

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1391
DATE RECEIVED 8/12/87
REVIEW DATE 8/21/87
DUE DATE 8/26/87

APPROVED 8/26/87
DISAPPROVED
WITHDRAWN

Docket No. 05.0009.1210
ADOPTED W/O HEARING X
EMERGENCY RULE

REVISOR APPROVED X
REVISOR DISAPPROVED
FIELD W/SEC.STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)
✓ Notice to Solicit Outside Information/Opinion
10/20/86 Date published in State Register
Comments
~~Petition for Adoption of a Rule~~
~~Board's Authorizing Resolution~~
✓ Proposed rule
yes Revisor's Certificate
✓ Notice of Intent to Adopt Rule
326.40, 326.401, 326.60 Statutory Authority
yes Small Business Statement
yes Expenditure of public money statement
yes Signature
✓ Statement of Need and Reasonableness
no Small Business Statement
no Fees - § 16A.128
✓ Affidavit of Mailing Notice of Intent to Adopt Rule
5/8/87 Date 30/25 days before adoption
✓ Publication in State Register
5/11/87 Date 30/25 days before adoption
~~Resolution Adopting~~
✓ Findings of Fact, Conclusions & Order Adopting
8/16/87 Date
✓ Written requests, submissions or comments
✓ Declaration of attorney
Paul Zerby Name of SAAG representing agency
~~Notice of Submission to Attorney General~~
Dept of Finance approval
✓ ~~Affidavit of Mailing Notice to Attorney General~~
✓ Certificate

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : September 4, 1987

TO : PAUL G. ZERBY
Special Assistant
Attorney General

FROM : MIKE MILES
Assistant Attorney General

PHONE : 6-6555

SUBJECT : In the Matter of the Adopted Rules Relating to Plumber's License and Registration Fees

The above-referenced rule has been approved as to its legality by the Attorney General on August 26, 1987.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

JMM:nah

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Adminsitrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

Department of Health

Adopted Permanent Rules Relating to Plumber's License and Registration Fees

Rules as Adopted

4715.3150 FEES.

Subpart 1. [Unchanged.]

Subp. 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 commissioner of health. The application shall be accompanied by a fee of $45 for a journeyman plumber's license or $80 for a master plumber's license, except that an application for initial licensure that is submitted during the last three months of a licensing year shall be accompanied by a fee of $22.50 for a journeyman plumber's license or $40 for a master plumber's license.

4715.3170 REGISTRATION OF PLUMBER'S APPRENTICE.

Effective July 1, 1987, no person shall work as a plumber's apprentice until that person has submitted an application and fee for registration to the commissioner of health. Registration must be renewed annually and shall be for the period from July 1 of each year to June 30 of the following year. Applications for initial and renewal registration shall be submitted to the commissioner of health before July 1 of each registration period on forms provided by the commissioner, and shall be accompanied by a fee of $15. A plumber's apprentice who submits a registration application after July 1 in any year shall pay the past due renewal fee plus an additional $8 late fee.

4715.5900 FEES.

Subpart 1. [Unchanged.]

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

conditioning installer, $30; water conditioning contractor, $50, except that an application for initial licensure that is submitted during the last three months of the calendar year shall be accompanied by a fee of $15 for a water conditioning installer or $25 for a water conditioning contractor.

Subp. 3. [Unchanged.]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP – 4 1987
Joan Anderson Growe
Secretary of State
11:45 AM JH

APPROVED AS TO FORM AND LEGALITY
8/26 1987
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY _____
ASSISTANT ATTORNEY GENERAL

Sec. 40 [621.21] [ACTIVATION OF MARKET ASSISTANCE PLAN AND JOINT UNDERWRITING ASSOCIATION.]

At any time the commissioner of commerce deems it necessary to provide assistance with respect to the placement of general liability insurance coverage on Minnesota risks for a class of business, the commissioner shall by notice in the *State Register* activate the market assistance plan and the joint underwriting association. The plan and association are activated for a period of 180 days from publication of the notice. At the same time the notice is published, the commissioner shall prepare a written petition requesting that a hearing be held to determine whether activation of the market assistance plan and the joint underwriting association is necessary beyond the 180-day period. The hearing must be held in accordance with section 41. The commissioner by order shall deactivate a market assistance program and the joint underwriting association at any time the commissioner finds that the market assistance progam and the joint underwriting association are not necessary.

Sec. 41. [621.22] [HEARING.]

Subdivision 1. [ADMINISTRATIVE LAW JUDGE.] The commissioner shall forward a copy of the petition to activate the market assistance plan and the joint underwriting association with respect to a class of business to the chief administrative law judge. The chief administrative law judge shall, within three business days of receipt of the copy of the petition, set a hearing date, assign an administrative law judge to hear the matter, and notify the commissioner of the hearing date and administrative law judge assigned to hear the matter. The hearing date must be no less than 60 days nor more that 90 days from the date of receipt of the petition by the chief administrative law judge.

