

IN THE MATTER OF A PUBLIC HEARING
BEFORE THE SOUTH DAKOTA STATE PLUMBING COMMISSION
ON PROPOSED RULE CHANGES

BEFORE: The State of South Dakota State Plumbing Commission: Dan Smith, President; Roger Simonsen, Vice President; Clark Hepper, Commissioner; Dan Hartmen, Commissioner; James Berreth, Commissioner; Michael Richards, Executive Director; Nina Ripley, Secretary; and Jeff Leuning, Inspector.

APPEARANCES: Ken Melius, SD Association of Plumbing, Heating, Cooling Contractors
Matt Marciak, Regional Director, International Association of Plumbing And Mechanical Officials

PROCEEDINGS: The above entitled hearing commenced at 1:00 PM on the 22nd day of July, 2010 in the Governor's Inn Conference Room, 700 W Sioux Avenue, Pierre, South Dakota.

By President Dan Smith: I am Dan Smith, President of the Plumbing Commission, calling this hearing to order at 1:00 PM on July 22, 2010 for a public hearing and testimony on proposed rule changes. At this point I will turn the meeting over to Clark Hepper who is today's Hearing Officer.

By Hearing Officer Clark Hepper. Good afternoon, I am Clark Hepper, Hearing Officer for today's hearing on the proposed rules of the State Plumbing Commission. I would like to introduce Dan Smith, President of the Commission; Roger Simonsen, Vice President of the Commission as well as James Berreth and Dan Hartman who are members of the Commission. Also present is Mike Richards, Executive Director; Nina Ripley, Secretary; and Jeff Leuning, Inspector for the Commission. This hearing is being held in accordance with South Dakota Codified Law SDCL 1-26, the Administrative Procedures Act. Notice of this hearing was given in the Pierre Capital Journal, Brookings Daily Register, Watertown Public Opinion and with the Black Hills Pioneer. Notice of this hearing and copies of the proposed rules were mailed to all interested persons desiring copies of them. We desire to hear testimony on any of the proposals that were advertised. We will take oral or written testimony first from those who have signed the register in the back of the room. If you have not already signed the register, please do so, even if you do not intend to testify. After we have taken testimony from all those who have indicated a desire to speak on the register, we will then read previously submitted written testimony. This is not an adversary hearing and therefore those testifying may not ask questions of other people testifying. At the close of the hearing, members of the Commission and its staff will be available for questions and answers. Written testimony will be accepted until the close of this hearing and may be given to myself or Mike Richards. Testimony previously submitted will be made part of this hearing record. We will now accept testimony. As I call your name, will you please step up to the microphone and state your name, address and firm you are representing before giving your testimony. Please speak loud and clearly so that the recorder will receive your message. Please limit your testimony to 10 minutes. Thank you.

By Executive Director Richards: Is there anyone present who would like to speak on the proposed rules and if so please come forward to the microphone.

By Ken Melius: I am Ken Melius representing the Plumbing, Heating, Cooling Contractors Association. I have received no negative feedback from any of my association members concerning any of the proposed rule changes and we therefore support same.

By Executive Director Richards: Thank you Ken. I there anyone else in the audience who would like to testify on the rules. Seeing none, and just for the record, the commission has received 1 previous letter of written testimony which I will now read. This letter comes from Dwight Schuld from Sioux Falls. "This is a response to the Notice of Public Hearing scheduled for July 22, 2010. Although I don't have anything but that notice I will respond to it. The notice reasons that the amendments to the code are to insure that plumbing in buildings in the state are safe, sanitary and such to safeguard the public health. The proposed changes have nothing to do with that. The changes are such that it becomes more complicated and expensive to attain a contractor's license. This also lends itself to the revisions of the fee structures for other permits. Honestly, this is about increasing revenue for a government entity, namely the State Plumbing Commission. This is just more enlargement of government control, bureaucracy, and the funding of such. This has nothing to do with safety. The promise of safety in itself is not a reason to expand government and decrease freedom. Since freedom is worth fighting for, then I take my stand to fight right here. I oppose all changes." Dwight Schuld, 1013 S Dale Dr., Sioux Falls, SD 57110 License #SXF-E0820-96-1601P.

That concludes the oral and written testimony so from here I will ask the commission members to make motions and address any concerns on the proposed rules

I will first ask for a motion on 20:53:03:07 which reformats plumbing contractor and journeyman plumber exams. Dan Hartman moved to approve 20:53:03:07 as proposed. Seconded by Roger Simonsen. Motion carried.

I will now ask for a motion on 20:53:10:02 which raises the cost of a plumbing certificate from \$2 to \$5.

Roger Simonsen moved to approve 20:53:10:02 as proposed. Seconded by James Berreth. Motion carried.

I will now ask for a motion on 20:53:10:03 which changes plumbing permits based on a schedule of fixture fees to a flat rate of \$50 for single family dwellings and \$200 for all other structures. Dan Smith suggested that the rate of \$50 may be too high for a homeowner and moved that this fee be reduced to \$40.

Seconded by Clark Hepper. Motion carried. Dan Hartman moved to approve 20:53:10:03 as amended.

Seconded by Clark Hepper. Motion carried.

I will now ask for a motion on 20:54:02:01 which replaces the 2003 Uniform Plumbing Code to the 2009 Uniform Plumbing code and amendments to same. Dan Smith stated that since the proposed rules

incorporate the Green Plumbing and Mechanical Code Supplement that perhaps language should be added to indicate when and where that code is required. Smith made a motion to add the following to 20:54:02:01 (1): “The Green Plumbing and Mechanical Code Supplement is deemed to be a non-mandatory referenced standard and is applicable only when plumbing systems or installation methods are not referenced in the 2009 edition of the Uniform Plumbing Code.” Seconded by Roger Simonsen. Motion carried. Dan Hartman moved to approve 20:54:02:01 as amended. Seconded by Clark Hepper. Motion carried.

By Dan Smith: With there being no further business, I will now close this hearing at 1:20 PM.

Respectfully submitted,

Michael Richards
Executive Director

APPROVED:

Dan Smith, Commission Chairman