

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Minnesota Department of Health
Division of Environmental Health

RULE RELATING TO WATER CONDITIONING CONTRACTORS AND INSTALLERS

7MCAR 1.135

A. SCOPE AND APPLICABILITY:

This rule prescribes minimum standards and procedures for all water conditioning installations and servicing in single family dwellings. Any person who installs or services water conditioning equipment, whether or not such person is licensed pursuant to Minn. Stat. §326.57-.66 (1978), must comply with the standards and procedures prescribed in this rule, and with the applicable provisions of the current version of the Minnesota Plumbing Code, 7MCAR §1.120-.134 (formerly MHD 120-134).

B. DEFINITIONS:

1. "Water conditioning equipment" (equipment) means any appliance, appurtenance or fixture designed to treat water, so as to alter, modify, add or remove any minerals, chemicals or bacteria contained in water;
2. "Installation" as defined in Minn. Stat. §326.61 Subd. 1 (1978) includes:
   a. the connection of any water conditioning equipment to an existing water distribution system,
   b. the connection of the line carrying conditioned water to a water distribution system, or raw water to points not needing conditioned water,

c. the connecting of drain and overflow lines which drain the equipment, and

d. the providing of an air gap between the drain and overflow lines and the receiving building receptor;

3. "Commissioner" means the commissioner of health;

4. "Disinfect" means to destroy pathogenic bacteria and other harmful organisms;

5. "Servicing" means repairs or adjustments to any water conditioning installations;

6. "Water conditioning contractor" means the person in a firm or corporation who has demonstrated skill in planning, superintending, installing and servicing water conditioning installations;

7. "Water conditioning installer" means a person, other than a water conditioning contractor, who has demonstrated practical knowledge of water conditioning installation and servicing;

8. "Receptor" means an open, accessible, individual waste sink, floor drain, or other fixture which is trapped and vented in accordance with the Minnesota Plumbing Code (7MCAR §1.120-.134);

9. "Raw water" means water which has not passed through any water conditioning equipment;

10. "Water distribution system" means a water supply system as defined in the Minnesota Plumbing Code (7MCAR §1.121)

C. PROCEDURE:

1. Any water conditioning equipment may be installed only in connection with a water distribution system which has already been constructed. Such connection may be made either by cutting into a cold water line or by connecting to a joint specifically installed for the purpose.
2. In connecting the equipment the contractor or installer may use only the type of pipe material which is permitted in the Minnesota Plumbing Code. (7MCAR §1.120-.134)
3. Every installation shall include the installation of a by-pass valve which would allow the equipment to be serviced or removed without the need for shutting off the water service completely.
4. If the homeowner so requests, the installer or contractor is permitted to install a line which by-passes the water conditioning equipment and to connect this raw water line to any existing service outlet.
5. Equipment drain: The equipment drain line shall drain into the existing receptor such as a floor drain or laundry tub. No drain or overflow line leading from the equipment shall be directly connected to any receptor. Between the delivery end of the drain or overflow line and the receptor, there must be an air gap which is at least two times the diameter of the drain or overflow line, but in no case shall the air gap be less than 1.5 inches. This air gap distance shall apply above the flood level rim of the receiving fixture to provide the required air gap. If flexible drain line is used, it must be secured in some manner to prevent its being accidentally moved.

6. Location: Any water conditioning equipment and the piping necessary to install such equipment shall not be placed in such a location or manner so as to interfere with the normal operation of existing windows, doors or other exits or openings, nor shall it be located in such a place so as to make other existing equipment inaccessible.

7. Regeneration Sanitation Procedures:

All new or used water conditioning equipment shall be disinfected before being installed. All portable exchange water conditioning equipment shall be disinfected during every regeneration. Disinfection shall be achieved by the application of chlorine or a chlorine compound such as sodium or calcium hypochlorite, during the fresh water rinse, to provide an effluent minimum chlorine residual and time combination as given in the following table:

Minimum Time Minutes	Minimum Chlorine Residual - parts per million
4	20
5	15
10	7.5
15	5.0
20	4.0

8. If an installation cannot be made in conformance with the Minnesota Plumbing Code (7MCAR §1.120-.134) or with the provisions contained in this rule, the water conditioning contractor or installer shall consult with the appropriate plumbing inspector, and obtain a variance from the state rules before the installation may proceed. Such a variance can be granted only if the nonconforming alternative will not create a risk to health.

D. EQUIPMENT AND MATERIALS USED IN INSTALLATIONS:

1. Where applicable, the following shall conform to the Minnesota Plumbing Code (7MCAR §1.120 -.134):
   a. all materials and connections used in the installation of water conditioning and treatment equipment;
   b. all attachments to the building.
2. In accordance with the Minnesota Plumbing Code (7MCAR §1.120-.134):
   a. the by-pass valve assembly shall be the same size as the line in which it is installed and shall be a full-way valve unless a by-pass valve which complies with Section C.3 is supplied as an integral part of the water conditioning equipment;
   b. joints and connections which are made in the course of installing water conditioning and treatment equipment shall be tested for water tightness;
   c. copper tube joints shall be soldered or brazed;
   d. soft copper tubing joints may be flared or soldered;
   e. vertical piping shall be secured at sufficiently close intervals to keep the pipe in alignment and carry the weight of the pipe;
   f. horizontal piping shall be supported at sufficiently close intervals to keep it in alignment and prevent sagging.

E. LICENSING:

1. Examination:

a. A written examination for the licensing of water conditioning equipment contractors and installers shall be given at least once per year. The licensing examination for contractors and installers shall include questions covering one or more of the following subject areas: relevant plumbing and installation provisions, materials and tools of the trade, general principles of water conditioning processes and operation of water conditioning equipment. In addition to the above, the contractor's licensing examination shall include questions covering one or more of the following subjects: calculations to determine appropriate equipment size, and specific functions and processes involved in different types of water conditioning.

b. The examination for the installer's license shall be given only to persons who have had a least 6 months' experience in the field of water conditioning installation and servicing.

c. The examination for the contractor's license shall be given only to persons who have had at least 12 months' experience in planning and supervising the installation and servicing of water conditioning equipment.

d. A person applying to take an examination shall complete an application supplied by the Minnesota Department of Health and return the completed application along with the appropriate examination fee.

e. Only fees from persons who do not qualify for examination will be returned.

f. A grade of 70% shall be considered a passing grade.

g. The applicant shall be notified of the results of the examination.

2. License: A license shall be issued to an applicant who has passed the examination upon receipt of the appropriate license fee.

F. FEES:

1. The fee for application for examination or re-examination shall be $10.00 for a water conditioning installer, and $25.00 for a water conditioning contractor.

2. The fee for a new license or for renewal of an existing license shall be as follows:

Water Conditioning Installer	$10.00
Water Conditioning Contractor	$25.00

G. RENEWAL

A license shall expire on December 31 of the year for which it was issued. An application for renewal of a license must be received by the Minnesota Department of Health no later than December 31. Any person who submits an application for license renewal after December 31 shall pay a penalty of $5.00 in addition to the annual license fee. One who does not renew a license issued pursuant to these rules, within two years of the date on which the former license expired, is no longer entitled to a renewal license. Such person must apply for re-examination and a new license.

* * * * *

7 MCAR § 1.139 (formerly MHD 139)

A. Plans and specifications

1. Prior to the installation by any person, corporation, or public agency, of a system of plumbing that serves the public or that serves any considerable number of persons, or any plumbing system that shall affect the public health in any manner, complete plans and specifications, together with any additional information that the ~~State Board~~ commissioner of health may require, shall be submitted ~~to the Board~~ in duplicate and approved by ~~them~~ the commissioner. The appraisal of the ~~Board~~ commissioner shall reflect the degree to which these plans and specifications affect the public health and conform to the provisions of the Minnesota Plumbing Code. No constructions shall proceed except in accordance with approved plans. Any material alteration or extension of the existing system shall be subject to these same requirements. This regulation shall not apply to cities of the first class, except those plumbing installations in hospitals or in buildings in these cities owned by the federal or the state government.

2. There shall be no physical connection between water supply systems that are safe for domestic use and those that are unsafe for domestic use. There shall be no apparatus through which unsafe water may be discharged or drawn into a safe water supply system.

B. Examination and licensing of plumbers

1. Examinations for journeyman and master plumber licenses shall be held in March and September of each year. Applications

for the March examination shall be filed not later than February 15 and for the September examination not later than August 15.

2. In addition to satisfactorily passing an examination given by the plumber's examiners, the applicant for a journeyman plumber's license shall have had not less than 4 years of practical plumbing experience and the applicant for a master plumber's license shall have had not less than 5 years of practical experience.

C. Examination; Initial and Renewal License Fees; License Expiration Dates; Late Fee; Master's Bond and Insurance Fees.

1. Fees for Examination. Applications to take the journeyman or master plumbers examination shall be submitted to the ~~State Board~~ commissioner of health on forms provided ~~by it~~ together with a fee of $25.00.

2. Fees for License. Any applicant who receives a passing grade on the examination may submit an application for license on forms provided by the ~~State Board~~ commissioner of health. The application shall be accompanied by a fee of $15.00 for a journeyman plumbers license or $40.00 for a master plumbers license.

