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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. **2857**

03/14/2012 Authored by Stensrud and Kahn

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance

1.1 A bill for an act
1.2 relating to labor and industry; eliminating the Plumbing Board; creating a
1.3 Plumbing Advisory Board; amending Minnesota Statutes 2010, section 326B.43,
1.4 subdivision 1; proposing coding for new law in Minnesota Statutes, chapter
1.5 326B; repealing Minnesota Statutes 2010, section 326B.435, subdivisions 1, 3,
1.6 4, 5, 6, 7, 8, 9, 10; Minnesota Statutes 2011 Supplement, section 326B.435,
1.7 subdivision 2.

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

1.9 Section 1. Minnesota Statutes 2010, section 326B.43, subdivision 1, is amended to read:

1.10 Subdivision 1. **Rules.** ~~The Plumbing Board may, by rule, prescribe minimum~~
1.11 ~~standards which shall be uniform and which shall be effective for all new plumbing~~
1.12 ~~installations performed anywhere in the state, including additions, extensions, alterations,~~
1.13 ~~and replacements. Notwithstanding the provisions of Minnesota Rules, part 4715.3130,~~
1.14 ~~as they apply to review of plans and specifications, the commissioner may allow~~
1.15 ~~plumbing construction, alteration, or extension to proceed without approval of the plans or~~
1.16 ~~specifications by the commissioner.~~

1.17 Except for powers granted to the Plumbing Board, The commissioner of labor and
1.18 industry shall, by rule, and in consultation with the Plumbing Advisory Council, prescribe
1.19 minimum standards which shall be effective for all new plumbing installations performed
1.20 anywhere in the state, including additions, extensions, alterations, and replacements.
1.21 The code must conform as much as practicable to model codes generally accepted and
1.22 in use throughout the United States. Model codes with necessary modifications must be
1.23 adopted by reference according to section 14.07. Preference must be given to model
1.24 codes which are coordinated and consistent with statewide codes presently in use in the
1.25 state. To the extent possible, the code must be adopted in terms of desired results instead

of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. The code must encourage the use of new methods and new materials. Notwithstanding the provisions of Minnesota Rules, part 4715.3130, as they apply to review of plans and specifications, the commissioner may allow plumbing construction, alteration, or extension to proceed without approval of the plans or specifications by the commissioner. The commissioner of labor and industry shall administer the provisions of sections 326B.42 to 326B.49 and for such purposes may employ plumbing inspectors and other assistants.

Sec. 2. **[326B.436] PLUMBING ADVISORY BOARD.**

Subdivision 1. Membership. (a) The Plumbing Advisory Board consists of the following members:

(1) the commissioner or the commissioner's designee;
(2) the commissioner of health or the commissioner of health's designee; and
(3) one member, appointed by the commissioner, engaged in each of the following occupations or industries:

(i) municipal plumbing inspectors;
(ii) municipal public water supply system operators or superintendents;
(iii) licensed architects with competency in water efficient building design;
(iv) licensed professional engineers specializing in plumbing designs or systems;
(v) water conditioning contractors;
(vi) commercial or industrial plumbing contractors;
(vii) residential plumbing contractors; and
(viii) plumbing journeymen.

(b) The commissioner or the commissioner's designee shall serve as chair of the advisory board. For members who are not state officials or employees, compensation and removal of members of the advisory board are governed by section 15.059. The term of the membership of the advisory board is four years. The terms of four of the appointed members must be coterminous with the governor and the terms of the remaining four appointed members must end on the first Monday in January one year after the terms of the other appointed members expire. An appointed member may be reappointed. Each board member shall appoint an alternate to serve in the member's absence. The board is not subject to the expiration provision of section 15.059, subdivision 5.

Subd. 2. Duties of board. (a) The board shall review laws, codes, rules, standards, and licensing requirements relating to plumbing installations and may:

(1) recommend amendments to the Plumbing Code adopted by this state;

(2) review and comment on current and proposed laws and rules that regulate the licensure or registration of plumbing contractors, journeymen, unlicensed individuals, master plumbers, restricted master plumbers, restricted journeymen, water conditioning contractors, and water conditioning installers, and other persons engaged in the design, installation, and alteration of plumbing systems or engaged in or working at the business of water conditioning installation or service, except for those individuals licensed under section 326.02, subdivisions 2 and 3; and

(3) advise the commissioner on possible changes in rules that regulate continuing education for individuals licensed as master plumbers, journeymen plumbers, restricted master plumbers, restricted journeymen plumbers, water conditioning contractors, and water conditioning installers.

(b) The board shall meet a minimum of four times each year. The board shall report its findings and recommendations to the commissioner. The board may recommend changes in laws or rules governing the installation of plumbing. The board, with the consent of the commissioner, may establish subcommittees to facilitate its work. If the board establishes subcommittees, it shall include in the subcommittees' memberships representation from entities and organizations expressing an interest in membership. The commissioner shall maintain a list of interested entities and organizations.

Sec. 3. **REVISOR'S INSTRUCTION.**

(a) The revisor shall replace "Plumbing Board" with "Plumbing Advisory Board" wherever it appears in Minnesota Statutes and Minnesota Rules. The revisor may make any necessary grammatical corrections to effectuate the intent of this section and preserve the meaning of statutes.

(b) The revisor shall replace "326B.435" with "326B.436" wherever it appears in Minnesota Statutes and Minnesota Rules.

(c) Upon request, staff of the Department of Labor and Industry shall assist the revisor in the editing required in paragraphs (a) and (b).

Sec. 4. **REPEALER.**

(a) Minnesota Statutes 2010, section 326B.435, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, and 10, are repealed.

(b) Minnesota Statutes 2011 Supplement, section 326B.435, subdivision 2, is repealed.