

1999 HOUSE GOVERNMENT AND VETERANS AFFAIRS
HB 1358

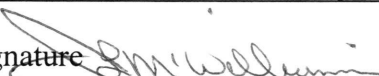
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1358

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2-4-1999

Tape Number	Side A	Side B	Meter #
1		X	49.3 - 60.0
2	X		0 - 54.9
2		X	6.7 - 13.2
Committee Clerk Signature 			

Minutes: Some of the individuals testifying submit written testimony. When noted please refer to it for more detailed information.

Representative Klein, Chairman of the GVA Committee opened the hearing on February 4, 1999.

Summary of the Bill: To provide fire sprinkler system license.

Testimony in Favor:

Representative Rose, Introduced the bill to the committee. This is a bill for public safety.

Cal Rolfson, Nova systems stated that he was legal representation for the group.

George Georgeson, Sprinkler license committee chairman stated that he is in favor of this bill for numerous reasons. Presently anyone can install a fire system in ND, all they need to do is get a permit for 50 dollars. When individuals have systems installed, they receive a 15-20% insurance discount for their homes. The guide that we as trained people use to install, is constantly being updated and there is a new one coming out for 1999 that is even more comprehensive. We need

individuals that have more than just the ability to read a tape measure. He used all kinds of scenarios as examples with other industries that required licenses. **Please refer to the tape.** The bill won't be an overnight miracle, but it also won't include tax payers money.

Representative Kliniske, Page 11, line 11 and line 20, Are there currently courses available?

Georgeson, Yes there are and BSC would be willing to handle the criteria for continuing education.

Representative Thoreson, Would you clarify how the board would work?

Georgeson, The board would be funded by the fees, licenses and registration of the various individuals involved in this trade. At the beginning there would be a five member board, this board would have to make decisions. It's not a full time board, so it's going to take some time until the monies are available to hire a full time director, who would be skilled in plan and review and installation.

Representative Klein, There is a fiscal note of 100000 first biennium and 103000 dollars the second biennium. This comes out of the Attorney Generals budget where they would hire a person to monitor this program. There is a cost to set this up.

Representative Cleary, I am trying to find in the bill where the fire marshal is involved.

Georgeson, In the bill the fire Marshall responsibility would only be the registration of contractors, journey sprinkler fitters, designers and apprentices. We talked to him about this and he feels that it maybe more than he would like. We could amend this and put the responsibilities back on to the board.

Representative Haas, How do you explain that a mechanical contractor that has been in the business for 15 - 20 years and has successfully installed these systems according to code for a long period of time. They say it is not necessary.

Georgeson, Then he should not have a problem. Eventually the director would have to set up some sort of testing and if you can pass the test, there shouldn't be a problem. Minnesota gave those people a 2 year period of time to take the test.

Representative Haas, Would the bureau of apprenticeship and training be involved these training programs?

Georgeson, Yes.

Dean Benson, I have been involved in the industry since 1971 and would like to go through the bill and highlight some points. He also submitted some handouts. I would like to work with Mr. Rolfson and submit amendments. Single family dwellings/owner occupant would not be covered by the bill. Also, the other one would be registration of fee collections would be shifted to the board rather than the fire marshals office. Mr. Benson walked the committee through the bill **(please refer to the tape for this 8.1 to 23.2)**. With the information we had available, we estimate that approximately 8 million dollars of fire work done in this current year. Two percent of that is 160,000 and then add some for contractors license fees in the neighborhood of 3000, federally license 7500 and apprentice and registration another 600 we are in the ballpark of 175,000 would be generated. The penalties would have to be larger than the cost of the license itself. Make it stiff enough to make them comply.

Representative Klemin, Sec 7, line 26, the word designer, I couldn't find anywhere in here where it say's/requirers designer. He must not be a designer with one contractor at a time. What is the purpose of that?

Benson, So the board or authority would know who that person is and who is responsible for that contractor. It would keep contractors from having several designers all over the place. We want a responsible person in house.

Representative Grande, Sec 11 penalties and fines. Can you offer reciprocity with another state such as Minnesota. Will I have to register here?

Benson, They would have to register, but not take the exam. Provided they have met all the passing qualifications.

Representative Winrich, Designer not working for more than one contractor at a time, you refereed to outside people. Even if out of state, they would have to be licensed and registered in ND. What's the point?

Benson, Maybe that's something we need to fix.

Representative Kliniske, Sec 11, you say is a class B misdemeanor, and the board can impose a fine of not more than 500. Class B misdemeanor is 500, so you have 1000. But the court and board could impose up to 2000. I am not sure I am comfortable with the board to be able to fine people.

Benson, Maybe that's another area that needs reworking.

Representative Thoreson, How does one get involved in this process?

Benson, Correspondence courses and on the job training.

Representative Metcalf, Looks like it could be more of a problem with the designers than with the installers. By the example of Kenmare that you gave us.

Benson, Absolutely.

Representative Kroeber, Page 9, what are the numbers in the state of ND?

Benson, 12 plus companies in ND. 100 Journeyman and 30-40 apprentice. Each company would be required to have a designer and may have more than one.

Representative Metcalf, How many bad damages say in the last 4-5 years have there been caused by bad systems?

Benson, I don't know.

Phil Saunders, National Fire Sprinkler Association stated his job is to promote fire sprinklers.

Bottom line is that when installed properly they save lives. We are striving for competence and this law will lead us in this direction. The deficiencies that we are finding come from the NOVA reports. We need a written test in this industry. Minnesota already has this in effect, there are inadequacies in this business. **Please refer to the tape for his lengthy examples 23.3 to 29.5.**

This guy went on and on.

Dave Sorenson, Vice President of Allied Fire Protection. I can't believe I am standing up here pushing for regulation. We need to do something and do it now. Why not make it part of the fire marshal. There is going to be administrative costs pushing the paper work and collecting the money and eventually you build the fund up and hire someone. I don't think it's necessary to license everybody at this time. I feel that if a fitter is doing unsafe work and is caught by our new inspector. Who has to fix the system for the owner? Not the fitter, the contractor does. If you need more money to fund this, jack the permit up to 2.2%. I am convinced that something must

be done during this legislative assembly. I am offering an amendment to this bill which eliminates the references to sprinkler fitter, apprentice and journeyman license. I support the bill with this amendment. What we need is permitting, plan review and inspections by a trained third party. The only way we are going to do that is to pool our resources and hire one that can handle this on a state wide basis.

Representative Hawken, If there are 12 businesses and their going to have a 5 member board, that means almost half the people would be on that board.

Georgeson, There are 5 members on the board. One is from fire services (a fire inspector), one is a journeyman sprinkler fitter, one is sprinkler contractor, one is a person at large and one is from the state fire marshals office who is to be the secretary of the board.

Representative Haas, Tell me about the design services that are done in the state now by mechanical contractors and engineers. Have they been so inadequate in this area that the state has to establish a whole new design service?

Sorenson, Yes, no question. Sprinkler jobs we get maybe a one page spec. that references equipment that is no longer manufactured and sometimes we get dots on a plan that represent where the sprinkler heads go, which by the way are never by code. Then there is the catch all phrase, system must be installed per code. We submit the drawings, in this state and the state doesn't review them, so we get them back. There is not a lot of in-depth analogy, the engineers have no idea of what we are doing.

Dave Kemnitz, NDAFL-CIO. The installer is the one who has the frustration of making these systems work. I think it's a step in the right direction that says those that install need to have proper training.

Representative Klemin, The previous speaker, Mr. Sorenson stated that the state licensing apprenticeship program violates federal law.

Kemnitz, There are some federal laws that require certain training. I am not sure I understand the accusation. We could work that out if there was or is a problem.

Doug Wolf, I didn't intend to speak, but I felt compelled to do so. I am not sure the bill is the right avenue or not. But as a citizen, my family stayed in a hotel in Fargo that didn't have sprinklers. I hear a lot about costs and things of that nature, but it seems to me that my child's life is more important than whether a contractor has to pay a couple of hundred dollars. This is much more important to me than the money. When I go to a motel and plug in my personal computer, I expect that outlet to be installed by a licensed person so that I don't get electrocuted. I also expect that the sprinkler system is properly functioning and that my family is going to be protected. I do believe that you should not let this opportunity go by without setting up some sort of standard set up for the contractor to install the sprinkler system properly.

Lee Shattack, I have installed sprinklers for over 13 years and do many inspections. If a contractor doesn't know what he is doing, the blue print means nothing. If the walls move, that sprinkler system is no good.

Testimony in Opposition: None.

Representative Klein, Closed the hearing on HB 1358.

Representative Klein, What were going to try and do is have Representative Thoreson and Representative Kroeber work with the people involved to see if they can get that fiscal note off the bill and to see if they can get a skeleton system in place. Maybe just starting with the contractors and then adding as they progress along. It needs a lot of work and at this stage of the

game, if we try to go with the complete package it's a dead duck. The testimony from the citizen on the street is what we should be looking at.

Representative Devlin, Could we have the committee work with the fire marshals office. Why do we have to set up a whole new board.

Representative Klein, It's possible. Get some sort of word back to us tomorrow. It would be nice to do something, but we can't do it this the way it is. It will be an amended bill.

Representative Thoreson, Did they put the fiscal note on there with the intent of killing the bill.

Representative Klein, Most of these boards and agencies do their own policing.

Representative Kroeber, I disagree with the fact that they did not plan to have the fire marshal handle this. On page 2, one member of the board must be an employee of the state fire marshal and that member will serve as the secretary of the board.

Representative Haas, In many businesses when they get a plan developed, don't they have to be approved by some state agency before they proceed with construction? There greatest need is to have somebody review the design of the sprinkler system that is either produced by the architect or the mechanical engineer. They need somebody who knows those designs and can pass judgment on them.

Representative Klein, Not if you hire a registered architecture or engineer.

Representative Kliniske, Is there routine inspections, how often are they inspected and who does it? I didn't get that from them when they testified.

Representative Hawken, I am not sure that they really know what they want yet.

Representative Klein, Closed the discussion.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1358

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2-11-1999

Tape Number	Side A	Side B	Meter #
1	X		38.4 - 60.5
1		X	0 - 36.5
2	X		26.1 - 58.2
2		X	0 - 4.4
Committee Clerk Signature <i>James Wellen</i>			

Minutes: Chairman Klein instructed the committee follow along as Mr. Cal Rolfson walks the committee through the amendments. ***I strongly urge anyone interested in this hearing to listen to the tape. A lot of which is general discussion and comments.**

Summary of the Bill: To provide a fire sprinkler system license.

Representative Thoreson, Mr. Benson and Mr. Rolfson have been working on this and trying to clean it up so that it's workable.

Rolfson, What the amendments do is remove all references to the state fire marshal and in place of the fire marshal. It removes journeyman and apprentices from licenser. We changed the make up of the board, we removed reference to the fire marshal as a automatic member and made it to be either a journeyman sprinkler fitter or a contractor. It streamlines the penalty provisions, class B misdemeanor is a standard penalty for any license and regulatory agency in ND. It exempts single family dwellings. *The most important thing that this bill does now is that it is truly a

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House Government and Veterans Affairs Committee

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health and safety issue. If there is ever an accident waiting to happen, this is it. This crucial cost free legislation for the state of ND. I hope you will give it a do pass with these amendments.

