

**Plumbing Board
Meeting Minutes
Tuesday, March 16, 2010
Department of Labor & Industry
443 Lafayette Road N, St Paul, MN 55155
DLI.CCLDBOARDS@State.MN.US**

Members Present:

Karl Abrahamson
Rebecca L. Ames
Jim Gander
Kenneth Kammerer
James Kittelson
Allen J. Lamm
Jim Lungstrom
(DLI Commissioner's designee)
Michael McGowan
Rick Palmateer
John A. Parizek
Paul Sullwold
Ronald Thompson
(MDH Commissioner's designee)

Members Absent:

Steve Christenson
Lawrence G. Justin

Staff Present:

Mary Miller
Jim Peterson
John Schultz
Cathy Tran
Sandy Arndt

Visitors:

Kirk Gruben
Tom Hamel
Nick Hickmen
Jackie Maher
Matt Marciniak
Phil Raines
Brian Soderholm
Gary Thaden
Luther Westman

I. Call To Order

The meeting was called to order by Parizek at 1:09 p.m.

- A. Announcements
- B. Introductions

II. Approval of Agenda

Chair presented the agenda, no issues were presented and the chair declared the agenda approved.

III. Approval of Previous Meeting Minutes

Chair presented the January 19, 2010 minutes, no issues were presented and the chair declared the January 19, 2010 minutes approved.

IV. Regular Business

- A. Approval of Expense Reports
 - i. Chair reviewed the expense reports and Per Diems and found them in order and declared them approved.

V. Special Business

- A. Chair reviewed the joint letter from Minnesota Pipe Trades, Minnesota Mechanical Contractors Association, Minnesota Association of Plumbing, Heating and Cooling Contractors and Associated Builders and Contractors – Minnesota Chapter which has asked the board to open up rulemaking process specifically for waterless urinals.
- B. Chair asked Mary Miller from the General Counsel to explain the different options for the rulemaking process. In the past the board has used the Standard Rulemaking process, but this process has taken up to 2 years to complete.

Miller distributed copies of the 2009 MN Statute 14.388 Good Cause Exemption and 14.389 Expedited Process which are the two rapid rulemaking processes. Under general law, once the code amendment has been filed with the Secretary of State there is 180 days before it will take effect. With Good Cause Exempt the rules are only good for two years. It is Miller's understanding that the Good Cause Exemption would not be helpful in making a decision for this particular rulemaking process. With the Expedited Process the legislature needs to give the authority on whether a board or agency can make a rapid rule. Under this rulemaking process the rule can go to hearing if a 100 people request it. According to Miller Standard rulemaking is not a rapid process but as a board you could move the process along as quickly as possible without the legislature's expedited authority. Chair stated the board doesn't currently have authority to go ahead with either Good Cause Exemption or Expedited process. The board's only option is the Standard rulemaking process.

- C. Gary Thaden from Minnesota Mechanical Contractors Association (MMCA) approached the board with the issue of waterless urinals. He feels the legislature is not knowledgeable enough to make a decision about the plumbing code; it should be done by the plumbing board. This is why Thaden is asking the plumbing to open up a standard rulemaking process regarding waterless urinals.

Tom Hamel from Sloan Valve Company supports the intent of the joint letter to expedite the process to approve non-water type urinals for the state of Minnesota.

Luther Westman from the State Plumbing, Heating & Cooling Contractors also supports this same letter submitted by Thaden.

Phil Raines from Associated Builders & Contractors also supports the letter and would like to see the integrity of the Plumbing Board stay in tact.

- D. Abrahamson and Sullwold both stated they agree that the decision should remain with the board.

Parizek clarified for McGowan that the board had approved some language and was close to finalizing the rule at last summers meeting.

Thompson questioned, what are the costs for rulemaking, and if there is staff available to help with the waterless urinal rule process? Could the board use a cost saving measure by combining it with another rule process?

Lundstrom stated that it feels like the board would be in continuous rulemaking process if they were to open up the rule for the waterless urinals. This is the exact reason why the board voted on in January, to adopt a 3 year rulemaking cycle.

Parizek clarified the reason for the meeting was strictly to address the waterless urinal issue only.

- E. Motion made by Gander to move forward to approve a code change as it relates to waterless urinals, bypasses the PCRC committee and brings language to the full board at our next meeting and begins the rulemaking process authorizing the chair to sign and publish the request for comments. Seconded by James Kittelson.

Parizek, Gander, Abrahamson, Kittelson, Palmateer, McGowan, Sullwold voted yes.

Lamm, Kammerer, Ames, Lungstrom voted no.

Motion carried.

- F. Chair asked DLI staff to collect the language that was approved by the board regarding waterless urinals from the previous meetings for the April 20th meeting.

VI. Announcements

A. Next Regularly Scheduled Meetings:

- i. Tuesday, April 20, 2010, 9:30 a.m. – Minnesota Room, DLI
- ii. Tuesday, July 20, 2010, 2008, 9:30 a.m. – Minnesota Room, DLI

VII. Adjournment

Abrahamson made a motion, seconded by Lamm, to adjourn the meeting. The vote was unanimous, and the motion passed. The meeting adjourned at 2:28 p.m.

Respectfully Submitted,

Jim Gander

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