Subd. 2. [HEARING.] The commissioner of commerce shall publish notice of the hearing in the *State Register* at least 30 days before the hearing date. The notice should be that used for rulemaking under chapter 14. Approval by the administrative law judge of the notice prior to publication is not required.

Subd. 3. [CONTESTED CASE; REPORT.] The hearing and all matters after the hearing are a contested case under chapter 14. Within 45 days from the commencement of the hearing and within 15 days of the completion of the hearing the administrative law judge shall submit a report to the commissioner of commerce. The parties, or the administrative law judge, if the parties cannot agree, shall adjust all time requirements under the contested case procedure to conform with the 45-day requirement.

Subd. 4. [DECISION.] The commissioner shall make a decision within ten days of the receipt of the administrative law judge's report.

Subd. 5. [WAIVER OR MODIFICATION.] If all parties to the proceeding agree, any of the requirements of this section may be waived or modified.

Minnesota Department of Health

Outside Opinion Sought on Proposed Rules Governing Registration of Plumber's Apprentices and Prescribing Reduced Fees for Plumbers Who Apply for Licensure in the Last Three Months of a Licensing Year

Notice is hereby given that the Department is seeking information or opinions from sources outside the Department in preparing to adopt rules governing the registration of plumber's apprentices and prescribing reduced fees for plumbers who apply for licensure in the last three months of a licensing year pursuant to Minnesota Statutes, section 14.10.

The adoption of the rules is authorized by Minnesota Statutes, section 326.401 which permits the Department to adopt and establish fees for the administration of the apprentice registration program, and section 144.122 which permits the commissioner of health to adopt rules prescribing reduced fees.

The Department requests information and comments concerning the subject matter of the rules. Interested or affected persons or groups may submit statements of information or comment in writing.

Written comments should be addressed to Milton R. Bellin, Division of Environmental Health, Minnesota Department of Health, 717 Delaware Street S.E., Minneapolis, Minnesota 55440.

Any written material received by the Department shall become part of the rulemaking record to be submitted to the Attorney General.

All statements of information and comment shall be accepted until December 5, 1986.

Department of Health

Proposed Permanent Rules Relating to Plumber's License and Registration Fees

Rules as Proposed

4715.3150 FEES.

Subpart 1. [Unchanged.]

Subp. 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 commissioner of health. The application shall be accompanied by a fee of $45 for a journeyman plumber's license or $80 for a master plumber's license, except that an application for initial licensure that is submitted during the last three months of a licensing year shall be accompanied by a fee of $22.50 for a journeyman plumber's license or $40 for a master plumber's license.

4715.3170 REGISTRATION OF PLUMBER'S APPRENTICE.

Effective July 1, 1987, no person shall work as a plumber's apprentice until that person has submitted an application and fee for registration to the commissioner of health. Registration must be renewed annually and shall be for the period from July 1 of each year to June 30 of the following year. Applications for initial and renewal registration shall be submitted to the commissioner of health before July 1 of each registration period on forms provided by the commissioner, and shall be accompanied by a fee of $15. A plumber's apprentice who submits a registration application after July 1 in any year shall pay the past due renewal fee plus an additional $8 late fee.

4715.5900 FEES.

Subpart 1. [Unchanged.]

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

Approved by Revisor

conditioning installer, $30; water conditioning contractor, $50, except that an application for initial licensure that is submitted during the last three months of the calendar year shall be accompanied by a fee of $15 for a water conditioning installer or $25 for a water conditioning contractor.

Subp. 3. [Unchanged.]

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Plumber's License and Registration Fees

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4715

The attached rules are approved for publication in the State Register

David S. Niss
Assistant Revisor

Department of Health
Environmental Health

Proposed Rules Relating to Plumbers' License and Registration Fees and Water Conditioning Installers and Contractors' License Fees

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Commissioner of Health proposes to adopt Minn. Rules pt. 4715.3150 relating to fees for licensure of journeymen and master plumbers; Minn. Rules pt. 4715.3170 establishing registration requirements and fees for the registration of plumbers' apprentices; and Minn. Rules pt. 4715.5900 relating to licensure fees for water conditioning installers and contractors. The Commissioner proposes to adopt and amend the above rules without a public hearing, following the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28. The specific statutory authority to adopt and amend the rules is as follows:

Plumbers, Minn. Stat. § 326.40;
Plumbers' Apprentices, Minn. Stat. § 326.401; and
Water Conditioning Contractors and Installers, Minn. Stat. § 326.60.

In addition to the specific authority cited above, the Commissioner of Health also has general authority pursuant to Minn. Stat. § 144.122 to prescribe fees for the issuance of original and renewal permits, licenses, registrations and certifications issued under her authority. Further, Minn. Stat. § 16A.128 provides that fees must be set or adjusted so the total fees nearly equal the sum of the appropriation for the accounts plus agency's general support costs, statewide indirect costs, and Attorney General costs attributable to the fee function.

