-opened to the public and the meeting was recorded.

VII. Complaints

No formal complaints received.

VIII. Open Forum

Nothing brought forward.

IX. Board Discussion

Tran discussed the department's request to add Sections 717, 718, and 719 to the Request for Comments; however, the Board agreed that these sections would be addressed during the next rulemaking cycle instead.

Legge noted that Suzanne Todnem is now the primary attorney for the Board and she would serve as Todnem's backup. Todnem should be the first point of contact for all legal questions.

X. Announcements

Next regularly scheduled meetings in 2016/2017 – 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. October 18, 2016
- b. January 17, 2017
- c. April 18, 2017
- d. July 18, 2017
- e. October 17, 2017

XI. Adjournment

A motion was made by Sterner, seconded by Eggen, to adjourn the meeting at 11:31 a.m. The majority vote ruled; the motion passed.

Respectfully submitted,

Phil Sterner

Phil Sterner



Attachment A -

July 18, 2016

Dear Plumbing Board members,

For the purposes of the July 19, 2016, Plumbing Board meeting and Plumbing Board Executive Committee meeting, in James Lungstrom's absence, Cathy Tran is my designee to the Plumbing Board. Upon adjournment of the July 19, 2016, Plumbing Board meeting, James Lungstrom will resume all duties and responsibilities as my designee to the Plumbing Board.

Sincerely,



Ken B. Peterson
Commissioner
Department of Labor and Industry

From: [Lutz, Lyndy \(DLI\)](#)
To: [Jim Merchlewitz](#)
Cc: [Lutz, Lyndy \(DLI\)](#); [Herzog, Lori \(DLI\)](#)
Subject: RE: RFA - Advanced Drainage Systems
Date: Tuesday, July 12, 2016 1:04:48 PM
Attachments: [image002.png](#)

Mr. Merchlewitz,

I have received the Request for Action (RFA) dated May 9, 2016, submitted by Advanced Drainage Systems, Inc.

Products/materials approved for use must be listed in Chapter 14 of the 2012 Uniform Plumbing Code, as adopted by the Minnesota Plumbing Code. After reviewing the documents submitted, I did not find any indication the product is listed in the Uniform Plumbing Code. No copies of the standards were received; therefore, the RFA is not complete and will not be brought before the Plumbing Board for consideration at this time. The Plumbing Board will keep your RFA on file and review it during future rulemaking provided all support documentation is provided. The decision to open rulemaking lies with the Plumbing Board, but I anticipate the process to begin during the third or fourth quarter of 2017.

Until such time, Minnesota Plumbing Code, Section 301.2 – Alternate Materials and Methods of Construction Equivalency, gives the Authority Having Jurisdiction the ability to exercise discretionary approval of a material on a case-by-case basis within their jurisdictional boundaries (see Section 301.2 for details). This section has been used previously to allow for new products between the time they first meet a standard and when the standard is listed as a referenced standard in the code.

Thank you,

John Parizek, Chair
Plumbing Board

From: Jim Merchlewitz [mailto:jim.merchlewitz@ads-pipe.com]
Sent: Monday, July 11, 2016 3:49 PM
To: Herzog, Lori (DLI)
Cc: Lutz, Lyndy (DLI)
Subject: RE: RFA

Hi Lori and Lyndy,

Did you hear anything more about my request for action? Wanted to check in with you prior to next week... Thankyou.

Jim Merchlewitz
Engineered Product Manager
MN, ND, WI (NW)
 612-387-2413



From: Herzog, Lori (DLI) [<mailto:Lori.Herzog@state.mn.us>]
Sent: Thursday, June 16, 2016 6:24 AM
To: Jim Merchlewitz
Cc: Herzog, Lori (DLI); Lutz, Lyndy (DLI)
Subject: RE: RFA

Good morning, Jim,

Your RFA has been forwarded to Chair Parizek of the Plumbing Board. Our next meeting is July 19 and someone will get back to you soon to let you know if this will be an agenda item.