Representative Klein, Funding for the board comes from a fee?

Rolfson, Page 4, line 29. We would like to add in there "in an amount of no more than 2%".

Representative Kroeber, What is the cost added to the contract?

Representative Klein, Let's say it's a \$100,000 building. Cost of the sprinkler system would be less than 5% or say 2% of actual costs.

Representative Kroeber, Give me an example that I can relate to. Such as a project that you have already done.

Sorenson, Were doing a 3 story motel at around \$40,000 in the Fargo area. So 2% of that is \$800.00.

Representative Klemin, Page 5, line 5 you have amended that and then on line 9, how would you see the proceeding going? Maybe I didn't see it, but I didn't notice anything about do process hearings.

Rolfson, It is not in here, but it is my believe that chapter 28-32 would required them to comply. If there is a concern with that, by all means put it in. We would want to have do process.

Representative Klein, Line 9, for a separate violation.

Rolfson, We want this bill to work and I would recommend you take that out.

Representative Winrich, Line 9, is this provision for compounding the fine each day common?

Rolfson, I am not familiar with it.

Representative Hawken, That kind of language is common with certain kinds of situations, such as highway violation. It is in other places.

Representative Kroeber, Section 13 on continuing education. Are we still requiring them to have this?

Rolfson, Yes, I believe that is very valuable. Some mandate of continuing education.

Representative Devlin, Page 4, line 29, Is there any other groups that have a % basis like this with no caps.

Rolfson, I am not sure. The reason for the funds is to permit the fund the regulation and inspection and make sure it's done correctly.

Representative Klemin, Line 31, why aren't service contracts included?

Rolfson, Service contracts on the fire sprinkler system. It is seen in this industry necessary to regularly inspect these systems and when they do they often do it through service contracts.

Representative Klemin, If you had a one year service contract then you renew it every year and have to pay a fee on top of this.

Rolfson, That would be a board decision.

Representative Kroeber, Is there any kind of a grandfathering clause in here of any type?

Rolfson, There is no grandfathering clause in here. The bill would take effect August 1st if passed.

Representative Haas, Page 4 that a contractor would have to get a permit for every job? Including service contracts?

Rolfson, That's correct. Each time there is a building built. The one job would be the one fee that they would pay. I don't think they would penalize themselves.

Representative Hawken, I really have a problem with that service contract. The fee on the service contract is going to get passed on to the consumer.

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House Government and Veterans Affairs Committee

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Representative Klein, We should probably take that out.

Sorenson, I agree it could be a paper work nightmare. I never brought it up as an issue, because it isn't that big of a deal.

Committee Action:

Representative Klemin, I would move to delete the words service contract on page 4, line 31.

Representative Klein, The three parts are 1. page 4, line 29 after application put in "an amount no more than" 2. page 4, line 31 take out "service contract and fire sprinkler work performance and 3. page 5, line 9 delete the part starting with "separate violation day the violation continues"

Motion Passes: Yes (vocal).

Representative Kroeber, Are the contractors that we are talking about the four basic contractors that we now have in the state? Or are the contractors the plumbing people that are already doing this type of thing?

Rolfson, This would only apply to fire sprinkler fitter contractors that are putting in this system. I understand that there about 12 with 4 or so from the state.

Representative Klemin, I don't know about the 12, but don't we have some plumbing companies that have plumbers and pipe fitters that also do this sometimes? Are they part of that 12?

Rolfson, Yes we do and no they are not part of the 12.

Representative Klemin, Would a journey pipe fitter or plumber have to comply with this requirement in order to do this?

Rolfson, My understanding is that they would and should.

Representative Kliniske, Wouldn't some sort of effective date be appropriate?

Rolfson, We have no objection to that.

Representative Klein, The other question that comes up is the number of firms that have contacted us. We would have to figure some way of grandfathering them in. These firms are already doing this type of work.

Sorenson, From my view point, if there doing the work and doing it properly. They should be able to continue to do the work. But you need to have what this bill outlines.

Rolfson, Those companies are probably not aware of the major changes we have made with this bill. I don't think they would have a problem with the bill or qualifying under it.

Representative Klemin, What about reciprocity with people who are licensed or have qualifications from other states?

Rolfson, Page 2, it's in there. Apprentices and journeyman are under the contractors responsibility. We have removed them from our bill with the amendments. So I don't think that would be a problem as long as their registered.

Representative Metcalf, Could we develop someplace for this grandfathering for a one year period. To allow them to get trained.

Rolfson, I have no problem with that. I would say one year would work.

Representative Kroeber, If we have 12 contractors. If they just do 10 jobs a piece a year, that's a 120 jobs at \$800 dollars is \$96,000 dollars that this board controls. You are establishing a board here that is control of a very large amount of money. There is a lot that is not taken care of in this bill and I have some real problems with the way this bill is now.

Representative Devlin, Reading a letter from HA Thompson in which he states would cause more costs and red tape.

Rolfson, You will hear the phase red tape from anybody who doesn't want any sort of government regulation. As far as costs, it may raise them for some buildings, but we are talking about lives here. Safety and protection

Representative Devlin, My fear is that we are just creating a board that is going to increase the costs to the people of ND.

Rolfson, I don't believe by creating a board will harm the citizens, but will make it cost effective. I am hoping we can make this bill work and would be willing to work with the committee to make this as palatable as possible.

Representative Devlin, I think the plumbing board or some board like that should be working with you to tie this into that area. A board that is already established.

Rolfson, This is different than plumbing. There are so many different things than just putting pipes together. It's more unique than that.

Sorenson, Representative Devlin, my concern is that I can honestly say there is just one regulatory person in the state (Mr. Sherwood Nelson/ND board of health) that knows enough about sprinkler systems. There is not a building official in the state that knows this area (sprinkler systems). This bill is key for the rural areas. It's these areas that we see the scary stuff going in.

Representative Gorder, What's this money being raised by the 2% being used for? Is this board going to be paid?

Rolfson, There is nothing in the bill that permits the board to be paid. It is used for regulation.

Representative Gorder, What type of regulation.

Rolfson, Review applications and make sure the people are doing what the board establishes.

Sorenson, The key to this bill is hiring the person who knows what their doing. That's where the money goes and that's why it's a large amount of dollars. A person who is trained in plan review, site inspection and assist the other fire marshals from around the state when they have questions.

Representative Klemin, I understood the idea was that the board would hire a full time person who would be going around and inspecting all of these things and doing the reviewing. Where is that now? The board would create a state wide inspection program by rules? It has no basic provisions.

Sorenson, Based on projections of say 5 million dollars in construction resulting in about 100,000 dollars, I was thinking that one trained person could handle most of it plus some administration involved. We won't really know until we see what happens.

Representative Klemin, I am concerned about establishing a state wide inspection program without saying anything about it in the statute.

Rolfson, Page 3, subsection 2, line 6.

Representative Klemin, Based on that one word "inspections" we have a whole state wide program.

Representative Devlin, Your saying that an architectural firm is not capable of doing all of this.

Sorenson, They have never laid out a sprinkler system. They contract with the mechanical engineer to provide plans and specs for the sprinkler systems. At best what we get is sketchy. Things are never sized.

Representative Thoreson, I think we have had excellent questions and this is kind of like an insurance policy. We have a bill before us that has been worked over pretty good with the best

interest of the people in the state. Think about the number of problems it will solve, not just the number of problems it might create.

Representative Kroeber, There are some real problems with the way this bill is presented.

Representative Klein, Closed the hearing on HB 1358.

Rolfson, There are two issues that I sensed the committee was having difficulty over. One was the fees and the second was the grandfathering. I believe we have straighten that out with the amendments we adopted before lunch. You adopt the rules first then after the year 2000 the fees are collected.

Representative Klein, What about grandfathering in those that have been doing this type of work. Number one to provide coverage for them and to protect their on going business.

Rolfson, The practical question to me is who all are we covering, if we go ahead and grandfather all of them in.

Representative Metcalf, Page 1, line 20 it says completed an accredited course. What is this course?

Rolfson, I don't know the answer.

Sorenson, That would be an option. They would probably go for option B.

Representative Winrich, Both paragraph A and B also say accredited. Who accredits these schools or courses.

Rolfson, I am not sure. Maybe the industry itself.

Representative Kroeber, Obviously the main problem here is public safety. Is the fire marshal responsible for public safety when it comes to fire throughout the state.

Rolfson, Yes and no. The state fire marshal is with in the attorney generals office. He does not inspect buildings in terms of pipes and plumbing, but does do inspections regarding fires. Each city has a person who answers and coordinates with the state fire marshals office. I do not believe they have the ability to inspect buildings for sprinklers. They do not oppose this bill, they did when there was a fiscal note on it.

Representative Kroeber, Who is responsible for public safety if this is such a concern. Where would we go as a legislature, other than the state fire marshal.

Rolfson, Nobody to go to.

Representative Klemin, We do have fire departments that make inspections. We have building inspectors that inspect all of the plumbing when there is construction going on. To say there is nobody doing this is wrong, I think there is.

Rolfson, Certainly there are people doing this, the problem is they don't know what there looking at. There are special areas of building construction and safety concerns that are carved out by this legislature because the building inspectors admittedly don't have the expertise.

Representative Klemin, I am sure there are building inspectors who do have the knowledge and expertise in these areas.

Representative Klein, I think you have put together a tremendous effort putting things together and getting it started. We are running up against some time lines here that are going to kill it. Boards don't get established in a short period of time. I don't think we would be able to get it through the system with where we are at with it at this time.

Representative Devlin, This may not be the vehicle to use to accomplish what you want to do. We understand and are sympathetic to what you want to do.

Rolfson, I understand your concerns. I think this is a case where health and safety is at the fore front and needs to be addressed. If we could get this to be a basic bill to make it work is our objective.

Representative Hawken, I think what they done is pretty amazing. If we give them an additional month and we would if we sent it to the senate, perhaps they could make it more workable.

Representative Thoreson, If we vote on this, we have to remember what were voting on. Were not voting on the original bill, were voting on what we have now as a product. This has been fixed, maybe not a hundred percent, but it's well on it's way and we do have time to do more with it if we need to. We could go back and dissect the plumbing board regulations and find problems there also. Any board for that matter. We need to take a serious look at this and I hope we could give it a do pass out of committee.

Representative Klemin, I think one of the main problems we have is that we are sitting up a state wide inspections program with just one person reviewing plans, traveling state wide inspecting. That person is never going to get sick and is always going to be at work. No hold ups anywhere in the state with construction because this person can't get there from Williston to Fargo in a timely matter. We are doing that by putting in one word "inspections". I have a problem with that and we have also not heard one word from any building inspectors, fire inspectors or anybody associated with this. In the front of the bill where it says to provide for a fire sprinkler system license, doesn't give you a clue that your talking about this kind of state wide fire inspections program.

Rolfson, If I were running the board, I would allow the executive to allow all city inspectors to be the local inspectors. This being subject to the one person who really knows what their doing. The executive that is hired by this board.

Representative Gorder, I think these people have done a marvelous job and I am going to vote for it.