3. Expiration Date.

a. Initial and renewal journeyman and master plumbers licenses shall be issued for the calendar year for which application is made and shall expire on December 31 of such year. Any journeyman or master plumber who submits his renewal application after December 31 shall not work as a journeyman or master plumber until he has submitted an application, fee, and penalty fee.

b. Any licensee who does not renew his license within two years is no longer eligible for renewal. Such person must retake and pass the examination before a new license will be issued.

4. LICENSE RENEWALS: Applications for license renewal shall be submitted to the ~~State Board~~ commissioner of health on forms provided ~~by it~~ no later than December 31 of the year preceding the year for which application is made. The application shall be accompanied by a fee of $15.00 for a journeyman plumber and $40.00 for a master plumber.

5. FEES FOR LATE RENEWALS. Journeyman and master plumbers who submit their license renewal applications after the time specified in subpart 4. above but within two years after expiration of the previously issued license shall pay all past due renewal fees plus an additional $8.00.

6. FEE FOR FILING BOND AND INSURANCE. Master plumbers who file a bond and evidence of liability insurance with the Secretary of State, pursuant to Laws, 1978, Chap. 604 § 1, shall pay an additional fee of $25.00.

* * * * * * *

APPROVED AS TO FORM AND LEGALITY

FEB. 14 1979 19____

WARREN SPANNAUS, ATTORNEY GENERAL

BY Lee E. Shelby

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 15 1979
Joan Anderson Growe
Secretary of State
9:35 AM

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF HEALTH

IN THE MATTER OF PROPOSED)
AMENDMENTS TO RULES RELATING)
TO LICENSING OF PLUMBERS AND)
PROPOSED NEW RULES RELATING)
TO WATER CONDITIONING CON-)
TRACTORS AND INSTALLERS.)

REPORT OF THE
CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on November 8, 1978, before George A. Beck, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. § 15.052, Subd. 3, was issued to the Department of Health on November 29, 1978; and

WHEREAS, the Department of Health has now determined to adopt rules pursuant to Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Department of Health has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, Subd. 4, and 9 MCAR § 2.110; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing and that the Department of Health has met all requirements of Minn. Stat. § 15.0412, Subd. 4.

NOW, THEREFORE, upon receipt of this Report, the Department of Health has the responsibility of submitting the complete hearing record and the rules as adopted by the Department to the Attorney General, notifying all persons who requested to be informed that the hearing record has been submitted to the Attorney General, and publishing in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated this 25th day
of January, 1979.

DUANE R. HARVES
Chief Hearing Examiner

RULES AS PROPOSED

Minnesota Department of Health
Division of Environmental Health

RULE RELATING TO WATER CONDITIONING CONTRACTORS AND INSTALLERS

7MCAR 1.135

A. SCOPE AND APPLICABILITY:

This rule prescribes minimum standards and procedures for all water conditioning installations and servicing. Any person who installs or services water conditioning equipment, whether or not such person is licensed pursuant to Minn. Stat. Chap. 326 (1976), must comply with the standards and procedures prescribed in this rule, and with the applicable provisions of the current version of the Minnesota Plumbing Code.

B. DEFINITIONS:

1. "Water conditioning equipment" (equipment) means any appliance, appurtenance or fixture designed to treat water, so as to alter, modify, add or remove any minerals, chemicals or bacteria contained in water;
2. "Installation" as defined in Minn. Stat. § 326.61 Subd. 1 (1976) includes:
   a. the connection of any water conditioning equipment to an existing water system,
   b. the connection of the line carrying conditioned water to a water distribution system, or raw water to points not needing conditioned water,

c. the connecting of drain and overflow lines which drain the equipment, and

d. the providing of an air gap between the drain and overflow lines and the receiving building receptor;

3. "Commissioner" means the commissioner of health;

4. "Disinfect" means to destroy pathogenic bacteria and other harmful organisms;

5. "Servicing" means repairs or adjustments to any water conditioning installations;

6. "Water conditioning contractor" means the person in a firm or corporation who has demonstrated skill in planning, superintending, installing and servicing water conditioning installations;

7. "Water conditioning installer" means a person, other than a water conditioning contractor, who has demonstrated practical knowledge of water conditioning installation and servicing;

8. "Receptor" means an open, accessible, individual waste sink, floor drain, or other fixture which is trapped and vented in accordance with the Minnesota Plumbing Code;

9. "Raw water" means water which has not passed through any water conditioning equipment;

C. PROCEDURE:

1. Any water conditioning equipment may be installed only in connection with a water distribution system which has already been constructed. Such connection may be made either by cutting into a cold water line or by connecting

to a joint specifically installed for the purpose.

2. In connecting the equipment the contractor or installer may use only the type of pipe material which is permitted in the Minnesota Plumbing Code.
3. Every installation shall include the installation of a by-pass valve which would allow the equipment to be serviced or removed without the need for shutting off the water service completely.
4. If the homeowner so requests, the installer or contractor is permitted to install a line which by-passes the water conditioning equipment and to connect this raw water line to any existing service outlet.
5. Equipment drain: The equipment drain line shall drain into the existing receptor such as a floor drain or laundry tub. No drain or overflow line leading from the equipment shall be directly connected to any receptor. Between the delivery end of the drain or overflow line and the receptor, there must be an air gap which is at least two times the diameter of the drain or overflow line, but in no case shall the air gap be less than 1.5 inches. This air gap distance shall apply above the flood level rim of the receiving fixture to provide the required air gap. If flexible drain line is used, it must be secured in some manner to prevent its being accidentally moved.
6. Restoring structural integrity: In the process of installing or servicing any water conditioning equipment, the finished

floors, walls, ceiling, tile work or any other part of the building or premises which may be affected by such installation or servicing must be reconstructed or replaced in a manner which complies with applicable provisions of the State Building Code.

7. Location: Any water conditioning equipment and the piping necessary to install such equipment shall not be placed in such a location or manner so as to interfere with the normal operation of existing windows, doors or other exits or openings, nor shall it be located in such a place so as to make other existing equipment inaccessible.

8. Regeneration Sanitation Procedures:

All new or used water conditioning equipment shall be disinfected before being installed. All portable exchange water conditioning equipment shall be disinfected during every regeneration. Disinfection shall be achieved by the application of chlorine or a chlorine compound such as sodium or calcium hypochlorite, during the fresh water rinse, to provide an effluent minimum chlorine residual and time combination as given in the following table:

Minimum Time Minutes	Minimum Chlorine Residual - parts per million
4	20
5	15
10	7.5
15	5.0
20	4.0

9. If an installation cannot be made in conformance with the Minnesota Plumbing Code or with the provisions contained in this rule, the water conditioning contractor or installer shall consult with the appropriate plumbing inspector, and obtain a variance from the state rules before the installation may proceed. Such a variance can be granted only if the nonconforming alternative will not create a risk to health.

D. EQUIPMENT AND MATERIALS USED IN INSTALLATIONS:

1. Where applicable, the following shall conform to the Minnesota Plumbing Code:
   a. all materials and connections used in the installation of water conditioning and treatment equipment;
   b. all attachments to the building.
2. In accordance with the Minnesota Plumbing Code:
   a. the by-pass valve assembly shall be full-way and the same size as the line in which it is installed;
   b. joints and connections which are made in the course of installing water conditioning and treatment equipment shall be tested for water tightness;
   c. copper tube joints shall be soldered or brazed;
   d. soft copper tubing joints may be flared or soldered;
   e. vertical piping shall be secured at sufficiently close intervals to keep the pipe in alignment and carry the weight of the pipe;

f. horizontal piping shall be supported at sufficiently close intervals to keep it in alignment and prevent sagging.

E. LICENSING:

1. Examination:

a. A written examination for the licensing of water conditioning equipment contractors and installers shall be given at least once per year.

b. The examination for the installer's license shall be given only to persons who have had a least 6 months' experience in the field of water conditioning installation and servicing.

c. The examination for the contractor's license shall be given only to persons who have had at least 12 month's experience in planning and supervising the installation and servicing of water conditioning equipment.

d. A person applying to take an examination shall complete an application supplied by the Minnesota Department of Health and return the completed application along with the appropriate examination fee.

e. Only fees from persons who do not qualify for examination will be returned.

f. A grade of 70% shall be considered a passing grade.

g. The applicant shall be notified of the results of the examination.

2. License: A license shall be issued to an applicant who has passed the examination upon receipt of the appropriate license fee.

F. FEES:

1. The fee for application for examination or re-examination shall be $25.00.

2. The fee for a new license or for renewal of an existing license shall be as follows:

Water Conditioning Installer	$10.00
Water Conditioning Contractor	$25.00

G. RENEWAL

A license shall expire on December 31 of the year for which it was issued. An application for renewal of a license must be received by the Minnesota Department of Health no later that December 31. Any person who submits an application for license renewal after December 31 shall pay a penalty of $5.00 in addition to the annual license fee. One who does not renew a license issued pursuant to these rules, within two years of the date on which the former license expired, is no longer entitled to a renewal license. Such person must apply for re-examination and a new license.

