

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 3147

(SENATE AUTHORS: SCHMIT and Sparks)

DATE	D-PG	OFFICIAL STATUS
03/23/2016	5234	Introduction and first reading Referred to Jobs, Agriculture and Rural Development
04/07/2016	5712	Comm report: To pass
	5729	Second reading
05/16/2016	7035a	Special Order: Amended
	7036	Third reading Passed

A bill for an act

1.1 relating to labor and industry; making housekeeping changes; modifying
1.2 employment agents, construction codes and licensing, and combative
1.3 sports; prohibiting the commissioner from adopting rules requiring certain
1.4 fire-extinguishing equipment; amending Minnesota Statutes 2014, sections
1.5 184.38, subdivision 17; 326B.095; 326B.133, subdivision 8; 326B.164,
1.6 subdivisions 1, 3, 6, 7; 326B.439; 326B.49, subdivision 1; 326B.91, subdivisions
1.7 3, 6; 326B.92, subdivision 2; 326B.921, subdivisions 1, 2, 3, 4, 6, 7; 326B.922;
1.8 326B.925, subdivision 1; Minnesota Statutes 2015 Supplement, sections
1.9 181.06, subdivision 2; 184.41; 326B.13, subdivision 8; 326B.46, subdivision 2;
1.10 326B.921, subdivision 5; 341.321; proposing coding for new law in Minnesota
1.11 Statutes, chapter 175; repealing Minnesota Rules, parts 5200.0780; 5226.0100;
1.12 5226.0200; 5226.0300.
1.13

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

1.15 Section 1. **[175.40] NO AUTHORITY FOR RULES REQUIRING SPRINKLERS.**

1.16 The commissioner shall not adopt rules that require the installation of fire sprinklers,
1.17 any fire sprinkler system components, or automatic fire-extinguishing equipment or
1.18 devices in any new or existing single-family detached dwelling unit. Nothing in this
1.19 section shall be construed to affect or limit a requirement for smoke or fire detectors,
1.20 alarms, or their components.

1.21 Sec. 2. Minnesota Statutes 2015 Supplement, section 181.06, subdivision 2, is
1.22 amended to read:

1.23 Subd. 2. **Payroll deductions.** A written contract may be entered into between
1.24 an employer and an employee wherein the employee authorizes the employer to make
1.25 payroll deductions for the purpose of paying union dues, premiums of any life insurance,
1.26 hospitalization and surgical insurance, group accident and health insurance, group term
1.27 life insurance, group annuities or contributions to credit unions or a community chest

2.1 fund, a local arts council, a local science council or a local arts and science council, or
 2.2 Minnesota benefit association, a federally or state registered political action committee,
 2.3 membership dues of a relief association governed by sections 424A.091 to 424A.096
 2.4 or Laws 2013, chapter 111, article 5, sections 31 to 42, contributions to a nonprofit
 2.5 organization that is tax exempt under section 501(c) of the Internal Revenue Code, or
 2.6 participation in any employee stock purchase plan or savings plan for periods longer than
 2.7 60 days, including gopher state bonds established under section 16A.645.

2.8 Sec. 3. Minnesota Statutes 2014, section 184.38, subdivision 17, is amended to read:

2.9 Subd. 17. **Applicant information restrictions; agency shutdown requirements.**

2.10 Except for applicant information given in the course of normal agency operations, no
 2.11 employment agent shall voluntarily sell, give, or otherwise transfer any files, records, or
 2.12 other information relating to its employment agency applicants and employers to any
 2.13 person other than a ~~licensed~~ an employment agent ~~or a person who agrees to obtain an~~
 2.14 ~~employment agency license~~. Every employment agent who ceases to engage in the
 2.15 business of or act as an employment agent shall notify the department of such fact within
 2.16 30 days thereof, and shall advise the department as to the disposition of all files and other
 2.17 records relating to its employment agency business.

2.18 Sec. 4. Minnesota Statutes 2015 Supplement, section 184.41, is amended to read:

2.19 **184.41 VIOLATIONS.**

2.20 ~~Any person who engages in the business of or acts as an employment agent or~~
 2.21 ~~counselor and any~~ (a) An employment agent, manager, or counselor who violates the
 2.22 provisions of this chapter is guilty of a misdemeanor.

2.23 (b) In addition to the penalties for commission of a misdemeanor, the department
 2.24 may bring an action for an injunction against any employment agent, manager, or
 2.25 counselor who violates the applicable provisions of this chapter.

2.26 Sec. 5. Minnesota Statutes 2014, section 326B.095, is amended to read:

2.27 **326B.095 INCOMPLETE LICENSE APPLICATIONS.**

2.28 This section applies to both applications for initial licenses and license renewal
 2.29 applications. If the department determines that an application is incomplete, the
 2.30 department must notify the applicant of the deficiencies that must be corrected in
 2.31 order to complete the application. If the applicant wishes to complete the application,
 2.32 the department must receive the completed application within 90 days after the date
 2.33 the department mailed or delivered the incomplete application to the applicant. If the

3.1 department does not receive the completed application by this deadline, the commissioner
 3.2 ~~must~~ may deny the application and the applicant will forfeit all fees except as provided
 3.3 in section 326B.092, subdivision 6. Denial of an application under this section does not
 3.4 require the issuance of a licensing order. If the application is for license renewal and
 3.5 the department receives the corrected application after the license has expired, then the
 3.6 corrected application must be accompanied by the late fee.

