

Plumbing and Mechanical Systems Board
Rules Committee Meeting Minutes
May 7, 2009

Committee Members Present:

Sue Salsman, Chairperson
Dennis Molden
Stuart Crine
Ron Masters - absent
Ken Sharp - absent

Staff Attending:

Cindy Houlson
Matt Oetker
Wendy Zimmerline

Chair Sue Salsman opened the meeting at 4:00 pm.

Minutes from the February 19 meeting were reviewed. Sue had a few suggestions, after discussing the process for minutes to go to chair prior to meeting for comments, it was determined that the minutes would be tabled for this meeting. Once Sue makes her comments the February 19 and April 2 minutes will come for approval at the next scheduled meeting. Next meeting is scheduled for May 21. Sue requested that members review the minutes and get comments to Wendy by Friday, May 15.

Discipline and complaints are separate rules that were next on the priority list. Now that SF 224 has passed, it has now become priority one.

Comment: We are also looking for a recommendation on a Waiver from Administrative Rules for out of state residents who have not had an Iowa Workforce Development Contractor Registration number prior to July 1, 2008. We are now beginning to receive this type of waiver. One company is Willow Creek and they are sending us their waiver.

His waiver is asking to waive rule 29.6 which identifies the need for the number. Denny has a similar problem. A contractor in his area has come into the state to work and he had to kick them out because they did not have a license or an IWD Contractor Registration number.

Comment: The intent of the rule to keep those who did not have the number out of the state. We wrote the rule and we all approved it.

Comment: Legislators can elect to deny the rule. We have to change Chapter 29 anyway, ultimately the Board will be able to approve or deny a waiver. Belief that this is a federal constitution infringement. Pursuant to this clause, no state can treat other citizens differently.

Comment – It is crazy not to allow the waiver every time.

Discussion on who can work in Iowa and that reciprocity is a different issue. Reciprocity both states agree to accept each other's licensing programs.

Comment: Federal jurisdiction over rules state law. State law over rules Board rules. Advice can be accepted or not. The US Supreme Court recently ruled on a state issue limiting out of state residents from working in the state.

Comment: Because Federal law supersedes and our rule puts others at a disadvantage, we will need to approve waivers and perhaps change rule 29.

(Batteries in recorder were replaced)

Comment: Timeline for SF 224 implementation and rule review were looked at. Chapter 30 looks like it should go to CEU committee. Chapter 28 updates would go to the Application and Fees committee that leaves Chapter 25, 27 and 29.

Chapter 25 is the State plumbing code. Depending on how a committee looks at the task, it may be a complete rewrite. Currently in the Timeline the Title has been identified 25.1 Adoption specifies what code is adopted. The Testing and Credentials committee is also looking at the code. The committee felt the 2000 UPC is so far behind that we need to adopt a new code. Tom Day and Jane Hagedorn have started reviewing. After discussion there was agreement that the newest UPC should be considered.

Comment: There are differences in the IPC 2006 and the UPC 2006. IPDH, cities and supporters need to move forward and do the right thing.

Comment: Mike Magnant in IDPH works with the plumbing code every day.

Comment: This may need a separate committee. We have an opportunity and authority to mover forward. Need to do what's right.

Comment: Members have had various experiences with codes. We need the right people familiar with the codes on the committee.

Comment: There have been historical fights between those who support the IPC and UPC. If anyone adopts the 2009 there has to be a thorough review of the contents prior to adoptions. Ron could appoint a new committee.

Comment: Stuart shared that he was hesitant to be on the committee. Others encouraged his participation because he is so familiar with ICC codes. In order to represent both groups we need members who are familiar with both codes. He will be happy to serve either as an advisor or on the committee.

Comment: It is a benefit for the Board for both sides to be represented. He was encouraged to represent his constituency.

Comment: Request for the Fire Marshall to consider another gas code (IFG) will be shared.

Comment: If 25 is turned over to another committee it will not be a rule that the rules committee will have to update. Applicability may also need to change. It needs to be as broad as possible.

Comment: The DNR will be in attendance at the next Board meeting.

Discussion then centered on ejection pumps and where septic installers had to stop work and plumbing began. Currently it is determined by the walls/foundation of the house.

Comment: Chapter 27 is the administrative and regulatory authority of the Board. There are several changes necessary in that section. The tracking document identifies the specific changes that were identified. Addition of contractor, specialty and geothermal licenses need to be incorporated. Many of the changes are very similar, updating the same language.

Comment: Do you want to identify and make the changes now?

Comment: Matt will adjust the language. He had a question whether, “to act or operator as a contractor” was correct and a standard used in the industry. Those in attendance agreed it was correct.

Comment: This is just a beginning point to recognize the challenge and start to think about the timing for the changes. We are not finalizing anything today.

Comment: It appears the pagination is off and will need to be corrected.

Comment: Chapter 29 was reviewed by Ken Sharp and the changes are noted differently. He has also identified when the Board needs to make a decision. We need to develop a timeline to assist in tracking and prioritizing all the work that must be done. Definitions that are predetermined continue to create challenges, but they were defined previously too.

Comment: In order to implement this legislation forward we will need to work with the right industry partners to move forward. Every department functions differently.

Discussion focused on the changes that will need to be made in Chapter 29. Several definitions have updated. There is inclusion of an inactive master and active journey combined license. And the changes in adding geothermal, specialty licenses that are sub categories of the original four disciplines. On master the outline shows they cannot work for more than one contractor. There are numerous challenges and the wording provided is the beginning of many discussions that will be necessary to develop the new rules.

Comment: Does DNR already cover geothermal? Only wells, geothermal will be a separate license and will create unique issues.

Comment: The new landlord exemption is problematic. Local jurisdictions still maintain the right for permitting.

It is 5:45; perhaps if members can take time to review the rest of the document, we can finish up at our next meeting. May 21 was identified as next meeting. There is no time to start discipline. There is a need to establish a timeline though. We have gotten through Contested Cases by Sue still wants to finish her review. It will not be ready for the May meeting. It is so procedural, maybe it can be ready for the June meeting.

Discussion continued on what happens if we do not meet the July 1, 2009 licensing date. Cities can keep issuing contractor licenses until we are able to. We have been meeting with different groups to start a dialog and partnering to get through this initial licensing period.

Meeting was adjourned at 6:00 p.m.

Cindy Houlson