Thank you,

Lori J Herzog

Office & Administrative Specialist, Sr.
Construction Codes & Licensing Division
Department of Labor and Industry, State of Minnesota
443 Lafayette Road North
St. Paul, MN 55155-4341
Direct (651) 284-5336

From: Jim Merchlewitz [<mailto:jim.merchlewitz@ads-pipe.com>]
Sent: Wednesday, June 15, 2016 10:56 PM
To: Herzog, Lori (DLI)
Subject: RFA

Hi Lori,

I wasn't sure who to reach out to. About a week ago I sent in a RFA. Was it received or you can provide a contact name that I can follow up with? Thank you, Lori.

Jim Merchlewitz

Engineered Product Manager

MN, ND, WI (NW)

612-387-2413

jim.merchlewitz@ads-pipe.com



Bylaws of the Plumbing Board

Article I. Name

- A. The official name shall be “Plumbing Board.”

Article II. Purpose

- A. The purpose of the Plumbing Board shall be as identified in Minnesota Statutes, section 326B.435, subdivision 2. At the request of the Commissioner of Labor and Industry, the Board shall also provide information and documentation concerning any complaint referred by the Board to the commissioner, as provided in Minnesota Statutes, section 326B.435, subdivision 8.

Article III. Membership

- A. The membership of the Plumbing Board shall be as identified in Minnesota Statutes, section 326B.435, subdivision 1.

Article IV. Officers

- A. The Plumbing Board shall elect a chair, vice-chair, and secretary. All voting members of the Board are eligible to serve as officers.
 - a. Chair: The chair shall:
 - i. Preside at Board meetings;
 - ii. Appoint committees;
 - iii. Correspond on behalf of the Board;
 - iv. Develop meeting agenda; and
 - v. Act as the Board liaison with the Department of Labor and Industry regarding Board functions.
 - b. Vice-Chair: The vice-chair shall:
 - i. Assume the duties of the chair in the chair’s absence; and
 - ii. Assume the duties of the secretary in the secretary’s absence.
 - c. Secretary: The secretary shall:
 - i. Ensure that accurate notes of all Board meetings are taken and minutes are created and presented for Board approval at the next following meeting;
 - ii. Provide the presiding officer and membership with the exact wording of all motions;
 - iii. Record the official vote on all motions; and
 - iv. Maintain a record of all actions taken by the Board.

- B. The election of officers shall take place at the first meeting of the Plumbing Board and at each annual meeting thereafter.
 - a. The commissioner or the commissioner's designee shall preside over the election of all officers. The newly elected chair shall begin presiding over the meeting at the completion of elections.
 - b. Nominations for and election of each officer shall be independent of other officers.
 - c. Officers shall be elected in the following order: chair, vice-chair, secretary.
 - d. Nominations may be made by any voting member of the Board.
 - e. The number of nominees for each office is not limited.
 - f. Election shall be determined by majority of members voting.
 - i. Votes shall be cast by a raising of hands.
 - ii. Members shall vote for only one candidate at each ballot.
 - iii. Ballots shall be cast until one candidate receives a majority of votes cast.

- C. Vacancy
 - a. An election shall be held at the next regular meeting to fill a vacant office.
 - i. When an election results in creating a vacancy, an election to fill the vacancy shall be held at the same meeting until all positions are filled.
 - ii. The commissioner or the commissioner's designee shall preside over the election of vacant offices.

- D. Term
 - a. The term of all elected officers ends at the completion of election of officers at the annual meeting.

Article V. Meetings

- A. All meetings shall be held pursuant to Minnesota Statutes Chapter 13D.
- B. Location
 - a. Board meetings shall be held at the Department of Labor and Industry offices located at 443 Lafayette Road North, Saint Paul, Minnesota.
 - b. As provided in Minnesota Statutes, section 326B.435, subdivision 7, meetings employing telephone or other electronic means may be conducted.
- C. Annual meeting
 - a. The annual meeting of the Board shall be the first meeting each state fiscal year.
- D. Regular meetings
 - a. Regular Board meetings shall be held on a schedule determined by the Board.
 - i. The regular Board meeting schedule shall be maintained at 443 Lafayette Road North, Saint Paul, and on the Department of Labor and Industry website.
- E. Special meetings
 - a. Special Board meetings are meetings that are not regularly scheduled.

