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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **805**

02/06/2017 Authored by Baker, Marquart, Poppe, O'Neill, Poston and others

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

03/02/2017 Adoption of Report: Amended and re-referred to the Committee on Job Growth and Energy Affordability Policy and Finance

1.1 A bill for an act
1.2 relating to construction codes; modifying water conditioning installation
1.3 requirements; amending Minnesota Statutes 2016, sections 326B.435, subdivision
1.4 2; 326B.50, subdivision 3, by adding subdivisions; 326B.55, subdivisions 2, 4;
1.5 proposing coding for new law in Minnesota Statutes, chapter 326B.

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

1.7 Section 1. Minnesota Statutes 2016, section 326B.435, subdivision 2, is amended to read:

1.8 Subd. 2. **Powers; duties; administrative support.** (a) The board shall have the power
1.9 to:

1.10 (1) elect its chair, vice-chair, and secretary;

1.11 (2) adopt bylaws that specify the duties of its officers, the meeting dates of the board,
1.12 and containing such other provisions as may be useful and necessary for the efficient conduct
1.13 of the business of the board;

1.14 (3) adopt the Plumbing Code that must be followed in this state and any Plumbing Code
1.15 amendments thereto. The Plumbing Code shall include the minimum standards described
1.16 in sections 326B.43, subdivision 1, and 326B.52, subdivision 1. The board shall adopt the
1.17 Plumbing Code and any amendments thereto pursuant to chapter 14 and as provided in
1.18 subdivision 6, paragraphs (b), (c), and (d);

1.19 (4) review requests for final interpretations and issue final interpretations as provided
1.20 in section 326B.127, subdivision 5;

1.21 (5) adopt rules that regulate the licensure, certification, or registration of plumbing
1.22 contractors, journeymen, unlicensed individuals, master plumbers, restricted master plumbers,
1.23 restricted journeymen, restricted plumbing contractors, backflow prevention rebuilders and

2.1 testers, water conditioning contractors, and water conditioning installers, and other persons
2.2 engaged in the design, installation, and alteration of plumbing systems or engaged in or
2.3 working at the business of water conditioning installation or service, or engaged in or
2.4 working at the business of medical gas system installation, maintenance, or repair, except
2.5 for those individuals licensed under section 326.02, subdivisions 2 and 3. The board shall
2.6 adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (e)
2.7 and (f);

2.8 (6) adopt rules that regulate continuing education for individuals licensed as master
2.9 plumbers, journeyman plumbers, restricted master plumbers, restricted journeyman plumbers,
2.10 registered unlicensed individuals, water conditioning ~~contractors~~ masters, and water
2.11 conditioning ~~installers~~ journeyman, and for individuals certified under sections 326B.437
2.12 and 326B.438. The board shall adopt these rules pursuant to chapter 14 and as provided in
2.13 subdivision 6, paragraphs (e) and (f);

2.14 (7) refer complaints or other communications to the commissioner, whether oral or
2.15 written, as provided in subdivision 8, that allege or imply a violation of a statute, rule, or
2.16 order that the commissioner has the authority to enforce pertaining to code compliance,
2.17 licensure, or an offering to perform or performance of unlicensed plumbing services;

2.18 (8) approve per diem and expenses deemed necessary for its members as provided in
2.19 subdivision 3;

2.20 (9) approve license reciprocity agreements;

2.21 (10) select from its members individuals to serve on any other state advisory council,
2.22 board, or committee; and

2.23 (11) recommend the fees for licenses, registrations, and certifications.

2.24 Except for the powers granted to the Plumbing Board, the Board of Electricity, and the
2.25 Board of High Pressure Piping Systems, the commissioner of labor and industry shall
2.26 administer and enforce the provisions of this chapter and any rules promulgated pursuant
2.27 thereto.

2.28 (b) The board shall comply with section 15.0597, subdivisions 2 and 4.

2.29 (c) The commissioner shall coordinate the board's rulemaking and recommendations
2.30 with the recommendations and rulemaking conducted by the other boards created pursuant
2.31 to this chapter. The commissioner shall provide staff support to the board. The support
2.32 includes professional, legal, technical, and clerical staff necessary to perform rulemaking

3.1 and other duties assigned to the board. The commissioner of labor and industry shall supply
3.2 necessary office space and supplies to assist the board in its duties.

