

FISCAL NOTE
Requested by Legislative Council
02/11/2015

Amendment to: HB 1451

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$772,800		\$1,070,880
Expenditures				\$242,933		\$244,244
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The Fire Marshal would review all building plans which require sprinklers and inspect and observe the acceptance test to determine applicable code standards compliance after installation.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1 requires the Fire Marshal or designee to review all building plans for public and private buildings prior to fire sprinkler system installation and then inspect and observe the acceptance test the sprinkler system after the installation. Single family dwellings and two-dwelling units are excluded from this bill.

The number of buildings anticipated which will need sprinklers reflects the actual 2014 building numbers. While it is possible the total number of buildings for the 2015-17 biennium may be higher or lower, at this time the actual number is unknown.

PLEASE NOTE: The first fiscal note inadvertently anticipated this amendment and did not include the fiscal impact of the original bill in its entirety.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The office estimates it will take 5,520 hours for the biennium to review building plans for public and private buildings prior to fire sprinkler system installation and then inspect and test the sprinkler system after the installation. The estimated number of hours at the Fire Marshal billing rate of \$140 per hour results in total 2015-17 biennium estimated revenues of \$772,800. At the 2017-19 hourly rate of \$194 the total estimated revenue is \$1,070,880.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The workload increase resulting from this amended bill will require the addition of 1 deputy fire marshal with total salaries and wages of \$180,392 and operating of \$62,541, for a total of \$242,933 from other funds consisting of service billings. Salaries and wages of \$196,789 and operating of \$47,455, for a total of \$244,244 from other funds is the total estimated 2017-19 biennium cost.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

As amended, the Executive Recommendation could not have anticipated this change. The total appropriation for the 2015-17 biennium is estimated at \$242,933 and \$244,244 is estimated for the 2017-19 biennium. One deputy fire marshal will be needed to handle this workload. This appropriation can be added to this bill or to the office's appropriation bill, Senate Bill No. 2003.

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 701-328-3622

Date Prepared: 02/11/2015

FISCAL NOTE
Requested by Legislative Council
01/19/2015

Bill/Resolution No.: HB 1451

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$772,800		\$1,070,880
Expenditures				\$242,933		\$244,244
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The Fire Marshal would review all building plans which require sprinklers and inspect and test to determine applicable code standards compliance after installation.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1 requires the Fire Marshal or designee to review all building plans for public and private buildings prior to fire sprinkler system installation and then inspect and test the sprinkler system after the installation. Single family dwellings and two-dwelling units are excluded from this bill.

The number of buildings anticipated which will need sprinklers reflects the actual 2014 building numbers. While it is possible the total number of buildings for the 2015-17 biennium may be higher or lower, at this time the actual number is unknown.

The bill establishes a fire sprinkler contractor board and assesses annual fees and applicable penalties from \$500 - 1,000 for willful violations of the bill. It is unknown how many of each will be paid.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The office estimates it will take 5,520 hours for the biennium to review building plans for public and private buildings prior to fire sprinkler system installation and then inspect and test the sprinkler system after the installation. The estimated number of hours at the Fire Marshal billing rate of \$140 per hour results in total 2015-17 biennium estimated revenues of \$772,800. At the 2017-19 hourly rate of \$194 the total estimated revenue is \$1,070,880.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The significant increase in workload resulting from this bill will require the addition of 1 deputy fire marshal with total salaries and wages of \$180,392 and operating of \$62,541, for a total of \$242,933 from other funds resulting from the revenues shown in 3 A. Salaries and wages of \$196,789 and operating of \$47,455, for a total of \$244,244 from other funds is the total cost estimated for the 2017-19 biennium.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

As shown in Expenditures, the total appropriation for the 2015-17 biennium is estimated at \$242,933 and \$244,244 is estimated for the 2017-19 biennium. One deputy fire marshal will be needed to handle this workload.

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 701-328-3622

Date Prepared: 01/26/2015

2015 HOUSE INDUSTRY, BUSINESS AND LABOR

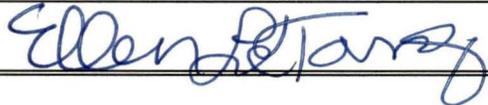
HB 1451

2015 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1451
1/28/2015
22770

- Subcommittee
 Conference Committee



Explanation or reason for introduction of bill/resolution:

Plan approval, inspection & testing of fire sprinkler systems & fire sprinkler system licenses and provide a penalty.

Minutes:

Attachment 1-5

Chairman Keiser: Opens the hearing on HB 1451.

Representative Beadle: Introduces the bill. It went into the political subdivisions in 2011 & 2013 sessions. Section one is intended to clarify the state fire marshal or the fire marshal's designees authority to review sprinkler plans. Section 2 creates a fire sprinkler certification system for fitters that would be comparable to the state electrical board.

Representative Louser: The code standards for the national fire protection association, are those in building code in North Dakota or are they separate?

Representative Beadle: My understanding that the NFPA, their standards in requirements are what the international building code looks to for their requirements.

Representative Kasper: Currently, without this bill, are there fire marshals out and about in North Dakota?

Representative Beadle: Yes, the state fire marshal has the ability to designate a local authority to handle some of the inspections.

Representative Kasper: Under current statute, is there a requirement of how many units inspected and size of units where a sprinkle has to be installed?

Representative Beadle: My intention was to make it so that we don't expand where sprinklers are required, just installed correctly.

Representative Kasper: Is it your contention that these folks are not doing their job right?

Representative Beadle: Places like Fargo are doing the job quite well; it's the areas around Watford City, in the rural areas, a lot of development is occurring outside city limits, therefore it goes to the county where, therefore, no planning and zoning requirements.

Representative Kasper: Should it not be the responsibility of local officials to set up the ordinances?

Representative Beadle: State wide, the fire marshal oversees the bulk of it. The bulk of communities around the state, do not have the expertise within their local government to properly regulate the installation, so they default to the state fire marshal.

Representative Kasper: How many incidences where there was a problem because the system was not installed properly?

Representative Beadle: There are people here to answer that.

Representative Ruby: Other than the inspection, this really sets up another board. Can't a plumber do this properly?

Representative Beadle: There are organizations that deal with certifications for licensing of sprinkler installation on the national level. It's not as simple as plumbing a facet, you can't turn on a sprinkler system to see if it's installed properly.

Representative Ruby: Are there enough people in the state that are qualified to be on this board.

Representative Boschee: I will have the people behind me to speak to that.

Representative Laning: It appears to create a new entire board, isn't there already a fire protection board there?

Representative Beadle: I will let the state fire marshal speak to that.

Representative Frantsvog: Do we have qualified installers in western North Dakota?

Representative Beadle: I believe so.

Representative Ron Guggisberg~District 11-Fargo: It's not my expertise. The only way you know if it works is if there is a fire and that's not the time to find out that it doesn't work.

Representative Kasper: You mentioned hotels, currently they are being inspected and they don't turn on the sprinkler system. What is going to change in this bill that's already being done?

Representative Guggisberg: You are right but the fire marshal does not review or check the sprinkler system himself.

Dan Phillips~Sprinkler Fitter: (Attachment 1).

25:50

Representative M Nelson: When a building requires a sprinkler system, isn't it part of the blue prints?

Phillips: They are designed but don't have to be an engineer or knowledgeable in auto cad. The blue prints in the field are a guide line. They are modified all the time.

Representative M Nelson: You are a certified inspector, how do you inspect a sprinkler system?

Phillips: We test the valves, check electronic devises and do a walk through the building.

Representative Beadle: With regards to Montana and Minnesota, what do you do to go through for licensure in those states? Are you aware what governing structure is in place?

Phillips: The state of Montana is that you have 8,000 hours and submission of an apprentice program. The state of Minnesota 8,000 hours also and have to take a state exam by the state fire marshal's office.

Representative Frantsvog: Once you've installed a system, can an employee walk by and check to see if the system is ok?

Phillips: Most of the time is that they are monitored by an electronic panel.

Representative Laning: I can see this is a big work load for the state fire marshal, have you discussed this with him?

Phillips: It's a concern of my also and we have been in discussion. Work load, I couldn't tell you.

Eric Gleason~Fire Association: (Attachment 2).

(40:01)

Representative Ruby: Why aren't you working with the local jurisdictions in having them tighten up their codes rather than having whole board approach?

Gleason: It's to raise the standard that they understand the perspective of the job.

Representative Beadle: Do other states have an advisory board type layout like this being proposed?