RULES AS PROPOSED

PLUMBERS

MHD 139 (c)(3)(bb) Any licensee who does not renew his license within ~~one~~ two years ~~may have his license renewed~~ is no longer eligible for renewal. ~~only upon the recommendation of the Plumbing Examiners which must be based upon a showing by the licensee that he has maintained his plumbing skills since the expiration of his license so that reexamination would not be necessary to demonstrate a present acceptable level of competency. Until such showing is made and the renewal license issued, the licensee shall not work as a master or journeyman plumber.~~ Such person must retake and pass the examination before a new license will be issued.

MHD 139(c)(4) LICENSE RENEWALS: Applications for license renewal shall be submitted to the State Board of Health on forms provided by it no later than December 31 of the year preceding the year for which application is made. The application shall be accompanied by a fee of ~~$8.00~~ $15.00 for a journeyman plumber and $40.00 for a master plumber.

MHD 139(c)(5) FEES FOR LATE RENEWALS. Journeyman and master plumbers who submit their license renewal applications after the time specified in MHD 139(c)(4) but within two years after expiration of the previously issued license shall pay all past due renewal fees plus an additional $8.00.

MHD 139(c)(6) FEE FOR FILING BOND AND INSURANCE. Master plumbers who file a bond and evidence of liability insurance with the Secretary of State, pursuant to Laws, 1978, Chap. 604 § 1, shall pay an additional fee of $25.00.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

STATE OF MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of Proposed Amendments to Rules Relating to Licensing of Plumbers and Proposed New Rules Relating to Water Conditioning Contractors and Installers	* * * * * * * *	FINDINGS AND CONCLUSIONS

The above-entitled matter came on for hearing before me on the 8th of November, 1978 at 3:00 p.m. in Room 105 of the Minnesota Department of Health Building, after proper notice as required by Minn. Stat. § 15.0412 (1976) had been served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

The portion of the proposed rule relating to examination fees for H_2O conditioning installers erroneously omitted the $10.00 fee for examination of installers. The correct version of the rule as proposed should have read as follows:

> "The fee for application for examination or re-examination shall be $10.00 for a water conditioning installer, and $25.00 for a water conditioning contractor."

These are the fees which were imposed in the enabling legislation (Laws of 1969, Ch. 898 § 4). These fees have been in effect since 1970 and it was the agency's intent that these same fees should be incorporated into the proposed rule. The economic justification presented by the agency at the hearing, was based on this dual system and not on the single $25.00 fee contained in the rule as proposed. To the extent that the Hearing Examiner focused on the agency's economic justification to find (H.E. Report, Finding #31) that the fee system was reasonable, that finding is valid. The record is hereby corrected to show that the rule as proposed should read as quoted above.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence

adduced and upon the records, files and proceedings herein, I hereby adopt as my own the Findings of Fact and Conclusions contained in the report submitted by the Hearing Examiner, herein on November 29, 1978 a copy of which is attached hereto and made a part hereof.

STATE OF MINNESOTA

DATED: Jan. 19, 1979

WARREN R. LAWSON, M.D.
Acting Commissioner of Health

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF HEALTH

In the Matter of Proposed Amendments to Rules Relating to Licensing of Plumbers and Proposed New Rules Relating to Water Conditioning Contractors and Installers.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before State Hearing Examiner George A. Beck at 3:00 p.m. on Wednesday, November 8, 1978, in the Board Room of the Minnesota Department of Health Building, 717 Delaware Street, S.E. in the City of Minneapolis, County of Hennepin, State of Minnesota.

This report is a part of a rule hearing procedure pursuant to Minn. Stat. Sec. 15.0411 to Sec. 15.047 and Sec. 15.052, to determine whether the proposed rules should be adopted and given the force of law. A copy of this report may be obtained from the Office of Hearing Examiners for the cost of reproduction.

Members of the agency panel appearing at the hearing included: Pauline Bouchard, Staff Attorney, Division of Environmental Health, Department of Health; Donald P. Stanley, Supervisor, Plumbing Unit, Section of Water Supply and General Engineering, Department of Health; and William G. Miller, Special Assistant Attorney General, representing the Department of Health.

Four public witnesses appeared and spoke at the hearing. The Department of Health submitted 11 written exhibits. Six written comments were received from the public subsequent to the publication of the Notice of Hearing through the end of the five working days period for written comments following the hearing.

Based upon all the testimony, exhibits and written comments, the Hearing Examiner makes the following:

FINDINGS OF FACT

1. On September 19, 1978, the Department of Health filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules;
(b) A proposed Order for Hearing;
(c) A proposed Notice of Hearing; and
(d) A Statement of Number of Persons Expected to Attend and Length of Hearing.

2. On October 9, 1978, a Notice of Hearing and a copy of the proposed rules were published at 3 State Register 699.

3. On October 6, 1978, the Department of Health mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State to receive such Notice and to all members of the

Minnesota Legislature and to a supplementary list of persons and associations kept by the Department of Health.

4. On October 13, 1978, the Department filed the following documents with the Hearing Examiner:

(a) Order for Hearing;
(b) Notice of Hearing as mailed;
(c) Notice of Hearing and proposed rules as published in the State Register;
(d) Affidavit of Receipt of the Secretary of State's List;
(e) Certificate of the Secretary of State;
(f) Affidavit of Mailing;
(g) Statement of Agency Testimony; and
(h) Statement of Need and Reasonableness.

The documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of hearing.

5. The record remained open through November 15, 1978, for the receipt of written comments and statements.

6. The Department cites Minn. Stat. Sec. 326.40 (1976) as statutory authority for revision and amendment of MHD 139. That section provides that the board of health shall prescribe rules not inconsistent with the plumber's licensing statute (Minn. Stat. Sec. 326.40) for the examination and licensing of plumbers. The Minnesota Legislature, by virture of Minn. Laws 1977, Ch. 305, Sec. 39 (improperly cited as Laws 1978, Chapter 305, Sec. 39 in the Statement of Need and Reasonableness), bestowed upon the commissioner of health all the rulemaking authority formerly held by the board of health pursuant to Minn. Stat. Sec. 144.12.

7. The Department cites Minn. Stat. Sec. 326.57 through Sec. 326.66 as authority for the promulgation of proposed rule 7 MCAR Sec. 1.135. Minn. Stat. Sec. 326.60, subd. 3 provides:

> The state board of health shall:
>
> (a) Prescribe rules and regulations, not inconsistent herewith, for the licensing of water conditioning contractors and installers;
>
> (b) License water conditioning contractors and installers;
>
> (c) Prescribe rules and regulations not inconsistent herewith for the examining of water conditioning contractors and installers prior to first granting a license . . .
>
> (d) Collect an examination fee from each examinee . . .

Minn. Stat. Sec. 326.61, subd. 3 provides:

> . . . the state board of health may by regulation prescribe limitations on the nature of, alteration to, extension of, or connection with, the said water distribution system . . .

Minn. Laws 1977, Ch. 305, Sec. 39 grants the commissioner of health all the rulemaking authority formerly held by the board of health pursuant to Minn. Stat. Sec. 144.12.

Minn. Rule MHD 139 - Plumbing

8. The proposed amendments and new subpart of Minn. Rule MHD 139 drew only general comment. D. C. Flatten, representing the Minnesota Association of Plumbing, Heating and Cooling Contractors (MAPHCC), submitted both

written and oral comments. His organization approved of the proposed changes and urged their adoption. Written comments was also received from Ken Nordstrom. He proposed a seven year inactive list for plumbers who do not renew their license. If renewed within seven years, no examination would be necessary if past due fees are remitted. He also proposed fees of $50 for the examination, and license fees of $25 and $50 for journeyman and master plumbers respectively.

9. The proposed change to Minn. Rule MHD 139(c)(3)(bb) will require a licensed journeyman or master plumber who does not renew his license within two years of its expiration, to retake and pass the proper examination before he will be issued a new license. The present rule does not allow renewal if application is not made within one year of expiration, unless the Plumbing Examiners recommend renewal based on their evaluation that the applicant has maintained his plumbing skills. Numerous problems arise when the plumber does not renew his license for several years. There is difficulty of evaluation by the Plumbing Examiners after such a substantial period has elapsed, but the present rules do not clearly allow them to require the applicant to submit to re-examination. In addition, it has been necessary to retain the names of these persons on the Department's active list, unless the Department is notified that the person wishes to be removed from it. This has resulted in the Department's annual processing of unrenewed licensees' names as if they were current licensees. The proposed changes and additions will alleviate these problems and are reasonable and necessary. The proposed amendment to Minn. Rule MHD 139(c)(5) merely brings the language of that subsection into conformance with the substantive changes proposed in Minn. Rule MHD 139(c)(3)(bb) and is necessary and reasonable in the interest of consistency.

10. The proposed change to Minn. Rule MHD 139(c)(4) would raise the renewal fee for a journeyman plumber from $8 to $15. This amendment was originally proposed and approved in the fall of 1977, but an error in publication of the rule as adopted prevented its taking effect. The commissioner of finance approved the increases at that time and again upon reproposal. The Hearing Examiner found support for the increase in the Department's presentation. (Report of Hearing Examiner, HLTH-78-008-SM, dated December 6, 1977) The finding of need and reasonableness contained in that Report is adopted here.

