

Plumbing Board
May 20, 2008 Minutes
Minnesota Room
Department of Labor and Industry (DLI)
443 Lafayette Road North, Saint Paul
DLI.CCLDBOARDS@State.MN.US

Members Present:

Karl Abrahamson
Lawrence G. Justin
Steve Christenson
Jim Gander
Kenneth Kammerer
James Kittelson
Allen J. Lamm
Michael McGowan
Rick Palmateer
John A. Parizek
Paul Sullwold
Ronald Thompson (MDH Commissioner's designee)
Randy Ellingboe (DLI Commissioner's designee)

Members Absent:

Rebecca L. Ames

Visitors:

Bob Wolf
Matt Marciniak
Brian Noma
Gary Thaden
Don Knipe
Phil Raines
Alan Thomas

Staff Present:

Jim Peterson
Wendy Legge
Cathy Tran
Annette Trnka

I. Call To Order

The meeting was called to order by Parizek at 9:40 a.m.

- A. Announcements – Break at approximately 10:45.
- B. Introductions were made of Board members, DLI staff and guests.

III. Approval of Meeting Agenda

Motion made by Justin, seconded by Gander to add VI(E) and VI(F) to the agenda. The vote was unanimous and the motion passed. Gander made a motion to approve the meeting agenda as amended, seconded by Ellingboe. The vote was unanimous and the motion carried.

This information can be provided to you in alternative formats (Braille, large print or audio tape).

III. Approval of Previous Meeting Minutes

- A. April 29, 2008 Special Board Meeting Minutes. Justin proposed adding language to paragraph 2, on page 3 of 6. Wendy Legge asked for paragraph 4 on page 3 of 6 to be amended. Ron Thompson pointed out that he was not in attendance at the Special Meeting on April 29, 2008. Motion to approve the Minutes as amended made by Gander, seconded by Lamm. The vote was unanimous and the motion passed.

IV. Regular Business

- A. Approval of Expense Reports. Chair found them to be in order and declared them approved.
- B. For 75th anniversary, the Board will meet in the morning, and a cake, etc. will follow.

V. Committee Reports

- A. Executive Committee
- B. Product and Code Review Committee – The Committee met on April 23, 2008. The Committee reviewed four items. Of those four items, all were sent back to the submitters or to DLI staff for further information, and instructed to re-send to Committee upon completion. The next Committee meeting is on May 28, 2008, at 12:30 p.m.
- C. Code Interpretation Committee – This Committee has not met since the previous Board meeting.
- D. Licensing and Registration Committee – This Committee met on May 7th and discussed Code and Statute changes. Recommendations will be given to DLI staff regarding licensing and registration on restricted licensure. Gander stated that further actions were taken.
- E. Green Committee – This Committee has not met since the Special Meeting of the Plumbing Board.

VI. Special Business

- A. Legislative update – Legislature finished their session this past weekend, and passed two Bills that we have been tracking. The Bill on restricted plumbing licensure passed in its original form. This reopened the window to apply for either a restricted master or restricted journeyman plumber license until October 1, 2008. DLI is trying to get information on how to apply for the restricted licensure on line. DLI will also be doing a direct mailing to many of the potential applicants. One of the other items included in that legislation was to slightly change the qualifications for the applicants. A restricted master plumber must have either four years experience in practical plumbing, or two years experience as a plumbing contractor to apply for that license. A

restricted journeyman must have two years of practical plumbing experience in order to apply for that license. Last years legislation had a requirement that applicants for a master license had to have been in compliance with bond requirements. The Legislature and a number of the groups who are interested in seeing those that do this work become licensed; opened opportunity to many people than were eligible last year. The House File number on that Bill is 2805. The Senate version was signed by the Governor on May 8, 2008, making it effective on May 9, 2008, and that File number is 2786.

Kittelton asked about the people who filed and received the license last year, if they would have to re-file for that license. Ellingboe stated that if already licensed, a person would just need to renew. In last years legislation there was some conflicting language on what a restricted journeyman could do. It appeared that a restricted journeyman could contract for plumbing and the original intent had been that a restricted master had to be in charge of the work for the shop. In House File number 3034, that has been corrected in which a master has to be in charge for the shop. In a city of 5,000 or more, a master would have to be in charge of the shop, and in a city of less than 5,000 a restricted master would need to be in charge.

The Governor has not yet signed the Bill House File 3034 yet, but could be done as soon as today. In this Bill, there were changes that the Department had recommended on municipal plan review agreements, which were primarily grammatical. The Legislature did deal with the issue of the prohibition on waterless urinals and did not take the advice of the Board repealing the Bill in entirety, but only removed the prohibition on waterless urinals. The restriction on Air Admittance Valves is still in place in Statute.

There was a proposal by manufactured home installers to not have installers be licensed under Chapter 327(b) of the Statute. This was done so that when a manufactured home was delivered to a mobile home park, for example, the connection from the sewer to the manufactured home would not have to be done by a licensed plumber (Section 24 of the Statute.) That was also approved by the House, however has not been signed by Governor yet. There is not a distinction between new and used homes, and does not make a distinction of the size of the town it's installed in. Kammerer stated the difference between modular homes and manufactured homes is that manufactured homes are made to the HUD Code and modular homes are made to the Minnesota State Building Code and the State Plumbing Code. McGowan pointed out that this involves only above ground connections on manufactured homes.

The definition of plumbers apprentice had been deleted or repealed in error from last year's registration. There was an amendment to add that definition back in to Section 326b.42.

