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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. **1190**

February 19, 2007

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The bill was read for the first time and referred to the Committee on Commerce and Labor

March 15, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Governmental Operations, Reform, Technology and Elections

March 23, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to occupations; establishing the Plumbing Board; amending Minnesota
1.3 Statutes 2006, sections 326.37, subdivision 1; 326.38; 326.40, subdivision 1;
1.4 326.401, subdivision 2; 326.42, subdivision 1; proposing coding for new law in
1.5 Minnesota Statutes, chapter 326; repealing Minnesota Statutes 2006, section
1.6 326.41.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2006, section 326.37, subdivision 1, is amended to read:

1.9 Subdivision 1. **Rules.** The state ~~commissioner of health~~ Plumbing Board may, by
1.10 rule, prescribe minimum standards which shall be uniform, and which standards shall
1.11 thereafter be effective for all new plumbing installations, including additions, extensions,
1.12 alterations, and replacements connected with any water or sewage disposal system owned
1.13 or operated by or for any municipality, institution, factory, office building, hotel, apartment
1.14 building, or any other place of business regardless of location or the population of the
1.15 city or town in which located. Notwithstanding the provisions of Minnesota Rules, part
1.16 4715.3130, as they apply to review of plans and specifications, the commissioner may
1.17 allow plumbing construction, alteration, or extension to proceed without approval of the
1.18 plans or specifications by the commissioner.

1.19 Except for powers granted to the Plumbing Board, the commissioner of labor and
1.20 industry shall administer the provisions of sections 326.37 to 326.45 and for such purposes
1.21 may employ plumbing inspectors and other assistants.

1.22 Sec. 2. **[326.372] PLUMBING BOARD.**

1.23 Subdivision 1. **Composition.** (a) The Plumbing Board shall consist of 11 voting
1.24 members who must be residents of the state, appointed by the governor, and confirmed by

2.1 the senate. The commissioner of labor and industry or the commissioner's designee shall
2.2 be a nonvoting member. The first appointed board members shall serve an initial term
2.3 of four years, except where designated otherwise. The governor shall then reappoint the
2.4 current members or appoint replacement members, all or in part, to subsequent three-year
2.5 terms. Midterm vacancies shall be filled for the remaining portion of the term. Vacancies
2.6 occurring with less than six months time remaining in the term shall be filled for the
2.7 existing term and the following three-year term. Of the 11 appointed members, the
2.8 composition shall be as follows:

2.9 (1) two members shall be municipal plumbing inspectors;

2.10 (2) one member shall be a licensed mechanical engineer;

2.11 (3) two members serving an initial term of three years shall be plumbing contractors
2.12 or the representative of the contractor, engaged in a commercial scope of plumbing
2.13 contracting, one from the metro area and one from greater Minnesota;

2.14 (4) two members serving an initial term of three years shall be plumbing contractors
2.15 or their representatives, engaged in the residential scope of plumbing contracting, one
2.16 from the metro area and one from greater Minnesota;

2.17 (5) two members serving an initial term of two years shall be plumbing
2.18 journeypersons engaged in a commercial scope of plumbing systems installation, one
2.19 from the metro area and one from greater Minnesota; and

2.20 (6) two members serving an initial term of two years shall be plumbing
2.21 journeypersons engaged in a residential scope of plumbing systems installation, one from
2.22 the metro area and one from greater Minnesota.

2.23 (b) Except for the licensed mechanical engineer, all persons appointed to the
2.24 board must possess a current Minnesota plumbing license and maintain the license for
2.25 the duration of their term.

2.26 (c) Compensation and removal of board members is governed by section 15.0575.

2.27 (d) The commissioner of labor and industry shall provide office space, administrative
2.28 support, and staff assistance as requested by the board.

