

1999 HOUSE INDUSTRY, BUSINESS AND LABOR
HB 1444

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1444

House Industry, Business and Labor Committee

Conference Committee

Hearing Date 1-27-99

Tape Number	Side A	Side B	Meter #
1	x		2597 - end
1		x	0 - 1692
Committee Clerk Signature <i>Lisa Horner</i>			

Minutes: **HB 1444**

Rep. Koppelman introduced HB 1444 relating to persons exempt from electrician's licenser requirements. (See written testimony)

Sen. Lee: testified in support of HB 1444.

Jim Flaherty of Federal Machine in West Fargo testified in support of HB 1444.

We manufacture or modify our own equipment and machines.

Chairman Berg: Did you have any idea that you were in violation of the law?

Jim Flaherty: I didn't know until I hired an electrician to do some wiring in the plant.

Rep. Ekstrom: My concerns are that you are overriding UL Listings if there is any on these machines, and the OSHA safety standards and the protection of the employees.

Jim Flaherty: First, the wiring that we are undertaking is very clearly covered in the National Electrical Code. Second, we are seeking permitting from the State Electrical Inspector. OSHA is due to arrive at any time.

End of side A, tape 1. Start side B.

OPPOSITION

Don Offerdahl, Executive Director of the State Electrical Board, testified in opposition to HB 1444. One of the things that we have been addressing in the last few years is the liability of the State Inspector and the Electrical Board. We are looking at our administrative rules to adopt procedures to evaluate equipment. The rules now say that all equipment and material have to be UL listed. My suggestion to the board is that if the equipment is not UL listed and does not have a category then we would have a registered professional electrical engineer evaluate that equipment after the people have re-manufactured the equipment. They would then tell the Electrical Board that it's safe.

Rep. Johnson: If you are looking to adopt this administrative rule, when will this take place?

Don Offerdahl: Right now there is nothing that say they have violated any codes. We are just now trying to adopt these rules.

Al Wolf from the ND State Electrical Board testified in opposition of HB 1444. Electricians and Electrical Inspectors are not qualified by their training and experience to be giving this inspection. If there is a responsibility on the Board that they can't carry out then there would be a liability to the Board and in turn to the state.

Page 3

House Industry, Business and Labor Committee

Bill/Resolution Number Hb 1444

Hearing Date 1-27-99

Electrical connections are covered by the law except those that are exempt. This bill includes section's one, two and three.

1. Employees of Public Utilities.
2. Employees of Telephone, Telegraph Companies.
3. Employees of Household Appliances.

Don Litchfield testified in opposition to the wording of the bill and amendment.

Chairman Berg closed the hearing.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1444

House Industry, Business and Labor Committee

Conference Committee

Hearing Date 2-3-99

Tape Number	Side A	Side B	Meter #
2		x	8.5
Committee Clerk Signature <i>Lisa Horner</i>			

Minutes:

HB 1444

Chairman Berg opened the meeting on the bill.

He went on to explain the purpose of the bill.

Representative Kleine presented specific items to the bill. The Electrical Board retains rights in controlling industry standards.

Representative Kleine moved for do pass the amendment, Second by Kempenich

By voice vote, all voting yes, 0 no, motion passed.

Page 2

House Industry, Business and Labor Committee

Bill/Resolution Number Hb 1444

Hearing Date 2-3-99

Representative Koppang moved to do pass as amended, Second by Representative Klein

By roll vote for do pass as amended, 15 yes, 0 no, motion carried.

Representative Kleine will carry the bill.

Chairman Berg closed the meeting on the bill.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1444

Page 1, line 21, after "is" insert "solely"

Page 1, line 23, after "engineer" insert "who is an employee or owner of the manufacturing
business"

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1444

Page 1, line 2, after "requirements" insert "; to provide a contingent effective date; and to declare an emergency"

Page 1, line 23, remove "This exemption does not affect permit and"

Page 1, remove line 24

Page 1, after line 24, insert:

"SECTION 2. CONTINGENT EFFECTIVE DATE. This Act becomes effective September 1, 1999, unless before that date the legislative council has received a certification from the chairman of the administrative rules committee that the state electrical board has adopted and filed an amendment to its administrative rules providing substantially as follows:

1. Electrical equipment or industrial machines, including custom-made electrical equipment or related installations, which are designed and manufactured to a purchaser's specifications, if there is no category or listing by underwriters laboratories incorporated, may be evaluated by underwriters laboratory incorporated, other state-accepted testing laboratories, or by a registered professional engineer.
2. The state electrical board retains the right to reject an evaluation described in subsection 1 if the electrical equipment or industrial machine does not comply with article 110-2 and 110-3 of the 1999 National Electrical Code.
3. The electrical installer is required to secure permission from the state electrical board to energize the equipment before an evaluation has been completed.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Date: _____
Roll Call Vote #: _____

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1444

House Industry, Business and Labor Committee _____

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken do pass as amended

Motion Made By Koppang Seconded By Klein

Representatives	Yes	No	Representatives	Yes	No
Chair - Berg	/		Rep. Thorpe	/	
Vice Chair - Kempenich	/				
Rep. Brekke	/				
Rep. Eckstrom	/	/			
Rep. Froseth	/				
Rep. Glasheim	/				
Rep. Johnson	/				
Rep. Keiser	/				
Rep. Klein	/				
Rep. Koppang	/				
Rep. Lemieux	/				
Rep. Martinson	/				
Rep. Severson	/				
Rep. Stefonowicz	/				

Total (Yes) 15 No -0

Absent _____

Floor Assignment Klein

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

REPORT OF STANDING COMMITTEE

HB 1444: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1444 was placed on the Sixth order on the calendar.