- i. Special Board meetings shall be called by the chair.
- ii. Unless the meeting is an emergency meeting, at least three days before the date of the meeting, notice of the special Board meeting shall be posted at 443 Lafayette Road North, Saint Paul, and mailed, e-mailed, or delivered to each person who has requested a notice of special meetings.
- iii. If the chair determines that circumstances require immediate consideration by the Board, the chair shall call an emergency meeting in accordance with Minnesota Statutes, section 13D.04, subdivision 3.

Article VI. Committees

- A. The chair may appoint a Board committee to address specific issues.
 - a. Committees shall report directly to the Board.
 - b. Unless dismissed by the appointing chair, the term of committee members ends with the election of a new chair.
 - c. Each Committee shall appoint a Secretary to record the meeting's Minutes.
- B. Executive Committee
 - a. The Executive Committee shall consist of the elected officers of the Board and the Commissioner of Labor and Industry's designee.
 - b. The duties of the Executive Committee shall be:
 - i. To advise the Board Chair on the Agenda for Board Meetings;
 - ii. To make recommendations for items brought before the Board;
 - and
 - iii. To refer topics or subject matters to Committees.
- C. Parliamentary Authority for Committees
 - a. A quorum of the committee shall consist of the majority of members of the committee qualified to vote on the matter in question.
 - b. A meeting must not be called to order unless a quorum is present.
 - c. A meeting must be declared adjourned by the committee chair or other presiding committee member at any time it is apparent that a quorum is not present.
 - d. A vote on any issue is valid even though fewer than the quorum vote.

Article VII. Parliamentary authority for the Board

- A. Quorum
 - a. A quorum of the Board shall consist of the majority of members of the Board qualified to vote on the matter in question.
 - b. A meeting must not be called to order unless a quorum is present.
 - c. A meeting must be declared adjourned by the Board chair or other presiding officer at any time it is apparent that a quorum is not present.
 - d. A vote on any issue is valid even though fewer than the quorum vote.
- B. Majority
 - a. A majority of the membership is 7 voting members of the Board, except that if there is any vacancy in the voting members of the Board, a majority of the membership is more than half of the voting member positions on the Board that are filled. This number does not depend on

- the number of members present at a meeting or voting on a particular matter. An affirmative majority of the voting members is the same as a majority of the membership.
- b. A simple majority, or a voting majority, is more than half of the members voting on a particular matter.
 - c. A two-thirds majority of the membership is 9 voting members of the Board, except that if there is any vacancy in the voting members of the Board, a two-thirds majority of the membership is more than two-thirds of the voting member positions on the Board that are filled. This number does not depend on the number of members present at a meeting or voting on a particular matter. A two-thirds majority of the voting members is the same as a two-thirds majority of the membership.
 - d. A two-thirds voting majority is two-thirds or more of the members voting on a particular matter.
- C. Regular meeting order of business
- e. Call To Order
 - f. Approval of Meeting Agenda
 - g. Approval of Previous Meeting Minutes
 - h. Regular Business
 - i. Minnesota Plumbing Code
 - ii. Plumbing Licensure and Registration
 - i. Special Business
 - j. Committee Reports
 - k. Complaints
 - l. Open Forum
 - m. Board Discussion
 - n. Announcements
 - o. Adjournment
- E. Process for consideration of business agenda items and motions
- a. A business agenda item is presented by the chair or other Board member.
 - b. Any Board member, either a voting or nonvoting member, makes a motion to address the issue.
 - c. Another Board member, either a voting or nonvoting member, seconds the motion.
 - d. The issue and motion are discussed/debated.
 - e. After all members have had opportunity to speak on the issue the chair or presiding officer asks the secretary to read the motion and calls for a vote on the motion.
 - f. Other motions may be made and considered within this process as outlined in the following table.