Persons interested in these rules shall have 30 days in which to submit comment in support of or in opposition to the proposed rule, and comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule or amendments within the 30-day comment period. If 20 percent of the persons who will be required to pay the fees established by these rules submit written requests for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. The number of requests for a hearing which would constitute 20 percent of the persons who will be required to pay the fees established by these rules is as follows:

Type of Fee	20%
Plumbers	1140
Plumber's Apprentices	60
Water Conditioning Installers and Contractors	54

Any person requesting a public hearing should state the request in writing, should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Milton R. Bellin
Division of Environmental Health
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, Minnesota 55440
Telephone: (612) 623-5517

The proposed rule may be modified if the modifications are supported by the data and views submitted and do not result in a substantial change in the proposed rule and amendments as noticed.

A copy of the proposed rule and amendments is attached to this notice.

A Statement of Need and Reasonableness has been prepared and is available upon request from Milton Bellin at the above phone number and address. The statement describes the need for and reasonableness of each provision of the proposed rule and amendments, and identifies the data and information relied upon to support its proposed rule and amendments.

The approval of the Commissioner of Finance has been obtained and is attached to the Statement of Need and Reasonableness.

The proposed rule and amendments will affect small businesses as they are defined in Minn. Stat. § 14.115, subd. 1. The changes will reduce the fee for some small businesses. The agency's consideration of the impact is contained in the Statement of Need and Reasonableness.

Since no local units of government are affected by any of the rule changes there is no need to prepare a fiscal note as required in Minn. Stat. § 14.131.

If no hearing is required, upon adoption of the rule and amendments, the rule and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney

General, or who wish to obtain a copy of the adopted rule and amendments, should submit a written request to Milton Bellin at the above address.

Dated: April 27, 1987

Sr. Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
Commissioner of Health

Justification For Proposed Rule Changes

STATEMENTS OF NEED AND REASONABLENESS

4715.3150 and 4715.5900 FEES.

These changes would allow persons passing the plumber's licensing exams given in September of each year to become licensed for the remainder of the year while paying only one-half of the annual license fee. Minnesota Statutes, Section 144.122, permits the commissioner of health to adopt rules prescribing reduced fees for persons applying for licensure in the last three months of the license period. Section 144.122 also provides that the fees collected for licensure are to approximate the cost of administering the program. Since these people would not be licensed for a majority of the year, they would have less work to be inspected, fewer plans to be reviewed, and fewer administrative activities required, because of the shorter time period of licensure, resulting in less cost to administer the program on their behalf. Therefore, they should not have to pay for the plumbing program on an equal basis with people licensed the entire year.

Since no local units of government are affected by any of the rule changes discussed herein, there is no need to prepare a fiscal note as required in Minnesota Statutes § 14.131.

These changes would affect only a small percentage of the total number of licensed people. It is estimated that less than 100 applicants each year would pay the reduced fee while the total number of licenses is about 5,500. This

translates to an estimated reduction in revenue less than $3,000 each year which is less than 1 percent of the total licensing revenue of the program.

Precedents have been established regarding such reduced fees. Currently, food, beverage and lodging establishments licensed by the Department of Health are permitted to pay only one-half the normal annual fee when they become licensed in the last quarter of the licensing year. In addition, the City of Minneapolis, which requires plumbers to be licensed by the city, has a fee schedule which allows quarterly reductions in the fee.

These changes would have only a positive effect on state businesses, and would be consistent with state law and with fee schedules for other types of licensing programs.

4715.3170 REGISTRATION OF PLUMBER'S APPRENTICES.

A recent change in Minnesota Statutes, Section 326.401, (Minn. Laws, Chap. 402, Sec. 2, 1986) requires that ". . . A plumber's apprentice must be registered with the commissioner of health . . ." and allows that ". . . The Department of Health may assess fees to pay for the administration of the apprentice registration program."

To implement this new authority, the proposed rule requires each plumber's apprentices to pay a $15 annual fee to cover the cost of the program, and also establishes the registration period to be from July 1 to June 30 of the subsequent year.

It is estimated that the total number of apprentices to be registered is about 1,200. It is estimated that this activity will require one professional and one clerical position funded at .15 full time equivalents each, plus processing expenses. Together, these are projected to result in total administrative costs of $15,400 and $16,350 respectively for FY1986 and FY1987.

Staff and Expense	FY86	FY87
Professional Staff (.15 FTE)	$ 5,300	$ 5,600
Clerical Staff (.15 FTE)	3,400	3,600
Registration Processing	6,700	7,150
Annual Cost	$15,400	$16,350

Revenue is estimated to be $18,000 per year (1,200 registrants @ $15.00). Thus, in accordance with Minnesota Statutes, Section 144.122, the fees expected to be collected should cover the cost of administering the program. Although projected revenues slightly exceed projected costs at this time, the number of registered apprentices (and thus the revenue) is expected to remain fairly constant while administrative costs are expected to increase. Also, since the projected number of registered apprentices is only an estimate, revenue may be less than projected.

The registration period will begin July 1 of each year to balance the total licensing work load. The Department of Health licenses plumbers and water conditioning installers and contractors on a calendar year basis, and gives licensing examinations in March and September.