Representative Haas, I just can't support another board at this point. We don't need a board to do what their asking, we could expand the fire marshals position and add a person under him. Maybe this could be done incrementally. I just don't think we need a board now.

Representative Klein, Another problem I have is with the existing installers out there already doing this. Are going to cut them off at the pass.

Committee Action:

Representative Winrich, Made a motion for Do Pass on the amendments before committee (additional ones-2nd set).

Representative Thoreson, Seconded the motion.

Motion Passes: Do Pass (vocal).

Representative Klein, Now we need to act on the ones Mr. Rolfson is presenting to us at this time.

Rolfson, These are for the effective date/licensing fees and also for the grandfathering clause for the existing companies doing this work.

Representative Thoreson, I think with the effective date that this takes care of the grandfathering part.

Representative Winrich, The appropriate place for some sort of grandfathering clause is in subsection 3 of section 1. Where were talking about how a contractor gets licensed. As it reads now the have to complete a course, exam or hold a license in another state. Probably there should be another clause that says or having to present evidence of having engaged in this profession before this certain date. They still have to submit fees, meet continuing education requirements. But if they are a current contractor they can still get a license.

Representative Klein, So we have got these vague amendments before us. Let's vote on them.

Motion Passes: Yes (vocal).

Representative Thoreson, Made the motion for a Do Pass on the amended bill.

Representative Gorder, Seconded the motion.

Motion Fails: Do Pass **7-8**.

Representative Devlin, Made the motion for a Do Not Pass.

Representative Haas, Seconded the motion.

Motion Passes: Do Not Pass **8-7**.

Representative Klein, Is the carrier for the bill.

FISCAL NOTE

(Return original and 14 copies)

Bill/Resolution No.: _____ Amendment to: HB 1358

Requested by Legislative Council _____ Date of Request: 2-16-99

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts. Please provide breakdowns, if appropriate, showing salaries and wages, operating expenses, equipment, or other details to assist in the budget process. In a word processing format, add lines or space as needed or attach a supplemental sheet to adequately address the fiscal impact of the measure.

Narrative:

As amended, this bill eliminates the many original duties required of the Fire Marshal. The amended bill should have little if any effect on the Fire Marshal.

2. **State** fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures		\$0		\$0		\$0

3. What, if any, is the effect of this measure on the budget for your agency or department:

a. For rest of 1997-99 biennium:

(Indicate the portion of this amount included in the 1999-2001 executive budget:)

b. For the 1999-2001 biennium:

(Indicate the portion of this amount included in the 1999-2001 executive budget:)

c. For the 2001-03 biennium:

4. **County, city, and school district** fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

Signed: *Kathy Roll*
 Typed Name: Kathy Roll
 Department: Office of Attorney General
 Phone Number: 328-3622
 Date Prepared: 2/16/99

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: HB 1358 Amendment to: _____

Requested by Legislative Council Date of Request: 1/20/99

- Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts. Please provide breakdowns, if appropriate, showing salaries and wages, operating expenses, equipment, or other details to assist in the budget process. In a word processing format, add lines or space as needed or attach a supplemental sheet to adequately address the fiscal impact of the measure.

Narrative: This bill will require a new full-time deputy fire marshal, related operating expenses, equipment and an estimated \$10,000 in enforcement costs in the Office of Attorney General's budget. This position would: register sprinkler related people/entities; issue annual licenses; serve as Secretary to the Fire sprinkler system license examining board; investigate complaints; create and maintain a database of educational requirements and continuing education; and may be required to track whether bonds have been paid and insurance is in effect, then report to the board if bonds/insurance requirements are not met and to enforce the requirements of this bill. It is unknown whether the assessed fees will cover the cost of this position, related expenses, and reimburse the board members for meeting.

With the fees charged for licensure, and the insurance and bond requirements for fire sprinkler contractors, it appears the cost of sprinkler systems would likely increase.

- State fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				Unknown		Unknown
Expenditures				\$99,150		\$103,000

- What, if any, is the effect of this measure on the budget for your agency or department:

- For rest of 1997-99 biennium: (Indicate the portion of this amount included in the 1999-2001 executive budget:)
- For the 1999-2001 biennium: \$99,150 – not included in the Executive Recommendation (Indicate the portion of this amount included in the 1999-2001 executive budget:)
- For the 2001-03 biennium: \$103,000

- County, city, and school district fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

Signed: *Kathy Roll*
 Typed Name: Kathy Roll
 Department: Office of Attorney General
 Phone Number: 328-3622
 Date Prepared: 1/20/99

2-11-99
CAL RULEBOOK

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1358

Page 1, remove line 6

Page 1, line 9, remove "journeyman fire sprinkler fitter and a"

Page 1, remove lines 11 and 12

Page 1, line 17 after the semicolon insert "who certifies to the board that the contractor's apprentices are enrolled in a board-approved training program or a nationally-recognized training program;"

Page 1, line 19, replace "state fire marshal" with "board"

Page 1, line 24, replace "and" with "or"

Page 2, line 1, replace "designer's" with "contractor's" and after "state" insert ", providing that state meets or exceeds the licensing requirements of this Act" and remove "or"

Page 2, line 2, remove "Canadian province" and replace "state fire marshal" with "board"

Page 2, remove lines 17 and 18

Page 2, line 22, replace "an employee of the state fire" with "either a fire sprinkler contractor or a journeyman fire sprinkler fitter"

Page 2, line 23, remove "marshal, and that member shall serve as secretary of the board"

Page 2, line 24, remove "local" and remove "licensed"

Page 3, line 3, after "contractors" remove "and journeyman fire sprinkler fitters"

Page 3, line 4, replace "Fees and fines" with "Penalty fees for violations of this Act"

Page 3, line 5, after "criteria" insert ", plan review and inspections"

Page 3, line 6, after "The" remove "state fire marshal is responsible for registration of fire sprinkler journeyman" and replace with "board shall register designers and contractors."

Page 3, delete line 7

Page 3, line 10, remove "journeyman sprinkler fitter or a"

Page 3, line 11, after "contractor" insert "or an employee of the contractor designated by the contractor for that purpose"

Page 3, line 11, replace the second period with a comma and insert "except that an emergency repair must be inspected by the contractor or an employee of the contractor designated by the contractor for that purpose" and remove "An"

Page 3, remove lines 12 and 13

Page 3, line 14, replace "state fire marshal" with "board"

Page 3, line 16, after "revoked" insert "or modified by the board"

Page 3, line 17, replace "state fire marshal" with "board"

Page 3, remove lines 18 through 22

Page 3, line 24, replace "state fire marshal" with "board"

Page 3, line 26, remove "A designer may"

Page 3, line 27, remove "not be a qualifier or license holder for more than one fire sprinkler contractor at a time."

Page 3, line 28, replace "state fire" with "board"

Page 3, remove line 29

Page 3, remove lines 30 and 31

Page 4, remove lines 1 through 4

Page 4, line 23, replace "state fire" with "board"

Page 4, line 24, remove "marshal"

Page 5, remove lines 1, 2

Page 5, line 4, remove "first willful"

Page 5, line 5, after “misdemeanor” insert a period and replace “and the board may impose a penalty of not more than five hundred dollars. A” with “The board by rule may establish a penalty fee of up to one thousand dollars for each violation by a licensee or registrant of this Act or of board rules.”

Page 5, remove lines 6 through 8

Page 5, line 9, remove “dollars.”

Page 5, remove lines 17 and 18

Page 5, after line 26, insert:

“SECTION 14. **Single family dwellings.** This Act does not apply to the owner and occupant of a single family dwelling.”

Renumber accordingly

VR
2/12/99
1 of 3

HOUSE AMENDMENTS TO HOUSE BILL NO. 1358 GVA 2-15-99

Page 1, line 5, replace the colon with "is"

Page 1, remove line 6

Page 1, line 7, remove "b. Is"

Page 1, line 9, remove "journeyman fire sprinkler fitter and a"

Page 1, line 10, replace the semicolon with a period

Page 1, remove lines 11 and 12

Page 1, line 17, after the semicolon insert "who certifies to the board that the contractor's apprentices are enrolled in a training program approved by the board or a nationally recognized training program;"

Page 1, line 19, replace "state fire marshal" with "board"

Page 1, line 24, replace "and" with "or"

HOUSE AMENDMENTS TO HOUSE BILL NO. 1358 GVA 2-15-99

Page 2, line 1, replace "designer's" with "contractor's" and replace "or" with ", if that state meets or exceeds the licensing requirements of this Act,"

Page 2, line 2, remove "Canadian province" and replace "state fire marshal" with "board"

Page 2, line 15, replace the colon with "with"

Page 2, line 16, remove "a. With" and replace the semicolon with "and who"

Page 2, remove lines 17 and 18

Page 2, line 19, remove "d. Who"

Page 2, line 22, replace "an employee of the state fire" with "either a fire sprinkler contractor or a journeyman fire sprinkler fitter"

Page 2, line 23, remove "marshal, and that member shall serve as secretary of the board"

Page 2, line 24, remove "local" and remove "licensed"

HOUSE AMENDMENTS TO HOUSE BILL NO. 1358 GVA 2-15-99

Page 3, line 3, remove "and journeyman fire sprinkler fitters"

Page 3, line 4, replace "Fees and fines; and" with "Penalty fees for violations of this Act;"

Page 3, line 5, replace the period with "; and"

d. Plan review and inspections."

206³

Page 3, line 6, replace "state fire marshal is responsible for registration of fire sprinkler journeyman" with "board shall register designers and contractors."

- 3. The board shall adopt licensing requirements that allow persons who have practiced for at least eight months as of August 1, 1999, to be licensed without additional training or examination."

Page 3, remove line 7

Page 3, line 10, remove "journeyman sprinkler fitter or a"

Page 3, line 11, after "contractor" insert "or an employee of the contractor designated by the contractor for that purpose", after "installations" insert ", but an emergency repair must be inspected by a contractor or an employee designated by the contractor for that purpose", and remove "An"

Page 3, remove lines 12 and 13

Page 3, line 14, replace "state fire marshal" with "board"

Page 3, line 16, after "revoked" insert "or modified by the board"

Page 3, line 17, replace "state fire marshal" with "board"

Page 3, remove lines 18 through 22

Page 3, line 24, replace "state fire marshal" with "board"

Page 3, line 26, remove "A designer may"

Page 3, line 27, remove "not be a qualifier or license holder for more than one fire sprinkler contractor at a time."

Page 3, line 28, replace "state fire" with "board."

Page 3, remove lines 29 through 31

HOUSE AMENDMENTS TO HOUSE BILL NO. 1358 GVA 2-15-99

Page 4, remove lines 1 through 4

Page 4, line 23, replace "state fire" with "board."

Page 4, remove line 24

Page 4, line 29, replace "contractors" with "contractor" and after the second comma insert "no more than"

Page 4, line 31, remove ", service contracts, and fire sprinkler work performed"

HOUSE AMENDMENTS TO HOUSE BILL NO. 1358 GVA 2-15-99

Page 5, remove lines 1 and 2

Page 5, line 3, replace "5" with "3"

Page 5, line 4, remove "first willful"

Page 5, line 5, replace ", and the" with ". The", replace "impose" with "establish", replace "five hundred" with "one thousand", after "dollars" insert "for each violation by a licensee or registrant of this Act or of rules established by the board", and remove "A"

Page 5, remove lines 6 through 9

Page 5, remove lines 17 and 18

Page 5, line 19, replace "5" with "4"

Page 5, after line 26, insert:

"SECTION 12. Single-family dwellings. This Act does not apply to the owner and occupant of a single-family dwelling.