11. The proposed additional subsection, Minn. Rule MHD 139(c)(6), will impose a $25 fee on master plumbers who elect to file a single performance bond and liability insurance certificate with the Secretary of State rather than posting both in every area where they work. The single bond and liability insurance election is authorized by Minn. Laws 1978, Ch. 604, Sec. 1, which places on the department of health the responsibility for administering the filing. The $25 fee will cover start up costs as well as account for time spent for handling and safekeeping of the certificates. Department of Finance approval is contained in Ex. 8. The agency's Statement of Need and Reasonableness adequately supports the proposed rule.

7 MCAR Sec. 1.135 - Water Conditioning Contractors and Installers

12. The following proposed rule subsections drew no oral or written comment and were not amended by the agency. The record adequately supports the need and reasonableness of these sections:

(a) 7 MCAR Sec. 1.135(A);

(b) 7 MCAR Sec. 1.135(B)(3), (4), (5), (6), (7), (8), (9);

(c) 7 MCAR Sec. 1.135(C)(1), (2), (5), (7), (8), (9);

(d) 7 MCAR Sec. 1.135(D)(1);

(e) 7 MCAR Sec. 1.135(E)(2); and

(f) 7 MCAR Sec. 1.135(G).

13. 7 MCAR Sec. 1.135(B)(1) defines "Water conditioning equipment". Mr. Flatten commented that the enabling statute, Minn. Stat. Sec. 326.61, subd. 3, specifically excludes the installation of water heaters from work permitted to be done by water conditioning contractors or installers, but that the proposed definition did not appear to exclude them. Flatten (Ex. E, p. 1-2) recommended additional language expressly excluding water heaters from the definition of "water conditioning equipment". Ms. Bouchard pointed out that the additional language was unnecessary for the rule as the statute will control over the rule. For reasons of clarity, it may be wise to expressly provide for exclusion of water heaters from the definition contained in the rule, but the definition as proposed has been adequately shown to be needed and reasonable.

14. Mr. Flatten commented that the proposed rules lacked a definition of the term "water distribution system" even though that term is used several times. Mr. Flatten suggested that a definition consistent with the enabling legislation's definition of "water conditioning installation" (Minn. Stat. Sec. 326.61, subd. 1) be promulgated. The MAPHCC suggested that a definition of "water distribution system" and "water system" could be easily obtained by adopting the definition of "water supply system" found in 7 MCAR Sec. 1.121. It further suggested that the definition should contain the single family residence restriction contained in the enabling legislation. (Minn. Stat. Sec. 326.61, subd. 1)

15. Ms. Bouchard commented that the suggestion was well taken. In the agency's post-hearing comments, a definition of "water distribution system" was proposed as subsection 7 MCAR Sec. 1.135(B)(10). It adopts the definition of water supply system as defined in the Minnesota Plumbing Code, 7 MCAR Sec. 1.121. The restriction of the term to systems contained in single family residential units was not placed within the definition. The latter restriction is unnecessary because it is dealt with in the enabling legislation, but it would perhaps be wise to include it in the definition for purposes of clarity. Though the definition as proposed is needed and reasonable, the additional restriction should be considered. The addition of the definition does not appear to be a substantial change.

16. 7 MCAR Sec. 1.135(B)(2) defines the term "installation" by listing four activities which will be considered to be "installation". Subsections (c) and (d), which are based on the language of Minn. Stat. Sec. 326.61, subd. 1, drew no comment and are needed and reasonable. Subsection (a)

was the subject of a proposed amendment in the agency's post-hearing comments. (Ex. 11) It was proposed that the term "water system" in that subsection be amended by placing the term "distribution" between the words "water and "system". This would change the term "water system" to "water distribution system", thereby making the term consistent with the proposed additional definition and eliminating the need to define the term "water system" which appeared only in that subsection. As amended, subsection (a) is needed and reasonable.

17. 7 MCAR Sec. 1.135(B)(2)(b) was the subject of several comments. Mr. Flatten and the MAPHCC, William Lichliter, business manager of Plumber's Local 15 of Minneapolis and Vice President of the Minnesota Pipe Trades Association, and Frank Horak, business manager of Plumber's Local 34 and Secretary-Treasurer of the Twin Cities Pipe Trade District Council, all objected to the subsection on the ground that it allows water conditioning contractors and installers to do work that should be done only by licensed plumbers. The subsection provides that "installation" shall include:

> . . . the connection of the line carrying conditioned water to a water distribution system, or raw water to points not needing conditioned water. (Emphasis added)

18. Mr. Flatten and the MAPHCC objected to the underlined language and the provision of 7 MCAR Sec. 1.135(c)(4) which implements it by allowing water conditioning contractors and installers to install a raw water line which bypasses water conditioning equipment as long as the line is connected to an existing outlet. They contended that this constituted plumbing activities by allowing extension of raw water lines within the house. (Ex. E, p. 2) In substance, this view was supported by Mr. Lichliter and Mr. Horak. All of these parties recommended striking the language "or raw water to points not needing conditioned water".

19. Mr. Byron Hiivala, President of the Minnesota Water Conditioning Association, pointed out at the hearing that such limited plumbing to a single pre-existing faucet, so that it will provide unconditioned water, has historically been a service offered to the customer by water conditioning installers and contractors. It has been justified, he said, by the substantial cost savings possible when the work is done in conjunction with installation of water conditioning equipment. He stated further, in post-hearing written comments, that since any work with the raw water lines had to be done in conformance with the Plumbing Code (see proposed 7 MCAR Sec. 1.135(A)), there was no danger posed to the public health. (Ex. F, p. 2) He stressed the simplicity of the bypass contemplated in 7 MCAR Sec. 1.135(c)(4) and pointed out that water conditioning contractors or installers who do not perform the bypass properly will be exposed when the plumbing is inspected.

20. In its post-hearing response, the agency responded to the criticisms of those representing plumbing interests. (Ex. 11) The agency points out that Minn. Stat. Sec. 326.61, subd. 3, provides that the commissione :

> . . . may by regulation prescribe limitations on the nature of alteration to, extension of, or connection with, the said water distribution system initially established by a licensed

plumber which may be performed by a person (water conditioning contractor or installer) licensed hereunder . . . (Ex. 11, p. 2, emphasis in the Exhibit.)

The Department contends that the limited plumbing allowed by the raw water clause of 7 MCAR Sec. 1.135(B)(2)(b) and the bypass provision of 7 MCAR Sec. 1.135(c)(4) is "extension" of a water distribution system initially established by a licensed plumber. The Department believes that such work is permitted by Minn. Stat. Sec. 326.61, subd. 3. The agency position is adequately supported by the record and 7 MCAR Sec. 1.135(B)(2)(b) and 7 MCAR Sec. 1.135(c)(4) are concluded to be needed and reasonable.

21. 7 MCAR Sec. 1.135(C)(3) provides that every water conditioning installation must include a bypass valve so that equipment which must be "serviced or removed" can be worked on without the need to shut off water service completely. Mr. Hiivala commented that the word "removed" should be replaced by the word "exchanged" to more adequately express the intent of the rule. He felt that the section was intended primarily to require that portable exchange tank type water conditioning equipment be capable of being exchanged without interruption of water supply. (Ex. F, p. 2) The Department's post-hearing comments indicate that the word "removed" would cover any situation where portable tanks were exchanged. The word "removed" is used so that it will cover all situations which require removal and not just the situation where the tank is exchanged. (Ex. 11, p. 2) It is concluded that the term "removed" embraces the term "exchanged". It is not possible to exchange tanks without first removing the old tank. The suggested amendment is unnecessary and the section, as proposed, is needed and reasonable.

22. 7 MCAR Sec. 1.135(c)(6) provides that any part of the premises which are damaged by the servicing or installation of any water conditioning equipment must be reconstructed or replaced in a manner complying with the State Building Code. The intent of the provision, as stated in the Statement of Need and Reasonableness (Ex. 1, p. 9) is to assure that water conditioning contractors and installers repair any damage they might cause while servicing or installing water conditioning equipment. Mr. Flatten suggested that this section be redrafted to require a qualified person to perform such work when necessary. This view was reiterated by the MAPHCC (Ex. E, p. 3) which suggested a provision expressly precluding water conditioning contractors and installers from performing work which is outside their trade. The MAPHCC also feels that this section of the rule exceeds the statutory grant of authority given the agency in Minn. Stat. Sec. 326.61, subd. 3. An additional sentence was proposed by Mr. Sullivan for inclusion in 7 MCAR Sec. 1.135(c)(6):

> Nothing contained in this section shall authorize a water conditioning contractor or water conditioning installer to perform work outside the scope of his or her license as provided in Minn. Stat. Sec. 326.60, 326.61 and this rule. (Ex. E, p. 3)

23. The Department made no response to this proposal in its post-hearing comments. Minn. Stat. Sec. 326.61, subd. 3, sets out the Department's authority for promulgation of rules regarding the details of installation and servicing:

> . . . the state board of health may by regulation prescribe limitations on the nature of alteration to, extension of, or connection with, the said water distribution system initially established by a licensed plumber which may be performed by a person licensed hereunder . . .

