

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

BEFORE: The State of South Dakota Plumbing Commission: Dan Hartman, President;
Mark Rogers, Vice President; Christopher Moore, Commissioner; David Hansen,
Commissioner; Michael Richards, Executive Director; Nina Ripley, Administrative
Assistant; and, Jeff Leuning, James Borth, Richard Steen, Gerald Johnson, and
Ronald Healy, Inspectors for the Commission.

APPEARANCES: Ken Melius, SD Association of Plumbing, Heating, Cooling Contractors
Robert Rux, Aberdeen Plumbing, Aberdeen

PROCEEDINGS: The above entitled hearing commenced at 11:00 AM on the 24th day of July,
2014 in the Governor's Inn Conference Room, 700 West Sioux Avenue,
Pierre, South Dakota.

Dan Hartman, President of the Plumbing Commission, called the hearing to order at 11:00 AM on October 24, 2014 and stated that this hearing is for the purpose of raising license fees, exam fees and residential inspection fees, creating a fee for apprentice plumbers and establishing licensing criteria for apprentice plumbers. President Hartman then turned the meeting over to Mark Rogers who acted as the Hearing Officer.

By Hearing Officer Mark Rogers: Good Morning. I am Mark Rogers, Hearing Officer for today's hearing on the rules of the State Plumbing Commission. I would like to introduce the other members of the Commission who are present today. Dan Hartman, Christopher Moore and David Hansen. Also present is Mike Richards, Executive Director, Nina Ripley, Secretary and Inspectors Jeff Leuning, James Borth, Richard Steen, Gerald Johnson and Ronald Healy. This hearing is being held in accordance with the 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 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 proposed rules that were advertised. We will take oral or written testimony first from those who have signed the register. 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 those who have indicated a desire to speak, we will then read previously submitted testimony. This is not an adversary hearing and therefore those testifying may not ask questions of other people testifying. At the close of this 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 Mike Richards: We have a couple of appearances. Robert Rux and Ken Melius. Would either of you gentlemen wish to present oral testimony? (Both indicated that they did not wish to testify). We do have one letter of written testimony that the Hearing Officer can read so it is made part of this hearing record.

By Hearing Officer Mark Rogers: This letter comes from Steve Darling from Rapid City. "Would you please deliver the following concern to the Plumbing Commission for their consideration at the hearing. Section 20:53:03:05 – an apprentice may not renew an apprentice license once the apprentice has accumulated seven thousand six hundred hours of experience. The accumulated hours in this bill will require an apprentice to pass his journeyman test in less than one year. I assume that this is to prevent the eight year apprentice. It is important to allow additional time for the person to prepare, test and maybe re-test before we say he cannot have an apprentice license. We are hurting for plumbers out here and we cannot afford to throw out a good five year apprentice. Maybe a better idea is to raise the apprentice fee \$50 each year (year 1-4 = \$10; year 5 = \$60, year 6 = \$110; etc.

By Mike Richards: That concludes written testimony. Does any commission member have any comments, concerns, or otherwise regarding the testimony and the rules as they have been proposed before you take action?

By President Hartman: I don't think there should be a concern with the apprentice requirement as to when he is to apply for the journeyman exam. Opportunities for re-testing are available every three months and with some latitude and common sense we certainly will allow that apprentice to continue to practice the trade as we are not here to put people out of work.

By Mark Rogers: I agree with Dan's statement and don't foresee any issues regarding this requirement.

By Mike Richards: Are there any other comments or concerns any commission chairman would like to share at this time. Hearing none, I would entertain a motion on the rules as they have been proposed and heard upon. Commissioner Moore moved to pass the rules as proposed. Seconded by Commissioner Dave Hansen. A roll-call vote was taken with all members voting "aye". Motion carried.

Respectfully submitted,

Michael Richards
Executive Director

APPROVED:

Daniel Hartman, Commission Chairman