3.7 Sec. 6. Minnesota Statutes 2015 Supplement, section 326B.13, subdivision 8, is
 3.8 amended to read:

3.9 Subd. 8. **Effective date of rules.** A rule to adopt or amend the State Building Code
 3.10 is effective 270 days after publication of the rule's notice of adoption in the State Register.
 3.11 The rule may provide for a later effective date. The rule may provide for an earlier effective
 3.12 date if the commissioner or board proposing the rule finds that an earlier effective date is
 3.13 necessary to protect public health and safety after considering, among other things, the need
 3.14 for time for training of individuals to comply with and enforce the rule. The commissioner
 3.15 must publish an electronic version of the entire adopted rule chapter on the department's
 3.16 Web site within ten days of receipt from the revisor of statutes. The commissioner shall
 3.17 clearly indicate the effective date of the rule on the department's Web site.

3.18 Sec. 7. Minnesota Statutes 2014, section 326B.133, subdivision 8, is amended to read:

3.19 Subd. 8. **Continuing education requirements; extension of time.** (a) This
 3.20 subdivision establishes the number of continuing education ~~units~~ hours required within
 3.21 each two-year certification period.

3.22 A certified building official shall accumulate ~~16~~ 38 hours of continuing education
 3.23 ~~units~~ in any education program that is approved under Minnesota Rules, part 1301.1000.

3.24 A certified building official-limited shall, ~~in each year of the initial two-year~~
 3.25 ~~certification period,~~ accumulate ~~eight~~ 38 hours of continuing education ~~units~~ in any
 3.26 education program that is approved under Minnesota Rules, part 1301.1000. ~~Continuing~~
 3.27 ~~education units shall be reported annually during the initial two-year certification period~~
 3.28 ~~by the method established in rule. A certified building official-limited shall accumulate~~
 3.29 ~~16 continuing education units for each two-year certification period thereafter in any~~
 3.30 ~~education program that is approved under Minnesota Rules, part 1301.1000.~~

3.31 An accessibility specialist must accumulate ~~four~~ nine hours of approved continuing
 3.32 education ~~units~~ hours in any of the education programs ~~described in that are provided~~
 3.33 under Minnesota Rules, part 1301.1000, subpart 1 or 2. The ~~four units~~ nine hours must be

4.1 ~~for~~ in courses relating to building accessibility, plan review, field inspection, or building
4.2 code administration.

4.3 Continuing education programs may be approved as established in rule.

4.4 (b) Subject to sections 326B.101 to 326B.194, the commissioner may by rule
4.5 establish or approve continuing education programs for certified building officials dealing
4.6 with matters of building code administration, inspection, and enforcement.

4.7 Each person certified as a building official for the state must satisfactorily complete
4.8 applicable educational programs established or approved by the commissioner to renew
4.9 certification.

4.10 (c) The state building official may grant an extension of time to comply with
4.11 continuing education requirements if the certificate holder requesting the extension of
4.12 time shows cause for the extension. The request for the extension must be in writing. For
4.13 purposes of this section, the certificate holder's current certification effective dates shall
4.14 remain the same. The extension does not relieve the certificate holder from complying
4.15 with the continuing education requirements for the next two-year period.

4.16 Sec. 8. Minnesota Statutes 2014, section 326B.164, subdivision 1, is amended to read:

4.17 Subdivision 1. **Master elevator constructor.** (a) Except as otherwise provided by
4.18 law, no individual shall perform or supervise elevator work, unless:

4.19 (1) the individual is licensed by the commissioner as a master elevator constructor;
4.20 and

4.21 (2) the elevator work is for a licensed elevator contractor and the individual is an
4.22 employee, partner, or officer of, or is the licensed contractor.

4.23 (b) An applicant for a master elevator constructor license shall:

4.24 (1) have at least one year of experience, acceptable to the commissioner, as a
4.25 licensed journeyman elevator constructor; or

4.26 (2) have at least six years' experience, acceptable to the commissioner, in planning
4.27 for, laying out, supervising, and installing apparatus, equipment, and wiring for elevators.

4.28 ~~(e) Individuals licensed as master elevator constructors under section 326B.33,~~
4.29 ~~subdivision 11, as of December 31, 2013, shall not be required to pass an examination~~
4.30 ~~under this section but, effective January 1, 2014, shall be subject to the requirements of~~
4.31 ~~sections 326B.163 to 326B.191.~~

4.32 ~~(d)~~ (c) Except for the initial license term, as a condition of license renewal, master
4.33 elevator constructors must attain a minimum of 16 hours of continuing education credit
4.34 approved by the commissioner every renewal period. Not less than 12 hours shall be based

5.1 on the Minnesota Elevator Code or elevator technology, and not less than four hours shall
5.2 be based on the National Electrical Code.

5.3 Sec. 9. Minnesota Statutes 2014, section 326B.164, subdivision 3, is amended to read:

5.4 Subd. 3. **Journeyman elevator constructor.** (a) Except as otherwise provided
5.5 by law, no individual shall perform and supervise elevator work except for planning or
5.6 laying out of elevator work, unless:

5.7 (1) the individual is licensed by the commissioner as a journeyman elevator
5.8 constructor; and

5.9 (2) the elevator work is for an elevator contractor, and the individual is an employee,
5.10 partner, or officer of the licensed elevator contractor.

5.11 (b) An applicant for a journeyman elevator constructor license shall have completed
5.12 a four-year elevator mechanics apprenticeship registered with the United States
5.13 Department of Labor or worked at least 9,000 hours in five consecutive years for a
5.14 licensed elevator contractor, acceptable to the commissioner, installing, maintaining,
5.15 modernizing, testing, wiring, and repairing elevators.

5.16 ~~(e) Individuals licensed as journeyman elevator constructors under section 326B.33,~~
5.17 ~~subdivision 8, as of December 31, 2013, shall not be required to pass an examination~~
5.18 ~~under this section but, effective January 1, 2014, shall be subject to the requirements of~~
5.19 ~~sections 326B.163 to 326B.191.~~

5.20 ~~(d)~~ (c) As a condition of license renewal, journeyman elevator constructors
5.21 must attain a minimum of 16 hours of continuing education credit approved by the
5.22 commissioner every renewal period. Not less than 12 hours shall be based on the
5.23 Minnesota Elevator Code or elevator technology, and not less than four hours shall be
5.24 based on the National Electrical Code.