The proposed rule is within the statutory language as it is a limitation on the nature of the work which may be done. That is, no work which will damage the premises may be performed, unless the water conditioning contractor or installer is responsible for its repair. The statute does not, however, give the Department authority to require the water conditioning contractors or installers to do work which would otherwise be performed by another licensed individual. For example, restoration might require electrical work beyond the expertise of the water conditioning contractor or installer. Although the proposed rule cannot, strictly speaking, be said to be outside the Department's statutory authority, there does exist an ambuiguity as to whether or not a licensee under this rule might be authorized to required to perform work outside the area of expertise covered by his license. Although the rule as proposed is needed and reasonable, the agency should consider the MAPHCC suggestion or other language which would remove the ambiguity. The Department should also consider including a citation to the State Building Code.

24. 7 MCAR Sec. 1.135(D)(2)(a) requires that the bypass valve referred to in subsections 7 MCAR Sec. 1.135(c)(3) and (4) be "full way and the same size as the line in which it is installed". At the hearing, Mr. Hiivala recommended a deletion of the words "full-way and" so that the provision requires only that the valve assembly be the same size as the line on which it is installed. He pointed out that the valves currently in use are not full-way, but perform the identical function of a full-way valve and are much less expensive. Mr. Flatten noted that bypass valves are usually provided by manufacturers of water conditioning equipment. He felt that when this was the case, the valves provided should meet the rule. He recommended retaining the "full-way" language, but providing an exception where the bypass valve was provided by the manufacturer. Ms. Bouchard concurred on the desirability of such an amendment and Mr. Hiivala stated that such an amendment was satisfactory from his point of view.

25. In response to the comments at the hearing, the agency, in its post-hearing comments, proposed the following language for 7 MCAR Sec. 1.135(D)(2)(a):

> The bypass valve assembly shall be the same size as the line in which it is installed and shall be a full-way valve, unless a bypass valve which complies with section c.3. is supplied as an integral part of the water conditioning equipment.

This provision, as amended, will provide the type of valve required in 7 MCAR Sec. 1.135(c)(3) and (4) without unnecessarily increasing expense to the homeowner. As amended, it is needed and reasonable, and does not appear to be a substantial change.

26. 7 MCAR Sec. 1.135(E)(1) deals with licensing examinations for water conditioning contractors and installers. At the hearing, the agency proposed an addition to subsection (a) of this section. (Ex. 9) The additional

language lists the subject matter to be covered in the examination. The agency feels that it is fair to apprise applicants of the subject areas upon which they will be tested. The Department believes that applicants who can pass an examination on the listed subject areas, and who have met the experience requirements of the section, should be sufficiently capable of making safe and satisfactory installations.

27. Mr. Horak questioned whether the provisions of 7 MCAR Sec. 1.135(E) had the teeth necessary to prevent unauthorized work. He suggested that language be inserted to make the rule apply to work done in structures besides one family residential structures. Ms. Bouchard expressed the agency's view that this would exceed the statutory authority granted in Minn. Stat. Sec. 326.61, subd. 1. That section defines "water conditioning installation" to mean:

> . . . the installation of applicances, appurtenances, and fixtures designed to treat water so as to alter, modify, add or remove mineral, chemical or bacterial content, said installation to be made in a water distribution system serving a single family residential unit, which has been initially established by a licensed plumber . . . (Emphasis added)

Minn. Stat. Sec. 326.61, subd. 2 defines "water conditioning servicing" to mean servicing of a water conditioning installation.

28. Minn. Stat. Sec. 326.57 gives the agency authority only to regulate new water conditioning installation and servicing. Reading Minn. Stat. Sec. 326.57, Sec. 326.61, subd. 1 and Sec. 326.61, subd. 2 together, it is clear that extension of the rule beyond single family residential units would exceed the agency's statutory authority.

29. Mr. Horak also commented that 7 MCAR Sec. 1.135(e) did not provide for revocation of licenses of water conditioning contractors and installers who do work beyond what is authorized by the rules. Ms. Bouchard pointed out that Minn. Stat. Sec. 326.63 provides that a license may be revoked for willful violation of the rule. It is concluded that since the statute provides for revocation of licenses in certain situations, it is not necessary for the rule to provide for it.

30. 7 MCAR Sec. 1.135(E), as amended by the agency at the hearing, is needed and reasonable. The addition of examination criteria would not appear to be a substantial change.

31. 7 MCAR Sec. 1.135(F) sets fees for examination and issuance of water conditioning contractors' and installers' licenses. At the hearing, the agency submitted additional data demonstrating the need for the fees to be set at the amounts in the proposed rule. (Ex. 9, p. 2) The record adequately supports the need and reasonableness of the fees as proposed.

32. At seven points in the proposed rules, there is a reference to the Minnesota Plumbing Code, only in 7 MCAR Sec. 1.135(B)(2)(1) is there a citation to the Code. It is recommended that a citation be provid d whenever there is reference to the Minnesota Plumbing Code, or at le st in 7 MCAR Sec. 1.135(A).

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS

1. That the Department of Health gave proper notice of the promulgation of the proposed rules.

2. That the Department of Health has statutory authority to promulgate the proposed rules.

3. That the Department of Health has fulfilled all relevant substantive and procedural requirements of law or rule.

4. That the Department of Health has demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts in the record.

Based upon the foregoing Conclusions, the Hearing Examiner makes the following:

RECOMMENDATION

IT IS RECOMMENDED that the proposed rules be adopted by the Department of Health with consideration given to the Findings of Fact herein.

Dated: November 29, 1978.

GEORGE A. BECK
Hearing Examiner

N O T I C E

Pursuant to Minn. Stat. Sec. 15.0412, subd. 4, this Report shall be available for review to all affected individuals upon request for at least ten days before the agency takes any final action on the rule.

The Department of Health shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record, including its Findings and Order, to the Chief Hearing Examiner no earlier than ten days subsequent to the receipt of this Report. This submission shall clearly indicate any changes made to the rules as originally proposed, preferably in the format that will be submitted to the State Register for publication. The Chief Hearing Examiner shall complete his review and submit his report to the Department on the issues of substantial changes in the rule and compliance with Minn. Stat. Sec. 15.0412, within ten calendar days. Thereafter, the Department shall be responsible for filing the rules with the Attorney General and notifying persons who have indicated that they wish to be notified of such filing.

M E M O R A N D U M

It should be pointed out that a finding of reasonableness by the Hearing Examiner does not and should not preclude or discourage the agency from modifying the language of a rule subsection based upon a further examination of the record, provided that no substantial change is made and providing that the final rule is based upon facts appearing in the record.

GAB

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of Proposed Amendments to Rules Relating to Licensing of Plumbers and Proposed New Rules Relating to Water Conditioning Contractors and Installers

STATEMENT OF NEED AND REASONABLENESS

AMENDING MHD 139. LICENSING OF PLUMBERS

The commissioner of health proposes to amend Minn. Rule MHD 139(c)(3)(bb) by specifying that a plumber who has allowed his license to lapse for 2 years or more is no longer entitled to renew it. The amendment which was recommended by the Plumber's Advisory Council (M.S. § 326.41(1976) requires such a plumber to reapply for examination and a new license, as if he had never been licensed as a plumber.

Under the existing rule plumbers sometimes did not renew their licenses for several years and then applied for a renewal. When a considerable number of years had elapsed, the Plumber's Advisory Council found it difficult to evaluate whether the applicant's knowledge about the industry and code changes were current, yet the Council did not feel justified in requiring that the applicant retake the written examination because the renewal provisions were unclear in this respect. Another problem which arose because of the unspecified renewal interval had to do with storage of records and updating of current files. Unless the Minnesota Department of Health was notified that the licensee no longer desired to be licensed, the program administrators felt they could not delete a licensee's name from the active list. In the meantime, the Minnesota Department of Health processed an unrenewed licensee's name every year as if he were a current licensee. This activity resulted in considerable administrative expense to the agency during a time when it was not collecting fees from unrenewed licensees. Because this policy had been followed

for many years, the program administrators felt that they could not arbitrarily change the policy without a specific rule change.

The proposed revision will eliminate all of the aforementioned problems. By specifying a two-year interval for renewal, the agency is serving notice that it will no longer keep on the current list for an unspecified time the names of persons who are not renewing their license. Plumbing industry and code practices are not likely to have changed enough within a two-year period to require that such an applicant be re-examined. Imposing this time interval also eliminates, to the benefit of the applicant, any unpredictability as to the type of actions the Advisory Council might take at the time of renewal. Collecting past due fees can be justified by the fact that such licensees' names are retained on the current list in order to be reminded of renewals and to be notified of proposed code changes. The retention of these names on the current list results in expense to the agency which can only be reimbursed by requiring payment of past due fees. The proposed revision is patterned after the procedure used by the State Board of Electricity to administer a similar program for licensing electricians.