Gleason: Looks like 17 states have either a registration or full on license. Full licensure creates a board. Other states sometimes have a Department of Regulatory Agencies

where you have a single piece that all of these agencies get licensed. We don't want this to die because of sections 1 & 2, if there is so much consternation over single section, let's start somewhere.

Raymond Lambert~North Dakota State Fire Marshal-Division of the Office of Attorney General: (Attachment 3).

Joey Boespflug: North Dakota Fire Chiefs & Bismarck FD: The bill concept is wonderful and will be supported in an amended form. There is a huge need for this fire code enforcement. The rural areas are in need for this support and begging for the assistance. Section 2 is essential and Section 1 is the most important piece of this puzzle. Section 1 needs some amendments, in short we can work together on those amendments.

(53:00)

James "Woody" Ball~Chief Fire Marshal in Williston: I have found a wide variety of problems in all areas and I've been working on those very diligently. I encounter individuals coming to North Dakota that don't know North Dakota law and this creates a challenge. I want to offer my support with the amendment that Mr. Boespflug mentioned. This is important legislation and needs to get this passed.

Chairman Keiser: Anyone else here to testify in support of HB 1451, opposition?

Brenda Elmer~Represent Associated Builders in North Dakota: (Attachment 4).

(1:02:44)

Representative Beadle: From your membership group perspective I'm wondering if a, what we should look as the best recourse to insure we don't have that wide gamut of problem and b, when you talk about registration, to hold someone accountable. In terms of notification to SLS about their performing that contract, it that what you mean by that?

Elmer: We understand that no regulation is not ideal at all. We are not opposed to some structure to weed out the "fly by night" contractors; it's the licensing of the individual that we opposed. We are open to amendment to the testing and inspections.

Rod DiBona~Vice President and one the owners of Rapid Fire Protection: (Attachment 5). We are a fire sprinkler contractor and have an office in Bismarck for 11 years.

1:15:20

Representative M Nelson: There is national certification of the planners and drawers but not of the fitters, correct?

DiBona: There actually is for both but the impetus is for the designer of those systems.

Representative M Nelson: We have nationally certified designers and then the fire marshal inspects the design, this seems redundant.

DiBona: We have designers, do the plans, submit it to the fire marshal and the fire marshal is another trained eye, that looks at the plan and they say resubmit or reject. We work at a team in conjunction and value that.

Chairman Keiser: You are in opposition of the bill if passed as is.

Nathan Jones~Tolbert Homes-Board Member of the local Homebuilders Association: We opposed the current bill and it creates a slippery slope. There could be some amendment to the bill I could support. Apartment building in western North Dakota is a dead issue.

(1:20:42)

Representative Beadle: The portion that causes consternation for home builders is in section 1, subsection 4, single family dwelling or residential building that do not contain more than 2 dwellings, are not subject to this section. I'm wondering under the existing language in century code, are the home builders still comfortable that we don't have that slippery slope? According to this, the local ordinances could require it for tri-plexes and beyond. It's not my intent to bring it to anything below; does that give you home builders comfort about that slippery slope issue?

Jones: I can't answer that question.

(1:22:30)

Jason Eid~North Dakota Association of Builders: A lot of things are echoed on the testimony presented today. I'm encouraged by the amendment presented today.

Representative Beadle: Are you ok with the statute for small buildings?

Eid: Minnesota did change their building code to rather than if you are going to adopt a building code, that this is the state building code. For the fire marshal, I have not checked with our association that might give some of that power and jurisdiction that seems to be lacking with the way we are currently set up.

Clay Dretrich~President of the Fargo-Moorhead Home Builders: I had some concern with section 1 and it gets down to everything we call the NFPA, and a lot of our jurisdictions are enforcing international codes. It's not necessarily what your code officials are enforcing. I want to make sure that our codes address one standard. I would like to go to one code, not compare two. I want to make sure that the person who is installing that fire suppression system is a licensed contractor and someone is keeping an eye on them. At the end of the day, they are going to sue him and me also.

Chairman Keiser: Anyone else here to testify in opposition on HB 1451, neutral? Closes the hearing.

Representative Laning Representative will chair the subcommittee who is carrying this bill and **Representative Beadle & Representative Hanson** are on the subcommittee. They will work on section 1 and language for the code; we are going to need a quick fiscal note because it will have to go to appropriations.

2015 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1451
2/2/2015
22960

- Subcommittee
 Conference Committee

Ellen Letang

Explanation or reason for introduction of bill/resolution:

Plan approval, inspection & testing of fire sprinkler systems & fire sprinkler system licenses and provide a penalty.

Minutes:

Attachment 1, 1A, 2, 3, 3A

Meeting Location: Peace Garden Room.

Members Present: Representative Laning, Representative Beadle & Representative Hanson.

Other Present: Raymond Lambert~North Dakota State Fire Marshal-Division of the Office of Attorney General.

TOPIC DISCUSSED

Representative Laning: Opens the subcommittee on HB 1451. The subcommittee will work on section 1 and language for the code. State Fire Marshal brought amendment to look at.

Lambert~State Fire Marshal: (Attachment 1 & 1A). Goes over the amendment.

Representative Laning: Would you need a fiscal note.

Lambert~State Fire Marshal: (Attachment 2). A fiscal note.

Lambert~State Fire Marshal: (Attachment 3 & 3A)

Representative Beadle: Moves to adopt the amendment to take to the full committee.

Representative Hanson: Second.

Motion carried.

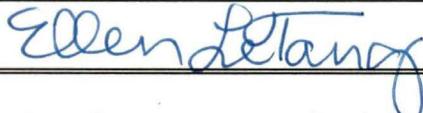
Representative Laning: Closes the subcommittee work session.

2015 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1451
2/4/2015
23207

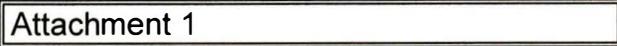
- Subcommittee
 Conference Committee



Explanation or reason for introduction of bill/resolution:

Plan approval, inspection & testing of fire sprinkler systems & fire sprinkler system licenses and provide a penalty.

Minutes:



Chairman Keiser: Opens the work session on HB 1451.

Representative Laning: (Attachment 1). Goes over the marked up bill. We cleaned up the bill and made it more clear.

Representative Ruby: I see in subsection 3, there was a suggestion that that should be moved to 8.

Representative Laning: It is code right now and it's not a change.

Representative Beadle: That's a reference to statute. It's making sure it's repeated in language but did not include residential.

Representative Laning: Many of the communities put their own extension on that and don't require anything less than an eight-plex. We didn't change that.

Representative Ruby: Was it discussed how quickly these would get reviewed and approved?

Representative Laning: It goes into effect January 1 of this year. The fire marshal said that they would have to go and find a new employee.

Chairman Keiser: We are going to have to hold this bill until we get a new fiscal note so we can determine whether we need to rerefer it.

Representative Beadle: Move to adopt amendments.

Representative M Nelson: Second.

Voice vote, motion carried.

Chairman Keiser: Amendments are on the bill and closes the hearing.

2015 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1451
2/9/2015
23459

- Subcommittee
 Conference Committee

Ellen Letang

Explanation or reason for introduction of bill/resolution:

Plan approval, inspection & testing of fire sprinkler systems & fire sprinkler system licenses and provide a penalty.

Minutes:

Chairman Keiser: Opens the work session on HB 1451. Brian and I talked with the fire marshal and he said that will not change the appropriation. It will be rerefered if it has no fiscal impact.

Representative Laning: We removed everything except section 1 in that bill with the amendment. Fire marshal thought this would be a positive impact however he will have to have one more FTE to conduct all the inspections and reviews of plans. It was a much needed bill to assist small communities. We recommend a **Do Pass on HB 1451 as Amended** with a **rereferal** to appropriations.

Representative Beadle: Second.

Representative Ruby: Will they review every plan across the state, if so, where is their expertise in that?

Representative Beadle: The fire marshal or fire marshal's designee. The issue was with the communities that don't have a designee.

Representative Ruby: That's what I'm asking. Do the plans be sent to the state or to Minot, for example?

Representative Beadle: Depends on the designee for that area and it would be for the fire suppression systems.

Representative Kasper: Did we amend on line 23 on page 1, the word two to eight.

Representative Laning: We left that alone, it's presently in code.

Representative Kasper: With the bill amended, what is going to change?

Representative Beadle: With the issue with the number of units, nothing. What changes is currently there is no purview in place for inspection of fire sprinkler plans particularly in rural areas.

Representative Ruby: I'm going to oppose the motion. This adds a layer of regulation to a problem that has not been well demonstrated in my opinion.

Representative Hanson: My interest in the issue would be cost saving on the insurance level.