The $8 late fee for renewal is needed as an incentive to encourage timely registration, and to cover additional administrative costs of the special handling of the late registration payment. This fee is consistent with the

$8 late fee now required for licensed plumbers and water conditioning installers and contractors. Late fees are collected from more than 7 percent of current licenses and could generate up to $700 from plumber's apprentice registrants.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

IN THE MATTER OF PROPOSED ADOPTION OF RULES RELATING TO PLUMBERS' LICENSE AND REGISTRATION FEES AND WATER CONDITIONING INSTALLERS' AND CONTRACTORS' LICENSE FEES.

AFFIDAVIT OF MAILING

I hereby certify that on May 8, 1987, I sent 67 copies of the Notice of Intent to Adopt Rules without Public Hearing, along with the proposed rules, by inter-office mail to: Senate, Room 231, State Capitol, with a note saying: "Please distribute to all Senators."

I do further certify that on May 8, 1987, I also sent 134 copies of the Notice of Intent to Adopt Rules without Public Hearing, along with the proposed rules, by inter-office mail to: House, Room 74, State Office Building, with a note saying: "Please distribute to all Representatives."

Linda S. Sjoquist

Linda S. Sjoquist
Division of Environmental Health
Minnesota Department of Health

Subscribed and sworn to before me

this 31st day of July, 1987

Louise Kaniuk

LOUISE KANIUK
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSON EXPIRES FEBRUARY 22, 1991

POLLUTION CONTROL AGENCY

7001.0020, .0040, .0050, .0190, .4000, .4010, .4020, .4030, .4035, .4040, .4050, .4060, .4070, .4080, .4090, .4110, .4120, .4130, .4140, .4150; 7035.8200, .8205, .8210, .8220, .8230, .8240, .8250, .8260, .8270, .8280, .8290, .8300, .8400, .8410, .8420, .8430, .8440, .8450, .8460, .8470, .8480, .8490, .8500, .8510, .8520, .8530, .8540, .8550, .8560, .8570, .8580, .8590, .8700, .8710, (proposed) 1918

7001.0150; .0520, .0590; .0600; .0620; .0650; .0712; .0720; 7045.0200; .0075; .0080; .0102; .0120; .0125; .0135; .0139; .0140; .0214; .0261; .0275; .0296; .0302; .0395; .0458; .0460; .0468; .0476; .0478; .0482; .0484; .0485; .0538; .0552; .0556; .0584; .0588; .0638 (adopted) 1832

7045.0075, .0219, .0261, .0292, .0381 (adopted) 1950

7045.0534 s.4,5 (repealed) 1832

7046.0031, .0040, 0050, .0070 (adopted) 1993

7046.0030, .0050 subpart 2 (adopted repealer) 1993

HAZARDOUS SUBSTANCE INJURY COMPENSATION BOARD

7190.0001-.0017 (adopted) 2077

PUBLIC SAFETY DEPARTMENT

7406.0100, .0300; .0500; .0700 (withdrawn) 1886

REVENUE DEPARTMENT

8100.0200; .0300 (proposed) 2029

TEACHING BOARD

8700.0210; .4710; .5900; .7800 (correction) 1793

8700.0502; .0900; .1000; .1100; .1300; .1400; .2200; .3110; .3120; .7010 (proposed) 2034

8700.5900; .6600 (proposed repealer) 2034

8700.7000 (proposed repealer effective 7/1/90) 2034

HUMAN SERVICES DEPARTMENT

9525.1500-.1690 (proposed) 1862

9549.0050, .0051, .0052, .0053, .0054, .0055, .0056, .0057, .0058, .0059 (adopted) 1990

9549.0060 (adopted) 1989

9550.6210, .6220 (proposed) 1986

9553.0050; .0060; .0061; .0075 (proposed) 1857

PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Health

Proposed Permanent Rules Relating to Plumber's License and Registration Fees

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Commissioner of Health proposes to adopt Minn. Rules pt. 4715.3150 relating to fees for licensure of journeymen and master plumbers; Minn. Rules pt. 4715.3170 establishing registration requirements and fees for the registration of plumbers' apprentices; and Minn. Rules pt. 4715.5900 relating to licensure fees for water conditioning installers and contractors. The Commissioner proposes to adopt and amend the above rules without a public hearing, following the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28. The specific statutory authority to adopt and amend the rules is as follows:

Plumbers, Minn. Stat. § 326.40;
Plumbers' Apprentices, Minn. Stat. § 326.401; and
Water Conditioning Contractors and Installers, Minn. Stat. § 326.60.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

In addition to the specific authority cited above, the Commissioner of Health also has general authority pursuant to Minn. Stat. § 144.122 to prescribe fees for the issuance of original and renewal permits, licenses, registrations and certifications issued under her authority. Further, Minn. Stat. § 16A.128 provides that fees must be set or adjusted so the total fees nearly equal the sum of the appropriation for the accounts plus agency's general support costs, statewide indirect costs, and Attorney General costs attributable to the fee function.