F. RULES GOVERNING MOTIONS IN ORDER OF PRECEDENCE

Motion	Interrupt (Note 1)	Second	Debatable (Note 2)	Amendable (Note 3)	Vote to Pass
Adjourn	No	Yes	No	No	Voting Majority
Recess	No	Yes	Restricted	Restricted	Voting Majority
Postpone/Table (Note 4)	No	Yes	No	No	Voting Majority
Refer to Committee (Note 5)	No	Yes	Restricted	Yes	Voting Majority
Amend	No	Yes	Yes	Yes	Voting Majority
Main Motion	No	Yes	Yes	Yes	Voting Majority
Reconsider (Note 6)	Yes	Yes	Restricted	No	Voting Majority
Rescind (Note 7)	No	Yes	Yes	No	Membership Majority
Resume Consideration/ Remove from the Table	No	Yes	No	No	Voting Majority
Appeal (Note 8)	Yes	Yes	Yes	No	Voting Majority
Amend Bylaws	No	Yes	Yes	Yes	Membership Majority
Rules Amendment Except Plumbing Code Amendment	No	Yes	Yes	Yes	Membership Majority
End debate	Yes	Yes	No	No	Two-thirds Voting Majority
Plumbing Code Amendment	No	Yes	Yes	Yes	Two-Thirds Membership Majority

Notes to the table:

1. Interrupt – Can the maker of the motion interrupt another motion process?
2. Debatable – Can the motion be debated? Restricted – Debate is restricted to the motion being considered.
3. Amendable – Can the motion be amended? When restricted, an amendment must be germane to the motion to amend.
4. Postpone/Table – A motion postponed or tabled may be reconsidered within the same meeting as a result of motion to resume consideration. The motion postponed/tabled may be brought forward as a new motion at subsequent meetings without a motion to resume consideration. A motion to postpone/table ends debate of the motion to be postponed or tabled.
5. Refer to Committee – The debate on a motion to refer to a committee is restricted to the committee membership, assignment, meeting and reporting schedule.

6. Reconsider – A motion to reconsider can only be made during the same meeting the motion to be reconsidered was acted on. Debate is restricted to the motion to reconsider. Debate on the motion to be reconsidered can only occur after the motion to reconsider is passed. The use of the term “reconsider” in these bylaws is different from the use of the term “reconsider” in Minnesota Statutes, section 326B.435, subdivision 6, items (b), (d), (e) and (f). Nothing in these bylaws is intended to conflict with the statutory restrictions on the Board’s ability to “reconsider” plumbing code amendments and other proposed rules and rule amendments.
7. Rescind – A motion to rescind can only be made on motions that passed at previous meetings and then only if irreversible actions have not been carried forth. A motion to rescind must pass by a majority vote of the Board membership. A motion to rescind cannot be reconsidered or rescinded.
8. Appeal – Any member may make a motion to appeal a ruling or action of the chair or presiding officer.
9. End debate – Any member may make a motion to end discussion on the matter at hand.

Other actions or limits are at the discretion of the chair or other presiding officer, but are subject to appeal.

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.

In addition to the day of the Board activity and when a Board member’s primary residence is more than 250 miles from the location of the Board activity, an additional day for travel is allowed when the member incurs overnight lodging expense.

Article IX. Board Minutes

The Minutes for each meeting shall include the following:

1. A list of attendees.
2. The start time of the meeting.
3. Each topic description.
4. All motions made and the recorded vote.
5. Upcoming meeting dates and times.
6. Time of adjournment.

Article X. Amendment to bylaws

A majority of the membership must vote in the affirmative to adopt an amendment to these bylaws.

ADOPTED: November 16, 2007

AMENDED: February 19, 2008

PROPOSED AMENDMENT: April 21, 2009

PROPOSED AMENDMENT, ADOPTED: August 23, 2011

PROPOSED AMENDMENT: April 19, 2016

PROPOSED AMENDMENT, ADOPTED: July 19, 2016

Bylaws of the Plumbing Board

Article I. Name

- A. The official name shall be "Plumbing Board."

Article II. Purpose

- A. The purpose of the Plumbing Board shall be as identified in Minnesota Statutes, section ~~326B.435-326.3705~~, subdivision 2. At the request of the Commissioner of Labor and Industry, the Board shall also provide information and documentation concerning any complaint referred by the Board to the commissioner, as provided in Minnesota Statutes, section ~~326B.435-326.3705~~, subdivision 78.

Article III. Membership

- A. The membership of the Plumbing Board shall be as identified in Minnesota Statutes, section ~~326B.435-326.3705~~, subdivision 1.

