

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 2440

(SENATE AUTHORS: MOHAMED)

DATE
03/02/2023

D-PG
1276 Introduction and first reading
Referred to Labor

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to labor and industry; making technical and housekeeping changes to
1.3 construction codes and licensing provisions; amending Minnesota Statutes 2022,
1.4 sections 326B.093, subdivision 4; 326B.31, subdivision 30; 326B.32, subdivision
1.5 1; 326B.805, subdivision 6; 326B.921, subdivision 8; 326B.925, subdivision 1;
1.6 326B.988.

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

1.8 Section 1. Minnesota Statutes 2022, section 326B.093, subdivision 4, is amended to read:

1.9 Subd. 4. **Examination results.** If the applicant receives a passing score on the
1.10 examination and meets all other requirements for licensure, the commissioner must approve
1.11 the application and notify the applicant of the approval within 60 days of the date of the
1.12 passing score. The applicant must, within 180 days after the notification of approval, pay
1.13 the license fee. Upon receipt of the license fee, the commissioner must issue the license. If
1.14 the applicant does not pay the license fee within 180 days after the notification of approval,
1.15 the commissioner will rescind the approval and must deny the application. If the applicant
1.16 does not receive a passing score on the examination, the commissioner must deny the
1.17 application. If the application is denied because of the applicant's failure to receive a passing
1.18 score on the examination, then the applicant cannot submit a new application for the license
1.19 until at least 30 days after the ~~notification date of denial~~ the failed examination.

1.20 Sec. 2. Minnesota Statutes 2022, section 326B.31, subdivision 30, is amended to read:

1.21 Subd. 30. **Technology system contractor.** "Technology system contractor" means a
1.22 licensed contractor whose responsible licensed individual is a licensed power limited
1.23 technician or licensed master electrician.

2.1 Sec. 3. Minnesota Statutes 2022, section 326B.32, subdivision 1, is amended to read:

2.2 Subdivision 1. **Composition.** (a) The Board of Electricity shall consist of 12 members.
 2.3 Eleven members shall be appointed by the governor with the advice and consent of the
 2.4 senate and shall be voting members. Appointments of members by the governor shall be
 2.5 made in accordance with section 15.066. If the senate votes to refuse to consent to an
 2.6 appointment of a member made by the governor, the governor shall appoint a new member
 2.7 with the advice and consent of the senate. One member shall be the commissioner of labor
 2.8 and industry or the commissioner's designee, who shall be a voting member. Of the 11
 2.9 appointed members, the composition shall be as follows:

2.10 (1) one member shall be an electrical inspector;

2.11 (2) two members shall be representatives of the electrical suppliers in rural areas;

2.12 (3) two members shall be master electricians, who shall be contractors;

2.13 (4) two members shall be journeyworker electricians;

2.14 (5) one member shall be a registered consulting electrical engineer;

2.15 (6) ~~two members~~ one member shall be a power limited technicians technician, who shall
 2.16 be a technology system contractors primarily engaged in the business of installing technology
 2.17 circuits or systems contractor; and

2.18 (7) one member shall be a power limited technician; and

2.19 ~~(7)~~ (8) one member shall be a public member as defined by section 214.02.

2.20 The electrical inspector shall be appointed to a term to end December 31, 2011. One of
 2.21 the rural electrical suppliers shall be appointed for a term to end December 31, 2011. The
 2.22 other rural electrical supplier shall be appointed for a term to end December 31, 2010. The
 2.23 consulting electrical engineer shall be appointed for a term to end December 31, 2011. One
 2.24 of the master electrician contractors shall be appointed for a term to end December 31, 2011.
 2.25 The other master electrician contractor shall be appointed for a term to end December 31,
 2.26 2010. One of the journeyworker electricians shall be appointed for a term to end December
 2.27 31, 2011. The other journeyworker electrician shall be appointed for a term to end December
 2.28 31, 2010. One of the power limited technicians shall be appointed for a term to end December
 2.29 31, 2011. The other power limited technician shall be appointed for a term to end December
 2.30 31, 2010. The public member shall be appointed for a term to end December 31, 2010.

2.31 (b) The consulting electrical engineer must possess a current Minnesota professional
 2.32 engineering license and maintain the license for the duration of the term on the board. All

3.1 other appointed members, except for the public member and the representatives of electrical
 3.2 suppliers in rural areas, must possess a current electrical license issued by the Department
 3.3 of Labor and Industry and maintain that license for the duration of their terms. All appointed
 3.4 members must be residents of Minnesota at the time of and throughout the member's
 3.5 appointment. The term of any appointed member that does not maintain membership
 3.6 qualification status shall end on the date of the status change and the governor shall appoint
 3.7 a new member. It is the responsibility of the member to notify the board of their status
 3.8 change.

