

North Dakota State Plumbing Board
June 10, 2015 Testimony

1. Whether the rules resulted from statutory changes made by the Legislative Assembly. The rules did not result from a statutory change made by the Legislative Assembly.
2. Whether the rules are related to any federal statute or regulation. If so, please indicate whether the rules are mandated by federal law or explain any options your agency had in adopting the rules. The rules are not related to any federal statute or regulation.
3. A description of the rulemaking procedure followed in adopting the rules, e.g., the type of public notice given and the extent of public hearings held on the rules. The Administrative Rules Manual was followed. On January 23, 2015 the full notice and copy of the proposed rules were sent to Legislative Council. The same day, the public notice was sent to the North Dakota Newspaper Association and the notice published in all the county newspapers by February 5, 2015. The public hearing was held on March 9, 2015 in conjunction with the North Dakota State Plumbing Board's regular quarterly meeting. The Board approved the amendment contingent upon the Administrative Rules Committee's approval. After the 10 day public comment period, no public comment was received. On March 20, 2015 the appropriate information was sent to the Attorney General. The Attorney General's opinion dated April 17, 2015, found the administrative rules to be in compliance.
4. Whether any person has presented a written or oral concern, objection, or complaint for agency consideration with regard to these rules. If so, describe the concern, objection, or complaint and the response of the agency, including any change made in the rules to address the concern, objection, or complaint. Please summarize the comments of any person who offered comments at the public hearings on these rules. No public comment was received.
5. The approximate cost of giving public notice and holding any hearing on the rules and the approximate cost (not including staff time) of developing and adopting the rules. The publication cost of the notice was \$1772.30.
6. An explanation of the subject matter of the rules and the reasons for adopting those rules. The reason for adopting Chapter 62-03.1-03 Private Sewage Disposal Systems, Section 62-03.1-03-01 General provisions, Subsection 12 "Administrative authority" (Page 44 of the North Dakota Administrative Code) is to remove the North Dakota State Plumbing Board from having administrative authority for onsite sewage treatment systems. The proposed amendment addresses the removal of the North Dakota State Plumbing Board from the definition of administrative authority. The reason for adopting Chapter 62-03.1-02 General Regulations, Section 62-03.1-02-02 Uniform Plumbing Code – Exceptions and modifications, Subsection 4 Plumbing fixtures and fixture fittings (Page 39 of the North Dakota Administrative Code) is to clarify the existing requirements for plumbing in residential dwelling units. The proposed amendment addresses the required fixtures in residential dwellings, water supply to fixtures and proper sewage disposal.

7. Whether a regulatory analysis was required by North Dakota Century Code (NDCC) Section 28-32-08 and whether that regulatory analysis was issued. Please provide a copy. [A regulatory analysis was not required.](#)
8. Whether a regulatory analysis or economic impact statement of impact on small entities was required by NDCC Section 28-32-08.1 and whether that regulatory analysis or impact statement was issued. Please provide copies. [A regulatory analysis or economic impact statement of impact on small entities was not required.](#)
9. Whether these rules have a fiscal effect on state revenues and expenditures, including any effect on funds controlled by your agency. If so, please provide copies of a fiscal note. [The proposed amendments to the N.D.A.C. 62-03.1-03-01\(12\) and 62-03.1-02-02\(4\), do not have a fiscal impact.](#)
10. Whether a constitutional takings assessment was prepared as required by NDCC Section 28-32-09. Please provide a copy if one was prepared. [A constitutional takings assessment was not required.](#)
11. If these rules were adopted as emergency (interim final) rules under NDCC Section 28-32-03, provide the statutory grounds from that section for declaring the rules to be an emergency and the facts that support that declaration and provide a copy of the Governor's approval of the emergency status of the rules. If these rules were adopted as emergency (interim final) rules, what steps were taken to make the rules known to persons who can reasonably be expected to have a substantial interest in the rules? [These rules were not adopted as emergency rules.](#)