

**Plumbing Board
Meeting Minutes
Minnesota Room – DLI
Tuesday, April 17, 2012 – 9:30 a.m.**

Members Present

Allen Lamm
Chad Filek
Gale Mount
Jim Kittelson
Jim Lungstrom
John Flagg
John Parizek
Larry Justin
Rebecca Ames
Ron Thompson

Members Absent

Jim Gander
Michael McGowan
Karl Abrahamson

DLI Staff & Visitors

A/C Jessica Looman
Bob Taylor
Brad Erickson
Carey Demaris
Carl Crimmins
Cathy Tran
Jack Hettwer
Jim Peterson
Kevin Campana
Matthew Marciniak
Michelle Drier
Pat Munkel-Olson

I. Call to Order

This meeting was called to order by Chair Parizek at 9:40 a.m. Introduction and housekeeping announcements were made. Attendance was taken a quorum was met.

Michelle Dreier from the department's Labor Standards Division gave a brief presentation on the prevailing wage survey. Labor Standards is currently surveying wage rates paid on Commercial, Residential and Highway/Heavy construction projects in all 87 counties to determine prevailing wage rates. The department requests that all interested parties submit reports of hourly wage rates paid on projects performed during the past twelve months. More information can be found on the website at <http://www.dli.mn.gov/LS/PrevWage.asp>.

II. Approval of Meeting Agenda

Justin made a motion to approve today's agenda as presented, seconded by Flagg. The vote was unanimous, the motion passed.

III. Approval of Previous Meeting Minutes

Mount made a motion, seconded by Lamm to accept the January 17, 2012 minutes as presented. With one abstention by Justin, the motion passed.

IV. Regular business

Approval of Expense Reports – Chair approved the expenses presented.

V. Committee Reports

- A. Executive Committee – Parizek stated the committee met this morning to review and discuss the rulemaking process for Board meeting today.
- B. Product and Code Review Committee – Justin stated the committee last met on 3/20/12 to discuss RFA PB0066, High Density Polyethylene Plastic Pressure Pipe. A follow up letter to the presenter will be sent.
- C. Code Interpretation Committee – none.
- D. Medical Gas Committee – none.
- E. Continuing Education Committee – none.
- F. Licensing and Registration Committee – none.
- G. Water Conditioning Committee – none.
- H. Construction Codes Committee – none.
- I. Code Comparison Committee – Lungstrom state the committee met on 3/20/12. Members were issued a CD by IAPMO containing the information on the UPC and MN Codes. The committee began the review process of chapters 1 and 2 and remaining chapters were assigned to the members for review. Next meeting will be held in May or June.
- J. DLI Reports – Munkel-Olson reported that on April 6, 2012 Administrative Law Judge (ALJ) Richard Lewis approved the Joint good Cause Rulemaking. There was a comment that the departments attorneys Jeff Lebowski and Pat Munkel-Olson addressed. The Order did approve the rules as drafted. Handouts were provided. Munkel-Olson asked the Board to consider adopting these rules and to authorize the Chair to sign the Order.

i. Chapter 4715; Joint Good Cause Rulemaking, Current Status

Resolutions

- 1) The Plumbing Board adopts the renumbering of Minnesota Rules parts 4715.2800, 4715.2810, 4715.2830, 4715.2880, 4715.2890, and 4716.3130 as indicated in the Revisor of Statutes draft, file number RD4069, dated 01/30/12, under the good cause exemption in Minnesota Statutes § 14.388, subd. 1, clause 4. (HANDOUT of rule). *A motion to accept the rules as presented was made by Lamm, seconded by Mount. The vote was unanimous, the motion carried.*
- 2) 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 with the full force and effect of law. *A motion to authorize and accept Chair Parizek to sign the Order and anything else needed to adopt these rules was made by Lamm, seconded by Mount. The vote was unanimous, the motion carried.* Munkel-Olsen made a final comment that once the Chair signs, the Commissioner will also sign because this is a joint rulemaking process. The anticipated date the order will post and be effective in the State Register is April 30, 2012.

Munkel-Olson reminded the Board that there was one comment and zero requests for a hearing. The Governor's office authorized the submission of the rules to the Office of Administrative Hearings (OAH) on April 12, 2012. The ALJ has 14 days to approve or disapprove these rules by April 26, 2012.

ii. Chapter 4715; Amendments to the Plumbing Code, Current Status

A motion made by Justin to adopt rules governing the Plumbing Code, as specified in the Revisor of Statutes draft, file number RD4044, dated 11/12/11, seconded by Ames. The vote was unanimous, motion carried.

Resolution:

- 1) The Plumbing Board adopted rules governing the Plumbing Code, as specified in the Revisor of Statutes draft, file number RD4044, dated 11/12/11. The Chair of

the Board is authorized to sign the Order Adopting Rules, to modify the rules as needed to obtain the Revisor of Statutes or the Administrative Law Judge's approval of the rules, and to perform other necessary acts to give the rules the force and effect of law. ***A motion made by Filek, seconded by Flagg to authorize Chair Parizek to sign the Order adopting rules. The vote was unanimous, motion carried.***

- iii. Chapter 4716; Plumber Licensing, Current Status** – Munkel-Olson reviewed hand out (iii) reminding the board that there were two changes of the proposed rules announced in the dual notice. These changes were thoroughly reviewed as follows: lines 1.15, 5.3, 5.4, 6.14, 6.23, 6.24. Munkel-Olson stated the ALJ had questions and comments on lines 8.4, 8.5, 9.5, 9.6, 10.10-10.13. There should be clarification for the continuing education programs and requirements that *interactive media is real time vs. electronic media* have different meanings. The board suggested adding to subp.2, after line 8.5 – ***ADDING, or electronic media subject to the limitations of part 4716.0210. A motion made by Justin, seconded by Lamm recommending the language to the ALJ. The vote was unanimous the motion carried.***

Munkel-Olson stated the ALJ also raised a question as to why the plumbing code didn't use incorporation by reference of the recognized third-party certification agency referred to in the definition section of Medical Gas 4716.0071 line 2.12, subp.6. It was discussed and agreed that including the incorporation by reference will be added.

