



**MEMORANDUM
OFFICE OF ATTORNEY GENERAL
FIRE MARSHAL DIVISION**

TO: Representative Bill Devlin,
Chairman of the Administrative Rules Committee

RE: Description of the procedures followed in updating and adopting Article 10-7
of the Administrative Rules on fire prevention to be published in the
January 2015 Supplementary Report of the ND Administrative Code

DATE: December 8, 2014

Mr. Chairman and Members of the Administrative Rules Committee:

I am Raymond Lambert, North Dakota State Fire Marshal. I am here to provide information on the procedures we followed to update Article 10-7 of the North Dakota Administrative Code dealing with fire prevention, (The committee reference pages are 1-5). Chapter 10-07-01 of the North Dakota Administrative Code is the fire prevention rules commonly referred to as the State Fire Code. These rules set the guidelines and standards for the adoption of the International Codes and Standards that are used throughout the state in all public and private facilities. These rules are ever changing at the international and national level and need to be updated on an irregular basis as necessary. With the rules to be published in the January 2015 Supplement, I am here to give testimony to the committee to cover items of interest or concerns that you may have on this matter.

1. The recommended changes to the rules are not as a result of the statutory changes made by the Legislative Assembly.
2. The rules changes are not related to any federal statute or regulations.
3. During the process of adopting the rules, a copy of the changes to Article 10-7 was published in each of the county newspapers and a public hearing was held on August 27, 2014.
4. During the process of updating the rules of prevention, a public hearing was held after the publication in the county newspapers on August 27, 2014 at the State Capitol Building. At that time, no comments were provided, written or oral, and no members of the general public attended this public hearing to present any objections, concerns, or complaints on this process.
5. The only cost that occurred in the adoption process of updating the fire prevention rules was the cost to publish the article in each of the county newspapers to the total cost of \$ 1949.58.

6. The subject matter is providing a current up to date set of fire prevention rules that are consistent with nationally recognized good practice for safeguarding of life and property from the hazards of fire and/or explosions. The reason for adopting these rules is to keep our current fire prevention rules up to date with the latest published fire safety codes and standards of the National Fire Prevention Association as well as the international fire safety codes.
7. There is no regulatory analysis required by North Dakota Century Code § 28-32-08 as the proposed rules are not expected to have an impact on the regulated community in excess of \$50,000, and neither the Governor nor any member of the Legislative Assembly requested a regulatory analysis.
8. No small entity economic impact statement was required because none of the proposed rules will have an adverse economic impact on small entities.
9. With the adoption of the update of the rules, there is no fiscal impact on state revenue or expenditures. It has no effect on any funds controlled by our agency.
10. No takings assessment was required because the rule change does not limit the use of private real property.
11. These rules were not adopted as emergency rules under NDCC Section 28-32-03.

I am glad to provide this information on the procedures used and the need for updating of our fire prevention rules, Article 10- 7-01. At this time I would be glad to entertain any questions this committee may have. Thank you.


Raymond Lambert
North Dakota State Fire Marshal

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