SECTION 13. EFFECTIVE DATE. Sections 4, 5, 6, 7, 8, 9, 10, and 11 of this Act become effective on August 1, 2000."

Renumber accordingly

Roll Call Vote #: 1 Date: 2-11-99

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1358

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS AMENDED

Motion Made By THORESON Seconded By GORDER

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN		✓	REP. WINRICH	✓	
VICE-CHAIR KLINISKE		✓			
REP. BREKKE	✓				
REP. CLEARY	✓				
REP. DEVLIN		✓			
REP. FAIRFIELD		✓			
REP. GORDER	✓				
REP. GRANDE		✓			
REP. HAAS		✓			
REP. HAWKEN	✓				
REP. KLEMIN		✓			
REP. KROEBER		✓			
REP. METCALF	✓				
REP. THORESON	✓				

Total (Yes) 7 No 8

Absent 0

Floor Assignment _____

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

Roll Call Vote #: 2 Date: 2-11-99

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1358

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS / AMENDED

Motion Made By DEVLIN Seconded By HAAS

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP. WINRICH		✓
VICE-CHAIR KLINISKE	✓				
REP. BREKKE		✓			
REP. CLEARY		✓			
REP. DEVLIN	✓				
REP. FAIRFIELD	✓				
REP. GORDER		✓			
REP. GRANDE	✓				
REP. HAAS	✓				
REP. HAWKEN		✓			
REP. KLEMIN	✓				
REP. KROEBER	✓				
REP. METCALF		✓			
REP. THORESON		✓			

Total (Yes) 8 No 7

Absent 0

Floor Assignment KLEIN

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

REPORT OF STANDING COMMITTEE

HB 1358: Government and Veterans Affairs Committee (Rep. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1358 was placed on the Sixth order on the calendar.

Page 1, line 5, replace the colon with "is"

Page 1, remove line 6

Page 1, line 7, remove "b. Is"

Page 1, line 9, remove "journeyman fire sprinkler fitter and a"

Page 1, line 10, replace the semicolon with a period

Page 1, remove lines 11 and 12

Page 1, line 17, after the semicolon insert "who certifies to the board that the contractor's apprentices are enrolled in a training program approved by the board or a nationally recognized training program;"

Page 1, line 19, replace "state fire marshal" with "board"

Page 1, line 24, replace "and" with "or"

Page 2, line 1, replace "designer's" with "contractor's" and replace "or" with ", if that state meets or exceeds the licensing requirements of this Act,"

Page 2, line 2, remove "Canadian province" and replace "state fire marshal" with "board"

Page 2, line 15, replace the colon with "with"

Page 2, line 16, remove "a. With" and replace the semicolon with "and who"

Page 2, remove lines 17 and 18

Page 2, line 19, remove "d. Who"

Page 2, line 22, replace "an employee of the state fire" with "either a fire sprinkler contractor or a journeyman fire sprinkler fitter"

Page 2, line 23, remove "marshal, and that member shall serve as secretary of the board"

Page 2, line 24, remove "local" and remove "licensed"

Page 3, line 3, remove "and journeyman fire sprinkler fitters"

Page 3, line 4, replace "Fees and fines; and" with "Penalty fees for violations of this Act;"

Page 3, line 5, replace the period with "; and"

d. Plan review and inspections."

Page 3, line 6, replace "state fire marshal is responsible for registration of fire sprinkler journeyman" with "board shall register designers and contractors."

3. The board shall adopt licensing requirements that allow persons who have practiced for at least eight months as of August 1, 1999, to be licensed without additional training or examination."

Page 3, remove line 7

Page 3, line 10, remove "journeyman sprinkler fitter or a"

Page 3, line 11, after "contractor" insert "or an employee of the contractor designated by the contractor for that purpose", after "installations" insert ", but an emergency repair must be inspected by a contractor or an employee designated by the contractor for that purpose", and remove "An"

Page 3, remove lines 12 and 13

Page 3, line 14, replace "state fire marshal" with "board"

Page 3, line 16, after "revoked" insert "or modified by the board"

Page 3, line 17, replace "state fire marshal" with "board"

Page 3, remove lines 18 through 22

Page 3, line 24, replace "state fire marshal" with "board"

Page 3, line 26, remove "A designer may"

Page 3, line 27, remove "not be a qualifier or license holder for more than one fire sprinkler contractor at a time."

Page 3, line 28, replace "state fire" with "board."

Page 3, remove lines 29 through 31

Page 4, remove lines 1 through 4

Page 4, line 23, replace "state fire" with "board."

Page 4, remove line 24

Page 4, line 29, replace "contractors" with "contractor" and after the second comma insert "no more than"

Page 4, line 31, remove ", service contracts, and fire sprinkler work performed"

Page 5, remove lines 1 and 2

Page 5, line 3, replace "5" with "3"

Page 5, line 4, remove "first willful"

Page 5, line 5, replace ", and the" with ". The", replace "impose" with "establish", replace "five hundred" with "one thousand", after "dollars" insert "for each violation by a licensee or registrant of this Act or of rules established by the board", and remove "A"

Page 5, remove lines 6 through 9

Page 5, remove lines 17 and 18

Page 5, line 19, replace "5" with "4"

Page 5, after line 26, insert:

"SECTION 12. Single-family dwellings. This Act does not apply to the owner and occupant of a single-family dwelling.

SECTION 13. EFFECTIVE DATE. Sections 4, 5, 6, 7, 8, 9, 10, and 11 of this Act become effective on August 1, 2000."

Renumber accordingly

1999 TESTIMONY

HB 1358

ROLFSON CAL.
2-11-99

Fifty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1358

Introduced by

Representatives Rose, Keiser, Schmidt

Senators Klein, D. Mathern

who certifies to the board that
the contractor's apprentices are
enrolled in a board-approved
training program or a nationally-
recognized training program;

1 A BILL for an Act to provide fire sprinkler system license; and to provide a penalty.

2 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

3 SECTION 1. Definitions. As used in this Act, unless the context otherwise requires:

4 1. "Apprentice fire sprinkler fitter" means an individual, other than a journeyman fire
5 sprinkler fitter, who:

6 a. ~~Has paid the annual fee;~~

7 b. Is engaged in learning and assisting in the practical installing, testing,
8 inspecting, dismantling to terminate, and repairing of fire sprinkler systems,
9 under the supervision of a licensed journeyman fire sprinkler fitter and a fire
10 sprinkler contractor;

11 c. ~~Is in a registered apprenticeship program under state or federal law, and~~

12 d. ~~Is registered with the state fire marshal.~~

13 2. "Board" means the fire sprinkler license examining board.

14 3. "Fire sprinkler contractor" means any person who has paid the annual fee and
15 obtained a license to conduct a business in the designing, installing, inspecting,
16 testing, dismantling to terminate service, maintaining, or repairing of fire sprinkler
17 systems; who employs any licensed professional engineer in the appropriate field
18 of competence; or who:

19 a. Submits to the ^{board} ~~state fire marshal~~ satisfactory proof of having successfully
20 completed an accredited course in fire sprinkler engineering technologies or
21 design;

22 b. Submits a letter from the national institute for certification in engineering
23 technologies or other accredited school verifying successful completion of the
24 examination for level III fire sprinkler engineering technologies or design; ~~and~~ or

providing that state meets or exceeds the licensing requirements of this Act

contractor's

c. Holds a current fire sprinkler ~~designer's~~ license issued by any other state or ~~Canadian province~~ and has registered with the ~~state fire marshal~~ ^{board}.

4. "Fire sprinkler system" means an integrated overhead piping system designed in accordance with fire protection engineering standards, including:
- a. The system includes at least one automatic water supply.
 - b. The aboveground portion of the system is a scheduled or hydraulically designed piping installed in a building, structure, or area, generally overhead, to which sprinklers are attached in a systematic pattern.
 - c. The valve controlling each system riser is located in a system riser or its supply piping.
 - d. Each system riser includes a device for activating an alarm when the system is in operation.
 - e. The system is usually activated by heat from a fire and discharges water over the fire area.

5. "Journeyman sprinkler fitter" means any individual:
- a. With a minimum of ten thousand hours of experience as a fire sprinkler fitter;
 - ~~b. Who has paid the annual fee for license as a journeyman fire sprinkler fitter;~~
 - ~~c. Who has obtained a license as a journeyman fire sprinkler fitter, and~~
 - d. Who is engaged in the practical installing, inspecting, testing, dismantling to terminate service, maintaining, and repairing of fire sprinkler systems.

SECTION 2. Fire sprinkler system license examining board. The board consists of five members appointed by the governor. ^{either a fire sprinkler contractor or a journeyman fire sprinkler fitter} One member must be ~~an employee of the state fire marshal~~ ^{an employee of the state fire fitter} and that member shall serve as secretary of the board; one member must be selected from a ~~local~~ fire service jurisdiction; one member must be a ~~licensed~~ journeyman fire sprinkler fitter; one member must be a fire sprinkler contractor or an employee of a fire sprinkler contractor; and one member must be a consumer at large. Board members shall serve four-year terms, except the governor shall appoint the initial members to terms of four years or less so the terms of no more than two members expire each year. Each member of the board is entitled to reimbursement for actual expenses incurred in performance of official duties as provided for state officials and employees.

SECTION 3. Rulemaking.

1. The board shall adopt rules governing:
- a. Initial and subsequent competence, qualifications, examinations, and licensing of fire sprinkler contractors and journeyman fire sprinkler fitters; ~~Penalty fees for violations of this Act~~
 - b. ~~Fees and fines; and~~
 - c. System design and criteria. ^{plan review and inspections}
2. The ~~state fire marshal~~ ^{board shall register designers and contractors.} is responsible for registration of fire sprinkler journeyman ~~sprinkler fitters, designers, contractors, and apprentice fire sprinkler fitters.~~

SECTION 4. License requirement.

A person may not install, test, dismantle to terminate service, modify, alter, maintain, or make a maintenance inspection on a fire sprinkler system or offer to do so unless licensed as a ~~journeyman sprinkler fitter or a~~ fire sprinkler ~~contractor.~~ ^{or an employee of the contractor designated by the contractor for that purpose} A license is not required to perform emergency repairs on existing installations. ~~An emergency repair must be inspected by a licensed journeyman fire sprinkler fitter as soon as possible.~~

SECTION 5. Issuances of licenses.

The ~~state fire marshal~~ ^{board} shall issue licenses and register persons under this Act. A license or registration expires on December thirty-first of each year unless otherwise ~~revoked.~~ ^{or modified by the board} Annual renewal must be submitted on forms provided by the ~~state fire marshal.~~ ^{board}

~~**SECTION 6. Apprentice fire sprinkler fitter registration.**~~

~~An apprentice fire sprinkler fitter is not required to apply for a license, but shall register with the state fire marshal before engaging in assisting and learning of the installing, testing, inspecting, dismantling to terminate service, maintaining, and repairing of a fire protection system. Upon registration, the apprentice shall provide proof of being in an approved apprenticeship program.~~

SECTION 7. Conceptual drawing, plan, or design for system requirements.

