

March 9, 2010

ND Legislative Council
Administrative Rules Committee

Testimony By: Jack Skaley, Secretary – Chief Inspector
ND State Plumbing Board

Mr. Chairman and Members of the Committee:

I appear before this committee to testify as to the procedure followed by the State Board of Plumbing in adopting the rules to be published in the April 2010 supplement to the North Dakota Administrative Code.

1. The rules do not result from any statutory changes made by the Legislative Assembly.
2. The rules are not related to any federal statute or regulation.
3. The Administrative Agencies Practice Act, North Dakota Century Code, Chapter 28-32 were followed in adopting the rules.

A full notice for Public Hearing of Intent to adopt, amend and repeal rules and a copy of the proposed rules were filed with Legislative Council on August 19, 2009.

An abbreviated notice was published in each official county newspaper in North Dakota. The affidavit of publication from the North Dakota Newspaper Association lists the dates of publication between September 1, 2009 and September 7, 2009.

A Public Hearing was held by the board on October 7, 2009. The public comment period was held open until October 19, 2009.

The office of Attorney General has examined the proposed amendments to NDAC Title 62 and found the rules to be in compliance with NDCC 28-32 and were approved as to their legality by letter dated December 22, 2009.

The rules were submitted to Legislative Council for publication on December 30, 2009.

4. No oral or written comments were received.
5. Cost of publication of Public Notice in each county newspaper was \$1,573.00. Cost of holding hearings and adopting rules was approximately \$2,650.00.
6. The purpose of the rules is to adopt by reference the most recent version of the Uniform Plumbing Code with exceptions and modifications.

The amendment to section 62-01-01-01 subsection 4 is to address a change of address where inquires may be directed.

Section 62-03.1-01-03 is repealed because it is a duplication of rules specifically addressed in the State Plumbing Code.

Section 62-03.1-01-01 subsection 1 defines the 2009 Uniform Plumbing Code as the State Plumbing Code.

Section 62-03.1-01-05 subsection 1 changes the amount charged for a requested inspection or reinspection.

Section 62-03.1-02-02 sections 1 through 18 are amendments to the 2009 Uniform Plumbing Code.

7. No regulatory analysis was requested or required, as the proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

8. No small entity regulatory analysis or economic impact statement was required because the board is exempt from the requirement to prepare one.

9. No taking assessment was required because the rules do not limit the use of real property.

10. No emergency status was taken to adopt the rules.

I will be happy to answer any questions the committee may have.