Article IV. Officers

- A. The Plumbing Board shall elect a chair, vice-chair, and secretary. All voting members of the Board are eligible to serve as officers.
 - a. Chair: The chair shall:
 - i. Preside at Board meetings;
 - ii. Appoint committees;
 - iii. Correspond on behalf of the Board;
 - iv. Develop meeting agenda; and
 - v. Act as the Board liaison with the Department of Labor and Industry regarding Board functions.
 - b. Vice-Chair: The vice-chair shall:
 - i. Assume the duties of the chair in the chair's absence; and
 - ii. Assume the duties of the secretary in the secretary's absence.
 - c. Secretary: The secretary shall:
 - i. ~~The secretary shall ensure~~ Ensure that accurate notes of all Board meeting ~~proceedings~~ are taken and minutes are created and presented for Board approval at the next following meeting;
 - ii. Provide the presiding officer and membership with the exact wording of all motions;
 - iii. Record the official vote on all motions; and
 - iv. Maintain a record of all actions taken by the Board.

- B. The election of officers shall take place at the first meeting of the Plumbing Board and at each annual meeting thereafter.
 - a. The commissioner or the commissioner's designee shall preside over the election of all officers. The newly elected chair shall begin presiding over the meeting at the completion of elections.
 - b. Nominations for and election of each officer shall be independent of other officers.
 - c. Officers shall be elected in the following order: chair, vice-chair, secretary.
 - d. Nominations may be made by any voting member of the Board.
 - e. The number of nominees for each office is not limited.
 - f. Election shall be determined by majority of members voting.
 - i. Votes shall be cast by a raising of hands.
 - ii. Members shall vote for only one candidate at each ballot.
 - iii. Ballots shall be cast until one candidate receives a majority of votes cast.

- C. Vacancy
 - a. An election shall be held at the next regular meeting to fill a vacant office.
 - i. When an election results in creating a vacancy, an election to fill the vacancy shall be held at the same meeting until all positions are filled.
 - ii. The commissioner or the commissioner's designee shall preside over the election of vacant offices.

- D. Term
 - a. The term of all elected officers ends at the completion of election of officers at the annual meeting.

Article V. Meetings

- A. All meetings shall be held pursuant to Minnesota Statutes Chapter 13D.
- B. Location
 - a. Board meetings shall be held at the Department of Labor and Industry offices located at 443 Lafayette Road North, Saint Paul, Minnesota.
 - b. As provided in Minnesota Statutes, section ~~326B.435~~~~326.3705~~, subdivision ~~6a,7~~, meetings employing telephone or other electronic means may be conducted.
- C. Annual meeting
 - a. The annual meeting of the Board shall be the first meeting each state fiscal year.
- D. Regular meetings
 - a. Regular Board meetings shall be held on a schedule determined by the Board.
 - i. The regular Board meeting schedule shall be ~~posted~~ maintained at 443 Lafayette Road North, Saint Paul, and on the Department of Labor and Industry website.

- E. Special meetings
- a. Special Board meetings are meetings that are not regularly scheduled.
 - i. Special Board meetings shall be called by the chair.
 - ii. Unless the meeting is an emergency meeting, at least three days before the date of the meeting, notice of the special Board meeting shall be posted at 443 Lafayette Road North, Saint Paul, and mailed, e-mailed, or delivered to each person who has requested a notice of special meetings.
 - iii. If the chair determines that circumstances require immediate consideration by the Board, the chair shall call an emergency meeting in accordance with Minnesota Statutes, section 13D.04, subdivision 3.

Article VI. Committees

- A. The chair may appoint a Board committee to address specific issues.
 - a. Committees shall report directly to the Board.
 - b. Unless dismissed by the appointing chair, the term of committee members ends with the election of a new chair.
 - c. Each Committee shall appoint a Secretary to record the meeting's Minutes.
- B. Executive Committee
 - a. The Executive Committee shall consist of the elected officers of the Board and the ~~Department Commissioner of Labor and Industry Commissioner's dDesignee.~~
 - b. The duties of the Executive Committee shall be:
 - i. To advise the Board Chair on the Agenda for Board Meetings;
 - ii. To make recommendations for items brought before the Board; and
 - iii. To refer topics or subject matters to Committees.
- ~~C. Product and Code Review Committee~~
 - ~~a. The Product and Code Review Committee will consist of the Committee Chair, the Department Commissioner of Labor and Industry Commissioner's dDesignee and members appointed by the Plumbing Board Chair.~~
 - ~~b. The duties of the Product and Code Review Committee shall be:~~
 - ~~i. To review products submitted and make recommendations back to the Board; and~~
 - ~~ii. To review requests for code amendments and make recommendations back to the Board.~~
- ~~D. Code Interpretation Committee [WL1]~~
 - ~~a. The Code Interpretation Committee will consist of the Committee Chair, the Department Commissioner of Labor and Industry Commissioner's dDesignee and members appointed by the Plumbing Board Chair.~~
 - ~~b. The duties of the Code Interpretation Committee shall be:~~
 - ~~To act on behalf of the Plumbing Board in responding to to review requests for interpretation of the Plumbing Code. The Code~~