These changes are necessary in order to allow for efficient maintenance of the licensing program. In addition they are necessary if the commissioner of health is to be able to continue to assure the citizens of the State that plumbers who are allowed to renew their licenses are indeed qualified to hold themselves out as plumbers whose work is done in compliance with appropriate public health codes. The revisions are therefore necessary and reasonable.

A new subpart is proposed to be added to MHD 139(c). Proposed MHD 139(c)(6) imposes a fee of $25.00 for master plumbers who wish to avail themselves of the benefit of new legislation which permits them to file a single performance bond and liability insurance certificate with the secretary of state.

Laws 1978 Chap. 604 § 1. The law provides that the filing process be administered by the department of health and that a fee can be charged for this service. The fee of $25.00 was selected based on the amount of time which is likely to be involved in the handling and safekeeping of these certificates by the staff of both the health department and of the secretary of state's office, and the need to return a certificate to the applicant. The fee is also intended to cover start up costs, and to eliminate the impact of high cost-per-unit charges if the number of persons who post such bonds is small. The proposed fee has the support of the Plumbing Contractors Association which suggested a fee between $15 and $40. The fee proposed here is also reasonable when compared to the cost of filing a separate bond with each municipality in which a plumber might work.

Section MHD 139(c)(4) was amended in the fall of 1977. At that time the agency made its presentation justifying increases in both initial license fees (MHD 139(c)(2)) and renewal fees (MHD 139(c)(4)). The commissioner of finance approved the increases and the hearing examiner found in support of the agency's position (Report of Hearing Examiner, HLTH-78-008-SM, dated 6 December, 1977) for both types of increases. However the state register notice of the proposed revision (2 S.R. 674, 26 September, 1977) did not cite the full text of the proposed revision. The notice which appeared at 2 S.R. 674 to read as follows:

MHD 139 Plumber Licenses.

(c) "any applicant who receives a passing grade on the examination may submit an application for license on forms provided by the State Board of Health. The application shall be accompanied by a fee of ((~~$8.00~~)) $15.00 for a journeyman plumber's license or $40.00 for a master plumber's license." The notice should have read as it is presented in the current revision. The correctly revised language is being published at this time to complete the record of the 1977 changes. A copy of the agency's justification and of the relevant portion of the Hearing Examiner's Report,

both dealing with the need to increase renewal fees is attached hereto as Appendix A.

The authority of the commissioner of health to make these proposed revisions and amendments is based on Minn. Stat. § 326.40 (1976) which provides that the commissioner* of health shall prescribe rules not inconsistent with the law, for the examination and licensing of plumbers. Since the above proposed rule revisions and amendments are consistent with the plumber's licensing law, the commissioner is authorized to propose them for adoption.

*Laws 1978, Chap. 305 § 39 gives to the commissioner of health all the rulemaking authority formerly held by the board of health pursuant to Minn. Stat. §144.12(1976).

PROPOSED 7 MCAR 1.135.

WATER CONDITIONING CONTRACTORS AND INSTALLERS

The commissioner proposes to adopt a new rule regarding procedures for installation of water conditioning equipment and the licensing of water conditioning contractors and installers. Statutary authority to promulgate such a rule is contained in Minn. Stat. §§ 326.57 to 326.66(1976). Minn. Stat. § 326.57(1976) requires that the commissioner of health prescribe minimum standards for all new water conditioning servicing and installations. Minn. Stat. § 326.60 Subd. 3 (1976) requires that the commissioner prescribe rules for the licensing of water conditioning contractors and installers. The rules discussed below are proposed pursuant to this statutory authority.

Minn Stat. § 326.66 provides for the appointment of an advisory council to assist in the establishment of rules and standards for water conditioning installation and servicing. Such a group was appointed by the commissioner and met to discuss a draft of this rule. The changes which they suggested were incorporated into the draft. The version proposed here has the unanimous approval of the council.

7 MCAR 1.135 A. describes the scope of the rule and merely restates that which is prescribed in the enabling legislation.

7 MCAR 1.135 B. lists nine definitions for terms which are used throughout the rule. The terms are defined so as to make clear to the reader which meaning is intended to apply and to exclude the use of other possible meanings of a particular term.

7 MCAR 1.135 B.1 the definition of "water conditioning equipment" is excerpted from the statutory definition of water conditioning installation contained in Minn. State § 326.61 Subd. 1 (1976)

7 MCAR 1.135 B.2 expands specifically the statutory definition of the term contained in Minn. Stat. § 326.61 Subd. 1 (1976) to include the physical connection, by means of piping and joints which must be made by the installer in attaching water conditioning equipment to a water distribution system, in arranging for proper and safe delivery of wastes and overflow, and in providing an air gap which would prevent the back siphonage of waste and sewer water back into the water distribution system.

7 MCAR 1.135 B.5 specifies that the term "servicing" as it is used in the statute (Minn. Stat. § 326.57 (1976)), includes repairs which are made to water conditioning equipment.

7 MCAR 1.135 B.6 and 7 define the terms in a manner very similar to that provided in the statute, (Minn. Stat. § 326.60 Subd. 2 (1976)).

7 MCAR 1.135 B.8 defines "receptor" as a special device for receiving and conveying wastes. The requirement that the receptor be trapped and vented is imposed to assure that poisonous gases produced by wastes flowing through the receptor cannot reenter and be concentrated in an area inhabited by humans. The presence of high concentrations of sewer gas poses a serious health hazard which must be eliminated wherever it may occur.

7 MCAR 1.135 B.9 defines "raw water" in order to be able to distinguish such water from water which has passed through a conditioner. The term "raw" is a term of art which is widely used in the industry.

7 MCAR 1.135 C.1 describes the procedure by which such an installation may be made. This portion of the rule describes the only two types of fixtures (apparatus) to which water conditioning equipment may be connected, pursuant to authority to limit the nature of any alteration to, extension of, or connection of a water distribution system initially established by a licensed plumber. Minn. Stat. § 326.61 Subd. 3 (1976). The limitations imposed here help assure that a person who has not been examined and licensed as a plumber will not be doing any major plumbing but will be doing only the minimum amount of work which is absolutely necessary for the proper connection and operation of the equipment. This provision is proposed pursuant to authority contained in Minn. Stat. § 326.61 Subd. 3 (1976).

7 MCAR 1.135 C.2 requires compliance with the Minnesota Plumbing Code* regarding the material used for piping to connect the equipment to the water distribution system. The reason for this requirement is that since the equipment is directly connected to the plumbing system and since much of the system's water is likely to pass through the equipment, the factors which justified imposition of certain standards in the plumbing code are equally applicable in this instance.

Compliance with the Minnesota Plumbing Code is required in several provisions of this proposed rule. This is necessitated by the fact that much of what a

*Minnesota Plumbing Code refers to rules MHD 120-135(1976)

water conditioning contractor or installer does is plumbing, e.g., connecting equipment and valves to an existing plumbing system by means of pipes and joints, soldering, pipe sizing and fitting and water pressure testing. The plumbing code provisions logically apply to any procedure which affects a water supply whether it is called plumbing or water conditioning installation.

7MCAR 1.135 C.3 requires the installation of a valve which would allow the equipment to be shut off and removed from the distribution system whenever any work must be done to the equipment.

7MCAR 1.135 C.4 provides the one exception by which a contractor or installer may do what would otherwise have to be done by a plumber. Homeowners frequently request that a raw water line be provided when equipment is installed. It would create some inconvenience to all concerned to require that a plumber be called in to install a single connecting line which the installer is capable of installing. Further, in the past, there have been no complaints from homeowners or plumbing inspectors regarding this practice. For these reasons the rule permits the installer to do limited plumbing by allowing the installation of the line to an existing service outlet, such as a faucet.

7MCAR 1.135 C.5 prohibits the connection of lines leading from the equipment directly to a soil or waste pipe pursuant to Minn. Stat. § 326.61 subd. 1 (1976). This prohibition is necessary in order to prevent any backup of sewage through the equipment and into the potable system where it could render the water unfit for human consumption. Requiring that a minimum air gap

exist between the drain and receptor assures that there is no direct connection. Requiring that the gap be no less than 1.5 inches assures that even if a vacuum were to develop in the equipment lines, it would be almost impossible for the vacuum to drain waste from the receptor up and across a 1.5 inch air gap. The requirement that the drain line be above the flood level rim of any receptor applies primarily to sloped floor drains in basements. This requirement is imposed for the same reason as that stated above. Where it is used, flexible drain line must be secured so that the delivery end of the line does indeed remain at a fixed distance above the receptor.

7 MCAR 1.135 C.6 is stated in the rule so that there is no doubt about the extent of the responsibility of the contractor or installer. This matter addresses a situation which has resulted in a number of complaints. Because water conditioning equipment can only be installed in an existing structure, the connection often requires that the contractor or installer do work which will affect the structure. If such work is necessary, this rule provision helps assure that the contractor or installer willleave the structure in a condition similar to that in which it was before the installation was made.

7 MCAR 1.135 C.7 requires that the equipment be placed in an acceptable location which does not unduly restrict access to or use of surrounding or nearby equipment.