A fire sprinkler contractor must be licensed or registered with the state fire marshal before preparing a conceptual drawing, plan, or design for a fire sprinkler system. The drawing, plan, or design must include the license or registration number of the contractor and designer. ~~A designer may not be a qualifier or license holder for more than one fire sprinkler contractor at a time.~~ A fire sprinkler contractor may obtain design services from any designer registered with the ~~state fire marshal.~~ ^{board}

~~**SECTION 8. Journeyman fire sprinkler fitter licenses.**~~

~~Journeyman fire sprinkler fitter license reciprocity may be available with other states if the other state reciprocates with~~

- ✓1 ~~this state, the other state has equal or more stringent requirements, the journeyman fire~~
✓2 ~~sprinkler fitter has applied for a North Dakota license and has paid the required fee to this state.~~
✓3 ~~The state fire marshal may not restrict any licensed journeyman fire sprinkler fitter's work to any~~
✓4 ~~geographical territory.~~

5 **SECTION 9. Fire protection contractor bond requirements.** A fire sprinkler
6 contractor must have:

- 7 1. A general liability insurance policy that:
- 8 a. Includes products and complete operation coverage.
- 9 b. Provides insurance coverage of at least two hundred thousand dollars per
10 person, five hundred thousand per occurrence, and one million dollars
11 property damage.
- 12 c. Is in effect at the time of license application; and
- 13 2. A bond that:
- 14 a. Is for the total penal sum of thirty thousand dollars conditioned upon the
15 faithful and lawful performance of all work within the state.
- 16 b. Is for the benefit of persons injured or suffering financial loss by reason of
17 failures of performance.
- 18 c. Runs concurrent with the term of the license.
- 19 d. Is written by a corporate surety licensed to do business in the state, or is a
20 cash bond, or is an irrevocable line of credit.
- 21 e. Contains a stipulation that the bond may not be canceled, terminated, or
22 changed in a way so that it no longer meets the requirements of this
23 subsection, except upon thirty days prior written notice to the ~~state fire~~ *board*
24 ~~marshal.~~

25 **SECTION 10. Fees.** Fees, fines, and permits must fund all enforcement and
26 administrative costs for issuing licenses and registrations under this Act. The following fees
27 must be paid to the board:

- 28 1. Fire sprinkler contractor annual license fee, two hundred fifty dollars. ** NO MORE THAN 290.*
- 29 2. Fire sprinkler contractors permit fee, due upon application; two percent of the
30 actual cost of the material, labor and components of the fire sprinkler system on
31 each contract installation, ~~service contracts, and fire sprinkler work performed.~~

One thousand dollars
for each violation by a
licensee or registrant
of this Act
or of board
rules.

✓ 1 ~~3. Journeyman sprinkler fitter annual license fee, seventy-five dollars.~~

✓ 2 ~~4. Apprentice fire sprinkler fitter annual registration fee, fifteen dollars.~~

3 5. Fire sprinkler designer annual registration fee, fifteen dollars.

✓ 4 **SECTION 11. Penalty and fines.** A first willful violation of this Act is a class B

✓ 5 misdemeanor, ^{The board by rule may establish a penalty fee of up to} and the board may impose a penalty of not more than five hundred dollars. A

✓ 6 ~~second willful violation of this Act is a class A misdemeanor, and the board may impose a~~

✓ 7 ~~penalty of not more than one thousand dollars. A third or subsequent willful violation of this Act~~

✓ 8 ~~is a class A misdemeanor, and the board may impose a penalty of not more than one thousand~~

✓ 9 ~~dollars.~~ A separate violation occurs each day the violation continues.

10 **SECTION 12. Suspension or revocation of license.** The board may suspend or
11 revoke a license following notice and opportunity for hearing, if the holder has:

12 1. Obtained or attempted to obtain a license by fraudulent misrepresentation.

13 2. Committed malpractice or exhibited incompetency in the installation or servicing of
14 any fire sprinkler equipment.

15 3. Serviced and failed to provide written notification to the owner and the authority
16 having jurisdiction of any deficiencies found in the fire system.

17 ~~4. Employed a person who installs or services fire sprinkler equipment without the~~
18 ~~required license.~~

19 5. Violated any of the conditions, qualifications, or limitations set forth in the license or
20 allows the license to be used by anyone other than the person or entity to whom
21 the license was issued.

22 **SECTION 13. Continuing education requirements.** During each calendar year, all
23 fire sprinkler fitter designers, journeyman fire sprinkler fitters, and apprentice fire sprinkler fitters
24 are required to attend eight hours of continuing education courses on the performance of fire
25 sprinkler-related work. All continuing education courses must be in the form of a workshop,
26 seminar, or educational conference approved by the board.

✓ **SECTION 14. Single family dwellings.** This Act does not
apply to the owner and occupant of a single family
dwelling.

Baptist Home

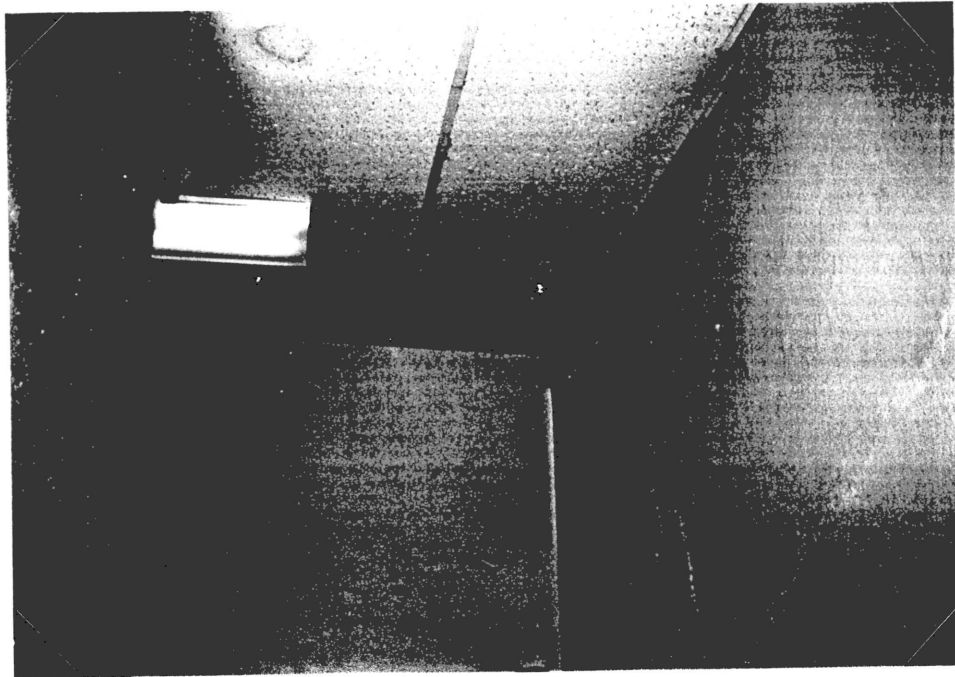
Kenmare, N.D.



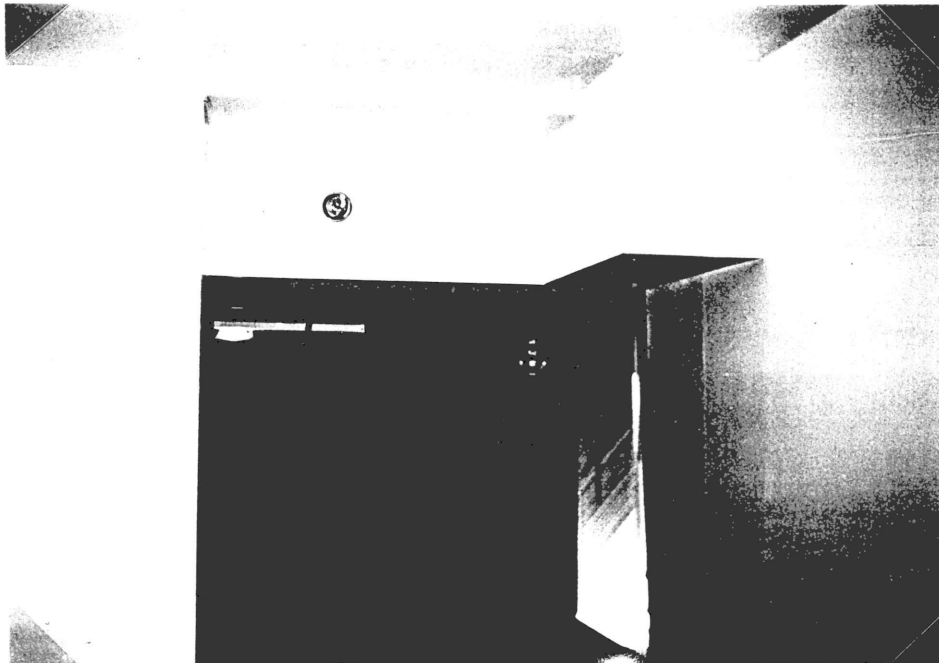
Improper coverage-no sprinkler head



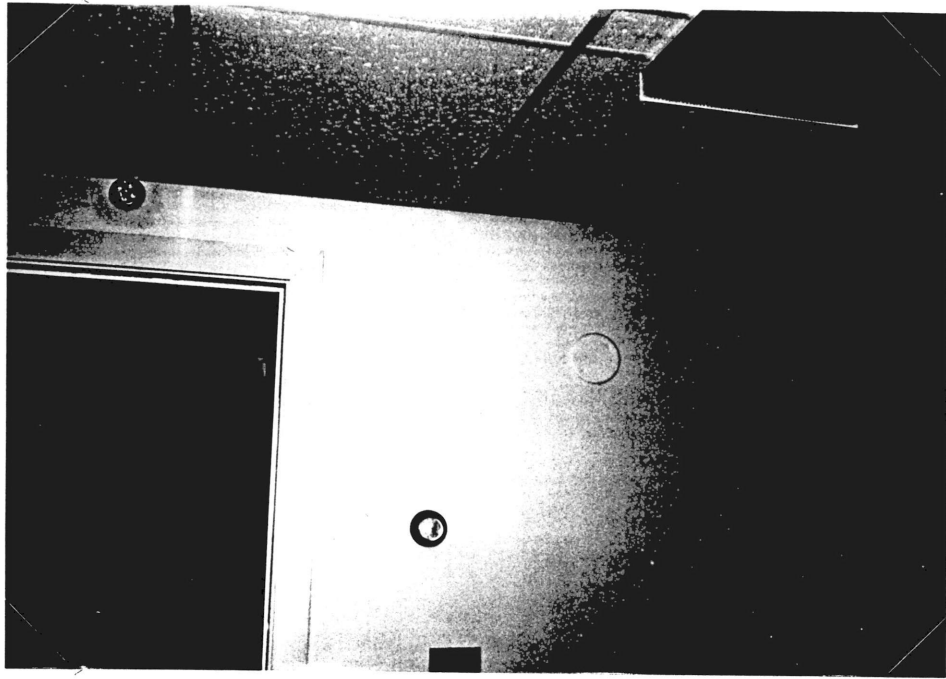
Improper coverage-no sprinkler head



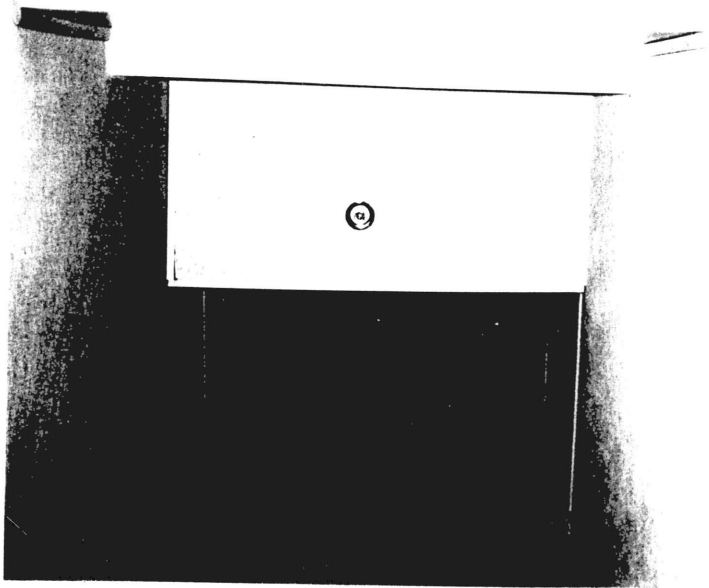
Sprinkler heads spaced too close together