~~Interpretation Committee shall review requests for final interpretations of the Plumbing Code and issue final interpretations as provided in Minnesota Statutes section received by the Board under 16B.63, subdivision 5 (to be renumbered Minnesota Statutes section 326B.127, subdivision 5, and to make recommendations back to the Board.);~~

~~E.C.~~ Parliamentary Authority for Committees

- a. A quorum of the committee shall consist of the majority of members of the committee qualified to vote on the matter in question.
- b. A meeting must not be called to order unless a quorum is present.
- c. A meeting must be declared adjourned by the committee chair or other presiding committee member at any time it is apparent that a quorum is not present.
- d. A vote on any issue is valid even though fewer than the quorum vote.

Article VII. Parliamentary authority for the Board

A. Quorum

- a. A quorum of the Board shall consist of the majority of members of the Board qualified to vote on the matter in question.
- b. A meeting must not be called to order unless a quorum is present.
- c. A meeting must be declared adjourned by the Board chair or other presiding officer at any time it is apparent that a quorum is not present.
- d. A vote on any issue is valid even though fewer than the quorum vote.

B. Majority

- a. A majority of the membership is 7 voting members of the Board, except that if there is any vacancy in the voting members of the Board, a majority of the membership is more than half of the voting member positions on the Board that are filled. This number does not depend on the number of members present at a meeting or voting on a particular matter. An affirmative majority of the voting members is the same as a majority of the membership.
- b. A simple majority, or a voting majority, is more than half of the members voting on a particular matter.
- c. A two-thirds majority of the membership is 9 voting members of the Board, except that if there is any vacancy in the voting members of the Board, a two-thirds majority of the membership is more than two-thirds of the voting member positions on the Board that are filled. This number does not depend on the number of members present at a meeting or voting on a particular matter. A two-thirds majority of the voting members is the same as a two-thirds majority of the membership.
- d. A two-thirds voting majority is two-thirds or more of the members voting on a particular matter.

C. Regular meeting order of business

- e. Call To Order

- f. Approval of Meeting Agenda
 - g. Approval of Previous Meeting Minutes
 - h. Regular Business
 - i. Minnesota Plumbing Code
 - ii. Plumbing Licensure and Registration
 - i. Special Business
 - j. Committee Reports
 - k. Complaints
 - l. Open Forum
 - m. Board Discussion
 - n. Announcements
 - o. Adjournment
- E. Process for consideration of business agenda items and motions
- a. A business agenda item is presented by the chair or other Board member.
 - b. Any Board member, either a voting or nonvoting member, makes a motion to address the issue.
 - c. Another Board member, either a voting or nonvoting member, seconds the motion.
 - d. The issue and motion are discussed/debated.
 - e. After all members have had opportunity to speak on the issue the chair or presiding officer asks the secretary to read the motion and calls for a vote on the motion.
 - f. Other motions may be made and considered within this process as outlined in the following table.