5.25 Sec. 10. Minnesota Statutes 2014, section 326B.164, subdivision 6, is amended to read:

5.26 Subd. 6. **Registration of unlicensed individuals.** (a) Unlicensed individuals
5.27 performing elevator work for a contractor shall register with the department in the manner
5.28 prescribed by the commissioner. Experience credit for elevator work performed in
5.29 Minnesota after January 1, 2009, by an applicant for a license identified in this section
5.30 shall not be granted where the applicant has not registered with the department or is
5.31 not licensed by the department.

5.32 (b) As a condition of renewal of registration, unlicensed individuals shall attain a
5.33 minimum of two hours of continuing education credit, approved by the commissioner,

6.1 every renewal period. The continuing education course shall be based on the Minnesota
6.2 Elevator Code or elevator technology.

6.3 ~~(e) Individuals registered under section 326B.33, subdivision 13, whose registration~~
6.4 ~~expires after July 31, 2013, shall be subject to the registration requirements of this~~
6.5 ~~subdivision and the requirements of sections 326B.163 to 326B.191.~~

6.6 Sec. 11. Minnesota Statutes 2014, section 326B.164, subdivision 7, is amended to read:

6.7 Subd. 7. **Contractor's license required.** (a) No individual, other than an employee,
6.8 partner, or officer of a licensed contractor, as defined by section 326B.163, subdivision
6.9 10, shall perform or offer to perform elevator work with or without compensation, unless
6.10 the individual obtains a contractor's license. A contractor's license does not of itself
6.11 qualify its holder to perform or supervise the elevator work authorized by holding any
6.12 class of personal license.

6.13 ~~(b) Companies licensed under section 326B.33, subdivision 14, as of July 31, 2013,~~
6.14 ~~shall not be required to comply with this subdivision.~~

6.15 Sec. 12. Minnesota Statutes 2014, section 326B.439, is amended to read:

6.16 **326B.439 BAN ON LEAD IN PLUMBING.**

6.17 ~~Lead pipe,~~ Solders and flux containing more than 0.2 percent lead, and pipes and
6.18 pipe fittings containing not more than eight a weighted average of 0.25 percent lead when
6.19 used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and
6.20 fixtures shall ~~not~~ be used in any plumbing installation which conveys a potable water
6.21 supply. A Minnesota seller of lead solder, except for a seller whose primary business is
6.22 contracting in plumbing, heating, and air conditioning, shall not sell any solder containing
6.23 0.2 percent lead unless the seller displays a sign which states,

6.24 "Contains Lead

6.25 Minnesota law prohibits the use of this solder in any
6.26 plumbing installation which is connected to a potable water
6.27 supply."

6.28 Sec. 13. Minnesota Statutes 2015 Supplement, section 326B.46, subdivision 2, is
6.29 amended to read:

6.30 Subd. 2. **Bond; insurance.** (a) The bond and insurance requirements of paragraphs
6.31 (b) and (c) apply to each person who performs or offers to perform plumbing work within
6.32 the state, including any person who offers to perform or performs sewer or water service
6.33 installation without a contractor's license. If the person performs or offers to perform any

7.1 plumbing work other than sewer or water service installation, then the person must meet
7.2 the requirements of paragraphs (b) and (c) as a condition of holding a contractor's license.

7.3 (b) Each person who performs or offers to perform plumbing work within the state
7.4 shall give and maintain bond to the state in the penal sum of at least \$25,000 for (1) all
7.5 plumbing work entered into within the state or (2) all plumbing work and subsurface
7.6 sewage treatment work entered into within the state. If the bond is for both plumbing
7.7 work and subsurface sewage treatment work, the bond must comply with the requirements
7.8 of this section ~~and~~, section 115.56, subdivision 2, paragraph (e). ~~The bond must comply~~
7.9 ~~with,~~ and section 326B.0921.

7.10 (c) Each person who performs or offers to perform plumbing work within the
7.11 state shall have and maintain in effect public liability insurance, including products
7.12 liability insurance with limits of at least \$50,000 per person and \$100,000 per occurrence
7.13 and property damage insurance with limits of at least \$10,000. The insurance shall be
7.14 written by an insurer licensed to do business in the state of Minnesota. Each person who
7.15 performs or offers to perform plumbing work within the state shall maintain on file
7.16 with the commissioner a certificate evidencing the insurance. In the event of a policy
7.17 cancellation, the insurer shall send written notice to the commissioner at the same time
7.18 that a cancellation request is received from or a notice is sent to the insured.

7.19 Sec. 14. Minnesota Statutes 2014, section 326B.49, subdivision 1, is amended to read:

7.20 Subdivision 1. **Application, examination, and license fees.** (a) Applications for
7.21 master and journeyman plumber's licenses shall be made to the commissioner, with
7.22 all fees required by section 326B.092. Unless the applicant is entitled to a renewal,
7.23 the applicant shall be licensed by the commissioner only after passing a satisfactory
7.24 examination developed and administered by the commissioner, based upon rules adopted
7.25 by the Plumbing Board, showing fitness.

7.26 (b) All ~~initial~~ journeyman plumber's licenses shall be ~~effective for more than one~~
7.27 ~~calendar year and shall expire on December 31 of the year after the year in which~~
7.28 ~~the application is made~~ each odd-numbered year after issuance or renewal. All master
7.29 plumber's licenses shall expire on December 31 of each even-numbered year after issuance
7.30 or renewal. ~~The commissioner shall in a manner determined by the commissioner, without~~
7.31 ~~the need for any rulemaking under chapter 14, phase in the renewal of master and~~
7.32 ~~journeyman plumber's licenses from one year to two years. By June 30, 2011, All renewed~~
7.33 master and journeyman plumber's licenses shall be two-year licenses.

