

**Plumbing Board – Executive Committee  
Special Meeting Minutes  
August 26, 2008  
Isanti Room  
Department of Labor and Industry (DLI)  
443 Lafayette Road North, Saint Paul  
[DLI.CCLDBOARDS@State.MN.US](mailto:DLI.CCLDBOARDS@State.MN.US)**

**Members Present:**

John A. Parizek  
Jim Gander  
Jim Peterson (DLI Commissioner's designee)

**Staff Present:**

Annette Trnka  
Wendy Legge  
John Schultz

**Members Absent:**

Lawrence G. Justin

**Visitors:**

None

**I. Call To Order**

The meeting was called to order by Parizek at 8:28 a.m.

- A. Announcements – John Parizek appointed Jim Peterson to the Executive Committee and to all the Plumbing Board Committees.
- B. Introductions – Introductions were done.

**II. Approval of Agenda**

Gander made a motion, seconded by Peterson, to approve the meeting agenda. The vote was unanimous and the motion carried.

**III. Approval of Previous Meeting Minutes**

- A. July 15, 2008 Meeting Minutes
  - a. Gander made a motion, seconded by Peterson, to accept the previous Minutes. The vote was unanimous and the motion passed.

**IV. Regular Business**

- A. Approval of Expense Reports – to be done at the Board meeting.

**V. Special Business**

- A. Next Plumbing Board Meeting Agenda – Parizek went through the Agenda for the Board and addressed specific items. There were several changes to the Board Agenda,

which will be printed and distributed before the meeting. Legge stated that the separation of rules would put the Plumbing rules in a separate chapter from the Department of Labor and Industry's rules. Her further recommendation is to put the licensing rules into a separate chapter from the code.

Legge stated that it's in Statute that the Commissioner has authority over water conditioning rules (Minnesota Statute 326.57, Subdivision 1.) Legge stated that the Board could suggest that the Legislature change that authority to the Board, if that is the Board's desire. Legge also stated that 326.60, Subdivision 1, still has the population of 5,000 or more provision for water conditioning. Legge recommends that the section on water conditioning also be moved to a separate chapter, until the change in Legislature can be made to give authority to the Board. Right now in Statute, water conditioning is only defined for single-family residential homes; there's nothing to address commercial use, and perhaps the issue of commercial use needs to be brought before the Legislature as well. It could also be brought before the Commissioner that the Department of Labor and Industry could put this in their clean up bill, along with appointing this section to the Board.

Legge stated that there is one section (4715.2800), which the Department of Labor and Industry has determined is the Department's authority. Legge explained if the Board disagrees with that assessment, then Legge would have a conflict of interest, as she's representing the Department on that issue. The Department feels that this section is administering the code, not developing the code, and would be the duty and responsibility of the Department to administrate, therefore it is under the Department's authority. Legge stated that if the Board feels it's under the Board's authority, Legge could arrange for representation by the Attorney General's office. Legge stated the options for the Board would be 1) to agree with the Department of Labor and Industry on this assessment; or 2) get independent legal advice regarding this issue. Legge suggested setting this section aside for the next rulemaking, as if it's done on this rulemaking Legge would not be able to represent the Board on the entire rulemaking. Discussion then followed on separating this section out and going forward with the rest of the rulemaking and re-visiting this issue in the future. The Department's assertion is that 4715.2800, 4715.2810, 4715.2830, 4715.2880, 4715.2890, and 4715.3130 are all under the Department's authority. Parizek stated it should be brought to the attention of the Board.

B. Committee referrals

- a. Product and Code Review Requests – there was one new submission which was determined to be directed at the Department of Labor and Industry as an administrative change request.
- b. Code Interpretation Requests – there have been no new requests.
- c. Licensing and Registration Requests – there have been no new requests.
- d. Green/LEED Requests – there have been no new requests.

C. Complaints – there have been no complaints to the Board.

## **VI. Open Forum**

There were no requests for Open Forum.

## **VII. Discussion**

- A. Medical Gas – Parizek stated that he felt it should be recommended to the Board that the Board work with the Commissioner to get medical gas certification into Statute and under the jurisdiction of the Plumbing Board.
- B. Continuing Education – Parizek stated that it would be presented to the Board to request a motion to work with the Commissioner to require continuing education for all licenses. John Schultz gave an overview of what is required for continuing education for licensed electricians. Parizek asked if Schultz would be willing to give that same overview at that point in the Agenda when the full Board meets. Schultz answered yes.
- C. RPZ Tester – Parizek stated that since the Plumbing Board has no jurisdiction over licensing, recommendation would be made to the Board to close this RFA out. Parizek then asked if it could be put in the Code that RPZ testing is plumbing work, therefore you would need a plumber's license in order to do RPZ testing. Legge read the Statute on who needs a Plumbing License. Legge stated the rationale for requiring a license for RPZ testing is that RPZ testing involves connecting to a potable water supply, which could be contaminated if done improperly, therefore is plumbing work and would require a license. This would be something for future rulemaking and not part of this session's rulemaking.
- D. State Exam – There was no discussions on state exams.
- E. Approvals / Referrals former Committees (PCAC, etc.) – The PCRC meets tomorrow and will discuss at that time.

## **VIII. Announcements**

- A. Next Regularly Scheduled Meetings:
  - i. October 21, 2008, 8:00 a.m. – Minnesota Room, DLI
  - ii. November 18, 2008, 8:00 a.m. – Minnesota Room, DLI (If Board decides to meet.)

## **I. Adjournment**

Gander made a motion, seconded by Peterson. The vote was unanimous, and the motion passed. The meeting adjourned at 9:44.

Respectfully Submitted,

*Jim Gander*

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