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

3.18 Sec. 4. Minnesota Statutes 2022, section 326B.805, subdivision 6, is amended to read:

3.19 Subd. 6. **Exemptions.** The license requirement does not apply to:

3.20 (1) an employee of a licensee performing work for the licensee;

3.21 (2) a material person, manufacturer, or retailer furnishing finished products, materials,
 3.22 or articles of merchandise who does not install or attach the items;

3.23 (3) an owner of residential real estate who builds or improves ~~any structure on~~ residential
 3.24 real estate, if the ~~building or improving is performed by the owner's bona fide employees~~
 3.25 ~~or by individual owners personally.~~ owner occupies or will occupy the residential real estate
 3.26 for residential purposes, or will retain ownership for rental purposes upon completion of
 3.27 the building or improvement. This exemption does not apply to an owner who constructs
 3.28 or improves ~~property~~ residential real estate for purposes of resale or speculation ~~if the~~
 3.29 ~~building or improving is performed by the owner's bona fide employees or by individual~~
 3.30 ~~owners personally.~~ A. An owner of residential building contractor or residential remodeler
 3.31 real estate will be presumed to be building or improving for purposes of speculation if the
 3.32 ~~contractor or remodeler~~ owner constructs or improves more than one property within any
 3.33 24-month period, unless the properties will be retained by the owner for rental purposes;

4.1 (4) an architect or professional engineer engaging in professional practice as defined by
4.2 section 326.02, subdivisions 2 and 3;

4.3 (5) a person whose total gross annual receipts for performing specialty skills for which
4.4 licensure would be required under this section do not exceed \$15,000;

4.5 (6) a mechanical contractor;

4.6 (7) a plumber, electrician, or other person whose profession is otherwise subject to
4.7 statewide licensing, when engaged in the activity which is the subject of that licensure;

4.8 (8) specialty contractors who provide only one special skill as defined in section
4.9 326B.802;

4.10 (9) a school district, or a technical college governed under chapter 136F; and

4.11 (10) Habitat for Humanity and Builders Outreach Foundation, and their individual
4.12 volunteers when engaged in activities on their behalf.

4.13 To qualify for the exemption in clause (5), a person must obtain a certificate of exemption
4.14 from licensure from the commissioner. A certificate of exemption will be issued upon the
4.15 applicant's filing with the commissioner, an affidavit stating that the applicant does not
4.16 expect to exceed \$15,000 in gross annual receipts derived from performing services which
4.17 require licensure under this section during the calendar year in which the affidavit is received.
4.18 For the purposes of calculating fees under section 326B.092, a certificate of exemption is
4.19 an entry level license. To renew the exemption in clause (5), the applicant must file an
4.20 affidavit stating that the applicant did not exceed \$15,000 in gross annual receipts during
4.21 the past calendar year. If a person, operating under the exemption in clause (5), exceeds
4.22 \$15,000 in gross receipts during any calendar year, the person must immediately surrender
4.23 the certificate of exemption and apply for the appropriate license. The person must remain
4.24 licensed until such time as the person's gross annual receipts during a calendar year fall
4.25 below \$15,000. The person may then apply for an exemption for the next calendar year.

4.26 Sec. 5. Minnesota Statutes 2022, section 326B.921, subdivision 8, is amended to read:

4.27 Subd. 8. **Reciprocity with other states.** ~~The commissioner may issue a temporary license~~
4.28 ~~without examination, upon payment of the required fee, to nonresident applicants who are~~
4.29 ~~licensed under the laws of a state having standards for licensing which the commissioner~~
4.30 ~~determines are substantially equivalent to the standards of this state if the other state grants~~
4.31 ~~similar privileges to Minnesota residents duly licensed in this state. Applicants who receive~~
4.32 ~~a temporary license under this section may acquire an aggregate of 24 months of experience~~
4.33 ~~before they have to apply and pass the licensing examination. Applicants must register with~~

5.1 ~~the commissioner of labor and industry and the commissioner shall set a fee for a temporary~~
5.2 ~~license. Applicants have five years in which to comply with this section.~~

5.3 (a) The commissioner may enter into reciprocity agreements for personal licenses with
5.4 another state if approved by the board. Once approved by the board, the commissioner may
5.5 issue a personal license without requiring the applicant to pass an examination provided the
5.6 applicant:

5.7 (1) submits an application under this section;

5.8 (2) pays the application and examination fee and license fee required under section
5.9 326B.092; and

5.10 (3) holds a valid comparable license in the state participating in the agreement.