3.3 Sec. 2. Minnesota Statutes 2016, section 326B.50, subdivision 3, is amended to read:

3.4 Subd. 3. **Water conditioning installation.** "Water conditioning installation" means the
3.5 installation of appliances, appurtenances, and fixtures designed to treat water so as to alter,
3.6 modify, add or remove mineral, chemical or bacterial content, said installation to be made
3.7 in a water distribution system serving:

3.8 (1) a single family residential unit, which has been initially established by a licensed
3.9 plumber, and does not involve a direct connection without an air gap to a soil or waste pipe;
3.10 or

3.11 (2) a multifamily or nonresidential building, where the plumbing installation has been
3.12 initially established by a licensed plumber. Isolation valves shall be required for all water
3.13 conditioning installations and shall be readily accessible. Water conditioning installation
3.14 does not include:

3.15 (i) a valve that allows isolation of the water conditioning installation;

3.16 (ii) piping greater than two-inch nominal pipe size; or

3.17 (iii) a direct connection without an air gap to a soil or waste pipe.

3.18 Sec. 3. Minnesota Statutes 2016, section 326B.50, is amended by adding a subdivision to
3.19 read:

3.20 Subd. 5. **Direct supervision.** "Direct supervision," with respect to direct supervision of
3.21 a registered unlicensed individual, means that:

3.22 (1) at all times while the registered unlicensed individual is performing water conditioning
3.23 installation work, a direct supervisor is present at the location where the registered unlicensed
3.24 individual is working;

3.25 (2) the direct supervisor is physically present and immediately available to the registered
3.26 unlicensed individual at all times for assistance and direction;

3.27 (3) any form of electronic supervision does not meet the requirement of being physically
3.28 present;

3.29 (4) the direct supervisor reviews the water conditioning installation work performed by
3.30 the registered unlicensed individual before the water conditioning installation is operated;
3.31 and

4.1 (5) the direct supervisor determines that all water conditioning installation work
4.2 performed by the registered unlicensed individual is performed in compliance with sections
4.3 326B.50 to 326B.59, all rules adopted under these sections, the Minnesota Plumbing Code,
4.4 and all orders issued under section 326B.082.

4.5 Sec. 4. Minnesota Statutes 2016, section 326B.50, is amended by adding a subdivision to
4.6 read:

4.7 Subd. 6. **Direct supervisor.** "Direct supervisor" means a master plumber, journeyman
4.8 plumber, restricted master plumber, restricted journeyman plumber, water conditioning
4.9 master, or water conditioning journeyman responsible for providing direct supervision of
4.10 a registered unlicensed individual.

4.11 Sec. 5. Minnesota Statutes 2016, section 326B.55, subdivision 2, is amended to read:

4.12 Subd. 2. **Qualifications for licensing.** (a) A water conditioning master license shall be
4.13 issued only to an individual who has demonstrated skill in planning, superintending, ~~and~~
4.14 servicing, and installing water conditioning installations, and has successfully passed the
4.15 examination for water conditioning masters. A water conditioning journeyman license shall
4.16 only be issued to an individual other than a water conditioning master who has demonstrated
4.17 practical knowledge of water conditioning installation, and has successfully passed the
4.18 examination for water conditioning journeymen. A water conditioning journeyman must
4.19 successfully pass the examination for water conditioning masters before being licensed as
4.20 a water conditioning master.

4.21 (b) Each water conditioning contractor must designate a responsible licensed master
4.22 plumber or a responsible licensed water conditioning master, who shall be responsible for
4.23 the performance of all water conditioning installation and servicing in accordance with the
4.24 requirements of sections 326B.50 to 326B.59, all rules adopted under sections 326B.50 to
4.25 326B.59, the Minnesota Plumbing Code, and all orders issued under section 326B.082. If
4.26 the water conditioning contractor is an individual or sole proprietorship, the responsible
4.27 licensed master must be the individual, proprietor, or managing employee. If the water
4.28 conditioning contractor is a partnership, the responsible licensed master must be a general
4.29 partner or managing employee. If the water conditioning contractor is a limited liability
4.30 company, the responsible licensed master must be a chief manager or managing employee.
4.31 If the water conditioning contractor is a corporation, the responsible licensed master must
4.32 be an officer or managing employee. If the responsible licensed master is a managing
4.33 employee, the responsible licensed master must be actively engaged in performing water

5.1 conditioning work on behalf of the water conditioning contractor and cannot be employed
5.2 in any capacity as a water conditioning master or water conditioning journeyman for any
5.3 other water conditioning contractor. An individual must not be the responsible licensed
5.4 master for more than one water conditioning contractor.