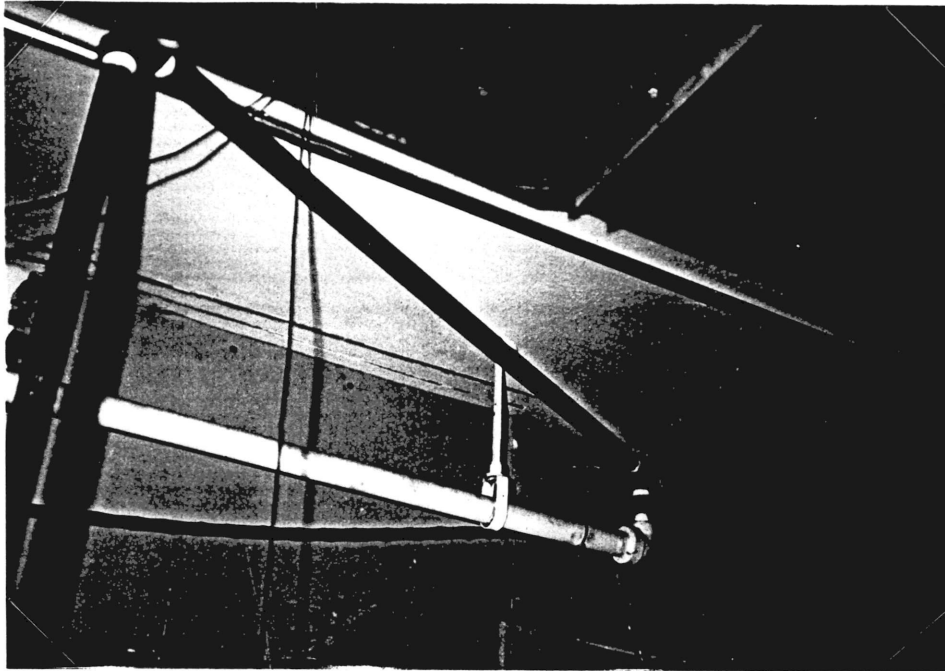
Improper location and head style



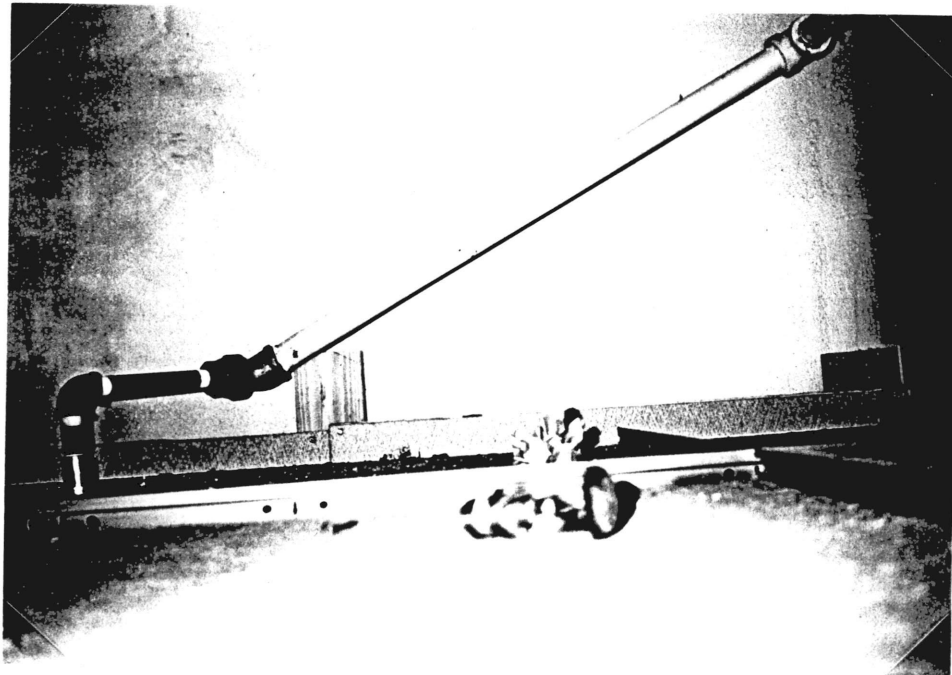
Too close to ceiling



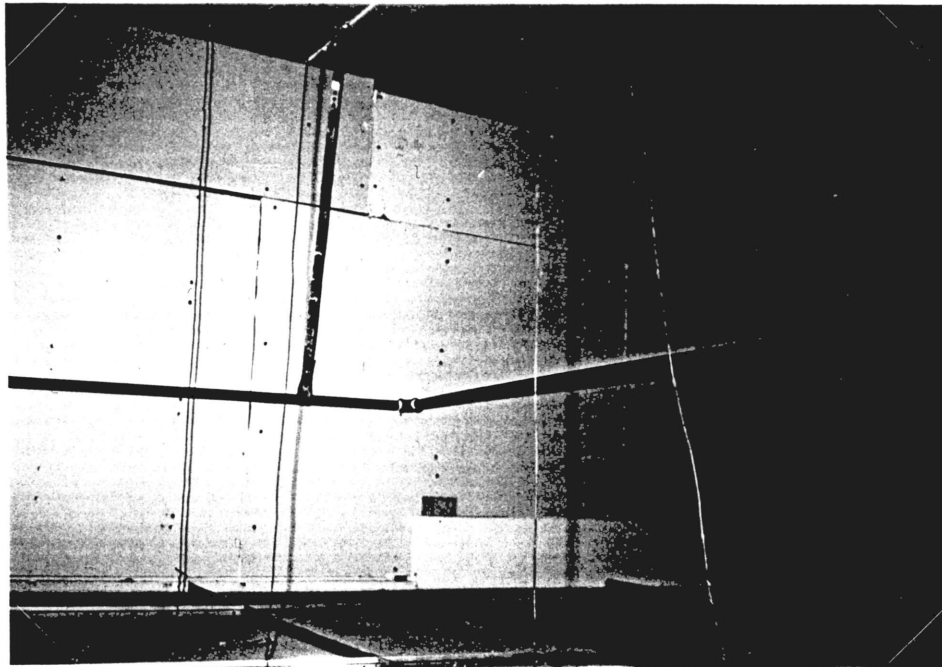
Too far from ceiling



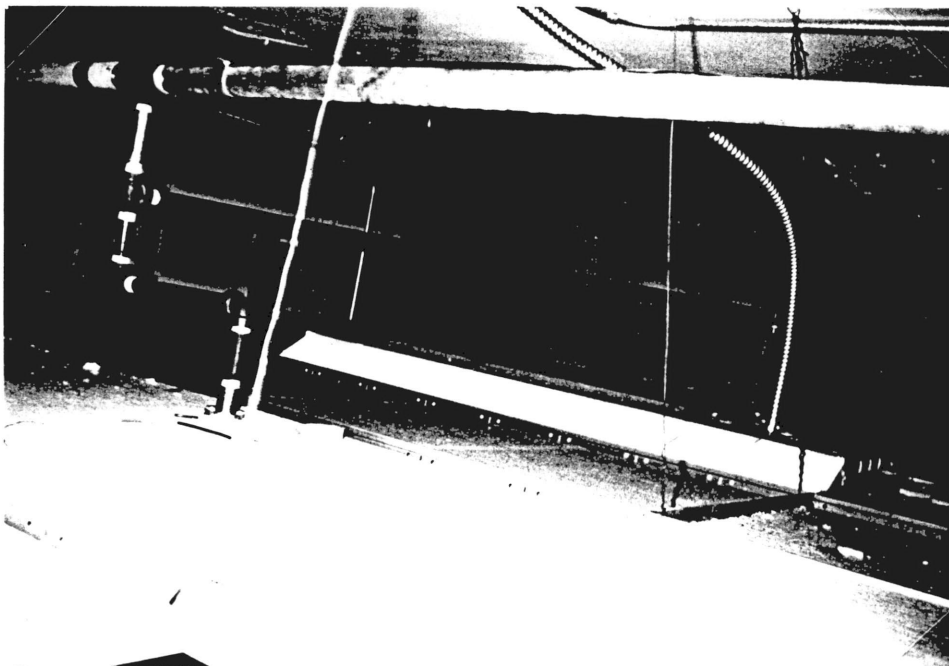
No hangers



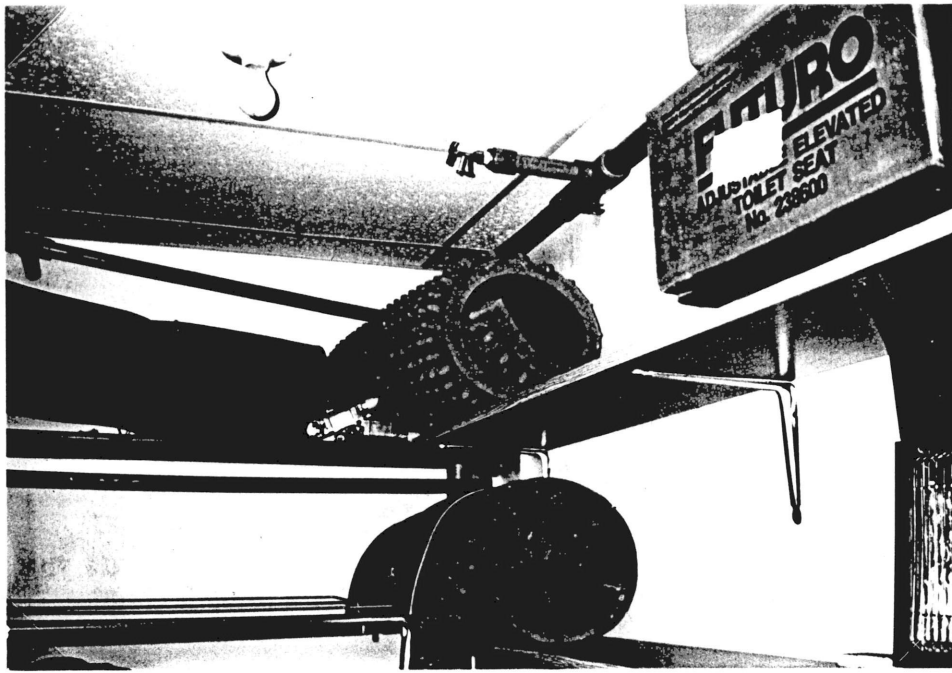
Not an approved hanger



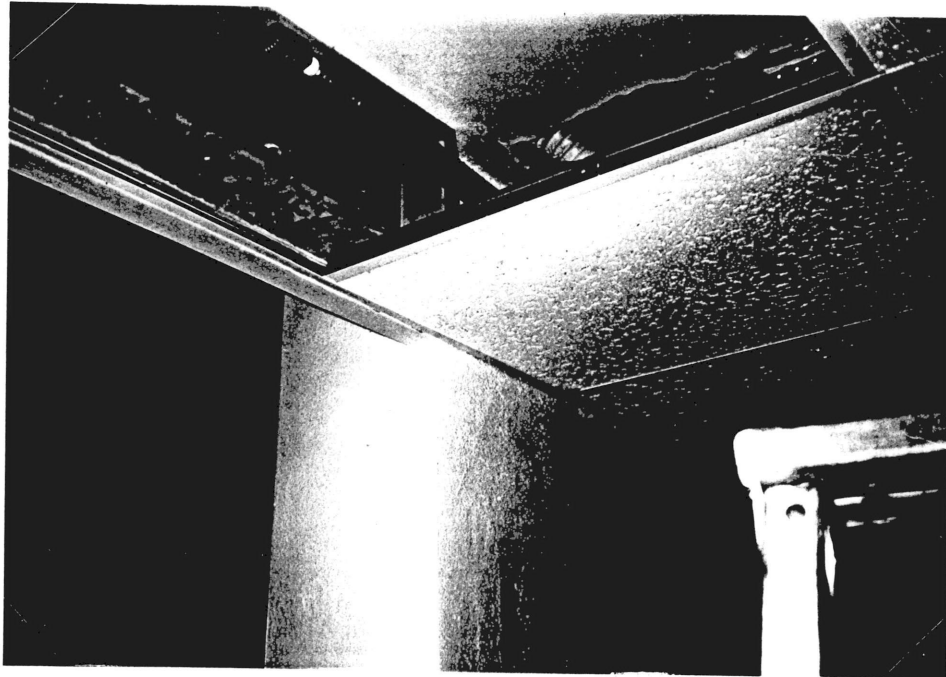
Hanger violations