Representative Kasper: Couldn't the local entities require the fire sprinkler and we don't have a state law that requires it?

Representative Hanson: They could but I don't see it as their job to become a jack of all trades.

Representative Kasper: My point, couldn't the local entity require the fire marshal to inspect instead of having state law requiring?

Representative Laning: You are right, locals can require it and should require it but they don't have the expertise to look at the plans to know what the requirements are as an effective sprinkling system.

Representative Beadle: The locals can't send plans to the state fire marshal. They don't have the authority to obligate the state fire marshal to handle all their plan reviews unless it falls under his purview. Contractors said that section 1 has ambiguity because the fire marshal office technically needs to make sure that fire codes are followed state wide on how their authority lies.

Chairman Keiser: Can you explain the fiscal note, how is the fee assessed?

Representative Laning: The fire marshal will charge for their time, reviewing the plans and inspections. How the cost is moved down, I can't answer to that.

Representative Beadle: The local communities that do have a fire marshal locally do currently charge for that fire marshal to inspect plans. So, those communities, there is no change in cost. The only additional fee would be for those who don't have a local operative.

Representative Ruby: On the fiscal note, you can't say that may hours that doesn't result in slowing projects and potentially project where the highly qualified people are installing the sprinklers, are hired to do it anyway. I'm still not sold.

Chairman Keiser: Representative Kasper is correct, but for any small political subdivisions, they don't have the resources. One of the alternative approaches would be to have the fire marshal or agency to assist in writing the code. I have a suspicion we are

going to get a lot of kick back from some of the smaller communities and this is adding \$500 to my project. You could have a bill the for the joint powers agreements. I do have reservations of FTE's in state government. But on the other hand, the safety is a legitimate issue that should and does address because we want a safe system.

Representative Kasper: I don't know all the duties of the fire marshal, but one of the duties ought to educate the cities and counties in the rural areas.

Representative Ruby: I think you would be surprised that in small areas that they have a city attorneys. I will oppose the bill.

Chairman Keiser: Further discussion? Take roll call.

Roll call was taken for a Do Pass as Amended on HB 1451 with 6 yes, 8 no, 1 absent. Motion fails.

Representative Kasper: Moves for a Do Not Pass as Amended on HB 1451.

Vice Chairman Sukut: Second.

Roll call was taken for a Do Not Pass as Amended on HB 1451 with 8 yes, 6 no, 1 absent and Representative Ruby is the carrier.

February 9, 2015

SK
2/9/15
V2

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1451

- Page 1, line 1, remove "and a new chapter to"
- Page 1, line 2, remove "title 43"
- Page 1, line 2, replace the second comma with "and"
- Page 1, line 2, remove ", and testing"
- Page 1, line 3, replace "of fire sprinkler systems and fire sprinkler system licenses; and to provide a penalty" with "; and to provide an effective date"
- Page 1, line 7, replace the first bold underscored comma with "**and**"
- Page 1, line 7, remove "**, and testing**"
- Page 1, line 9, after "building" insert "and sprinkler"
- Page 1, line 10, remove "national fire"
- Page 1, line 11, replace "protection association" with "fire marshal or fire marshal's designee"
- Page 1, line 14, after "inspect" insert "the fire sprinkler system"
- Page 1, line 14, after "and" insert "observe the acceptance"
- Page 1, line 14, remove "the fire sprinkler system"
- Page 1, line 15, remove "of the national fire protection association"
- Page 1, line 16, remove "The owner of any building containing a fire sprinkler system shall have the fire"
- Page 1, remove lines 17 through 21
- Page 1, line 22, remove "4."
- Page 2, line 1, replace "5." with "4."
- Page 2, line 1, remove "building"
- Page 2, line 2, after "inspections" insert "as"
- Page 2, line 2, after "section" insert "and conducted by the fire marshal"
- Page 2, line 3, remove "who conducts a review or inspection under this"
- Page 2, remove line 4
- Page 2, line 5, replace "approved by the fire marshal" with "may establish a fee schedule for permits, plan review, and inspections"
- Page 2, remove lines 6 through 31
- Page 3, remove lines 1 through 31
- Page 4, overstrike lines 1 through 31

12

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 30

Page 7, remove lines 1 through 29

Page 8, remove lines 1 through 9

Renumber accordingly

Date: Feb 2, 2015

Roll Call Vote: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 145L

House Industry, Business & Labor Committee

Subcommittee Conference Committee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations

Other Actions: Reconsider _____

Motion Made By Rep Beadle Seconded By Rep Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser			Representative Lefor		
Vice Chairman Sukut			Representative Louser		
Representative Beadle	X		Representative Ruby		
Representative Becker			Representative Amerman		
Representative Devlin			Representative Boschee		
Representative Frantsvog			Representative Hanson	X	
Representative Kasper			Representative M Nelson		
Representative Laning	X				

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Moves to adopt fire marshal's amendment
to take to full committee
Motion carried.

Date: Feb 4, 2015

Roll Call Vote: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1451

House Industry, Business & Labor Committee

Subcommittee Conference Committee

Amendment LC# or Description: 15.0957.01001 }

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
Other Actions: Reconsider _____

Motion Made By Rep Beadle Seconded By Rep Nelson

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser			Representative Lefor		
Vice Chairman Sukut			Representative Louser		
Representative Beadle			Representative Ruby		
Representative Becker			Representative Amerman		
Representative Devlin			Representative Boschee		
Representative Frantsvog			Representative Hanson		
Representative Kasper			Representative M Nelson		
Representative Laning					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

voice vote, motion carried to accept the fire marshal's amendments

Date: Feb 9, 2015

Roll Call Vote: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1451

House Industry, Business & Labor Committee

Subcommittee Conference Committee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations

Other Actions: Reconsider _____

Motion Made By Rep Laning Seconded By Beadle

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser		X	Representative Lefor		X
Vice Chairman Sukut		X	Representative Louser		X
Representative Beadle	X		Representative Ruby		X
Representative Becker		X	Representative Amerman	X	
Representative Devlin		X	Representative Boschee	X	
Representative Frantsvog	Ab		Representative Hanson	X	
Representative Kasper		X	Representative M Nelson	X	
Representative Laning	X				

Total (Yes) 6 No 8

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

vote fails

Date: Feb 9, 2015

Roll Call Vote: 2

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1451

House Industry, Business & Labor Committee

Subcommittee Conference Committee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations

Other Actions: Reconsider _____

Motion Made By Rep Kasper Seconded By Rep Sukut

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	x		Representative Lefor	x	
Vice Chairman Sukut	x		Representative Louser	x	
Representative Beadle		x	Representative Ruby	x	
Representative Becker	x		Representative Amerman		x
Representative Devlin	x		Representative Boschee		x
Representative Frantsvog	<u>AB</u>		Representative Hanson		x
Representative Kasper	x		Representative M Nelson		x
Representative Laning		x			

Total (Yes) 8 No 6

Absent 1

Floor Assignment Rep Ruby

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1451: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1451 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "and a new chapter to"

Page 1, line 2, remove "title 43"

Page 1, line 2, replace the second comma with "and"

Page 1, line 2, remove ", and testing"

Page 1, line 3, replace "of fire sprinkler systems and fire sprinkler system licenses; and to provide a penalty" with "; and to provide an effective date"

Page 1, line 7, replace the first bold underscored comma with "**and**"

Page 1, line 7, remove "**, and testing**"

Page 1, line 9, after "building" insert "and sprinkler"

Page 1, line 10, remove "national fire"

Page 1, line 11, replace "protection association" with "fire marshal or fire marshal's designee"

Page 1, line 14, after "inspect" insert "the fire sprinkler system"

Page 1, line 14, after "and" insert "observe the acceptance"

Page 1, line 14, remove "the fire sprinkler system"

Page 1, line 15, remove "of the national fire protection association"

Page 1, line 16, remove "The owner of any building containing a fire sprinkler system shall have the fire"

Page 1, remove lines 17 through 21

Page 1, line 22, remove "4."

Page 2, line 1, replace "5." with "4."