7 MCAR 1.135 C.8 requires that all equipment whether new, used, or of the portable exchange type, be disinfected before being put into use in order to avoid any possible cross-contamination from one installation to

another and in order to assure to the recipient of any unit that it is indeed safe for domestic use. The prescribed disinfection procedure allows the owner or manufacturer of the unit to use any of a variety of combinations of disinfectant concentrations and times, to suit their needs. The time interval and concentration are calculated to assure effective disinfection.

7 MCAR 1.135 C.9 describes a procedure by which a contractor or installer can legally cope with a situation which might otherwise result in an illegal installation. Requiring that a plumbing inspector's approval be obtained helps to assure that one who is knowledgeable about plumbing practices will decide whether or not a particular installation can or should be made. The requirement that the variance may be granted only if there is no risk to health assures the purchaser of the equipment that the installation is safe and specifies the criterion which the inspector must use in deciding whether or not the installation can be made. This practice is employed with regard to enforcement of the Plumbing Code and has proven very workable in that program.

7 MCAR 1.135 D. requires that the contractor or installer must conform to the Minnesota Plumbing Code wherever it applies. The rationale used to justify applicability of the Plumbing Code in 7 MCAR 1.135 B.8 also applies here. Subpart 2 merely restates those provisions of the Plumbing Code which are most relevant in assuring that an installation will be made in a safe and satisfactory manner.

7 MCAR 1.135 E. contains the provisions for examining and

licensing contractors and installers pursuant to Minn. Stat. § 326.60 Subd. 3 (1976). The requirement that an applicant take and pass a written examination and have a minimum amount of experience serves to demonstrate that the applicant possesses the minimum skills necessary to be able to do satisfactorily, the work which the license permits him or her to undertake. The longer experience requirement for contractors reflects the greater difficulty of the work involved. It is our opinion and that of the Advisory Council that it takes considerably longer for a person to learn how to contract for, plan, and supervise installations, than it does merely to install equipment. In order to be able to assure to the public that those who hold state-issued licenses are indeed competent to do the job, and as a result of meetings held with representatives of the water conditioning industry and plumbing inspectors who have had the opportunity to inspect such installations, it is our opinion that the experience intervals imposed here are reasonable. Other provisions within Part E merely state the mechanics of the process for applying for and obtaining a license.

7 MCAR 1.135 F. states the pertinent fees. The fees are those which were imposed in the 1969 law, Chap. 898, § 4. The total of such fees being collected is sufficient to cover the administration of the program.

7 MCAR 1.135 G. specifies that a license shall expire on the last day of the calendar year. This coincides with the renewal date for other licensing programs which are presently administered by the Division of Environmental Health. The date is also convenient for

licensees whose businesses operate on a calendar year. The restriction relating to licensees who do not renew for two years is imposed because similar licensing programs have found it difficult to deal with licensees who had not renewed for several years. The difficulty arises in attempting to determine whether and when a former licensee should be re-examined. The proposed rule language limiting this non-renewal period to two years would eliminate this difficulty and would create more certainty for licensees.

The need for adopting this rule is based on the fact that Minnesota law requires that persons who contract for installation of water conditioning equipment be licensed. The procedure for licensing persons is in effect an agency statement of general applicability. The procedure thus falls within the Administrative Procedures Act definition of a rule and therefore must be adopted as a rule if it is to be carried out. The rule which is proposed addresses all the factors which enter into the task of making a safe installation, while imposing minimum burdens on the population to be regulated. The rule is therefore reasonable.

Oct. 10, 1978

". . . (f) Services for a constituent by a member of the legislature or a constitutional officer in the executive branch, performed from the beginning of the term of office to adjournment sine die of the legislature in the election year for the office held; . . ."

QUESTIONS

In light of the above, could the Board respond to the following questions:

1. What criteria, if any, are used to determine whether an expense is made for the purpose of influencing an election (i.e., a campaign expenditure) or for any other purpose (i.e., a non-campaign disbursement)? Is the determination based upon the item's content (e.g., is it informative or political) to whom it is sent, i.e., to a constituent or the media); its time of release or use (e.g., before or after adjournment); or who pays for it (e.g., the candidate or his campaign committee)?

2. Are news releases, press statements, speeches, radio beepers, photographs, editorial columns and letters to the editor which do not mention the member's voting record, legislative programs, "campaign pledges," etc., which are sent by a legislator to the media after adjournment considered to be a campaign expenditure and subject to the reporting requirements? What, if any, of these items are sent to constituents?

3. Are other informative materials (i.e., materials which do not mention the member's voting record, etc.) such as a bill, map, legislative manual, news clipping, data from a state department or agency, state department or agency rules and regulations, a film (e.g., "Legislatures Today") or a pamphlet (e.g., "How a Bill Becomes a Law") which are sent by a legislator to a constituent after adjournment considered a campaign expenditure and subject to the reporting requirements?

4. Are informative letters (i.e., ones which make no reference to the member's voting record, etc.) which are sent to a constituent after adjournment considered a campaign expenditure? What if they are sent in response to a constituent's letter or request? What if that constituent's letter or request is received after adjournment?

5. If any of the items mentioned in questions 2, 3 and 4 are considered a campaign expenditure, must the legislator include the cost of stationery and/or stamps provided as part of his allotment by the legislature? Must he also include the cost of having such material typed by a secretary who is employed by the legislature?

6. Under any of the above circumstances, does it matter if the legislator is not seeking reelection? What if he is seeking election to another office?

7. What if any of the items mentioned above are sent to residents of a district other than the legislator's?

May we have your opinion on the above questions at your earliest convenience?

Sincerely,

Raymond J. Albrecht
State Representative

Department of Health Environmental Health Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Revision of Rules and Adoption of New Rules Relating to Various Subjects

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.0412, Subd. 6 (1976) that the Commissioner of Health will propose the amendment and revision of existing rules and the adoption of new rules.

All interested parties desiring to submit data or views relating to the proposed adoption, amendment or revision of the rules noted below should address their comments (either written or oral) to Ms. Pauline Bouchard, Minnesota Department of Health, Division of Environmental Health, 717 Delaware S.E., Minneapolis, Minnesota 55440 or by calling 612/296-5525. Evidence submitted for consideration should be pertinent to the matter at hand. Any material received by the Department of Health will become part of the hearing record.

Amendments and revisions to rules relating to the following subjects are proposed:

1. licensing of plumbers;
2. public water supplies;
3. construction and abandonment of water wells;
4. license fees for hotels, restaurants and resorts;
5. children's camps; and
6. swimming pools.

New rules are proposed relating to the following subjects:

1. a sanitation code for food service facilities; and

2. installation of water conditioning equipment and licensing of water conditioning contractors and installers.

Any materials submitted shall be reviewed and considered by the Department of Health during the preparation of the proposed rules. Notice of the public hearing on the proposed rules shall be published in the *State Register* and given to all interested parties who have registered with the Secretary of State's Office in accordance with the provisions of the Administrative Procedures Act.

Pollution Control Agency Air Quality Division

Order for Hearing and Notice of Hearing on Application of Ford Motor Company for a Variance from Minn. Reg. APC 9 for the Operation of Certain Painting Facilities at Its Twin Cities Assembly Plant

It is hereby ordered and notice is hereby given that a hearing concerning the above-entitled matter will be held on May 31, 1978, at Highland Branch Library, 1974 Ford Parkway, St. Paul, Minnesota 55116, beginning at 9:30 a.m. and continuing until all persons can be heard.

The hearing will be held before William Seltzer, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 296-8105, a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minn. Reg. HE 201 through HE 222. Questions concerning discovery or other matters concerning this proceeding may be directed to Special Assistant Attorney General Jocelyn Furtwangler Olson, (296-7343), or Thomas Townsend, Division of Air Quality (296-7271), Minnesota Pollution Control Agency, 1935 W. County Road B2, Roseville, Minnesota 55113.

The purpose of this hearing will be to consider testimony and evidence bearing upon the application of Ford Motor Company for a variance of Minn. Reg. APC 9, "Control of Odors in the Ambient Air," for the operation of the following painting facilities located at its Twin Cities Assembly Plant, 966 South Mississippi River Boulevard, St. Paul, Minnesota:

(1) Hood and fender prime oven

(2) Hood and fender enamel oven

(3) Body prime oven

(4) Body enamel spray booth

(5) Body enamel oven

(6) Body tutone enamel oven

(7) Oil house building

Ford Motor Company seeks a variance from the requirements of Minn. Reg. APC 9 until November 1, 1979.

The Minnesota Pollution Control Agency is authorized to hold such hearing and grant such a variance by Minn. Stat. § 116.07 subd. 5 (1976) and pursuant to its regulation, Minn. Reg. MPCA 6.

Any person who desires to become a party to this case must submit a timely petition to intervene to the Hearing Examiner, pursuant to Minn. Reg. HE 210, showing how that person's legal rights, duties, and privileges may be affected by the decision in this case. The petition must also set forth the grounds and purpose for which intervention is sought. A party to a case has the right to present evidence and argument with respect to the issues and to cross-examine witnesses. Interested persons may present oral or written statements at the hearing without becoming parties.