5.11 (b) Reciprocity agreements are subject to the following:

5.12 (1) the parties to the agreement must administer a statewide licensing program that
5.13 includes examination and qualifying experience or training comparable to Minnesota's
5.14 licensing program;

5.15 (2) the experience and training requirements under which an individual applicant qualified
5.16 for examination in the qualifying state must be deemed equal to or greater than required for
5.17 an applicant making application in Minnesota at the time the applicant acquired the license
5.18 in the qualifying state;

5.19 (3) the applicant must have acquired the license in the qualifying state through an
5.20 examination deemed equivalent to the same class of license examination in Minnesota;

5.21 (4) at the time of application, the applicant must hold a valid license in the qualifying
5.22 state and have held the license continuously for at least one year before making application
5.23 in Minnesota;

5.24 (5) an applicant is not eligible for a license under this subdivision if the applicant has
5.25 failed the same or greater class of license examination in Minnesota, or if the applicant's
5.26 license of the same or greater class has been revoked or suspended; and

5.27 (6) an applicant who has failed to renew a personal license for two years or more after
5.28 its expiration is not eligible for a license under this subdivision.

5.29 Sec. 6. Minnesota Statutes 2022, section 326B.925, subdivision 1, is amended to read:

5.30 Subdivision 1. **Composition.** (a) The Board of High Pressure Piping Systems shall
5.31 consist of 13 members. Twelve members shall be appointed by the governor with the advice

6.1 and consent of the senate and shall be voting members. Appointments of members by the
6.2 governor shall be made in accordance with section 15.066. If the senate votes to refuse to
6.3 consent to an appointment of a member made by the governor, the governor shall appoint
6.4 a new member with the advice and consent of the senate. One member shall be the
6.5 commissioner of labor and industry or the commissioner of labor and industry's designee,
6.6 who shall be a voting member. Of the 12 appointed members, the composition shall be as
6.7 follows:

6.8 (1) one member shall be a high pressure piping inspector;

6.9 (2) one member shall be a licensed mechanical engineer;

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

6.11 (4) four members shall be master high pressure pipefitters engaged in the business of
6.12 high pressure piping, two from the metropolitan area and two from greater Minnesota;

6.13 (5) two members shall be journeyworker high pressure pipefitters ~~engaged in the business~~
6.14 ~~of high pressure piping systems installation~~, one from the metropolitan area and one from
6.15 greater Minnesota;

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

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

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

6.20 The high pressure piping inspector shall be appointed for a term to end December 31,
6.21 2011. The professional mechanical engineer shall be appointed for a term to end December
6.22 31, 2010. The representative of the high pressure piping industry shall be appointed for a
6.23 term to end December 31, 2011. Two of the master high pressure pipefitters shall be
6.24 appointed for a term to end December 31, 2011. The other two master high pressure
6.25 pipefitters shall be appointed for a term to end December 31, 2010. One of the journeyworker
6.26 high pressure pipefitters shall be appointed for a term to end December 31, 2011. The other
6.27 journeyworker high pressure pipefitter shall be appointed for a term to end December 31,
6.28 2010. The one representative of industrial companies that use high pressure piping systems
6.29 in their industrial process shall be appointed for a term to end December 31, 2010. The one
6.30 representative of a utility company in Minnesota shall be appointed for a term to end
6.31 December 31, 2010. The public member shall be appointed for a term to end December 31,
6.32 2010.

7.1 (b) The licensed professional mechanical engineer must possess a current Minnesota
7.2 professional engineering license and maintain the license for the duration of their term. All
7.3 other appointed members, except for the representative of the piping industry, the
7.4 representative of industrial companies that use high pressure piping systems, the public
7.5 member, and the representative of public utility companies in Minnesota, must possess a
7.6 current high pressure piping license issued by the Department of Labor and Industry and
7.7 maintain that license for the duration of their term. All appointed members must be residents
7.8 of Minnesota at the time of and throughout the member's appointment. The term of any
7.9 appointed member that does not maintain membership qualification status shall end on the
7.10 date of status change and the governor shall appoint a new member. It is the responsibility
7.11 of the member to notify the board of the member's status change.