Persons interested in these rules shall have 30 days in which to submit comment in support of or in opposition to the proposed rule, and comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule or amendments within the 30-day comment period. If 20 percent of the persons who will be required to pay the fees established by these rules submit written requests for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. The number of requests for a hearing which would constitute 20 percent of the persons who will be required to pay the fees established by these rules is as follows:

Type of Fee	**20%**
Plumbers	1140
Plumber's Apprentices	60
Water Conditioning Installers and Contractors	54

Any person requesting a public hearing should state the request in writing, should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Milton R. Bellin
Division of Environmental Health
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, Minnesota 55440
Telephone: (612) 623-5517

The proposed rule may be modified if the modifications are supported by the data and views submitted and do not result in a substantial change in the proposed rule and amendments as noticed.

A copy of the proposed rule and amendments is attached to this notice.

A Statement-of Need and Reasonableness has been prepared and is available upon request from Milton Bellin at the above phone number and address. The statement describes the need for and reasonableness of each provision of the proposed rule and amendments, and identifies the data and information relied upon to support its proposed rule and amendments.

The approval of the Commissioner of Finance has been obtained and is attached to the Statement of Need and Reasonableness.

The proposed rule and amendments will affect small businesses as they are defined in Minn. Stat. § 14.115, subd. 1. The changes will reduce the fee for some small businesses. The agency's consideration of the impact is contained in the Statement of Need and Reasonableness.

Since no local units of government are affected by any of the rule changes there is no need to prepare a fiscal note as required in Minn. Stat. § 14.131.

If no hearing is required, upon adoption of the rule and amendments, the rule and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to obtain a copy of the adopted rule and amendments, should submit a written request to Milton Bellin at the above address.

Dated: 27 April 1987

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed

4715.3150 FEES.

Subpart 1. [Unchanged.]

Subp. 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 commissioner of health. The application shall be accompanied by a fee of $45 for a journeyman plumber's license or $80 for a master plumber's license, except that an application for initial licensure that is submitted during the last three months of a licensing year shall be accompanied by a fee of $22.50 for a journeyman plumber's license or $40 for a master plumber's license.

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Effective July 1, 1987, no person shall work as a plumber's apprentice until that person has submitted an application and fee for registration to the commissioner of health. Registration must be renewed annually and shall be for the period from July 1 of each year to June 30 of the following year. Applications for initial and renewal registration shall be submitted to the commissioner of health before July 1 of each registration period on forms provided by the commissioner, and shall be accompanied by a fee of $15. A plumber's apprentice who submits a registration application after July 1 in any year shall pay the past due renewal fee plus an additional $8 late fee.

4715.5900 FEES.

Subpart 1. [Unchanged.]

Subp. 2. **License fee.** The fee for a new license or for renewal of an existing license shall be as follows: water conditioning installer, $30; water conditioning contractor, $50, except that an application for initial licensure that is submitted during the last three months of the calendar year shall be accompanied by a fee of $15 for a water conditioning installer or $25 for a water conditioning contractor.

Subp. 3. [Unchanged.]

Department of Health

Proposed Permanent Rules Relating to Vital Records Fees

Notice of Intent to Amend Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Commissioner of Health (hereinafter "Commissioner") proposes to amend the above-entitled rule without a public hearing following the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28 and 16A.128, subd. 2a(Supp. 1985) and Minn. Rules pt. 2010.0300. The statutory authority to adopt or amend the rule is found in Minnesota Statutes, section 144.226.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule amendments or any part or subpart of the rule amendments. Comment is encouraged. Each comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule amendments within the 30-day comment period. No public hearing need be held unless 20 percent of the persons who will be required to pay the fee submit to the agency during the 30-day period allowed for comment a written request for a public hearing on the proposed rule. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of Amendments to Rules of the Minnesota Department of Health Governing Plumber's License and Registration Fees, Minn. Rules pt. 4715.3150, Plumbers Apprentice Registration and Fees, Minn. Rules pt. 4715.3170 and Water Conditioning Installer and Contractors License Fees, Minn. Rules pt. 4715.5900

FINDINGS OF FACT, CONCLUSIONS AND ORDER ADOPTING RULES WITHOUT PUBLIC HEARING

Notice of the Commissioner of Health's (hereinafter "Commissioner") intent to adopt the above-entitled rule amendments was published in the State Register on May 11, 1987, and sent by United States mail to all persons on the list maintained by the Commissioner on May 8, 1987, pursuant to Minn. Stat. §§ 14.14, subd. 1.a. and 14.22. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking list and published in the State Register and was available to the public. Before the notice was submitted to the State Register, a copy of the notice of intent to adopt rules without a public hearing and the proposed rule was sent to all members of the Minnesota House and Senate. The Commissioner previously published a notice of solicitation of outside opinion in the State Register on October 20, 1986.

All persons were given the opportunity to submit comments on the rule amendments for 30 days after the notice of proposed rulemaking. No requests for a public hearing on the rule were received by the Commissioner.