Any person desiring to intervene as a party must submit to the Hearing Examiner and serve upon all existing parties a Petition to Intervene by May 25, 1978. At the present time the representatives of parties to this proceeding who should be served with such Petition to Intervene are:

Mr. George Kircos
Ms. Marcia J. Swinehart
Attorneys for Ford Motor Company
Office of General Counsel
Ford Motor Company
The American Road
Dearborn, Michigan 48121
(313) 322-2958
(313) 323-3794

Ms. Jocelyn F. Olson
Attorney for MPCA Staff
Minnesota Pollution Control Agency
1935 W. County Road B2
Roseville, Minnesota 55113
(612) 296-7343

A Notice of Appearance form, enclosed with this order, is to

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL - Health

Office Memorandum

TO : Lee Sheehy
Special Assistant
Attorney General
G-25 Administration Building

DATE: Jan. 25, 1979

FROM : William G. Miller
Special Assistant
Attorney General

PHONE:

SUBJECT: In the Matter of Proposed Amendments to Rules Relating to Licensing of Plumbers and Proposed New Rules Relating to Water Conditioning Contractors and Installers

I have enclosed for your review, pursuant to Minn. Stat. § 15.0412, subd. 4 (1978), the record, the Commissioner's findings and the Order adopting the above-referenced rules. Included in each document package is a copy of the rules as proposed and the rules as adopted. You will note that the changes made to the rules, as reflected in the Commissioner's findings, closely parallel the comments in the report of the hearing examiner.

WGM:cs

Enclosures

STATE OF MINNESOTA

COUNTY OF HENNEPIN

STATE OF MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of Proposed Amendments to Rules Relating to Licensing of Plumbers and Proposed New Rules Relating to Water Conditioning Contractors and Installers	* * * * * * * *	ORDER ADOPTING AND AMENDING RULES

The above-entitled matter came on for hearing before me on the 8th day of November, 1978 at 3:00 p.m. in Room 105 of the Minnesota Department of Health Building, after proper notice as required by Minn. Stat. § 15.0412 (1978) had been served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards and criteria, and having confirmed the need for the above-captioned rules.

NOW, THEREFORE, IT IS ORDERED that 7MCAR § 1.135, and 7MCAR § 1.139 as amended, copies of which are attached to this order and made a part hereof, are adopted, this 19th day of January, 1979, pursuant to authority vested in me by Minn. Stat. § 326.40, § 326.57 and § 326.60 (1978) as amended by Minn. Laws, 1977, Ch. 305 § 39.

STATE OF MINNESOTA

WARREN R. LAWSON, M.D.
Acting Commissioner of Health

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
COMMISSIONER OF HEALTH

In the Matter of Proposed Amendments to Rules Relating to Licensing of Plumbers, and Proposed New Rules Relating to Water Conditioning Contractors and Installers

ORDER FOR HEARING

In order to effectively implement certain statutory provisions, the commissioner of health deems it necessary to consider adoption of the proposed amendments to the rules captioned above, pursuant to authority provided in the statutes enumerated below:

Minn. Stat.	MHD Rule #	Subject Matter
§326.42(1976) and Laws 1978, Chap. 604 §1	139(c)	licensing of plumbers
§§326.57-326.66(1976)	proposed new rule 7MCAR 1.135	water conditioning contractors and installers

NOW, THEREFORE, IT IS ORDERED this 2nd day of October, 1978, that a public hearing on the proposed rules captioned above be held in the Board Room, Minnesota Department of Health Building, 717 Delaware Street S.E., Minneapolis, Minnesota, on Wednesday, November 8, 1978, commencing at 3:00 p.m., and continuing until all persons or representatives of associations or other interested groups have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be published in the State Register and be given to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose and to all persons who are presently members of the Minnesota Legislature.

STATE OF MINNESOTA



WARREN R. LAWSON, M.D.
Commissioner of Health

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
COMMISSIONER OF HEALTH

In the Matter of Proposed Amendments to Rules Relating to Licensing of Plumbers and Proposed New Rules Relating to Water Conditioning Contractors and Installers

NOTICE OF HEARING

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. §15.0412 subd. 4 (1976), in the Board Room, Minnesota Department of Health Building, 717 Delaware Street S.E., Minneapolis, Minnesota, on November 8, 1978 commencing at 3:00 p.m.

All interested or affected persons will have an opportunity to participate concerning the adoption of the proposed new rule and amendments to existing rules captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to George Beck, Hearing Examiner, at Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone 612/296-8108, either before the hearing or within five (5) working days after the close of the hearing. The hearing examiner may keep the record open for a longer period not to exceed 20 calendar days. All such statements will be entered into and become part of the record. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies be furnished. In addition, it is suggested, to save time and avoid duplication, that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests. The conduct of the hearing shall be governed by the rules of the Office of Hearing Examiners.

If adopted, the proposed rules and amendments would result in the changes shown below. Statutory authority of the commissioner*of health to promulgate rules and revisions is shown

*Laws 1977, Chapter 305 §39, transfers to the commissioner of health all of the rulemaking authority formerly held by the board of health

in parentheses.

MHD 139. limit to two years the time within which an expired plumber's license may be renewed without examination and require payment of back fees. (Minn. Stat. §326.42(1976)) and set a fee of $25.00 for master plumbers who wish to post a single performance bond with the state. (Laws 1978, Chap. 604 §1).

A new rule is proposed, 7MCAR1.135, regarding the licensing of water conditioning contractors and installers, imposing certain installation procedures and requiring compliance with the Minnesota Plumbing Code. (Minn. Stat. §§326.57-326.66(1976)).

Copies of the proposed rules and amendments are now available and at least one free copy may be obtained by writing to the Minnesota Department of Health, Division of Environmental Health, 717 Delaware Street S.E., Minneapolis, Minnesota 55440. Additional copies will be available at the door on the date of the hearing.

Notice is hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the Minnesota Department of Health and at the Office of Hearing Examiners. This statement of need and reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be obtained from the Office of Hearing Examiner at a minimal charge.

Any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner, in the

case of the hearing examiner's report, or to the agency, in the case of the agency's submission or resubmission to the Attorney General.

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. A lobbyist is defined in Minn. Laws 1978, ch. 463, §11 as any individual:

> (a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or
>
> (b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone (612)296-5615.

STATE OF MINNESOTA

Date: 9/21/78

WARREN R. LAWSON, M.D.
Commissioner of Health

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed
Amendments to Rules Relating to
Licensing of Plumbers and
Proposed New Rules Relating to
Water Conditioning Contractors
and Installers

CERTIFICATE

I hereby certify that the 581 general labels and 9 page list for the Minnesota State Department of Health, all of which are attached and made a part hereof, constitute the complete lists of persons, associations, and other interested groups who as of 8:50 o'clock A.m., this 4th day of October, 1978, have requested pursuant to Minn. Stat. § 15.0412 subd. 4 (1976), that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules and amendments thereto on the subject captioned above.

SECRETARY OF STATE

JOAN ANDERSON GROWE

By Joan Anderson Growe
Deputy

STATE OF MINNESOTA

COUNTY OF HENNEPIN

In the Matter of Proposed
Amendments to Rules Relating to
Licensing of Plumbers and
Proposed New Rules Relating to
Water Conditioning Contractors
and Installers

AFFIDAVIT OF MAILING

I, Norma Watson, being first duly sworn deposes and says:

That on the 6th day of October, 1978, at the City of Minneapolis, County of Hennepin, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of Minneapolis, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the Certificate of the Secretary of State attached and made a part hereof as Exhibit A, to all persons and associations at the addresses listed on Exhibit B, attached and made a part hereof, as well as to all members of the Minnesota Legislature as of the date of mailing.

Norma L. Watson

NORMA L. WATSON

Subscribed and sworn to before me
this 10th day of October, 1978.

David R. King

FREDERICK L. KING
WASHINGTON COUNTY
NOTARY PUBLIC-MINNESOTA
MY COMMISSION EXPIRES FEB. 22, 1984

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General William G. Miller, do hereby declare that I have examined the Proposed Amendments to Rules Relating to Licensing of Plumbers and Proposed New Rules Relating to Water Conditioning Contractors and Installers and all related documents and that, based on such examinations and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed.

Dated: January 25, 1979

WILLIAM G. MILLER
Special Assistant
Attorney General

STATE OF MINNESOTA

COUNTY OF HENNEPIN

In the Matter of Proposed Amendments to Rules Relating to Licensing of Plumbers and Proposed New Rules Relating to Water Conditioning Contractors and Installers

AFFIDAVIT OF RECEIPT OF THE SECRETARY OF STATE'S LIST

Carol H. Egan. being duly sworn upon oath deposes and says:

1. That she is an employee of the Minnesota Department of Health.

2. That on the 4th day of October, 1978, she called the Minnesota Secretary of State's office and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules or amendments thereto pursuant to Minn. Stat. § 15.0412 subd. 4 (1976).

3. That on the 4th day of October, 1978, in response to the above request, the Secretary of State provided her with such a list, a photocopy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Carol H. Egan

Subscribed and sworn to before me
this 5 day of October, 1978.

Louise K. Kanuk

LOUISE K. KANUK
NOTARY PUBLIC-MINNESOTA
My Commission Expires Feb. 21, 1984