2.29 Subd. 2. **Powers.** (a) The board shall have the power to:

2.30 (1) elect its own officers;

2.31 (2) specify the plumbing code that must be followed in this state;

2.32 (3) maintain a review process to make determinations regarding any complaints,
2.33 code amendments, code compliance, and code clarifications filed with the board;

2.34 (4) adopt rules necessary for the regulation and licensing of contractors,
2.35 journeypersons, apprentices, and other persons engaged in the design, installation, and

3.1 alteration of plumbing systems that would include the issuing, renewing, revoking,
 3.2 refusing to renew, and suspending a plumbing license;

3.3 (5) adopt rules necessary for continuing education for individuals regulated and
 3.4 licensed under this section;

3.5 (6) the board may forward educational recommendations for inspectors to the
 3.6 commissioner; and

3.7 (7) pay expenses deemed necessary in the performance of board duties, including
 3.8 rent, utilities, and supplies.

3.9 (b) Requests under the review process in paragraph (a), clause (3), may originate
 3.10 with the municipal inspectors, the plumbing contractors or their employees, and other
 3.11 persons engaged in the design, installation, and alteration of plumbing systems. The board
 3.12 shall make their findings known to all parties and the commissioner of labor and industry
 3.13 within the time period specified by the board.

3.14 Subd. 3. **Fees and finances.** The board shall submit an annual budget to the
 3.15 commissioner of labor and industry. The commissioner shall collect fees necessary for
 3.16 the operation and continuance of the board. The commissioner is responsible for the
 3.17 enforcement of the codes and licensing requirements determined by the board. The board
 3.18 shall set the fees for licenses and certification under this section. Fees collected under
 3.19 this provision shall be transferred to the board quarterly to meet the ongoing operation
 3.20 needs of the board.

3.21 Sec. 3. Minnesota Statutes 2006, section 326.38, is amended to read:

3.22 **326.38 LOCAL REGULATIONS.**

3.23 Any city having a system of waterworks or sewerage, or any town in which reside
 3.24 over 5,000 people exclusive of any statutory cities located therein, or the metropolitan
 3.25 airports commission, may, by ordinance, adopt local regulations providing for plumbing
 3.26 permits, bonds, approval of plans, and inspections of plumbing, which regulations are
 3.27 not in conflict with the plumbing standards on the same subject prescribed by the state
 3.28 ~~commissioner of health~~ Plumbing Board. No city or such town shall prohibit plumbers
 3.29 licensed by the state commissioner of health from engaging in or working at the business,
 3.30 except cities and statutory cities which, prior to April 21, 1933, by ordinance required
 3.31 the licensing of plumbers. Any city by ordinance may prescribe regulations, reasonable
 3.32 standards, and inspections and grant permits to any person, firm, or corporation engaged
 3.33 in the business of installing water softeners, who is not licensed as a master plumber or
 3.34 journeyman plumber by the state commissioner of ~~health~~ labor and industry, to connect
 3.35 water softening and water filtering equipment to private residence water distribution

4.1 systems, where provision has been previously made therefor and openings left for that
4.2 purpose or by use of cold water connections to a domestic water heater; where it is not
4.3 necessary to rearrange, make any extension or alteration of, or addition to any pipe, fixture
4.4 or plumbing connected with the water system except to connect the water softener, and
4.5 provided the connections so made comply with minimum standards prescribed by the state
4.6 ~~commissioner of health~~ Plumbing Board.

4.7 Sec. 4. Minnesota Statutes 2006, section 326.40, subdivision 1, is amended to read:

4.8 Subdivision 1. **License required; master and journeyman plumbers.** In any city
4.9 now or hereafter having 5,000 or more population, according to the last federal census, and
4.10 having a system of waterworks or sewerage, no person, firm, or corporation shall engage
4.11 in or work at the business of a master plumber or journeyman plumber unless licensed
4.12 to do so by the state commissioner of ~~health~~ labor and industry. A master plumber may
4.13 also work as a journeyman plumber. Anyone not so licensed may do plumbing work
4.14 which complies with the provisions of the minimum standard prescribed by the state
4.15 ~~commissioner of health~~ Plumbing Board on premises or that part of premises owned and
4.16 actually occupied by the worker as a residence, unless otherwise forbidden to do so by
4.17 a local ordinance.