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

7.21 Sec. 7. Minnesota Statutes 2022, section 326B.988, is amended to read:

7.22 **326B.988 EXCEPTIONS.**

7.23 (a) The provisions of sections 326B.95 to 326B.998 shall not apply to:

7.24 (1) boilers and pressure vessels in buildings occupied solely for residence purposes with
7.25 accommodations for not more than five families;

7.26 (2) railroad locomotives operated by railroad companies for transportation purposes;

7.27 (3) air tanks installed on the right-of-way of railroads and used directly in the operation
7.28 of trains;

7.29 (4) boilers and pressure vessels under the direct jurisdiction of the United States;

7.30 (5) unfired pressure vessels having an internal or external working pressure not exceeding
7.31 15 psig with no limit on size;

8.1 (6) pressure vessels used for storage of compressed air not exceeding five cubic feet in
8.2 volume and equipped with an ASME code stamped safety valve set at a maximum of 100
8.3 psig;

8.4 (7) pressure vessels having an inside diameter not exceeding six inches;

8.5 (8) every vessel that contains water under pressure, including those containing air that
8.6 serves only as a cushion, whose design pressure does not exceed 300 psig and whose design
8.7 temperature does not exceed 210 degrees Fahrenheit;

8.8 (9) boiler or pressure vessels located on farms used solely for agricultural or horticultural
8.9 purposes; for purposes of this section, boilers used for mint oil extraction are considered
8.10 used for agricultural or horticultural purposes, provided that the owner or lessee complies
8.11 with the inspection requirements contained in section 326B.958;

8.12 (10) tanks or cylinders used for storage or transfer of liquefied petroleum gases;

8.13 (11) unfired pressure vessels in petroleum refineries;

8.14 (12) an air tank or pressure vessel which is an integral part of a passenger motor bus,
8.15 truck, or trailer;

8.16 (13) hot water heating and other hot liquid boilers not exceeding a heat input of 750,000
8.17 BTU per hour;

8.18 (14) hot water supply boilers (~~water heaters~~) not exceeding a heat input of ~~500,000~~
8.19 200,000 BTU per hour, ~~a water temperature of 210 degrees Fahrenheit, or potable water~~
8.20 heaters not exceeding a heat input of 200,000 BTU per hour or a nominal water capacity
8.21 of 120 gallons, or a pressure of 160 psig;

8.22 (15) a laundry and dry cleaning press not exceeding five cubic feet of steam volume;

8.23 (16) pressure vessels operated full of water or other liquid not materially more hazardous
8.24 than water, if the vessel's contents' temperature does not exceed 210 degrees Fahrenheit or
8.25 a pressure of 200 psig;

8.26 (17) steam-powered turbines at papermaking facilities which are powered by steam
8.27 generated by steam facilities at a remote location;

8.28 (18) manually fired boilers for model locomotive, boat, tractor, stationary engine, or
8.29 antique motor vehicles constructed or maintained only as a hobby for exhibition, educational
8.30 or historical purposes and not for commercial use, if the boilers have an inside diameter of
8.31 12 inches or less, or a grate area of two square feet or less, and are equipped with an ASME
8.32 stamped safety valve of adequate size, a water level indicator, and a pressure gauge;

9.1 (19) any pressure vessel used as an integral part of an electrical circuit breaker;

9.2 (20) pressure vessels used for the storage of refrigerant if they are built to ASME code
9.3 specifications, registered with the national board, and equipped with an ASME code-stamped
9.4 pressure-relieving device set no higher than the maximum allowable working pressure of
9.5 the vessel. This does not include pressure vessels used in ammonia refrigeration systems;

9.6 (21) pressure vessels used for the storage of oxygen, nitrogen, helium, carbon dioxide,
9.7 argon, nitrous oxide, or other medical gas, provided the vessel is constructed to ASME or
9.8 Minnesota Department of Transportation specifications and equipped with an ASME
9.9 code-stamped pressure-relieving device. The owner of the vessels shall perform annual
9.10 visual inspections and planned maintenance on these vessels to ensure vessel integrity;

9.11 (22) pressure vessels used for the storage of compressed air for self-contained breathing
9.12 apparatuses;

9.13 (23) hot water heating or other hot liquid boilers vented directly to the atmosphere; and

9.14 (24) pressure vessels used for the storage of compressed air not exceeding 1.5 cubic feet
9.15 (11.22 gallons) in volume with a maximum allowable working pressure of 600 psi or less.

9.16 (b) An engineer's license is not required for hot water supply boilers.

9.17 (c) An engineer's license and annual inspection by the department is not required for
9.18 boilers, steam cookers, steam kettles, steam sterilizers or other steam generators not exceeding
9.19 100,000 BTU per hour input, 25 kilowatt, and a pressure of 15 psig.

9.20 (d) Electric boilers not exceeding a maximum working pressure of 50 psig, maximum
9.21 of 30 kilowatt input or three horsepower rating shall be inspected as pressure vessels and
9.22 shall not require an engineer license to operate.