5.5 (c) All applications and renewals for water conditioning contractor licenses shall include
5.6 a verified statement that the applicant or licensee has complied with paragraph (b).

5.7 (d) Each application and renewal for a water conditioning master license, water
5.8 conditioning journeyman license, or a water conditioning contractor license shall be
5.9 accompanied by all fees required by section 326B.092.

5.10 Sec. 6. Minnesota Statutes 2016, section 326B.55, subdivision 4, is amended to read:

5.11 Subd. 4. **Plumber's apprentices.** (a) A plumber's apprentice who is registered under
5.12 section 326B.47 is authorized to assist in water conditioning installation and water
5.13 conditioning servicing only while under the direct supervision of a master plumber,
5.14 journeyman plumber, restricted master plumber, restricted journeyman plumber, water
5.15 conditioning master, or water conditioning journeyman. The master or journeyman is
5.16 responsible for ensuring that all water conditioning work performed by the plumber's
5.17 apprentice complies with the plumbing code and rules adopted under sections 326B.50 to
5.18 326B.59. The supervising master or journeyman must be licensed and must be employed
5.19 by the same employer as the plumber's apprentice. Licensed individuals shall not permit
5.20 plumber's apprentices to perform water conditioning work except under the direct supervision
5.21 of an individual actually licensed to perform such work. Plumber's apprentices shall not
5.22 supervise the performance of plumbing work or make assignments of plumbing work to
5.23 unlicensed individuals.

5.24 (b) Water conditioning contractors employing plumber's apprentices to perform water
5.25 conditioning work shall maintain records establishing compliance with this subdivision that
5.26 shall identify all plumber's apprentices performing water conditioning work, and shall permit
5.27 the department to examine and copy all such records.

5.28 Sec. 7. **[326B.555] REGISTERED UNLICENSED INDIVIDUALS.**

5.29 Subdivision 1. **Registration; supervision; records.** (a) All unlicensed individuals
5.30 engaged in water conditioning installation must be registered under subdivision 3.

5.31 (b) A registered unlicensed individual is authorized to assist in water conditioning
5.32 installations in a single family residential unit only when a master plumber, journeyman

6.1 plumber, restricted master plumber, restricted journeyman plumber, water conditioning
6.2 master, or water conditioning journeyman is available and responsible for ensuring that all
6.3 water conditioning installation work performed by the unlicensed individual complies with
6.4 the applicable provisions of the plumbing and water conditioning codes and rules adopted
6.5 pursuant to such codes. For all other water conditioning installation work, the registered
6.6 unlicensed individual must be under the direct supervision of a responsible licensed water
6.7 conditioning master.

6.8 (c) Water conditioning contractors employing registered unlicensed individuals to perform
6.9 water conditioning installation work shall maintain records establishing compliance with
6.10 this subdivision that shall identify all unlicensed individuals performing water conditioning
6.11 installations, and shall permit the department to examine and copy all such records.

6.12 Subd. 2. **Journeyman exam.** A registered unlicensed individual who has completed
6.13 875 hours of practical water conditioning installation, servicing, and training is eligible to
6.14 take the water conditioning journeyman examination. Up to 100 hours of practical water
6.15 conditioning installation and servicing experience prior to becoming a registered unlicensed
6.16 individual may be applied to the practical experience requirement. However, none of this
6.17 practical experience may be applied if the unlicensed individual did not have any practical
6.18 experience in the 12-month period immediately prior to becoming a registered unlicensed
6.19 individual.

6.20 Subd. 3. **Registration, renewals, and fees.** An unlicensed individual may register by
6.21 completing and submitting to the commissioner an application form provided by the
6.22 commissioner, with all fees required by section 326B.58. A completed application form
6.23 must state the date, the individual's age, schooling, previous experience and employer, and
6.24 other information required by the commissioner. The plumbing board may prescribe rules,
6.25 not inconsistent with this section, for the registration of unlicensed individuals. Applications
6.26 for initial registration may be submitted at any time. Registration must be renewed annually
6.27 and shall be for the period from July 1 of each year to June 30 of the following year.