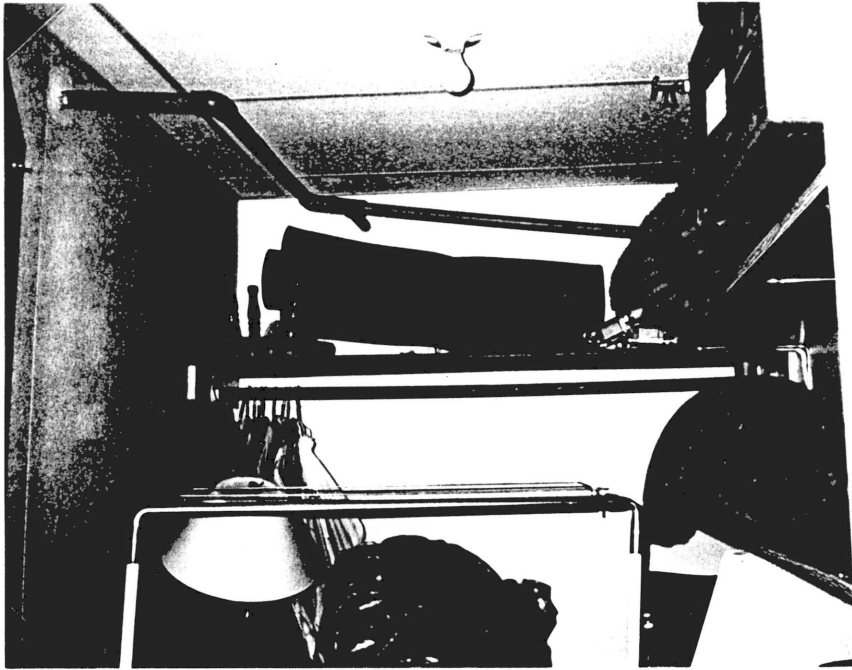


Violations of hanger style, lack of hangers, head location and style

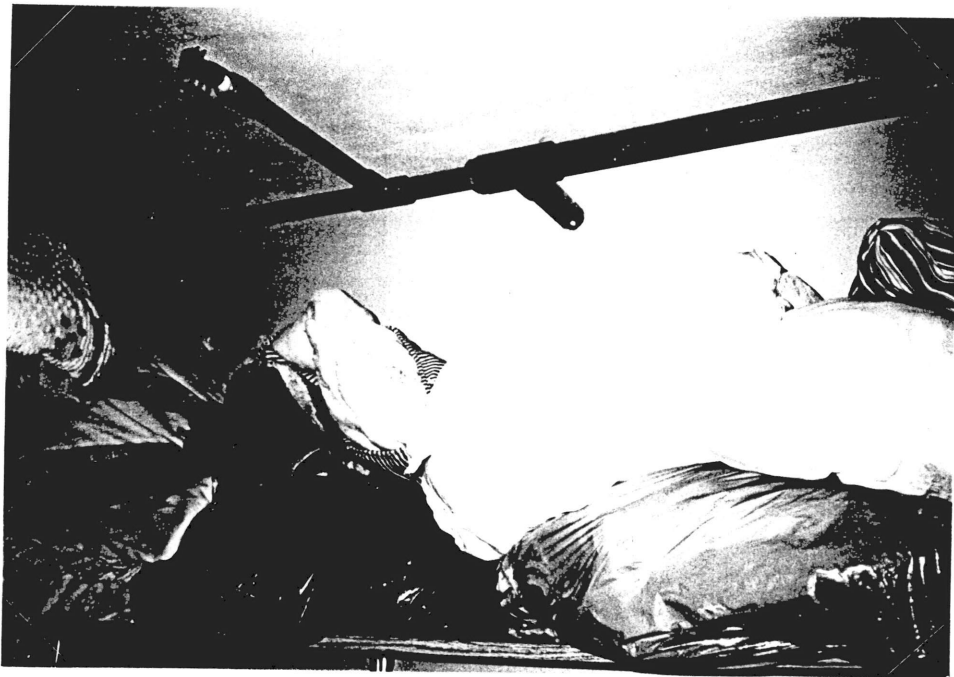


Violations on hangers, head location, head style and pipe exposure



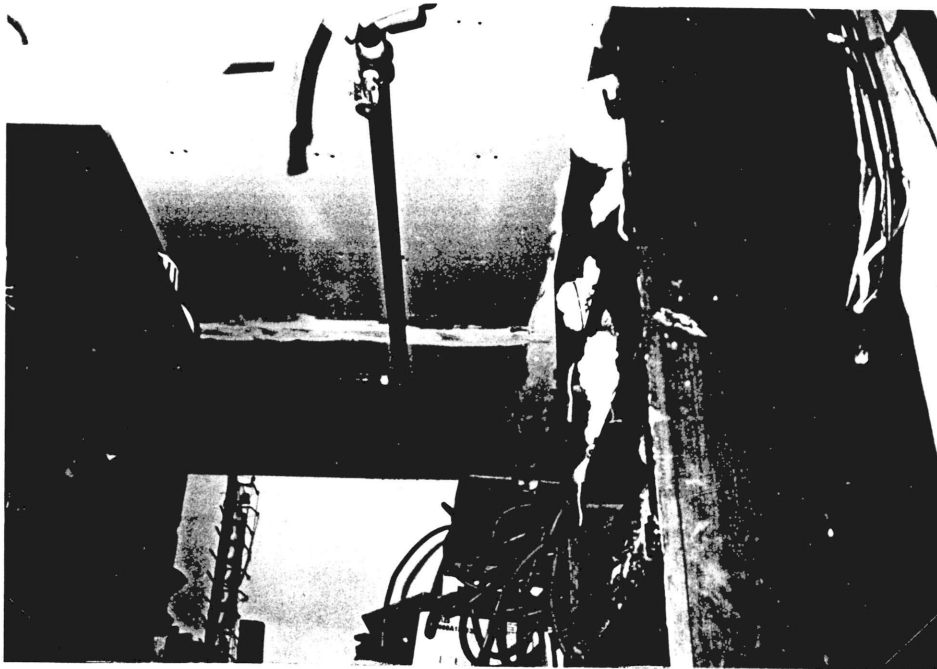


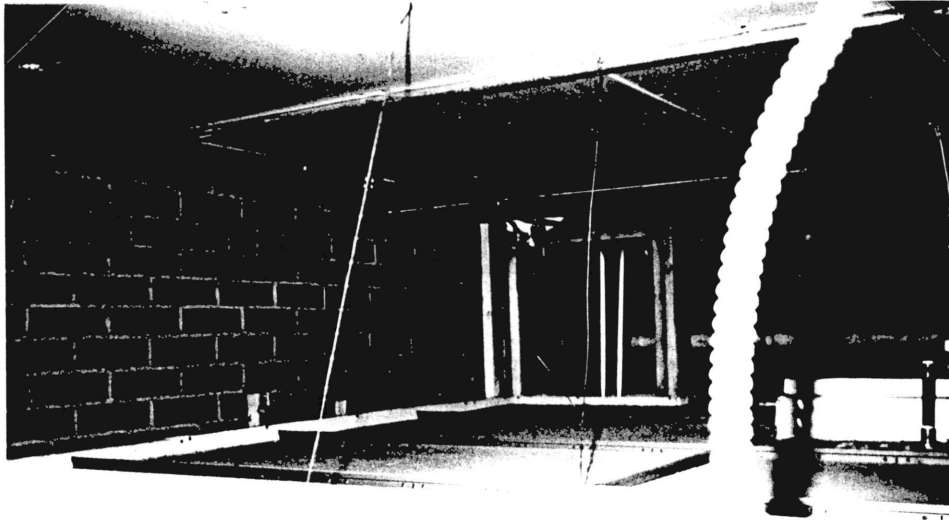
Violations of hanger style, lack of hangers,
head location and style