8.1 (c) Applications for contractor licenses shall be made to the commissioner, with all
8.2 fees required by section 326B.092. All contractor licenses shall expire on December 31 of
8.3 each odd-numbered year after issuance or renewal.

8.4 (d) For purposes of calculating license fees and renewal license fees required under
8.5 section 326B.092:

8.6 (1) the following licenses shall be considered business licenses: plumbing contractor
8.7 and restricted plumbing contractor;

8.8 (2) the following licenses shall be considered master licenses: master plumber and
8.9 restricted master plumber;

8.10 (3) the following licenses shall be considered journeyman licenses: journeyman
8.11 plumber and restricted journeyman plumber; and

8.12 (4) the registration of an unlicensed individual under section 326B.47, subdivision 3,
8.13 shall be considered an entry level license.

8.14 (e) For each filing of a certificate of responsible individual by an employer, the
8.15 fee is \$100.

8.16 (f) The commissioner shall charge each person giving bond under section 326B.46,
8.17 subdivision 2, paragraph (b), a biennial bond filing fee of \$100, unless the person is a
8.18 licensed contractor.

8.19 Sec. 15. Minnesota Statutes 2014, section 326B.91, subdivision 3, is amended to read:

8.20 Subd. 3. **Contracting Master high pressure pipefitter.** "Contracting Master high
8.21 pressure pipefitter" means an individual, such as a steamfitter, engaged in the planning,
8.22 superintending, and practical installation of high pressure piping and appurtenances, and
8.23 otherwise lawfully qualified to construct high pressure piping installations and make
8.24 replacements to existing plants, who is also qualified to conduct the business of high
8.25 pressure piping installations and who is familiar with the laws, rules, and minimum
8.26 standards governing them.

8.27 Sec. 16. Minnesota Statutes 2014, section 326B.91, subdivision 6, is amended to read:

8.28 Subd. 6. **Journeyman high pressure pipefitter.** "Journeyman high pressure
8.29 pipefitter" means an individual, such as a steamfitter, who is not a contracting master high
8.30 pressure pipefitter and who is engaged in the practical installation of high pressure piping
8.31 and appurtenances in the employ of a contracting master high pressure pipefitter.

8.32 Sec. 17. Minnesota Statutes 2014, section 326B.92, subdivision 2, is amended to read:

9.1 Subd. 2. **Permissive municipal regulation.** The commissioner may enter into an
9.2 agreement with a municipality, in which the municipality agrees to perform inspections
9.3 and issue permits for the construction and installation of high pressure piping systems
9.4 within the municipality's geographical area of jurisdiction, if:

9.5 (a) The municipality has adopted:

9.6 (1) the code for power piping systems, Minnesota Rules, parts 5230.0250 to
9.7 ~~5230.6200~~ 5230.5920;

9.8 (2) an ordinance that authorizes the municipality to issue permits to persons holding
9.9 a high pressure piping ~~business~~ contractor license issued by the department and only
9.10 for construction or installation that would, if performed properly, fully comply with all
9.11 Minnesota Statutes and Minnesota Rules;

9.12 (3) an ordinance that authorizes the municipality to perform the inspections that are
9.13 required under Minnesota Statutes or Minnesota Rules governing the construction and
9.14 installation of high pressure piping systems; and

9.15 (4) an ordinance that authorizes the municipality to enforce the code for power
9.16 piping systems in its entirety.

9.17 (b) The municipality agrees to issue permits only to persons holding a high pressure
9.18 piping ~~business~~ contractor license as required by law at the time of the permit issuance,
9.19 and only for construction or installation that would, if performed properly, comply with
9.20 all Minnesota Statutes and Minnesota Rules governing the construction or installation
9.21 of high pressure piping systems.

9.22 (c) The municipality agrees to issue permits only on forms approved by the
9.23 department.

9.24 (d) The municipality agrees that, for each permit issued by the municipality, the
9.25 municipality shall perform one or more inspections of the construction or installation to
9.26 determine whether the construction or installation complies with all Minnesota Statutes
9.27 and Minnesota Rules governing the construction or installation of high pressure piping
9.28 systems, and shall prepare a written report of each inspection.

9.29 (e) The municipality agrees to notify the commissioner within 24 hours after the
9.30 municipality discovers any violation of the licensing laws related to high pressure piping.

9.31 (f) The municipality agrees to notify the commissioner immediately if the
9.32 municipality discovers that any entity has failed to meet a deadline set by the municipality
9.33 for correction of a violation of the high pressure piping laws.

9.34 (g) The commissioner determines that the individuals who will conduct the
9.35 inspections for the municipality do not have any conflict of interest in conducting the
9.36 inspections.

10.1 (h) Individuals who will conduct the inspections for the municipality are permanent
10.2 employees of the municipality and are licensed ~~contracting~~ master high pressure pipefitters
10.3 or licensed journeyman high pressure pipefitters.

10.4 (i) The municipality agrees to notify the commissioner within ten days of any
10.5 changes in the names or qualifications of the individuals who conduct the inspections
10.6 for the municipality.

10.7 (j) The municipality agrees to enforce in its entirety the code for power piping
10.8 systems on all projects.

10.9 (k) The municipality shall not approve any piping installation unless the installation
10.10 conforms to all applicable provisions of the high pressure piping laws in effect at the
10.11 time of the installation.

10.12 (l) The municipality agrees to promptly require compliance or revoke a permit that
10.13 it has issued if there is noncompliance with any of the applicable provisions of the high
10.14 pressure piping laws in connection with the work covered by the permit. The municipality
10.15 agrees to revoke the permit if any laws regulating the licensing of pipefitters have been
10.16 violated.