Page 2, line 1, remove "building"

Page 2, line 2, after "inspections" insert "as"

Page 2, line 2, after "section" insert "and conducted by the fire marshal"

Page 2, line 3, remove "who conducts a review or inspection under this"

Page 2, remove line 4

Page 2, line 5, replace "approved by the fire marshal" with "may establish a fee schedule for permits, plan review, and inspections"

Page 2, remove lines 6 through 31

Page 3, remove lines 1 through 31

Page 4, overstrike lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 30

Page 7, remove lines 1 through 29

Page 8, remove lines 1 through 9

Renumber accordingly

2015 TESTIMONY

HB 1451

House Bill 1451 Testimony

House Industry, Business, and Labor Committee

January 28, 2015 • Dan Phillips, Sprinkler Fitter

Chairman Keiser and members of the Industry, Business, and Labor Committee;

I would like to thank you for the opportunity to provide testimony in support of HB1451. My name is Dan Phillips and I have been a sprinkler fitter for 17 years. I am licensed to install, service, and inspect fire sprinkler systems in MN and MT. North Dakota, where I primarily work, does not currently require sprinkler fitters or fire sprinkler contractors to prove they have qualifications and training to install, service, or inspect fire sprinkler systems. Submitting sprinkler plans for review and approval is required in larger cities such as Fargo, Bismarck, Dickinson, Minot, and Grand Forks. In rural areas that are served by a volunteer department, there is no oversight.

For the past 3 years I have been working in rural Western ND areas. I have witnessed sprinkler systems that have not been installed to NFPA (National Fire Protection Association) 13 standards. This is the standard code in which sprinkler systems are to be installed as adopted in North Dakota Century Code chapter 18. NFPA 13 is similar to an electrical code (National Electric Code/NEC) or plumbing code (International Plumbing Code/IPC). This standard should be followed to ensure the system protect lives when a fire occurs.

Fire Sprinklers Suppress the fire until the fire fighters arrive. Suppress the fire to get the occupants out safely. The failure of any fire sprinkler system could cause people to die and ND is on a path to be the first state on record of this happening if action is not taken. I am here and urging a 'do pass' on this bill to ensure this will NEVER happen.

Fire sprinklers make the news. I have included recent accounts of sprinkler system activations that HAVE done their job. This is great news! A huge reason to support this bill is that improperly installed systems can cause millions of dollars in major damages and displace seniors, children, and families. One of the reasons these systems fail and cause such damage includes attic piping (dry system) not graded properly to drain which results in trapped water freezing and bursting pipe. This is followed by water flowing until the valve is closed. Installations in attics can be quite challenging. NFPA 13 code requires Sprinkler Mains to be graded ¼" in 10 feet and branch lines and at ½" in 10 feet. Asking for experienced fitters to do this work is common sense. Some contractors or sprinkler fitters are not familiar with our brutally cold ND winters and have placed systems in service that have sprinkler piping in the attic. I shake my head with every service call and believe a plan review or inspection would have prevented failures like these.

In order to protect the Integrity of the fire sprinkler industry in the state of ND we must raise the bar to the level of the states on either side of ND. This bill would ensure that fire sprinkler plans are reviewed and inspected by the state. It would also make certain fire sprinkler systems are installed serviced and inspected by competent individuals and contractors.

I am not a lobbyist and appear on my own behalf as a sprinkler fitter who takes great pride in completing a job that has the potential of saving lives in the event of a fire. I could not stand by and wait for someone to take action so I reached out to Eric Gleason, NFSA, to assist me in the creation of this bill. We also gathered the input of local contractors as well as local and state fire officials. I hope you can see the need for this legislation and 'do pass' this on to the house.

Thank You

Recent Happenings: Fargo

Sprinkler system puts out fire at Sysco Foods

A building's sprinklers system helped contain an early morning fire in Fargo Saturday.

Fargo Firefighters responded to a fire at Sysco Foods on 12th Avenue North around 4:30 a.m. Crews arrived to smoke inside the building. The fire was already put out by the building's sprinkler system.

Firefighters had to clear smoke out of the building.

No one was there when the fire broke out.

The cause is under investigation.

Updated: Sat 12:37 PM, Jan 10, 2015 ValleyNewsLive.com



Faulty Equipment Flooded Two Classrooms Forcing Students to Move to Other Parts of a Local Kindergarten Center.

A sprinkler head malfunctioned at the Osgood elementary center in Fargo last Monday. A new classroom for special needs students was just completed the night before. Water destroyed books, classroom supplies, and other personal items from teachers. Students who use those classrooms have been moved to a different part of the school.

Interview with teacher Danielle Morris: "We just literally finished wall papering the room Sunday night and Monday night it rained. So I thought it was a joke and believed them in the end and came down here and saw all the fire trucks and fireman pushing water out the door and three inches of water lapping on our shoes".

Interview with Principal Darren Sheldon:

"With the two rooms being that are unusable now for two to four weeks. People are displaced again in the building but we'll get over it and hopefully in a month things will be normal".

Fans are still running to help dry things out. New insulation, drywall, and ceiling tiles are all being put in. The school hopes to have one classroom back up and running with in a week. The other will most likely re-open after the first of the year.

Provided by Gretchen Hjelmstad-Assistant News Director-Valley News Live

Recent Happenings: Fargo, continued

Apartment Fire Saved By Sprinklers

A Fargo apartment is safe thanks to an overhead sprinkler system, that put out an unattended cooking fire.

It happened late this afternoon around 4:50 p.m.

Firefighters responded to reports of smoke coming from the third floor of an apartment building at 4936 47th St. S. When the crew arrived smoke filled the hallway, but when they entered the apartment the fire was out by two sprinkler heads

The sprinkler system was shut down and actions were taken to control water damage. There were no injuries. Loss from the fire is estimated at \$15,000 dollars.

*Posted: Wed 11:10 PM, Jan 21, 2015
ValleyNewsLive.com*

UPDATE: Crews Respond to a Fire in Downtown Fargo

Residents at a downtown apartment building had to be evacuated this morning after one of the units had flames and smoke.

Police officers were the first to respond to 717 8th Street North at the Bakre apartment building around 10:15 this morning. Police immediately began evacuating people out of the building. Fire crews were called and it was later discovered a fire had been mostly extinguished by a sprinkler system.

Bruce Anderson/Fargo Fire Department, "Most of the fire was extinguished initially and there was smoke and the fire had extended up into the ceiling and attic space." Fire crews had to work for about an hour to get the fire out of the ceiling. No injuries were reported. The cause of the fire is still under investigation. According to the Fargo Fire Department there was heavy fire and smoke damage to one apartment and lighter damage to a second apartment on the third floor. Water also caused some damage to two apartments on the second floor.

None of the building tenants will be able to return to their apartments. The department estimates the damage to be around \$175,000.

*By Jordee Kalk on Jan 24, 2015 at 2:33 p.m.
Wdaynews.com*

Poor Installation Practices

5-Large Duplexes Near Williston, ND • 8 Similar Structures Built Near Watford City, ND



This workforce housing was put in service by a contractor from Texas. There was water filled sprinkler pipe installed in the attic that froze and broke. This may have been prevented with an inspection from an AHJ.

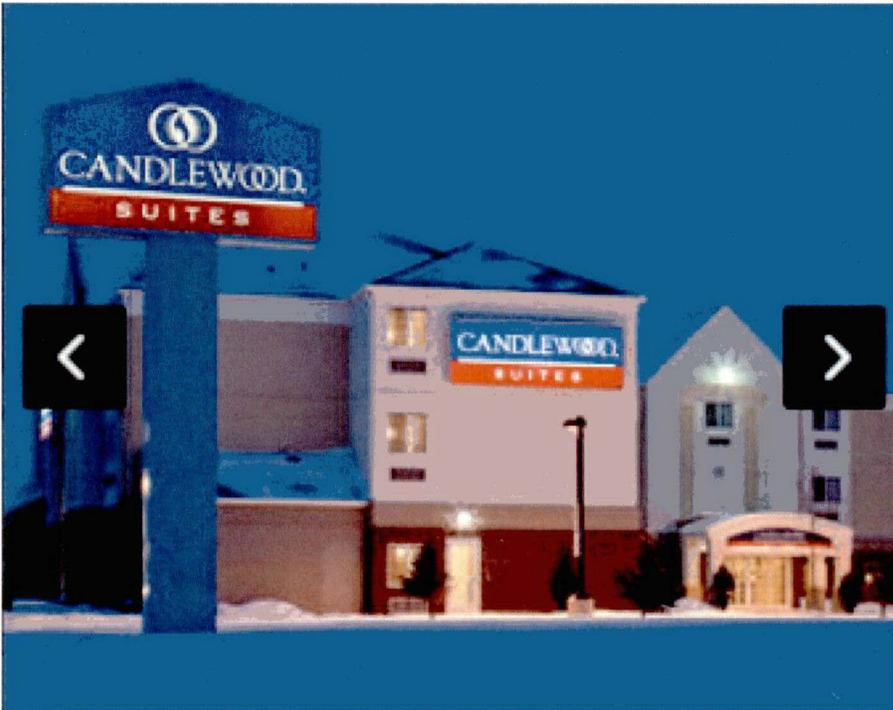
Poor Installation Practices, continued.

