

Fifty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1423

Introduced by

Representatives Carlson, M. Klein

Senators Stenehjem, Tollefson

1 A BILL for an Act to amend and reenact sections 18-08-12, 18-12-25, and 54-21.3-03 of the  
2 North Dakota Century Code, relating to the state building code; and to provide for transition.

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

4 **SECTION 1. AMENDMENT.** Section 18-08-12 of the 1999 Supplement to the North  
5 Dakota Century Code is amended and reenacted as follows:

6 **18-08-12. Annual fire inspection of state buildings and institutions.** An annual fire  
7 inspection ~~shall~~ must be performed at each state institution and building. The state fire marshal  
8 shall inspect annually the state penitentiary, the James River correctional center, the Missouri  
9 River correctional center, the North Dakota youth correctional center, and the state hospital.  
10 The annual inspection of all other state institutions and buildings must be made by the fire  
11 department of the city or fire protection district in which the institution or building is located, at  
12 the direction of the officer in charge of the institution or building, who shall prepare a report  
13 based upon the findings of the fire inspection. The report, which must contain specifications of  
14 any violations, must be submitted to the responsible board, agency, or commission and a copy  
15 of the report must be submitted to the state fire marshal. If the report indicates that any  
16 violations can be corrected within the current budget of the responsible board, agency, or  
17 commission, action to correct the violations, unless good cause can be demonstrated to the  
18 attorney general, must be initiated within thirty days of receipt of the report by the responsible  
19 board, agency, or commission. For purposes of this section, a "fire inspection" is a procedure  
20 performed in accordance with standards set forth in the ~~uniform~~ state building code, ~~the code of~~  
21 ~~the building officials and code administrators,~~ or the code of the national fire protection  
22 association.

23 **SECTION 2. AMENDMENT.** Section 18-12-25 of the North Dakota Century Code is  
24 amended and reenacted as follows:

1           **18-12-25. Reference data.** The ~~latest edition of the~~ following data must be used as  
2 reference and as an aid in the interpretation of this chapter:

- 3           1. ~~Uniform Building Code—international conference of State building officials code.~~
- 4           2. The National Fire Codes - national fire protection association.
- 5           3. ~~Uniform Mechanical Code—international conference of building officials except that~~  
6           ~~section 504(f) of the Uniform Mechanical Code is amended as provided in~~  
7           ~~subsection 1 of section 54-21.3-03.~~
- 8           4. National Electrical Code - national fire protection association.

9           **SECTION 3. AMENDMENT.** Section 54-21.3-03 of the 1999 Supplement to the North  
10 Dakota Century Code is amended and reenacted as follows:

11           **54-21.3-03. State building code –Amendments.**

- 12           1. ~~The state building code consists of the Uniform Building Code with any existing~~  
13           ~~supplements and the Uniform Mechanical Code with any existing supplements as~~  
14           ~~referenced by the Uniform Building Code, except that section 504(f) of the Uniform~~  
15           ~~Mechanical Code is amended to read as follows:~~

16                   ~~Section 504(f). LPG Appliances:~~

17                   ~~Liquefied petroleum gas burning appliances, both automatically and manually~~  
18                   ~~controlled, may be installed in basements or similar locations only if (a) the~~  
19                   ~~appliances are of an American gas association approved type and installed in~~  
20                   ~~accordance with national fire protection association pamphlets 54 and 58, (b)~~  
21                   ~~automatically controlled appliances are equipped with safety shutoff devices~~  
22                   ~~of the complete shutoff type, and (c) gas piping has been pressure tested and~~  
23                   ~~proven to be gastight.~~

24           The director of the office of management and budget, in cooperation with the state  
25           building code advisory committee, shall adopt rules to implement, amend, and  
26           periodically update the state building code ~~and may adopt rules to amend the~~  
27           ~~code~~, which must consist of the international building, residential, mechanical, and  
28           fuel gas codes.

- 29           2. The state building code advisory committee consists of:

- a. Two representatives appointed by the North Dakota building officials association, one of whom must be from a jurisdiction of fewer than ten thousand people.
  - b. One representative appointed by the North Dakota chapter of the American institute of architects.
  - c. One representative appointed by the North Dakota society of professional engineers.
  - d. One representative appointed by the North Dakota association of builders.
  - e. One representative appointed by the North Dakota association of mechanical contractors.
  - f. One representative appointed by the associated general contractors.
  - g. A fire marshal appointed by the state fire marshal.
  - h. One individual appointed by the state electrical board.
3. The state building code advisory committee shall meet with the director of the office of management and budget or a designee of the director at least once each calendar year to address proposed amendments to the state building code. The director of the office of management and budget may not adopt an amendment to the state building code unless the amendment is approved by a majority vote of the members of the state building code advisory committee.
4. For the purposes of manufactured homes, the state building code consists of the manufactured homes construction and safety standards under 24 CFR 3280 adopted pursuant to the Manufactured Housing Construction and Safety Standards Act [42 U.S.C. 5401 et seq.].
- ~~3.~~ 5. The governing body of a city, township, or county that elects to administer and enforce a building code shall adopt and enforce the state building code. However, the state building code may be amended by cities, townships, and counties to conform to local needs.

**SECTION 4. TRANSITION.** The state building code in effect on January 1, 2001, must remain in effect until publication of rules under section 54-21.3-03 to implement the international building, residential, mechanical, and fuel gas codes as the state building code.