Based on the comments received and evidence before the Commissioner concerning the proposed amendments to the rules, the Commissioner makes the following:

FINDINGS OF FACT

1. Minn. Stat. § 326.40 (1986) requires plumbers to be licensed and requires the Department of Health (hereinafter "Department") to prescribe rules for the examination and licensing of plumbers. Minn. Rules pt. 4715.3150 sets the fee for plumber's examinations and annual licensing. The Commissioner finds that those persons who pass the plumbers licensing examination during the last three months of the licensing year, should only be required to pay $22.50 for a journeyman plumber's license or $40.00 for a master plumber's license, that is one-half of the annual license fee as this will more closely approximate the costs required to administer the licensing program for those individuals. The Commissioner further finds that the fee reduction is authorized by Minnesota Statutes, section 144.122 (1986). The proposed amendment to Minn. Rules pt. 4715.3150 is needed and reasonable.

2. Minn. Stat. § 326.401 (1986) requires plumber's apprentices to be registered and allows the Department to assess a fee for registration. Minn. Rules pt. 4715.3170 establishes a registration and fee requirement for a person who works as a plumber's apprentice. The Commissioner finds that the registration of plumber's apprentices and the assessment of a $15.00 fee for registration and annual renewal are needed and reasonable to carry out the purpose of Minn. Stat. § 326.401 (1986) and to cover the administrative costs of the registration system. The Commissioner further finds that the assessment of an additional $8.00 late fee on apprentice registrants filing after July 1 in any year is necessary to defray the Department's additional administrative costs in processing late registrations. The Commissioner has considered the comments submitted by the United Association of Journeyman and Apprentices of the Plumbing and Pipe Fitting Industry in response to the Department's solicitation of outside opinion, and has determined that those recommendations are not

necessary or reasonable to effectuate the statute in that they either duplicate existing statutory requirements or exceed the Department's statutory authority.

3. Minn. Stat. § 326.60 (1986) governs the licensing of water conditioning contractors and installers. The Commissioner is authorized to prescribe rules and collect fees for the examining and licensing of water conditioning contractors and installers. The Commissioner finds that the proposed amendment to Minn. Rules pt. 4715.5900, subp. 2, reducing the license fees for water conditioning installers from $30.00 to $15.00 and water conditioning contractors from $50.00 to $25.00 when applications are submitted during the last three months of the calendar year, is needed and reasonable as the reduced fees will more closely approximate the Departments costs in administering those applications.

CONCLUSIONS

1. The Department has the authority to amend the above-captioned rules pursuant to Minn. Stat. §§ 144.122, 326.40, 326.401 and 326.60 (1986).

2. The Department gave proper notice of the proposed amendments to the rules pursuant to Minn. Stat. § 14.22 (1986).

3. The Commissioner considered all the comments received in response to a notice of intent to solicit outside opinion, but did not revise the rules as the comments were deemed unnecessarily repetitious or beyond the Department's statutory authority.

4. No other comments and no requests for a public hearing on the rule were received by the Commissioner during the 30-day comment period, after the notice of intent to adopt rules without a public hearing was published, and therefore a public hearing was not required, pursuant to Minn. Stat. § 14.25 (1986).

5. The Commissioner concludes that the proposed amendments to Minn. Rules pts. 4715.3150, 4715.3170 and 4715.5900 are needed and reasonable and should be adopted.

ORDER

NOW THEREFORE, IT IS ORDERED that the amendments to rules identified as Minn. Rules pts. 4715.3150, 4715.3170 and 4715.5900, and as published in the State Register and as addressed herein, are adopted this 6th day of August 1987 pursuant to the authority vested in the Commissioner of Health pursuant to Minn. Stat. §§ 144.122, 326.40, 326.401, and 326.60 (1986).

Sr Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
Commissioner of Health

United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada

Composed of journeymen and apprentices who have jurisdiction over every branch of the plumbing and pipe fitting industry

LOCAL NO. #34 STREET ADDRESS 411 Main St., Room 207

CITY, STATE, ZIP St. Paul, MN 55102-1069

SUBJECT MATTER

DATE Nov. 18, 1986

RECEIVED
NOV 21 1986
WS & GE

Mr. Milton R. Bellin
Division of Environmental Health
MN Department of Health
717 Delaware Street S.E.
Minneapolis, MN 55440

Dear Mr. Bellin:

Enclosed are recommended proposed rules governing the registration of plumber apprentices.

I would appreciate participating in the upcoming discussions regarding the final recommendation of the rules.

Sincerely,

Frank A Horak

Frank A. Horak
Business Manager
Plumbers & Gasfitters Local #34

FAH/gi

Enclosure

MARVIN J. BOETTE ... CHARLES J. HARIG ... M. EDDIE MOORE ... LOUIS H. STINE

Letters should be confined to one subject

Any person being trained in the plumbing craft shall within thirty days after beginning their training register with the Commissioner of Health on a registration application form which will be supplied by the Commissioner, showing date of beginning training, age, schooling, previous experience, employer, and such other information as the Commissioner may require.

2. The Commissioner may accept registration of persons beginning a course in plumbing at an accredited school and from any persons who furnish satisfactory evidence to the Commissioner that they were actually employed as an apprentice plumber prior to July 1, 1985.