A motion made by Filek, seconded by Mout to adopt rules regulating plumber licensing, certification, and registration, and continuing education, as specified in the Revisor of Statutes draft, file number AR4055, dated 03/28/12. The vote was unanimous, the motion carried.

Resolution:

- 1) The Plumbing Board adopted rules regulating plumber licensing, certification, and registration, and continuing education, as specified in the Revisor of Statutes draft, file number AR4055, dated 03/28/12. ***The Chair*** of the Board is authorized to sign the Order Adopting Rules, to modify the rules as needed to obtain the Revisor of Statutes or the Administrative Law Judge's approval of the rules, and to perform other necessary acts to give the rules the force and effect of law. ***A motion made by Lamm, seconded by Flagg to authorize Chair Parizek to sign the Order adopting rules. The vote was unanimous, motion carried.***

- iv. Chapter 4716; RPZ/Backflow Update**

4716.0096 Requirements for Renewal of Certification - Backflow Prevention Rebuilder – ***A motion by Justin, seconded by Flagg to, after review and consideration, approve the draft rules, dated 04/16/12, as modified by the Board at its April 17, 2012 board meeting, accepting the 2nd exception. This vote was unanimous, the motion carried.***

4716.0096 Requirements for Renewal of Certification - Backflow Prevention Tester – ***A motion by Justin, seconded by Flagg to, after review and consideration, approve the draft rules, dated 04/16/12, as modified by the Board at its April 17, 2012 board meeting, accepting the 2nd exception. This vote was unanimous, the motion carried.***

Munkel-Olson respectfully asked that the board consider authorizing the 4/16/2012 draft (iv.) to be edited to include incorporation by reference of the standards that are referenced in this draft contingent on the ALJs recommended changes in 4716 as discussed earlier. ***A motion by Lamm, seconded by Mount to, if required by the ALJ will include incorporation by reference to the ASSE standards. This vote was unanimous, motion carried.***

The Chair called a break at 11:05 a.m. The meeting resumed at 11:20 a.m.

4716.0095 Licensure; Certification Subp.1 Back flow prevention rebuilder. Chair Parizek stated there should be additional language to include Master plumber or Journeyman and possess an ASSE certification. ***A motion was made by Justin to add be a licensed Master plumber, Journeyman plumber, or restricted Master, or restricted Journeyman and shall poses a current ASSE Standard 5110 Backflow Prevention Assembly Tester and ASSE Standard 5130 Backflow Prevention Assembly Repairer certification, this motion was seconded by Flag. The vote was unanimous, motion carried.***

A motion by Lamm, seconded by Mount to authorize and direct the Board Chair to initiate a rulemaking regulating reduced pressure backflow prevention rebuilders and testers under Minn. Stat. § 326B.437, paragraph d, by publication of a Notice of Intent to Adopt Expedited Rules Without a Public Hearing. The vote was unanimous, motion carried.

Resolution:

- 1) The Chair of the Plumbing Board is authorized and directed to:
 - a. edit the draft rules, dated 04/16/2012, as reviewed, considered, and approved by the Board on April 17, 2012;
 - b. modify the rules as needed to obtain the Revisor of Statutes approval of the rules as to form;
 - c. sign and to give the Board's Notice of Intent to Adopt Expedited Rules Without a Public Hearing; and
 - d. modify the rules as need to obtain the Revisor of Statutes or the Administrative Law Judge's approval of the rules, and to perform other necessary act to give the rules the force and effect of law. ***A motion made by Mount, seconded by Lamm to authorize Chair Parizek to the above mentioned resolutions. The vote was unanimous, the motion carried.***

Parizek applauded the work of Munkel-Olson and the rest of the department staff for all of the work provided in assisting the board in the rulemaking process for 4715 and 4716.

VI. Special Business

Nothing.

VII. Complaints

None brought forth.

VIII. Open Forum

No requests.

IX. Board Discussion

Parizek advised that the board appointments will be made by end of April and notifications will be provided. The next meeting in July is the annual meeting; were the board elections will take place as well

as the sub-committees appointments. Parizek mention that three subcommittees will be dissolved; Medical Gas, Licensing and Registration, and Continuing Education. Lamm thanked the members and announced that he has retired.

It was asked if there was a copy-right issue regarding the cd for the code comparison UPC and state codes that IAPMO provided the board. Lungstrom stated that Matthew Marciniak agreed the information can be shared within the state departments. The comparison that was on the disc was not to be allowed to the general public. Munkel-Olson stated this will not be covered under the data practices which will allow the public to view if requested. If such requests do come in, Munkel-Olson is the contact person for data practice requests.

Lastly, Parizek mentioned that Gander has stepped down and asked that the Governor issued a certificate of appreciation for service is issued. Demaris stated the request will be made through the Commissioner's assistant. Gander will be invited to the July meeting.

X. Announcements

Next regularly scheduled meetings will be held in the Minnesota room at the Department of Labor and Industry on the following dates:

- July 17, 2012 – 9:30 a.m. – *Election of Officers*
- October 16, 2012 – 9:30 a.m. – MN room

XI. Adjournment

A motion was made by Lamm seconded by Kittelson to adjourn. The vote was unanimous, the meeting adjourned at 11:50 a.m.

Respectfully Submitted,

John Parizek

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