4.18 In any such city no person, firm, or corporation shall engage in the business of
4.19 installing plumbing nor install plumbing in connection with the dealing in and selling of
4.20 plumbing material and supplies unless at all times a licensed master plumber, who shall
4.21 be responsible for proper installation, is in charge of the plumbing work of the person,
4.22 firm, or corporation.

4.23 The ~~Department of Health~~ Plumbing Board shall prescribe rules, not inconsistent
4.24 herewith, for the examination and licensing of plumbers.

4.25 Sec. 5. Minnesota Statutes 2006, section 326.401, subdivision 2, is amended to read:

4.26 Subd. 2. **Journeyman exam.** A plumber's apprentice who has completed four years
4.27 of practical plumbing experience is eligible to take the journeyman plumbing examination.
4.28 Up to 24 months of practical plumbing experience prior to registration as an apprentice
4.29 may be applied to the four-year experience requirement. However, none of this practical
4.30 plumbing experience may be applied if the person did not have any practical plumbing
4.31 experience in the 12-month period immediately prior to registration. The ~~commissioner~~
4.32 Plumbing Board may adopt rules to evaluate whether the person's past practical plumbing
4.33 experience is applicable in preparing for the journeyman's examination. If two years

5.1 after completing the training the person has not taken the examination, the four years
5.2 of experience shall be forfeited.

5.3 The commissioner may allow an extension of the two-year period for taking the
5.4 exam for cases of hardship or other appropriate circumstances.

5.5 Sec. 6. Minnesota Statutes 2006, section 326.42, subdivision 1, is amended to read:

5.6 Subdivision 1. **Application.** Applications for plumber's license shall be made to the
5.7 state commissioner of ~~health labor and industry~~, with fee. Unless the applicant is entitled
5.8 to a renewal, the applicant shall be licensed by the state commissioner of ~~health labor and~~
5.9 ~~industry~~ only after passing a satisfactory examination administered by the ~~examiners~~
5.10 commissioner of labor and industry, based upon rules adopted by the Plumbing Board
5.11 showing fitness. Examination fees for both journeyman and master plumbers shall be in
5.12 an amount prescribed by the state commissioner of ~~health labor and industry~~ pursuant to
5.13 section 144.122. Upon being notified that of having successfully passed the examination
5.14 for original license the applicant shall submit an application, with the license fee herein
5.15 provided. License fees shall be in an amount prescribed by the state commissioner of
5.16 ~~health labor and industry~~ pursuant to section 144.122. Licenses shall expire and be
5.17 renewed as prescribed by the commissioner pursuant to section 144.122.

5.18 Sec. 7. **TRANSFER OF AUTHORITY.**

5.19 The authority of the commissioners of health and labor and industry to adopt rules
5.20 relating to plumbers is transferred to the Plumbing Board. Licenses and permits currently
5.21 in effect remain in effect according to their terms unless affected by board action. Rules
5.22 adopted by the commissioner of health or labor and industry remain in effect until
5.23 amended or repealed by the board.

5.24 Sec. 8. **REPEALER.**

5.25 Minnesota Statutes 2006, section 326.41, is repealed.

APPENDIX
Repealed Minnesota Statutes: H1190-2

326.41 ADVISORY COUNCIL.

The state commissioner of health shall appoint nine persons to the Advisory Council on Plumbing Code and Examinations, two of whom shall be master plumbers, one who represents greater Minnesota and one who represents the metropolitan area, and two journeyman plumbers, one who represents greater Minnesota and one who represents the metropolitan area. The council shall expire and the terms, compensation and removal of members of the council shall be as provided in section 15.059.