3. An apprentice shall serve a term of 4 years practical plumbing experience. (Minimum of 1,750 work hours per year) When the applicant furnishes proof of previous practical experience, such as payroll records, in the trade, or is a graduate of a course in plumbing in an accredited school, the Commissioner may grant him hourly credit toward his term of apprenticeship. Apprentice employees must be undergoing training and instruction through a program recognized by the State of Minnesota Department of Labor and Industry, Division of Apprenticeship.

4. A registered apprentice shall report to the Commissioner any changes made in relation to continued employment. It shall be the employer's duty and responsibility not to permit an apprentice to perform work unless the apprentice is under the direct supervision and in the immediate presence of either a master or journeyman plumber, or plumbing contractor. A registration certificate issued under the provisions of this section shall be valid for only one year and shall expire on the 30th day of June of each year. The certificate shall be renewed by the Commissioner upon application made within thirty days after the expiration thereof and on payment of the sum set by the Commissioner of Health, pursuant to Sec. 144.122. This certificate of registration shall be the license required to be employed as a plumber's apprentice in this state.

When the apprentice has completed the 4 years of practical plumbing experience, or minimum 7,000 working hours verified by payroll records, the apprentice is eligible to take the journeyman plumbing examination. If after a period of two years and upon completing the apprenticeship the apprentice has not taken the examination, the time shall be forfeited.

In response to the Department's solicitation of outstate comment, published at 11 S.R. 718, (October 20, 1986) comments were received from a single source. A summary of the comments and the Department's response are given below.

The United Association of Journeyman and Apprentices of the Plumbing and Pipe Fitting Industry suggested adoption of the following language:

1. "Any person being trained in the plumbing craft shall within thirty days after beginning their training register with the Commissioner of Health on a registration application form which will be supplied by the Commissioner, showing date of beginning training, age, schooling, previous experience, employer, and such other information as the Commissioner may require".

   Minnesota Department of Health's response: This material is covered by the law, and need not be repeated in the rule.

2. "The Commissioner may accept registration of persons beginning a course in plumbing at an accredited school and from any persons who furnish satisfactory evidence to the Commissioner that they were actually employed as an apprentice plumber prior to July 1, 1985."

   Minnesota Department of Health's response: The law is specific in that it requires registration of a person working as an employee of a plumbing contractor. The fact that a person is attending a course in plumbing at an accreditted school is not in itself a reason to register that person as an apprentice. Also, these proposed rules pertain only to establishing a fee and the registration period to which the fee applies. Rules

pertaining to evaluating plumbing experience are not being considered at this time.

Regarding employment prior to July 1, 1985, the law allows up to 24 months previous experience to be included as a maximum. Therefore, according to the law, the Department would have to consider any employment within the 24 months preceding the effective date of the proposed rule.

3. "An apprentice shall serve a term of 4 years practical plumbing experience. (Minimum of 1,750 work hours per year.) When the applicant furnishes proof of previous practical experience, such as payroll records, in the trade, or is a graduate of a course in plumbing in an accredited school, the Commissioner may grant him hourly credit toward his term of apprenticeship. Apprentice employees must be undergoing training and instruction through a program recognized by the State of Minnesota Department of Labor and Industry, Division of Apprenticeship."

Minnesota Department of Health's response: The 4-year requirement is covered in the law itself. Also, as noted in the response to item two, the proposed rules pertain only to fees. Rules pertainig to evaluating plumbing experience will be proposed later if needed. To require all registered apprentices to initiate training in a Department of Labor and Industry recognized or operated program would exceed the authority granted in the law.

4. "A registered apprentice shall report to the Commissioner any changes made in relation to continued employment. It shall be the employer's duty and responsibility not to permit an apprentice to perform work unless the

apprentice is under the direct supervision and in the immediate presence of either a master or journeyman plumber, or plumbing contractor. A registration certificate issued under the provisions of this section shall be valid for only one year and shall expire on the 30th day of June of each year. The certificate shall be renewed by the Commissioner upon application made within thirty days after the expiration thereof and on payment of the sum set by the Commissioner of Health, pursuant to Sec. 144.122. This certificate of registration shall be the license required to be employed as a plumber's apprentice in this state."

Minnesota Department of Health's response: Supervision of apprentices is covered in the law, and the fee and period of registration are covered in the proposed rules.

5. "When the apprentice has completed the 4 years of practical plumbing experience, or minimum 7,000 working hours verified by payroll records, the apprentice is eligible to take the journeyman plumbing examination. If after a period of two years and upon completing the apprenticeship the apprentice has not taken the examination, the time shall be forfeited."

Minnesota Department of Health's response: This material is covered by the law.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of Amendments to Rules of the Minnesota Department of Health Relating to Plumber's License and Registration Fees, Minn. Rules pt. 4715.3150, subp. 2, Registration of Plumber's Apprentice, Minn. Rules pt. 4715.3170, and License Fees for Water Conditioning Contractors, Minn. Rules pt. 4715.5900, subp 2.