CANDLEWOOD SUITES-FARGO, ND

Hotel Water Pipe Breaks Flooding Entire Hotel; All 40 Guest Rooms Evacuated

The water pressure actually broke a wall down...they had to evacuate all 40-some rooms that night.

This hotel was closed for months for demo and rebuild.



Poor Installation Practices, continued.

This was to be a Senior Living Center. Before opening, over half the building was destroyed by severe water damage caused by fire sprinkler system failure. Piping in the attic was not graded properly. It was opened as a hotel after rebuilding.

See statements below from Steve Schaad, Superintendent for LCG Pence.

Steve Schaad <steves@lcp.com> 11/7/14

to me ▾

Dan,

I am writing in regards to a project we did in Williston ND.

The project was 134,000 sq. ft. retirement center, which is being used today for a motel, due to a booming economy here in Williston.

The project was within app. 2 weeks of completion when a sprinkler line in the attic on the South wing had the end blow off of the line on March 18 2013 from having water trapped in the app. the last 20'-0" of pipe. The water damage collapse the 2nd and 3rd floor in 2 units due to the dry system lost air and the fire pump kicked in and ran. The building had water damage to app. 60% and took almost a year to fix.

Steve Schaad
Superintendent
LCG PENCE
CONSTRUCTION
lcpence.com
701.774.8912 (O) | 503.585.7477 (F) | 503.899.3525 (C)
1505 15th Ave. West, Williston, ND 58801
OR CCB# 153167 | WA CL# LCGPEL*982Q1 | ND CL# 41868 | CA CL# 942182

Steve Schaad Jan 19 (6 days ago)

to me ▾

Dan,

I want to also let you know it cost close to 10,000,000.00 dollars to repair this building.

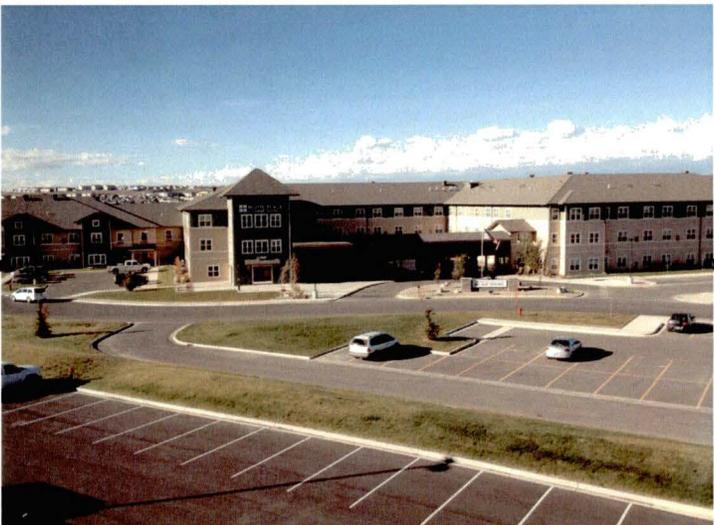
It is my understanding there is a bill in the legislation a new section to chapter 18-01 of the North Dakota Century code.

As one of the items to happen in this bill is to review all building plans for both public and private buildings, prior to the installation of the fire sprinkler system, and to do inspection onsite of the installation of the fire sprinkler system.

I do believe this would have already been in affect this may have prevented this problem of what had happen to this building.

Thanks Dan for assisting on moving this bill to the legislation for approval.

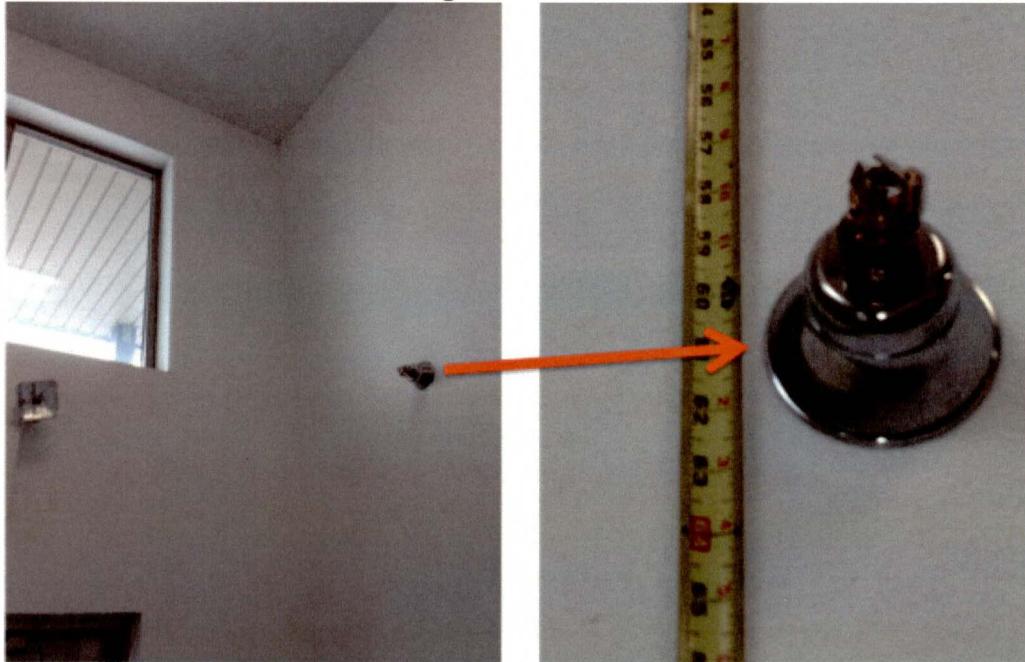
Steve Schaad
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OR CCB# 153167 | WA CL# LCGPEL*982Q1 | ND CL# 41



Code Violations

NFPA 13 requires sprinkler heads be installed within 12 inches of ceiling, not 5 feet!

Reason: heat collects at the ceiling



Below: The photo on the right is an upright head installed in the pendent position in a restaurant kitchen. (It is upside down) If activated the water would not have formed an umbrella pattern properly covering the floor.

The photo on the right is an upright head installed in the pendent position in a restaurant kitchen. (It is upside down) If activated the water would not have formed an umbrella pattern properly covering the floor.



Jan 28, 2015

HB 1451

2

House Bill 1451 – North Dakota Century Code

OVERVIEW

- **Section 1** – Gives the Office of the State Fire Marshal (OSFM) the enhanced condition to review, approve & inspect all fire sprinkler systems in the state. OSFM may delegate this to local fire departments.
- **Section 2** – Requires all fire sprinkler contractors, fitters (installers) and system designers to obtain a license to do so. Creates a licensing board.
- **Section 3** – Delays section 1 & 2 until 1/1/2016 to give time for the OSFM to prepare and to create the licensing board.

WHY DO WE NEED A LAW?

The current system (no law) is broke and needs fixing. The proposed bill 1451 is a common sense approach.

Background:

Section 1 - The state is experiencing growth in areas that are not receiving any review of fire sprinkler installations, design or maintenance.

Section 2 – The nature of fire sprinkler systems are technical (like electricians, plumbers, real estate agents...). An improperly designed and/or installed fire sprinkler system can result in loss of life and/or financial loss to the owner of the commercial structure.

There have been numerous installations in North Dakota that have been improperly installed, designed and/or maintained. Because of North Dakotas rapid growth, fire sprinkler contractors are filling the demand without experience with the unique climate demands (subzero temperatures) of North Dakota among one major factor**.

WHO IS SUPPORTING THIS LAW?

The need was seen as far back as 1999, where versions of HB1451 began. Dan Phillips, a Fargo resident and journeyman sprinkler fitter, has seen the need from the inside; having completed new installations all over the state and in neighboring states MN and MT. Both MN and MT have similar laws. Recently, Dan reached out to the National Fire Sprinkler Association, who in turn reached out to fire sprinkler contractors in the region to determine whether a need existed.

The original idea was for two bills (Section 1 & Section 2 respectively) to be submitted. Section 1 was also going to encompass all life safety systems (fire alarms, smoke compartmentalization, fire suppression, egress, etc). In working with the OSFM it was determined that the best first step was fire sprinklers (suppression). Section 2 originally had licensing requirements for apprentices, but that was eliminated in HB1451 for ease of adoption. The premise & practice of “apprentice fitter” still exists in the industry and the senior most “journeyman” fitters will be regulated in HB1451.

Collective work is currently happening with the OSFM, State Fire Chiefs and there is overwhelming support from the trade and commercial builders.