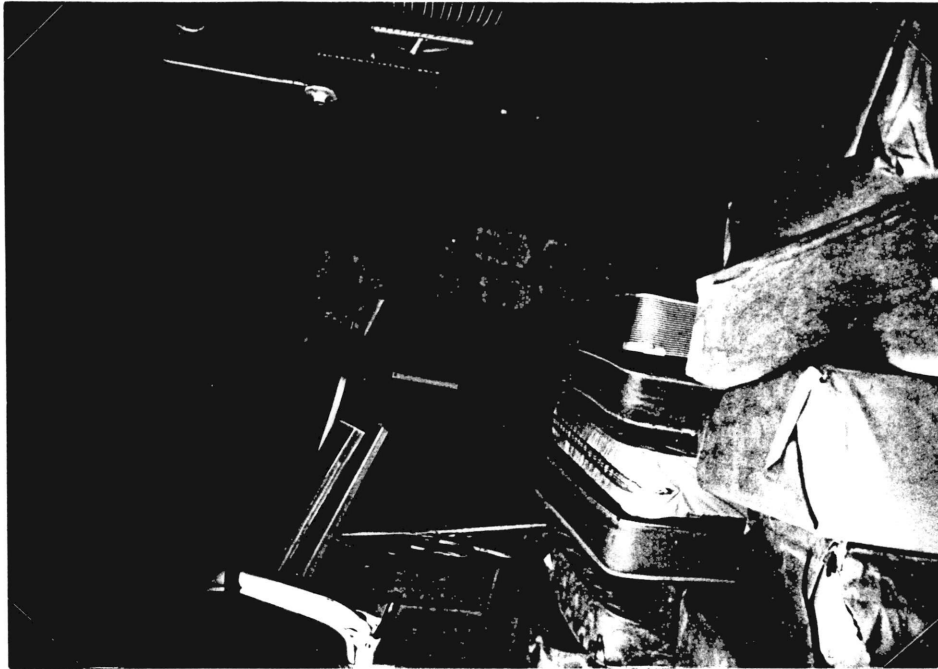
Violations on hangers, head location, head style
and pipe exposure





No sprinkler coverage in storage area





No sprinkler coverage in storage area and blind spaces



MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Alcohol &
Gambling
Enforcement

Bureau of
Criminal
Apprehension

Capitol Security

Driver & Vehicle
Services

Emergency
Management/
Emergency
Response
Commission

State Fire
Marshal/
Pipeline Safety

State Patrol

Traffic Safety

State Fire Marshal Division

444 Cedar Street, Suite 145, St. Paul, Minnesota 55101-5145

Phone: 651/215-0500 FAX: 651.215.0525 TTY: 651/282-6555

Internet: <http://www.dps.state.mn.us>

1 February 1999

Road Sprinkler Fitters Local Union No. 669
7050 Oakland Mills Road, Suite 200
Columbia, Maryland 21046
ATTN: Mr. Dean S. Bensen

RE: Sprinkler Licensing Legislation North Dakota

Dear Mr. Bensen,

In response to our phone conversation of today I offer you the following comments:

The State of Minnesota has had a Sprinkler Licensing Law in effect since February of 1994. I have been associated with the program since the beginning.

Currently, the State of Minnesota licenses and regulates approximately 65 sprinkler contracting companies and 700 journeyman sprinkler fitters. I believe that the program is accepted well by a majority of sprinkler contractors. The comments I hear are "leveling of the playing field" and "being held to a minimum standard" from the contractors.

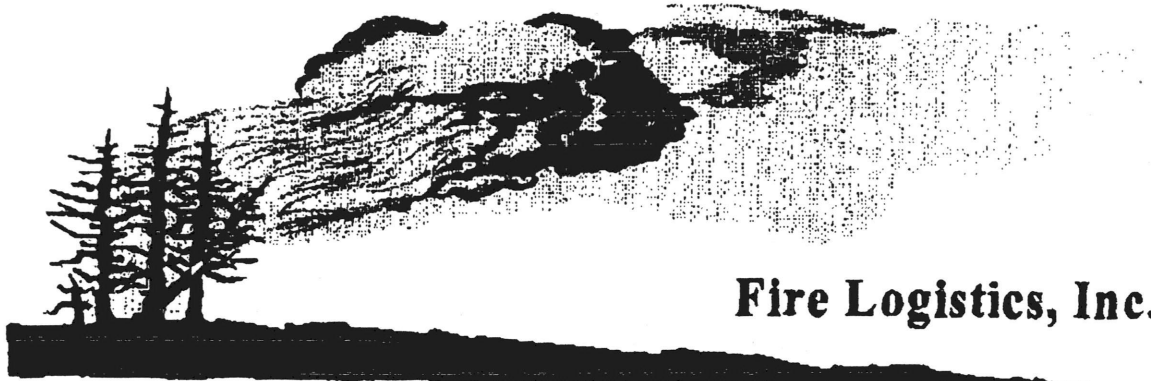
Currently the Minnesota State Fire Marshal Division conducts sprinkler plan review, issues permits and conducts inspections of sprinkler systems in all but 163 communities in the State. I firmly believe that the Sprinkler Licensing Law (MS 299M) has greatly contributed to the public safety of the residents of the State of Minnesota.

Should you need further information or have any questions, please feel free to contact me at (651) 215-0514.

Sincerely,

David Stegura
Deputy State Fire Marshal – Supervisor
Fire Protection Systems





Fire Logistics, Inc.

P.O. Box 2164 Montana City, MT 59634 406/449-9761 Fax 406/449-9768

February 2, 1999

Mr. Dan Koch, Business Agent
 Local 669
 P.O. Box 279
 Laurel, MT 59044

To: 2 Pages
 DEAN BENSON
 Room 121
 K. DALL

Subject: Sprinkler Licensing Law

Dear Mr. Koch:

As a former Montana State Fire Marshal, I was significantly involved in the revision of Montana's sprinkler contractor licensing law. Our law was woefully out-of-date and, in fact, unenforceable due to it's vague language.

Improvements made to the law allowed the State Fire Marshal's Office to:

1. Investigate complaints regarding contractors.
2. Generated a slight increase in revenue to the office.
3. Know which sprinkler contractors were working in the state.
4. Take enforcement actions against the less reputable contractors.
5. Provide a safer environment for the public by making the contractor accountable to the State Fire Marshal's Office.
6. Require the contractors attend continuing education courses on a yearly basis.

"Fire Logistics, Inc. is a Montana fire protection consulting firm."

In retrospect, a couple of items that I would fix or refine:

1. Ensure the ability to license the sprinkler system designers.
2. Use a licensing standard that is readily transportable from state to state.

It was a pleasure visiting with you today!

Sincerely,



Bruce Suenram
President

Thoughts on House Bill No. 1358
Fifty-sixth Legislative Assembly of North Dakota

House Government and Veteran Affairs Committee

February 4, 1999

By:

Dave Sornsin
806 S. 7th St
Fargo, ND
Work phone: 232-7008
Cellular: 581-1242
Home phone: 237-9216

Vice President, Part Owner,
Allied Fire Protection, Inc.
PO Box 1679
Fargo, ND 58107-1679

NEED:

1. Sprinklers have a phenomenal record of controlling fires and saving lives when properly designed, installed, and maintained. Each year substandard fire sprinkler systems are being installed in our state by non-qualified contractors. I am a fire sprinkler contractor and our personnel stumble across these systems while doing service work and bidding renovations. If this continues, I am convinced we will have a large loss fire in a sprinklered building. Worse, we may have injuries or fatalities.
2. The fire sprinkler industry is increasingly complex. Where not too long ago there was a handful of different types of sprinklers, now there are hundreds to choose from – each with different design characteristics. CAD and computerized hydraulics have become a necessity. Contractor's must have a commitment to hire and/or train competent designers and installers.
3. The sprinkler industry is relatively new (around 100 years). It didn't really have high growth until the latter part of this century. Which is one of the reasons sprinkler design isn't taught as part of the standard Mechanical Engineering coursework in most colleges. Nor are sprinkler codes taught. Where the plumbers and electricians have M.E.'s and E.E.'s checking their work, we are on our own. This worked fine when there was only a handful of companies in each region, and sprinkler design was simple. Further, 25 years ago the insurance industry had consultants to review

sprinkler plans and inspect jobs. They are now rarely involved. Now we have complex design in a rapidly growing industry with lots of people giving sprinkler contracting a try – and nobody checking to see if the customer is getting what was paid for.

4. Where are the fire marshals? We have an extremely qualified group of fire marshal's throughout the state. Unfortunately few are fully trained in sprinkler design and installation review. Also, they're swamped with their existing duties (i.e. public education, code reviews, inspections, etc.) with tighter and tighter budgets. Keeping up with the changes in our industry is a full time job. One has to work with it daily. Since all jobs aren't sprinklered, and our cities and towns are small, there aren't the resources available to train the local fire marshals, even if they imposed a heavy fee on sprinkler plan reviews. Since nearly every building has plumbing/electrical, the fire marshal's peers at the building departments have more resources available for qualified staff.

PRESENT BILL

1. Most of my company's work is in ND and MN. MN has designer, contractor, and fitter licensing. While we are able to put a 4th year apprentice on a simple job, by himself in ND when we're behind in work, we are required to keep a licensed fitter on all MN jobs at all times. This has affected our bottom line. We have adjusted our bids in MN accordingly since we know that our business is constrained in this way. As the contractor, the person ultimately financially responsible, I feel I should have the right to decide whether or not that person can handle the job that is given to him -- as opposed to the state mandating otherwise. In construction, scheduling and flexibility are critical to success. It becomes more difficult when constraints such as licensing are added. *THIS IS AN EXTREME BURDEN - ESP. FOR THE SMALLER CONTRACTORS (ALLIED)*
2. Does fitter licensing really work? I've had licensed plumbers do shoddy work for me. Is it really necessary to license everybody involved at this time? I don't agree with the argument that just because plumbers, electricians, lawyers, etc. require licenses, then sprinkler fitters must be licensed. If a fitter is doing unsafe work, and is caught by our new inspector, who has to fix the system for the owner? Why not start

APPROX 25% ↑
ON LABOR
CONTRACTORS
(ALLIED)

the program in a smaller way, and less expensively by only licensing the people who are ultimately responsible – the contractors.

3. I feel that state registering of apprentices is a violation of federal law. It is unlawful for a state to regulate employee benefit plans including apprenticeship plans. Greg Cavanaugh, the attorney who successfully won a court case in Minnesota over this issue, agrees with me.
4. I am convinced that SOMETHING must be done during this legislative assembly. While I understand the perceived benefits of requiring licensing of sprinkler fitters, I don't feel the return on the state's investment (added personnel, etc.) justifies it. While there are probably 100 sprinkler fitters who work in our state, there's only a handful of contractors – making the program easier to administer. I strongly feel that most of what we want to accomplish (proper design and installation of sprinkler systems) can be done by licensing the contractors. The contractors are the ones with the liability and financial responsibility anyway. *THIS WOULD CONTINUE TO GIVE US THE FLEXIBILITY TO PROVIDE PROPER INSTALLATIONS AT THE BEST POSSIBLE PRICE.*

ACTION

I'm offering as an amendment to this bill, the elimination of references to sprinkler fitter apprentice and journeyman licensing.

More important than licensing ANYBODY: Train one or two people to do plan review and assist the local fire marshals with jobsite inspections. Require the contractors to submit plans and pay the permit fee, which funds the staff position(s) who answer to the board. I'm convinced that one person can handle this position for the entire state, in the beginning. As the reviews/inspections become more in depth, and if the permit fees support it, the board could add a position. In the meantime, anybody doing work in the state would know that their design would be reviewed, and their systems could be inspected. More importantly, the people of North Dakota would have a life safety system that will properly function if needed.