10.17 (m) The municipality agrees to keep official records of all documents received,
10.18 including permit applications, and of all permits issued, reports of inspections, and notices
10.19 issued in connection with inspections.

10.20 (n) The municipality agrees to maintain the records described in paragraph (m) in
10.21 the official records of the municipality for the period required for the retention of public
10.22 records under section 138.17, and shall make these records readily available for review
10.23 according to section 13.37.

10.24 (o) Not later than the tenth day of each month, the municipality shall submit to the
10.25 commissioner a report of all high pressure piping permits issued by the municipality during
10.26 the preceding month. This report shall be in a format approved by the commissioner
10.27 and shall include:

- 10.28 (1) the name of the contractor;
- 10.29 (2) the license number of the contractor's license issued by the commissioner;
- 10.30 (3) the permit number;
- 10.31 (4) the address of the job;
- 10.32 (5) the date the permit was issued;
- 10.33 (6) a brief description of the work; and
- 10.34 (7) the amount of the inspection fee.

10.35 (p) Not later than the 31st day of January of each year, the municipality shall submit
10.36 a summary report to the commissioner identifying the status of each high pressure piping

11.1 project for which the municipality issued a permit during the preceding year, and the
11.2 status of high pressure piping projects for which the municipality issued a permit during a
11.3 prior year where no final inspection had occurred by the first day of the preceding year.

11.4 This summary report shall include:

11.5 (1) the permit number;

11.6 (2) the date of any final inspection; and

11.7 (3) identification of any violation of high pressure piping laws related to work
11.8 covered by the permit.

11.9 (q) The municipality and the commissioner agree that if at any time during the
11.10 agreement the municipality does not have in effect the code for high pressure piping
11.11 systems or any of the ordinances described in paragraph (a), or if the commissioner
11.12 determines that the municipality is not properly administering and enforcing the code for
11.13 high pressure piping or is otherwise not complying with the agreement:

11.14 (1) the commissioner may, effective 14 days after the municipality's receipt of
11.15 written notice, terminate the agreement and have the administration and enforcement of
11.16 the high pressure piping code in the involved municipality undertaken by the department;

11.17 (2) the municipality may challenge the termination in a contested case before the
11.18 commissioner pursuant to the Administrative Procedure Act; and

11.19 (3) while any challenge under clause (2) is pending, the commissioner may exercise
11.20 oversight of the municipality to the extent needed to ensure that high pressure piping
11.21 inspections are performed and permits are issued in accordance with the high pressure
11.22 piping laws.

11.23 (r) The municipality and the commissioner agree that the municipality may terminate
11.24 the agreement with or without cause on 90 days' written notice to the commissioner.

11.25 (s) The municipality and the commissioner agree that no municipality shall
11.26 revoke, suspend, or place restrictions on any high pressure piping license issued by the
11.27 commissioner. If the municipality identifies during an inspection any violation that
11.28 may warrant revocation, suspension, or placement of restrictions on a high pressure
11.29 piping license issued by the commissioner, the municipality shall promptly notify the
11.30 commissioner of the violation and the commissioner shall determine whether revocation,
11.31 suspension, or placement of restrictions on any high pressure piping license issued by
11.32 the commissioner is appropriate.

11.33 Sec. 18. Minnesota Statutes 2014, section 326B.921, subdivision 1, is amended to read:

11.34 Subdivision 1. **License required; rules; time credit.** No individual shall engage in
11.35 or work at the business of a contracting master high pressure pipefitter unless issued a

12.1 ~~contracting master~~ high pressure pipefitter license to do so by the department under rules
12.2 adopted by the board. No license shall be required for repairs on existing installations. No
12.3 individual shall engage in or work at the business of journeyman high pressure pipefitter
12.4 unless issued a journeyman high pressure pipefitter competency license to do so by the
12.5 department under rules adopted by the board. An individual possessing a ~~contracting~~
12.6 ~~master~~ high pressure pipefitter competency license may also work as a journeyman high
12.7 pressure pipefitter.

12.8 No person shall construct or install high pressure piping, nor install high pressure
12.9 piping in connection with the dealing in and selling of high pressure pipe material and
12.10 supplies, unless, at all times, an individual possessing a ~~contracting master~~ high pressure
12.11 pipefitter competency license or a journeyman high pressure pipefitter competency license
12.12 is responsible for ensuring that the high pressure pipefitting work is in conformity with
12.13 Minnesota Statutes and Minnesota Rules.

12.14 The board shall prescribe rules, not inconsistent herewith, for the examination and
12.15 competency licensing of ~~contracting master~~ high pressure pipefitters and journeyman
12.16 high pressure pipefitters.

12.17 An employee performing the duties of inspector for the department in regulating
12.18 pipefitting shall not receive time credit for the inspection duties when making an
12.19 application for a license required by this section.

12.20 Sec. 19. Minnesota Statutes 2014, section 326B.921, subdivision 2, is amended to read:

12.21 Subd. 2. **High pressure pipefitting business contractor license.** Before obtaining a
12.22 permit for high pressure piping work, a person must obtain or utilize a business contractor
12.23 with a high pressure piping business contractor license.

12.24 A person must have at all times as a full-time employee at least one individual
12.25 holding a ~~contracting master~~ high pressure pipefitter competency license. Only full-time
12.26 employees who hold ~~contracting master~~ high pressure pipefitter licenses are authorized to
12.27 obtain high pressure piping permits in the name of the business contractor. The ~~contracting~~
12.28 ~~master~~ high pressure pipefitter competency license holder can be the employee of only
12.29 one high pressure piping business contractor at a time. An application for a high pressure
12.30 piping business contractor license shall include a verified statement that the applicant or
12.31 licensee has complied with this subdivision.