- B. Forms – Forms have been posted on the internet for a month now. Parizek wanted to see if there were any recommendations for modifications or comments on these forms. There were none.
- C. Minnesota Plumbing Code – Board Action
 - i. Revisor’s Draft of Proposed Plumbing Rules – Legge stated she had asked Cathy Tran to indicate any suggested changes, which were noted on the Revisor’s draft and included in the packet. Legge stated that she will ask for the Revisor to change the spelling of Siphonage throughout Chapter 4715. Tran then pointed out the changes that she recommended.

Parizek then stated that they go through the entire Revisor’s Draft from the beginning to end and see if anyone had any concerns or changes to any item.

Ron Thompson stated his view of amendment for page three, Item D (3.2). Inserting the words “The building sewer in” and deleting from the end on line 3.4. Legge agreed that it’s grammatical.

Parizek questioned the phrase “factory trained installer” versus “certified.” Peterson stated that in the field, they would ask for their training and/or certification card. (Vote contained on page 12 of the February 19th Minutes.) It was left as is.

Meeting broke at 10:47 for 10 minutes. Meeting resumed at 11:03.

Page 29, 29.4, regarding Minutes from 2-19-08, Justin states it should include “draining by gravity.” Tran stated that after this section, there was discussion and the title includes the word “gravity” so it was redundant. Justin agreed. On 23.10, Thaden stated that it just being in title is not enough in Statute. He doesn’t know if rules are the same. Legge stated that information is correct, however, she didn’t know if the entire section applied to only gravity drainage or not. Justin stated that there are pressured sewer systems. Justin recommends adding that back in. Legge recommended that it be added now. Gander suggested changing 4715.2310, Subpart 1: **Determination of Size**. Pipe sizes for gravity drains shall be determined...

A motion was made by Gander to accept amendment to section, seconded by Justin. The vote was unanimous and the motion passed.

Lamm made a motion, seconded by Kittelson to accept the Revisor’s proposed Plumbing Rules with amendments. The vote was unanimous and the motion passed.

- ii. Rulemaking Authorization - A motion was made by Gander, seconded by Palmateer, to adopt the following resolution authorizing the Chair to sign and give notice of the board's intent to adopt rules:

1. Chair of the Plumbing Board, is authorized and directed to sign and to give the Notice of the Board's Intent to Adopt Rules, using Alternate Notices of whether a hearing will be held, governing the amendment of the Minnesota Plumbing Code, Minnesota Rules. parts 4715.0100, 4715.0200, 4715.0420, 4715.0510, 4715.0520, 4715.0530, 4715.0610, 4715.0800, 4715.0805, 4715.0850, 4715.0900, 4715.1000, 4715.1120, 4715.1210, 4715.1250, 4715.1300, 4715.1380, 4715.1590, 4715.1700, 4715.1710, 4715.1730, 4715.1740, 4715.1800, 4715.2120, 4715.2280, 4715.2310, 4715.2420, 4715.2430, 4715.2520, 4715.2580, 4715.2610, 4715.2620, 4715.2710, 4715.2760, 4715.2800, and 4715.2820, as shown in the Revisor's draft dated May 2, 2008, with any changes approved by the Board. The Chair must give this notice to all persons who have registered their names with the Board or with the Department of Labor and Industry for the purpose of receiving notice of rule proceedings regarding plumbing. The Chair must also publish the Notice and rules in the State Register. Furthermore, the Chair is authorized and directed to do anything else needed to be done, both before and after the Notice is signed, in order to complete this Notice. This includes, specifically but not exclusively, authorization to sign a Statement of Need and Reasonableness as required by Minnesota Statutes section 14.131.

2. If there are fewer than 25 outstanding hearing requests, the Chair of the Plumbing Board is authorized and directed to sign the Order Adopting Rules and to do anything else needed to adopt these rules without a hearing.

3. If there are 25 or more outstanding hearing requests, the Chair of the Plumbing Board is authorized and directed to act as the Board's representative at the hearing and do anything else needed to adopt these rules with a hearing.

The vote was unanimous and the motion passed.

D. Minnesota Plumbing Code – Updates/Board Action

E. Data Practices Responsibilities of the Board. Wendy Legge gave a presentation to the Board. Kammerer made a motion, seconded by Gander to table this item to the June meeting. The vote was unanimous and the motion passed.

F. Letter from MMCA. Gary Thaden addressed the Board. Sullwold made a motion to rescind the air admittance valve portion of the motion made at the Special Meeting on April 29, 2008, in which the Board voted to recommend to the Legislature repealing the subdivision on waterless urinals and air admittance valves, seconded by Abrahamson. After discussion, Sullwold withdrew his motion, affirmed by Abrahamson. Motion withdrawn.

VII. Complaints - None

VIII. Open Forum - None

IX. Board Discussion

Discussion returned to rescinding the Motion made at the April 29, 2008 meeting regarding recommending to the Legislature that they rescind Subd. 4, M.S. 326.37 in its entirety. Most feel that they weren't voting on the products themselves, but rather the right for the Plumbing Board to review products on a case by case basis.

X. Announcements

- A. Next Regularly Scheduled Meetings:
- i. June 17, 2008, 9:30 a.m. – Minnesota Room, DLI
 - ii. July 15, 2008, 9:00 a.m. – Minnesota Room, DLI

XI. Adjournment

Ellingboe made a motion, seconded by Lamm to adjourn. The vote was unanimous, and the motion passed. The meeting adjourned at 12:55 p.m.

Respectfully Submitted,

Jim Gander

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