DOES HB1451 PROTECT & REPRESENT NORTH DAKOTANS?

Absolutely, that is the primary reason for this bill to become law. This bill helps protect North Dakotans by giving ‘teeth’ to the rules, ordinances and codes that are already on the books. Builders should be building to the building codes and standards. However without a system of checks and balances, sometimes things slip through the cracks by even the best of builders. HB1451 puts in place a governmental double-check to catch those things that may have slipped by. Shady

pg 1

builders and contractors will be rooted out by HB1451. Other trades are licensed in North Dakota; Electricians, Plumbers, Real Estate Agents, Massage Therapists, Barbers

WHAT ARE THE COMPLICATIONS OF THIS LAW?

As with any law there can be challenges. The largest hurdle for Section 1 and Section 2 is staffing and the funding thereto. Both HB1451 sections are created with the intent that they be 'cash' funded -- Meaning that fees imposed on fire sprinkler contractors would fund the OSFM and License Board respectively.

As with any law or funding request there is no way to 100% how many FTE's are needed. For example: The OSFM isn't currently reviewing or inspecting fire sprinkler plans in the rural areas that HB1451 specifically draws into question. Exactly how many building permits have been obtained in these areas? Exactly how many of these buildings require fire sprinklers by the state adopted code? Exactly what kind of fire sprinkler systems will be installed (the type of system required by code may require more or less time -- think Menard's 240,000 square feet versus a 15,000 square foot hotel -- different hazards, different size, different occupancy....)

Under Section 1 of HB1451 the OSFM has the ability to appoint or direct a "designee" to perform the requirements under Section 1 of HB1451. Is this 'appointment' or 'direction' an increase in authority of existing fire departments such as Fargo Fire Department or Bismarck Fire Department? In the creation of Section 1 of HB1451 **it wasn't the intent** to minimize or otherwise restrict what the local fire departments of size (Fire Departments that are currently reviewing, inspecting and approving fire sprinkler systems) in any way. Local fire departments know the local area(s) the best. They have the most knowledge as to the unique situation(s) that exist in their locale. The State Fire Chiefs Association may be able to speak better to this. If there is a concern then an amendment may be necessary.

WHO IS AGAINST THIS LAW?

It is our understanding that there may be concern from the local Home Builders Association. This is very interesting since the bill specifically addresses the North Dakota anti-residential sprinkler law. HB1451 affects commercial buildings only. The building codes address what is considered residential. There virtually no argument contesting that fire sprinklers save lives. All of the national building codes (iCodes by the International Code Council) require fire sprinklers in commercial structures. As with any building code, building standard there is a system of checks and balances on the general contractor, sub-contractor and Authority Having Jurisdiction (Building Department, Fire Department, OSFM) before that structure is delivered to the customer and public. Building codes and fire codes are for public safety.

This is a common sense law

WHAT OTHER STATES HAVE SIMILAR LAWS?

Section 2 (Licensing and/or registration with education) -- Minnesota, Montana, Wisconsin, Colorado, Connecticut, Idaho, Iowa, New York, California, Louisiana, Maine, Massachusetts, Nevada, New Mexico, West Virginia. There is current legislation pending in Oklahoma, Arkansas and Hawaii. Source: USASFA.

Examples

**Being off a little in grading (slope of the pipe) might not matter as much if you're used to installing systems in Texas, it's a huge issue in the frigid cold of North Dakota. Having a systems reviewed and inspected by licensed contractors and fitters is a great way to help prevent financial loss for owners and may possibly save a life in the meantime. Other specific examples will be provided at the committee hearing.



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

TO: Representative George Keiser
Chairman, Industrial Business and Labor Committee

Re: HB 1451 Fire Sprinkler Plans Approval, Inspection and Testing

Date: January 28, 2015

Mr. Chairman, Members of the Industrial Business and Labor Committee,

I am Raymond Lambert, North Dakota State Fire Marshal, a Division of the Office of Attorney General. I am here to provide testimony and to answer any questions the committee may have on HB 1451 which would create a new section in NDCC Chapter 18-01 in regards to fire sprinkler plan approval, inspection and testing.

HB 1451 is designed to correct a disparity which likely exists when constructing two like buildings in North Dakota. One building is constructed in a community that has a building and fire authority to do plan reviews, on-site inspections and follow-up inspections to see that the building was constructed to the standards adopted by the community, and a building with a fire suppression sprinkler system is properly inspected and installed. The other like building, in a community that has no building authority and no fire authority, the building plans may or may not be available but none are reviewed, sprinkler plans are not reviewed and approved, the building is constructed with no on-site inspections, and we unfortunately can wind up with a building substandard to the safety of the occupants utilizing that building. HB 1451, as introduced, appears to have the intent to eliminate this disparity and make available the Fire Marshal's Office to provide plan reviews, approval, and on-site inspections to see that the buildings are built

to standard and have properly installed fire suppression systems. However, HB 1451 has some problematic language.

In the past week I have been hearing from larger fire departments which express a concern about some verbiage in the bill that would require their departments to do not only on-site testing, but corrective work on the installed system. I would agree that they are not, nor is my office in a position to do work on sprinkler systems. We only observe this work or tests to be conducted. I am also hearing from many of the smaller fire departments with their desire to support this bill as it addresses the need to have sprinkler system plans reviewed and inspected in some manner, but are unsure in how to do this with the complexity of the large portion of this bill identified as section two having considerable detail into licensing contractors, installers, engineers and architects. Though HB 1451 is good in concept, there are many areas of this bill that pose a great concern to both my office and the fire service in general. This bill could be amended to address these concerns. I am making myself and my staff available to assist drafting amendments to this bill. This bill will increase the workload of my office which is reflected in attached fiscal note.

Mr. Chairman, at this time I would make myself available to answer any questions that you or the committee members would have.

Raymond Lambert

North Dakota State Fire Marshal



Jan 28, 2015
HB 1451

January 28, 2015

Minnesota/
North Dakota Chapter

Good afternoon,

I'm Brenda Elmer, representing Associated Builders and Contractors of Minnesota/North Dakota, a non-profit trade association representing approximately 350 companies affiliated with commercial/industrial construction employing 22,000 people. ABC helps members develop people, win work & deliver that work safely, ethically & profitably for the betterment of the communities in which they work.

We are opposing House Bill 1451, on the basis that the licensure of sprinkler fitters is an unnecessary burden on construction, one that the state has wisely opposed to this point. We have a few points to consider on this issue:

1. Contractor registration and inspections are important to the delivery of quality work, not licensure for individual workers. Quite simply, the business owners, supervisors, and foreman are the best judges of the quality of a journeyworker's performance, not an annual test. Our companies train new workers, provide regular evaluation and feedback to those workers, and provide on-going education that is tailored to the work they do. By instituting a regulatory system, the state ends up directing workers to study to the test, and a lot of time and energy is focused on passing a written test. Our member companies regularly train for competence and safety, because they are the deliverables that make the difference in our profitability in the end. Licensure programs like this favor a union-style apprenticeship program which is not in keeping with North Dakota's traditions. Our programs are more flexible and focused on the specific situations that our company addresses, and drives our value.
2. We all are aware of the rapid growth in construction and the need for workers. This bill would end up limiting the supply of workers coming into the field, and promote book knowledge learning, when practical hands-on experience is what is necessary. The last thing we need right now is to narrow the eligible workforce when we are struggling to keep up with demand.
3. Licensure of the journeyworker is also a strange place to start. ABC stands for quality and safety, and when there is a breakdown, we believe the contractor should be held accountable for his or her company's performance. We would be interested in talking about a sprinkler contractor registration and inspection system that holds them accountable, but the state is very unlikely to sanction an individual journeyworker for their performance. Indeed the proper place to hold an employee accountable (or to reward them for good work) is from the employer. Let's keep the focus for the state where it should be, on total performance from the contractor, not on individual workers. Let the company manage its employees directly.
4. What is the driving force for this legislation at this time? We have not seen wide-spread failures of sprinkler equipment in North Dakota. With the rapid growth of the construction industry in North Dakota there are going some questionable companies doing business here. The vast majority of the North Dakota fire sprinkler contractors do a solid job, and do not need this licensure.