F. RULES GOVERNING MOTIONS IN ORDER OF
PRECEDENCE

Motion	Interrupt (Note 1)	Second	Debatable (Note 2)	Amendable (Note 3)	Vote to Pass
Adjourn	No	Yes	No	No	Voting Majority
Recess	No	Yes	Restricted	Restricted	Voting Majority
Postpone/Table (Note 4)	No	Yes	No	No	Voting Majority
Refer to Committee (Note 5)	No	Yes	Restricted	Yes	Voting Majority
Amend	No	Yes	Yes	Yes	Voting Majority
Main Motion	No	Yes	Yes	Yes	Voting Majority
Reconsider (Note 6)	Yes	Yes	Restricted	No	Voting Majority
Rescind (Note 7)	No	Yes	Yes	No	Membership Majority
Resume Consideration/ Remove from the Table	No	Yes	No	No	Voting Majority
Appeal (Note 8)	Yes	Yes	Yes	No	Voting Majority
Amend Bylaws	No	Yes	Yes	Yes	Membership Majority
Rules Amendment Except Plumbing Code Amendment	No	Yes	Yes	Yes	Membership Majority
End debate	Yes	Yes	No	No	Two-thirds Voting Majority
Plumbing Code Amendment	No	Yes	Yes	Yes	Two-Thirds Membership Majority

Notes to the table:

1. Interrupt – Can the maker of the motion interrupt another motion process?
2. Debatable – Can the motion be debated? Restricted – Debate is restricted to the motion being considered.
3. Amendable – Can the motion be amended? When restricted, an amendment must be germane to the motion to amend.
4. Postpone/Table – A motion postponed or tabled may be reconsidered within the same meeting as a result of motion to resume consideration. The motion postponed/tabled may be brought forward as a new motion at subsequent meetings without a motion to resume consideration. A motion to postpone/table ends debate of the motion to be postponed or tabled.

5. Refer to Committee – The debate on a motion to refer to a committee is restricted to the committee membership, assignment, meeting and reporting schedule.
6. Reconsider – A motion to reconsider can only be made during the same meeting the motion to be reconsidered was acted on. Debate is restricted to the motion to reconsider. Debate on the motion to be reconsidered can only occur after the motion to reconsider is passed. The use of the term “reconsider” in these bylaws is different from the use of the term “reconsider” in Minnesota Statutes, section ~~326B.435326.3705~~, subdivision 6, items (b), (d), (e) and through (f). Nothing in these bylaws is intended to conflict with the statutory restrictions on the Board’s ability to “reconsider” plumbing code amendments and other proposed rules and rule amendments.
7. Rescind – A motion to rescind can only be made on motions that passed at previous meetings and then only if irreversible actions have not been carried forth. A motion to rescind must pass by a majority vote of the Board membership. A motion to rescind cannot be reconsidered or rescinded.
8. Appeal – Any member may make a motion to appeal a ruling or action of the chair or presiding officer.
9. End debate – Any member may make a motion to end discussion on the matter at hand.

Other actions or limits are at the discretion of the chair or other presiding officer, but are subject to appeal.

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.

In addition to the day of the Board activity and when a Board member’s primary residence is more than 250 miles from the location of the Board activity, an additional day for travel is allowed when the member incurs overnight lodging expense.

Article IX. Board Minutes

The Minutes for each meeting shall include the following:

1. A list of attendees.
2. The start time of the meeting.
3. Each topic description.
4. All motions made and the recorded vote.

5. Upcoming meeting dates and times.
6. Time of adjournment.

Article X. Amendment to bylaws

A majority of the membership must vote in the affirmative to adopt an amendment to these bylaws.

ADOPTED: November 16, 2007

AMENDED: February 19, 2008

PROPOSED AMENDMENT: April 21, 2009

PROPOSED AMENDMENT, ADOPTED: August 23, 2011

PROPOSED AMENDMENT: April 19, 2016

July 19, 2016 Meeting Minutes:

F) Bylaws

A motion was made by Kittelson, seconded by Justin, to approve proposed amendments to the Bylaws as shown in **Attachment C**. The vote was unanimous; the motion carried. [10 of 13 voting members present]

April 19, 2016 Meeting Minutes:

B) Review of Bylaws

Legge referred to the Bylaws of the Plumbing Board and noted proposed amendments – see **Attachment F**.

Parizek recommended dissolving two committees – Product & Code Review and Code Interpretation. He also noted that product review would be addressed at Board meetings.

A motion was made by Flagg, seconded by Kittelson, to accept recommendations by legal counsel to dissolve the Product & Code Review Committee, dissolve the Code Interpretation Committee, and re-letter Parliamentary Authority for Committees to item C [formerly E]. The majority vote ruled with 7 for/1 against/1 abstention [Sterner]; the motion carried.