DECLARATION OF COUNSEL

I, Paul G. Zerby, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules and the supporting rulemaking record, and that based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit client code is 1210.

Paul G. Zerby
Special Assistant
Attorney General

Dated August 7th, 1987

DEPARTMENT OF FINANCE APPROVAL FOR REDUCING CERTAIN LICENSE FEES FOR PLUMBERS AND WATER CONDITIONING CONTRACTORS AND INSTALLERS, AND ESTABLISHING A PLUMBER'S APPRENTICE REGISTRATION FEE

Minn. Stat. § 144.122 (1984) authorizes the Commissioner of Health to set license fees commensurate with the costs of administering a licensing program, including prescribing reduced fees for persons applying for licensure in the last three months of the license period. The Commissioner of Health would decrease the license fee for master plumbers, journeyman plumbers, water conditioning contractors, and water conditioning installers by 50 percent when application for initial licensure is made in the last three months of the license period.

Minn. Stat. § 326.401 (1986) authorizes the Department of Health to assess fees for the administration of the plumber's apprentice registration program. The Department of Health would establish a $15 annual fee to cover the projected costs of administering the program.

These proposed fees are in accordance with Minn. Stat. § 16A.128 (1984) which requires the fees generated to cover the cost of the program.

Upon review of the attached supporting information justifying the need and amount of the proposed fees and pursuant to authority vested in the Department of Finance under Minn. Stat. § 16A.128 (1984), the fees set forth in the proposal of the Commissioner of Health are hereby approved.

1-30-87
Date

Assistant State Budget Director

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

IN THE MATTER OF PROPOSED
ADOPTION OF RULES RELATING
TO PLUMBERS' LICENSE AND
REGISTRATION FEES AND WATER
CONDITIONING INSTALLERS' AND
CONTRACTORS' LICENSE FEES.

AFFIDAVIT
OF MAILING

I hereby certify that the attached mailing list constitutes a complete list of persons, associations and other interested groups who as of May 8, 1987, have requested that their names be placed on file with the Minnesota Department of Health for the purpose of receiving notice of rule hearings on proposed rules and regulations on the subject captioned above.

I do further certify that on May 8, 1987, I deposited a copy of the Notice of Intent to Adopt Rules Without a Public Hearing to each person listed on the attached mailing list by United States mail, postage prepaid.

Linda Sjoquist

Linda Sjoquist
Division of Environmental Health
Minnesota Department of Health

Subscribed and sworn to before me

this 10th day of July, 1987

Louise Kaniuk

LOUISE KANIUK
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSON EXPIRES FEBRUARY 22, 1991

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES RELATING TO PLUMBERS' LICENSE AND REGISTRATION FEES AND WATER CONDITIONING INSTALLERS' AND CONTRACTORS' LICENSE FEES.

CERTIFICATION

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, Section 14.14, subdivision 1a, that their names be placed on file with, and maintained by, the Minnesota Department of Health for the purpose of receiving notice of rule hearings, is accurate and complete as of 3:00 p.m., this 8th day of May, 1987.

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Hope Residence Inc.
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Maple Grove, MN 55369

Wright County Human Services
Courthouse
Buffalo, MN 55313

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL - Health

DATE : August 7, 1987

TO : J. Michael Miles
Assistant Attorney General

RECEIVED
ATTORNEY GENERAL'S OFFICE

AUG 12 1987

204 ADMINISTRATION BLDG
50 SHERBURNE AVENUE
ST. PAUL, MN 55155

FROM : Paul G. Zerby
Special Assistant
Attorney General

PHONE : 341-7272

SUBJECT : In the Matter of the Proposed Adoption of Amendments to Rules of the Minnesota Department of Health Governing Plumber's License and Registration Fees, Minn. Rules pt. 4715.3150, Plumbers Apprentice Registration and Fees, Minn. Rules pt. 4715.3170 and Water Conditioning Installers and Contractors License Fees, Minn. Rules pt. 4715.5900

Pursuant to Minn. Stat. § 14.26 and Minn. Rules pt. 2010.0300, the attached documents are submitted to your office for approval as to the legality of the adopted amendments:

1. Rule amendments as adopted (original and three copies);
2. Rule amendments as proposed;
3. Notice of Solicitation of Outside Opinion as published in the State Register;
4. Notice of Intent to Adopt a Rule Without a Public Hearing executed April 27, 1987;
5. Notice of Intent to Adopt a Rule Without a Public Hearing as Published in the State Register;
6. Certificate of Board's Mailing List executed May 8, 1987;
7. Affidavit of Mailing to Senate and House members executed July 31, 1987;
8. Statement of Need and Reasonableness dated April 27, 1987;
9. Affidavit of Mailing executed July, 1987;
10. Comments received and Department response;
11. Findings of Fact, Conclusions and Order Adopting Rules executed July 31, 1987;
12. Commissioner of Finance Approval dated January 30, 1987;
13. Declaration of Counsel.

PGZ:pp

Rule

See proposed - not all new material

Notice of Intent

20% of persons - fees involved

Authority

326.40 ok.

326.401 ok

326.60 ok