12.32 To retain its business contractor license without reapplication, a person holding
12.33 a high pressure piping business contractor license that ceases to employ an individual
12.34 holding a ~~contracting master~~ high pressure pipefitter competency license shall have 60 days
12.35 from the last day of employment of its previous ~~contracting master~~ pipefitter competency

13.1 license holder to employ another license holder. The department must be notified no later
 13.2 than five days after the last day of employment of the previous license holder.

13.3 No high pressure pipefitting work may be performed during any period when the
 13.4 high pressure pipefitting ~~business contractor~~ does not have a ~~contracting master~~ high
 13.5 pressure pipefitter competency license holder on staff. If a license holder is not employed
 13.6 within 60 days after the last day of employment of the previous license holder, the
 13.7 pipefitting ~~business contractor~~ license shall lapse.

13.8 The board shall prescribe by rule procedures for application for and issuance of
 13.9 ~~business contractor~~ licenses.

13.10 Sec. 20. Minnesota Statutes 2014, section 326B.921, subdivision 3, is amended to read:

13.11 Subd. 3. **Registration requirement.** All unlicensed individuals, other than
 13.12 pipefitter apprentices, must be registered under subdivision 4. No licensed high pressure
 13.13 piping ~~business contractor~~ shall employ an unlicensed individual to assist in the practical
 13.14 construction and installation of high pressure piping and appurtenances unless the
 13.15 unlicensed individual is registered with the department. A pipefitter apprentice or
 13.16 registered unlicensed individual employed by a high pressure piping ~~business contractor~~
 13.17 may assist in the practical construction and installation of high pressure piping and
 13.18 appurtenances only while under direct supervision of a licensed ~~contracting master~~ high
 13.19 pressure pipefitter or licensed journeyman high pressure pipefitter employed by the same
 13.20 high pressure piping ~~business contractor~~. The licensed ~~contracting master~~ high pressure
 13.21 pipefitter or licensed journeyman high pressure pipefitter shall supervise no more than two
 13.22 pipefitter apprentices or registered unlicensed individuals. The licensed ~~contracting master~~
 13.23 high pressure pipefitter or journeyman high pressure pipefitter is responsible for ensuring
 13.24 that all high pressure piping work performed by the pipefitter apprentice or registered
 13.25 unlicensed individual complies with Minnesota Statutes and Minnesota Rules.

13.26 Sec. 21. Minnesota Statutes 2014, section 326B.921, subdivision 4, is amended to read:

13.27 Subd. 4. **Registration with commissioner.** An unlicensed individual may register
 13.28 to assist in the practical construction and installation of high pressure piping and
 13.29 appurtenances while in the employ of a licensed high pressure piping ~~business contractor~~
 13.30 by completing and submitting to the commissioner a registration form provided by the
 13.31 commissioner, with all fees required by section 326B.092. The board may prescribe rules,
 13.32 not inconsistent with this section, for the registration of unlicensed individuals.

13.33 Applications for initial registration may be submitted at any time. Registration must
 13.34 be renewed annually and shall be valid for one calendar year beginning January 1.

14.1 Sec. 22. Minnesota Statutes 2015 Supplement, section 326B.921, subdivision 5,
14.2 is amended to read:

14.3 Subd. 5. **Bond.** As a condition of licensing, each applicant for a high pressure
14.4 piping business contractor license shall give and maintain a bond to the state in the
14.5 total sum of \$15,000 conditioned upon the faithful and lawful performance of all work
14.6 contracted for or performed within the state. The bond shall run to and be for the benefit of
14.7 persons injured or suffering financial loss by reason of failure of payment or performance.
14.8 Claims and actions on the bond may be brought according to sections 574.26 to 574.38.

14.9 The term of the bond must be concurrent with the term of the high pressure
14.10 pipefitting business contractor license and run without interruption from the date of the
14.11 issuance of the license to the end of the calendar year. All high pressure pipefitting
14.12 business contractor licenses must be annually renewed on a calendar year basis.

14.13 The bond must be filed with the department and shall be in lieu of any other business
14.14 contractor license bonds required by any political subdivision for high pressure pipefitting.
14.15 The bond must be written by a corporate surety licensed to do business in the state.

14.16 Sec. 23. Minnesota Statutes 2014, section 326B.921, subdivision 6, is amended to read:

14.17 Subd. 6. **Insurance.** In addition to the bond described in subdivision 5, each
14.18 applicant for a high pressure pipefitting business contractor license or renewal shall have
14.19 in force public liability insurance, including products liability insurance, with limits of at
14.20 least \$100,000 per person and \$300,000 per occurrence and property damage insurance
14.21 with limits of at least \$50,000.

14.22 The insurance must be kept in force for the entire term of the high pressure pipefitting
14.23 business contractor license, and the license shall be suspended by the department if at any
14.24 time the insurance is not in force.

14.25 The insurance must be written by an insurer licensed to do business in the state and
14.26 shall be in lieu of any other insurance required by any subdivision of government for high
14.27 pressure pipefitting. Each person holding a high pressure pipefitting business contractor
14.28 license shall maintain on file with the department a certificate evidencing the insurance. In
14.29 the event of a policy cancellation, the insurer shall send written notice to the commissioner
14.30 at the same time that a cancellation request is received from or a notice is sent to the insured.

14.31 Sec. 24. Minnesota Statutes 2014, section 326B.921, subdivision 7, is amended to read:

14.32 Subd. 7. **License, registration, and renewal fees.** For purposes of calculating
14.33 license, registration, and renewal fees required under section 326B.092:

- 15.1 (1) the registration of an unlicensed individual under subdivision 4 is an entry
 15.2 level license;
- 15.3 (2) a journeyman high pressure pipefitter license is a journeyman license;
- 15.4 (3) a ~~contracting master~~ high pressure pipefitter license is a master license; and
- 15.5 (4) a high pressure piping ~~business contractor~~ license is a business license.