Altogether, Associated Builders and Contractors does not feel that a new licensure model from the state is necessary for fire sprinkler journeyworkers in North Dakota, and feel it would be counterproductive in meeting the state's workforce needs. We ask you to oppose this bill, and thank you for your time.

pg 1

Jan 28, 2015

5

North Dakota HB 1451

Fitter Licensing Law

Items in the bill that we support:

1. Quality of design and installation
2. Training
3. **Contractor** Licensing
4. Contractor having a Responsible Managing Employee- Engineer or NICET Level 3
5. New Deputy Fire Marshal position
6. Plan review fees to support new position
7. Increasing the Contractor Bond requirement
8. Increasing the scope to include other common fire suppression systems such as Foam and Gaseous bas systems.
9. Continuing Education Requirements

Requested Deletions

1. Journeyman Fitter Licensing
2. Journeyman and Apprentice Registration
3. Fire Sprinkler Board
4. Limited Contractor License (pg#3 lines 7-11)
5. Restricting the Labor Pool

Technical Revision

1. Page #1 line #14 – Fire marshal inspects and **WITNESSES** test. He doesn't perform the test.

A Policy Paper

**American Fire Sprinkler Association
Dallas, Texas**

The Manpower Crisis and Automatic Fire Sprinklers

**How State and Local Requirements Exacerbate
the Manpower Crisis in the Fire Sprinkler
Industry**

Approved by the AFSA Board of Directors, April 8, 2000

The Manpower Crisis and Automatic Fire Sprinklers

How State and Local Requirements Exacerbate the Manpower Crisis in the Fire Sprinkler Industry

Introduction

There is a critical manpower crisis in the construction industry, and the shortage of workers in the installation of automatic fire sprinklers is particularly acute. At the same time, requirements for the installation of automatic sprinklers are increasing throughout the United States because fire sprinkler technology is the most effective means of saving life and property in a fire. The manpower crisis in the fire sprinkler industry threatens the public safety by delaying or discouraging the installation of automatic fire sprinklers.

Unfortunately, misguided state and local requirements frequently exacerbate the problem—especially the imposition of the licensing of sprinkler fitters and the imposition of ratios.

The Fallacy of Fitter Licensing

In the vernacular of the fire sprinkler industry, a “sprinkler fitter” is an employee involved in the physical installation of the piping, fire sprinklers and associated equipment. Sprinkler fitters do not design or layout sprinkler systems. They are not involved in the selection of fire sprinkler devices or associated equipment.

As an introduction to the issue of sprinkler fitter licensing, it may be helpful to analyze when and to what extent the fitter’s contribution to the complete project falls in the sequence of providing an automatic fire sprinkler system.

1. The property owner or general contractor contacts a fire sprinkler contractor. The sprinkler contractor is the legal entity responsible for the job.
2. An estimator, employed by the contractor, prepares a proposal to install the sprinkler system(s) needed to protect the facility. The price will include layout of contract drawings, submittal of the completed layout drawings and receipt of an approved review of the layout from the AHJ. Permits, funding, bonds and overhead expenses

such as office, telephone, warranty of materials and workmanship, insurance, taxes, and employee benefits also have to be considered.

3. The contractor's designers lay out the system. They apply established codes and standards to provide an adequate level of protection based on the intended use of the building, the combustibility of the products and materials to be stored or used within the property, and the process of handling those materials.
4. Completed layout drawings are sent to the AHJ for review and verification that the standards have been properly applied. After the layout is approved, the contractor orders materials, which usually are prefabricated for the particular job and then delivered to the job site.
5. Sprinkler fitters install the sprinkler system.
6. Following installation, a pressure and activation test is witnessed by the AHJ and the contractor prepares a "Materials and Test Certificate," verifying that the materials incorporated in the system are suitable for the requirements set forth by the standards. Ordinarily, at this point, the obligations of the fitter are relieved and he or she is assigned to another project. The obligations of the contractor, however, are not over.
7. The guarantee period must be covered. Other services involving electrical connections, underground water supply, training of owner/occupant maintenance personnel, painting, inspection and maintenance schedules for the systems are to be considered.

As can be seen in this sequence of events, the sprinkler fitter has little or no contact with the owner of the property. The fitter has little contact with the Authority Having Jurisdiction. The fitter is not required to carry insurance. The fitter is not subject to recall for warranty repair, and the fitter does not maintain record drawings of installed systems. Rather, it is the **contractor** who is called to fulfill these duties and responsibilities.

Training and Experience

By necessity, the experience and training of workers involved in the installation of a sprinkler system will vary widely. At a typical job, the workers involved will range from newly hired employees performing support tasks to experienced fitters with many years of experience. The job performed will be matched to the level of experience of the worker. For many support tasks, only limited training or experience is required, and only minimal supervision is required.

Quality Control vs. Labor Restrictions

When fitter licensing is proposed by local or state officials, it is usually with the well-intentioned goal of insuring “quality workmanship.” But a critical question must be “who determines the quality of the workmanship?” Who is ultimately held responsible for the quality of a fire sprinkler installation? Does the customer or AHJ hold the licensed fitter responsible for poor workmanship? Or is it the contractor who is held responsible? The answer, of course, is that the contractor is ultimately held responsible for the quality of work.

The licensed fitter does not contract the work, determine the applicable codes or standards, design the system, or select the fire protection devices. Those functions are the responsibility of the fire sprinkler contractor. The AHJ holds the contractor responsible for quality—and the contractor holds the employee responsible for quality.

Because only the sprinkler contractor can hold the sprinkler fitter responsible for the quality of work, state or local requirements for licensing sprinkler fitters have no real meaning in insuring quality. Licensing of fitters **cannot** and **does not** insure quality of installations.

Unfortunately, fitter licensing requirements are often promoted by organized labor to restrict and control access into the trade, and to provide ready access to the names of licensed fitters (through public records or freedom of information act requests) to be used in labor organizing attempts. When organized labor attempts to promote licensing of fitters, the true reason may be masked by claims that such licensing will insure quality.

Manpower Problems Resulting from Fitter Licensure

A requirement that one or more licensed fitters be present at all times at the job site results in the inefficient allocation and use of manpower and creates scheduling difficulties that result in job delays.

Requiring licensed fitters to be present at the job site can result in ridiculous interpretations that have a devastating impact on providing manpower at the job. At least one state agency has ruled that only licensed fitters can relocate pipe once it is unloaded at the job site. This precludes the use of helpers or less experienced sprinkler fitters to perform job duties that are not related to the actual installation of sprinklers. This requirement denies the contractor the right to allocate the use of employees to work equal to the experience or training of the employee. Such actions require highly trained and experienced employees to do more menial work thereby reducing their availability for other jobs.

Some states require that licensed fitters be present at the job site whenever work is being performed, regardless of the nature of the work being performed. This restricts the hours that the work can be performed and means that a licensed fitter must be present when preparatory work is being performed that is not involved with the actual installation of sprinklers or sprinkler piping.

Most states that require sprinkler fitter licensing have already seen the adverse effects of such requirements. Because contractors cannot meet the manpower requirements due to fitter licensing regulations, deadlines cannot be met and new jobs are not bid or are seriously delayed due to a manpower shortage. Restrictive licensing requirements in fact drive up the cost of jobs to the consumer

Who Should Be Licensed

Automatic fire sprinklers save lives and property. If a plumbing system fails, water damage will result. If air conditioning or heating fails, occupants will be uncomfortable. If a fire sprinkler system fails due to poor workmanship, lives may be lost and property damage will occur. Clearly, the AHJ and the building owner should be concerned about the quality of workmanship in any fire sprinkler system.

But does the importance of automatic fire sprinkler systems create a necessity for the licensing of sprinkler fitters? No. We believe the information provided herein proves conclusively that fitter licensing is not only not required, but can actually hinder the efficient installation of automatic fire sprinkler systems.

It is not sprinkler fitters that need to be licensed—it is the **fire sprinkler contractor** who is ultimately responsible for the quality of the installation. It is the **fire sprinkler contractor** who should be licensed to install fire sprinkler systems, and licensing of contractors must be based upon **competency** in order to be effective.

Feb 2, 2015

1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1451

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Page 1, remove lines 16 through 21

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Page 2, line 6, after "Section 2.", replace the remainder of the bill with "Effective Date.

This Act becomes effective on January 1, 2016.

Re-number accordingly

pg!

Feb 2, 2015

15.0957.01000

Sixty-fourth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1451
Amendments

Introduced by

Representatives Beadle, Guggisberg, Hanson, Hatlestad

Senator Bekkedahl

1 A BILL for an Act to create and enact a new section to chapter 18-01
2 of the North Dakota Century Code, relating to the plan approval and, inspection,
3 of fire sprinkler systems

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 18-01 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Firesprinklersystemsplanapproval and inspections.**

8 1. The fire marshal or the fire marshal's designee under section 18-01-03.2 shall review
9 all building and sprinkler plans for public or private buildings prior to the installation of a
10 fire sprinkler
11 system to determine compliance with the applicable code standards of the fire marshal
12 or the fire marshal's designee

13 2. During installation or immediately after installation of a fire sprinkler system in a public
14 or private building, the fire marshal or the fire marshal's designee under section
15 18-01-03.2 shall inspect the fire sprinkler system and observe the acceptance test to
16 determine compliance
17 with applicable code standards.