15.6 Sec. 25. Minnesota Statutes 2014, section 326B.922, is amended to read:

15.7 **326B.922 LICENSE APPLICATION AND RENEWAL.**

15.8 (a) Application for a ~~contracting master~~ high pressure pipefitter, a journeyman high
 15.9 pressure pipefitter, or a high pressure piping ~~business contractor~~ license shall be made to
 15.10 the department, with all fees required by section 326B.092.

15.11 (b) The applicant for a ~~contracting master~~ high pressure pipefitter or a journeyman
 15.12 high pressure pipefitter license shall be licensed only after passing an examination
 15.13 developed and administered by the department in accordance with rules adopted by the
 15.14 board.

15.15 (c) All initial ~~contracting master~~ high pressure pipefitter licenses, journeyman high
 15.16 pressure pipefitter licenses, and high pressure piping ~~business contractor~~ licenses are
 15.17 effective for more than one calendar year and expire on December 31 of the year after the
 15.18 year in which the application is made. The commissioner shall in a manner determined by
 15.19 the commissioner, without the need for any rulemaking under chapter 14, phase in the
 15.20 renewal of ~~contracting master~~ high pressure pipefitter, journeyman high pressure pipefitter,
 15.21 and high pressure piping ~~business contractor~~ licenses from one year to two years. By June
 15.22 30, 2012, all such licenses shall be two-year licenses.

15.23 Sec. 26. Minnesota Statutes 2014, section 326B.925, subdivision 1, is amended to read:

15.24 Subdivision 1. **Composition.** (a) The Board of High Pressure Piping Systems
 15.25 shall consist of 13 members. Twelve members shall be appointed by the governor with
 15.26 the advice and consent of the senate and shall be voting members. Appointments of
 15.27 members by the governor shall be made in accordance with section 15.066. If the senate
 15.28 votes to refuse to consent to an appointment of a member made by the governor, the
 15.29 governor shall appoint a new member with the advice and consent of the senate. One
 15.30 member shall be the commissioner of labor and industry or the commissioner of labor and
 15.31 industry's designee, who shall be a voting member. Of the 12 appointed members, the
 15.32 composition shall be as follows:

- 15.33 (1) one member shall be a high pressure piping inspector;
- 15.34 (2) one member shall be a licensed mechanical engineer;

16.1 (3) one member shall be a representative of the high pressure piping industry;

16.2 (4) four members shall be ~~contracting~~ master high pressure pipefitters engaged
16.3 in the business of high pressure piping, two from the metropolitan area and two from
16.4 greater Minnesota;

16.5 (5) two members shall be journeyman high pressure pipefitters engaged in the
16.6 business of high pressure piping systems installation, one from the metropolitan area
16.7 and one from greater Minnesota;

16.8 (6) one member shall be a representative of industrial companies that use high
16.9 pressure piping systems in their industrial process;

16.10 (7) one member shall be a representative from utility companies in Minnesota; and

16.11 (8) one member shall be a public member as defined by section 214.02.

16.12 The high pressure piping inspector shall be appointed for a term to end December
16.13 31, 2011. The professional mechanical engineer shall be appointed for a term to end
16.14 December 31, 2010. The representative of the high pressure piping industry shall be
16.15 appointed for a term to end December 31, 2011. Two of the ~~contracting~~ master high
16.16 pressure pipefitters shall be appointed for a term to end December 31, 2011. The other two
16.17 ~~contracting~~ master high pressure pipefitters shall be appointed for a term to end December
16.18 31, 2010. One of the journeyman high pressure pipefitters shall be appointed for a term to
16.19 end December 31, 2011. The other journeyman high pressure pipefitter shall be appointed
16.20 for a term to end December 31, 2010. The one representative of industrial companies that
16.21 use high pressure piping systems in their industrial process shall be appointed for a term to
16.22 end December 31, 2010. The one representative of a utility company in Minnesota shall
16.23 be appointed for a term to end December 31, 2010. The public member shall be appointed
16.24 for a term to end December 31, 2010.

16.25 (b) The licensed professional mechanical engineer must possess a current Minnesota
16.26 professional engineering license and maintain the license for the duration of their term.
16.27 All other appointed members, except for the representative of the piping industry, the
16.28 representative of industrial companies that use high pressure piping systems, the public
16.29 member, and the representative of public utility companies in Minnesota, must possess
16.30 a current high pressure piping license issued by the Department of Labor and Industry
16.31 and maintain that license for the duration of their term. All appointed members must be
16.32 residents of Minnesota at the time of and throughout the member's appointment. The term
16.33 of any appointed member that does not maintain membership qualification status shall
16.34 end on the date of status change and the governor shall appoint a new member. It is the
16.35 responsibility of the member to notify the board of the member's status change.

17.1 (c) For appointed members, except the initial terms designated in paragraph (a), each
 17.2 term shall be three years with the terms ending on December 31. Members appointed by
 17.3 the governor shall be limited to three consecutive terms. The governor shall, all or in part,
 17.4 reappoint the current members or appoint replacement members with the advice and
 17.5 consent of the senate. Midterm vacancies shall be filled for the remaining portion of the
 17.6 term. Vacancies occurring with less than six months time remaining in the term shall be
 17.7 filled for the existing term and the following three-year term. Members may serve until
 17.8 their successors are appointed but in no case later than July 1 in a year in which the term
 17.9 expires unless reappointed.

17.10 Sec. 27. Minnesota Statutes 2015 Supplement, section 341.321, is amended to read:

17.11 **341.321 FEE SCHEDULE.**

17.12 (a) The fee schedule for professional and amateur licenses issued by the
 17.13 commissioner is as follows:

- 17.14 (1) referees, \$80;
- 17.15 (2) promoters, \$700;
- 17.16 (3) judges and knockdown judges, \$80;
- 17.17 (4) trainers and seconds, \$80;
- 17.18 (5) ring announcers, \$80;
- 17.19 (6) timekeepers, \$80;
- 17.20 (7) professional combatants, \$70;
- 17.21 (8) amateur combatants, \$50;
- 17.22 (9) managers, \$80; and
- 17.23 (10) ringside physicians, \$80.

17.24 ~~In addition to the license fee, an individual who applies for a license within the 48 hours~~
 17.25 ~~preceding when the combative sporting event is held shall pay a late fee of \$100 plus the~~
 17.26 ~~original license fee. License fees for promoters are due at least six weeks prior to the~~
 17.27 ~~combative sport contest. All other license fees shall be paid no later than the weigh-in~~
 17.28 ~~prior to the contest. No license may be issued until all precensure requirements are~~
 17.29 ~~satisfied and fees are paid.~~

17.30 (b) The commissioner shall establish a contest fee for each combative sport contest
 17.31 and shall consider the size and type of venue when establishing a contest fee. The
 17.32 ~~professional~~ combative sport contest fee is \$1,500 per event or not more than four percent
 17.33 of the gross ticket sales, whichever is greater, as determined by the commissioner when
 17.34 the combative sport contest is scheduled. ~~The amateur combative sport contest fee shall be~~
 17.35 ~~\$1,500 or not more than four percent of the gross ticket sales, whichever is greater.~~

18.1 (c) A professional or amateur combative sport contest fee is nonrefundable and
18.2 shall be paid as follows:

18.3 (1) \$500 at the time the combative sport contest is scheduled; and

18.4 (2) \$1,000 at the weigh-in prior to the contest.

18.5 If four percent of the gross ticket sales is greater than \$1,500, the balance is due to the
18.6 commissioner within ~~24 hours~~ seven days of the completed contest.

18.7 (d) The commissioner may establish the maximum number of complimentary tickets
18.8 allowed for each event by rule.

18.9 (e) All fees and penalties collected by the commissioner must be deposited in the
18.10 commissioner account in the special revenue fund.

18.11 Sec. 28. **REVISOR'S INSTRUCTION.**

18.12 The revisor of statutes shall renumber Minnesota Rules, part 4715.3130, to Minnesota
18.13 Rules, part 1300.0215, subpart 6, where it appears in Minnesota Statutes, section 326B.43.

18.14 Sec. 29. **REPEALER.**

18.15 Minnesota Rules, parts 5200.0780; 5226.0100; 5226.0200; and 5226.0300, are
18.16 repealed.

5200.0780 PROHIBITED ACTIVITIES IN CONNECTION WITH AN AGENCY.

An employment agency shall not be conducted in connection with any other activity in which a charge is made to the applicant for personal service, except vocational training schools licensed or accredited by the Department of Education. This part does not prevent the separate operation of a temporary help service at the same office or an office adjacent to a licensed employment agency, provided that any permanent placement activities are conducted by an employment agent licensed in accordance with the law and these rules.

5226.0100 PERMITS AND FEES FOR INSTALLATIONS AND ALTERATIONS.

A person, firm, or corporation that seeks to install or alter an elevator shall first obtain a permit from the department, or with a municipality that is authorized by law to issue a permit, before beginning installation or alteration. An application for a permit must be submitted on forms from the department or an authorized municipality. Plans and specifications describing the permitted work must be submitted with the application for a permit. A permit will be issued to the applicant when the plans and specifications have been approved and the appropriate permit fee has been paid. The permit issued by the department or an authorized municipality is only valid for work commenced within 12 months of issuance and completed within two years of issuance.

The department's fees for a permit to install or alter an elevator are:

A. A permit fee to install or alter an elevator is \$100, and \$500 if work that requires a permit is begun without a permit.

B. Inspection fees for installation and alteration of permitted elevator work are 1-1/2 percent of the total cost of the permitted work for labor and materials including related electrical and mechanical equipment. The total inspection fee shall not exceed \$1,000 per permit. The cost of special decorative fixtures in the permitted work may be deducted from the cost of the permitted elevator work up to a maximum of five percent of the total cost of the permitted work upon approval of the commissioner.

C. An elevator that passes department inspection will be issued an operating permit by the department.

D. Vertical reciprocating conveyors, (American Society of Mechanical Engineers/American National Standards Institute Standard B20.1) are subject to filing and inspection fees for new and altered installations, but are exempt from routine inspection by an elevator inspector.

5226.0200 FEES.

Subpart 1. **Inspection fees.** The fees for routine or periodic inspection of existing elevators are:

- A. two stop elevators, \$50;
- B. three stop elevators, \$75;
- C. four stop elevators, \$100;
- D. five stop elevators, \$125;
- E. six or more stop elevators, \$150; and
- F. escalators and moving walks, \$100.

Subp. 2. **Exceptions.** Vertical reciprocating conveyors, endless belt lifts, dock hoists, stage lifts, special purpose personal hoists, and mechanized garage parking devices are not subject to routine or periodic inspection by the department unless an accident occurs or a complaint is filed.

Subp. 3. **Elevator inspector application and renewal fees.** The fee for elevator inspector application is \$50. An annual inspector certificate may be renewed for a fee of \$25. If a certificate is not renewed within 30 days of the expiration date, the fee for renewal is \$50.

5226.0300 CONTRACTOR LICENSE FEE.

The fee for initial application and initial license of an elevator contractor is \$500. The fee to renew a license is \$125. A revoked license may be renewed by payment of the initial application fee. The same fees are required for elevator contractors operating under a temporary license. The contractor is responsible for carrying all appropriate insurance, meeting all bonding requirements, and meeting all federal, state, and local law and code requirements.