18 3. In accordance with subsection 4 of section 54-21.3-03, single family dwellings or
19 residential buildings that do not contain more than two dwelling units are not subject to
20 this section.

Sixty-fourth
Legislative Assembly

1 4 The fire marshal shall establish and publish a fee schedule for the review of

2 plans and sprinkler system inspections as required by this section and conducted by the
3 fire marshal. A fire marshal's

4 designee under section 18-01-03.2 may establish a local fee schedule for permits, plan
5 review and inspections.

6 5. *This act becomes effective on January 1, 2016*

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Sixty-fourth
Legislative Assembly

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Page No. 8

15.0957.01000

pg 3

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Renumber accordingly

Feb 2, 2015

2

15.0957.01000

FISCAL NOTE
Requested by Legislative Council
01/19/2015

Bill/Resolution No.: HB 1451

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$772,800		\$1,070,880
Expenditures				\$242,933		\$244,244
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The Fire Marshal would review all building plans which require sprinklers and inspect and test to determine applicable code standards compliance after installation.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1 requires the Fire Marshal or designee to review all building plans for public and private buildings prior to fire sprinkler system installation and then inspect and test the sprinkler system after the installation. Single family dwellings and two-dwelling units are excluded from this bill.

The number of buildings anticipated which will need sprinklers reflects the actual 2014 building numbers. While it is possible the total number of buildings for the 2015-17 biennium may be higher or lower, at this time the actual number is unknown.

The bill establishes a fire sprinkler contractor board and assesses annual fees and applicable penalties from \$500 - 1,000 for willful violations of the bill. It is unknown how many of each will be paid.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The office estimates it will take 5,520 hours for the biennium to review building plans for public and private buildings prior to fire sprinkler system installation and then inspect and test the sprinkler system after the installation. The estimated number of hours at the Fire Marshal billing rate of \$140 per hour results in total 2015-17 biennium estimated revenues of \$772,800. At the 2017-19 hourly rate of \$194 the total estimated revenue is \$1,070,880.

pg 1

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The significant increase in workload resulting from this bill will require the addition of 1 deputy fire marshal with total salaries and wages of \$180,392 and operating of \$62,541, for a total of \$242,933 from other funds resulting from the revenues shown in 3 A. Salaries and wages of \$196,789 and operating of \$47,455, for a total of \$244,244 from other funds is the total cost estimated for the 2017-19 biennium.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

As shown in Expenditures, the total appropriation for the 2015-17 biennium is estimated at \$242,933 and \$244,244 is estimated for the 2017-19 biennium. One deputy fire marshal will be needed to handle this workload.

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 701-328-3622

Date Prepared: 01/26/2015

Feb 2, 2015



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

HB 1451

TO: Representative Vernon Laning
FROM: Raymond Lambert
RE: Commercial Building Fire
DATE: February 2, 2015

On July 22, 2014, a massive blaze occurred at Red River Supply, an oil supply and logistics company, located in Williston, North Dakota, causing several million dollars in damages. Red River Supply is a supply company working in North Dakota's oil patch.

The company has access to railroad spurs for loading and unloading liquids such as crude oil and dry goods including drill pipes and casings. According to the company's web site, it also provides storage, blending and delivery of drilling fluids such as calcium chloride, calcium bromide, calcium nitrate and pot ash.

The severity of this fire prompted the FAA to delay flights arriving and departing Sloulin Airport in Williston. This devastating fire put lives of emergency workers and the public in danger. This building had no sprinkler system.

pg 1



HB 1451
Feb 2, 2015

WILLISTON, N.D. —

The fire at an oil field supply company in northwest North Dakota in July has cost the owner **\$12.7 million**.

The Williston Herald reports insurance didn't cover the incident at Williston's Red River Supply facility, which stored dozens of chemicals used by oil companies. Fire officials ruled the blaze an accident.

Officials say an open flame caused plastic sheeting that employees were using to smolder, which led to the ignition of other materials. An employee told authorities he used a propane torch as part of his job.

Company president Rich Vestal says the facility's \$400,000 annual insurance policy didn't cover the accident. Vestal says he believed the policy included an errors and omissions clause to cover incidents not expressly mentioned in the coverage. But Vestal's agent switched carriers, and that clause didn't carry over.

WILLISTON, N.D. — More than half a day after an industrial fire broke out in the North Dakota oil patch town of Williston, authorities still were unable to say what caused the massive blaze.

The fire, which started around midnight Monday and continued to burn late Tuesday afternoon, grew so intense it sent fireballs hundreds of feet into the air at a facility belonging to oil supply company Red River Supply.

At a news conference about 15 hours after the blaze began, Williston Fire Chief Jason Catrambone said officials couldn't identify which specific chemicals had burned at the site. He said firefighters were monitoring the blaze while letting it burn itself out.

"We are not overly concerned at this time with the current situation," the chief said, adding that the fire was "pretty well contained," though flare-ups were likely to continue.

He said firefighters were limiting the amount of water they were putting on the fire due to potentially volatile reactions some chemicals at the facility have with water and to minimize the further contamination.

The North Dakota Department of Health was monitoring air quality.

State hazardous-chemical records show several flammable chemicals were on Red River Supply's property. The company did not immediately respond to interview requests but issued a brief statement that thanked emergency responders and said the fire's cause had yet to be identified.

A large plume of smoke that rose above Williston early Tuesday was a primary safety concern for the town's residents. Williams County Emergency Manager Mike Hallesy said it's not clear what particulates were in the plume of smoke, but that the cloud did not blow toward the city.

Local law enforcement officers cordoned off a half-mile area around the site, diverting traffic. Officials said there were very few residences in the mostly industrial land that fell within that area.

"We did encourage people to evacuate if they were concerned about the smoke," Hallesy said.

The smoke plume prompted the Federal Aviation Administration to issue a six-hour temporary flight restriction that lasted until 2 p.m. Tuesday for Williston's Sloulin Field International Airport, airport manager Steven Kjergaard said, and a flight restriction remained directly to the southeast of town.

Officials were grateful that the plume did not get pushed toward the city.

"The wind helped us today," Hallesy said. "For once, the weather was on our side."

Hallesy said an Environmental Protection Agency official was on the way to Williston from Denver and would further investigate the particulates in the plume of smoke.

Around 1 a.m. Tuesday, fireballs could be seen at the site. They were accompanied by the pop of explosions as thick black smoke billowed above towering flames. Catrambone said the explosions complicated firefighting efforts early on.

North Dakota firefighters continued to battle a huge blaze at an oil industry supply business in the town of Williston that spewed 500-foot-tall flames, officials said Tuesday.

Explosions and flames began shortly after midnight Monday at Red River Supply, the Williams County Emergency Services told the Los Angeles Times. A state highway near the fire was closed.



A fire rages at Red River Supply in an industrial part of Williston, N.D. (Josh Wood / Associated Press)

A half-mile radius around the fire has been evacuated, but no injuries had been reported. Emergency officials said in a Tuesday afternoon statement that they did not think they would have to increase the evacuation area.

The cause of the blaze was under investigation.

Red River Supply is a family-owned and -operated company that offers various products and services to the local oil industry. Founded by Rich Vestal in the 1970s, the company distributes rail spurs for loading and unloading crude oil, drill pipes and casing. It also provides storage, blending and delivery of drilling fluids -- such as calcium chloride, calcium bromide, calcium nitrate and potash -- according to the company's website.



“For now, all I know is that it’s burning up a bunch of my trucks and one of my fields,” he told The Times on Tuesday morning.

Fire departments from three counties, the North Dakota hazardous materials response team and the North Dakota National Guard were called in to battle the blaze, which has been mostly contained. But emergency officials said they would stay on the scene for 24 to 48 hours

The site continued to spew plumes of black smoke that “may adversely affect air quality in the surrounding area and may cause health concerns,” the North Dakota Health Department said in a statement.

The department said it was monitoring air and water quality. Preliminary results of the air sampling did not show any toxic materials in the smoke plume, the department said, but testing was to continue. People with respiratory conditions should stay indoors and keep their windows closed, the department said.

There was a temporary flight restriction at Sloulin Field International Airport on Tuesday morning because of the potentially hazardous smoke, but the airport later reopened, according to its website.

Feb 4, 2015

Sixty-fourth
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