Page 1, line 2, after "requirements" insert "; to provide a contingent effective date; and to declare an emergency"

Page 1, line 23, remove "This exemption does not affect permit and"

Page 1, remove line 24

Page 1, after line 24, insert:

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1. Electrical equipment or industrial machines, including custom-made electrical equipment or related installations, which are designed and manufactured to a purchaser's specifications, if there is no category or listing by underwriters laboratories incorporated, may be evaluated by underwriters laboratory incorporated, other state-accepted testing laboratories, or by a registered professional engineer.
2. The state electrical board retains the right to reject an evaluation described in subsection 1 if the electrical equipment or industrial machine does not comply with article 110-2 and 110-3 of the 1999 National Electrical Code.
3. The electrical installer is required to secure permission from the state electrical board to energize the equipment before an evaluation has been completed.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

1999 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1444

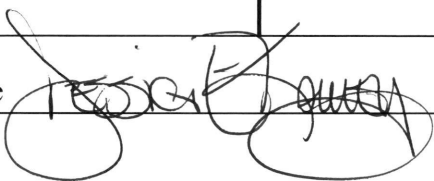
1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HOUSE BILL 1444

Senate Industry, Business and Labor

Conference Committee

Hearing Date MARCH 9, 1999

Tape Number	Side A	Side B	Meter #
1	X		1444 to end
1		x	0 to 700
Committee Clerk Signature 			

Minutes:

REPRESENTATIVE KOPPLEMAN: Introduced HOUSE BILL 1444, see testimony

no effect on any other kind of work, just electrical, objections in the house could be done through at ruling. IBL amended the bill and change the date of origination, amended bill is the best bill and makes it easier for economic development, urge do pass

SENATOR HEITKAMP concerns about ruling in law or the rule is going to kick in, why would I give anything in relation to the rules the way that this is set up, someone from the electrical portion of the state talking to manufacturing section and coming up with a rule that will make this thing work. Wouldn't have to deal with the manufacturer because I know that I have this trigger coming up that will give me everything I want anyway. Don't understand the rules part of this bill.

REPRESENTATIVE KOPPLEMAN: rules process is not the initial process. At the beginning the comment was made that we could do this through administrative rules, working together was the idea behind making the rules which is the electrical board. Consult some manufacturers that are effected by this procedure to make sure it will work with them and then we came up with the language for the bill through the house amendment. Time table in bill or it will become law

SENATOR HEITKAMP: understand my concern when someone else has the hammer

SENATOR MUTCH: any other questions

SENATOR SAND: question in regards to the installation of the wiring to the breaker box and then the maker of the breaker box installing the wire within the breaker box

REPRESENTATIVE KOPPLEMAN: That's true if your dealing with the controller for the manufacturing equipment I don't think it will be true for the switch box on the wall. Piece of equipment that is older and you are making a controller to do something else while the electrician is wiring the this older piece of equipment, this, all this bill would do is remove the necessity that the electrician must install the electricity from the line to the breaker box . Now a trained engineer can do this.

SENATOR MUTCH: takes a very selective person to do this.

REPRESENTATIVE KOPPLEMAN: very unique

SENATOR SAND: having an electrical person come to town without the proper credentials and education to allow him to do a job. Example

REPRESENTATIVE KOPPLEMAN: that is true and if you look at Mr. Seabaues letter and see the technical nature is difficult for me to grasp.

SENATOR MUTCH: how come you are confining this to just the manufacturing side

REPRESENTATIVE KOPPLEMAN: narrow area and the concerns that are raised and we shouldn't allow one discipline do supervise another discipline that they understand better.

Narrow scope that needs to be addressed in North Dakota

SENATOR LEE: testified in support of HOUSE BILL 1444, investment to the state of North Dakota, engineer will be designed and constructed for and not taking away the jobs of the electrician. designing products and having to bring in an electrician to complete the work. Monthly meetings that are being held bimonthly and the need to have them sooner.

SENATOR KREBSBACH: amendments by the house

SENATOR LEE: line 21 remove the word "solely" employee or owner of the manufacturing company" and remove the date

SENATOR MUTCH: only for manufacturing

SENATOR LEE: right, in plant kinds of things

SENATOR MUTCH: like building a complex or improving some kinds of other things

SENATOR LEE: if you can expand it, I would support it

JIM FLARITY: licensed professional engineer, use native talents to continue to grow and expand

Manufacturers in the state of North Dakota need to expand on this talent, Support of this bill

SENATOR HEITKAMP controls which we have for pumping water and can't find the electricians to do the work, only area that you are after is when you can't use local talent or is this the opening that will put engineers to work as electricians.

JIM FLARITY: no, it's exactly what you are talking about, computerized technology for today and putting on a new control for tomorrow's use. Faster and accurate needs for this technology

and the need to combine the electrician with the engineer for scenario such as this

SENATOR MUTCH: do you do the work or are you the engineer

JIM FLARITY: responsible charge for the project, I am on the plant floor and know every detail of the project

SENATOR SAND: son and his business

JIM FLARITY: manufacturing is a fist fight between competitors

SENATOR SAND: business of laying pipe and the operation of this machine. Electrical controlling of device and getting knowledge out of state, problems that occur

JIM FLARITY: that is exactly what it speaks for, capability of machinery inside the plant

SENATOR MUTCH: any further questions

DISCUSSION

DON OFFERDAHL: testimony included, support for the bill

SENATOR HEITKAMP understand the concerns, Sept. 1, 1999 and you agree with the concept, I don't understand the concept to make this work

DON OFFERDAHL: adopt the administrative rule language on this day, must go back to the Legislative Council by October 1, 1999, really have until the end of this month

SENATOR HEITKAMP so you are saying that we are slowing you down not you

DON OFFERDAHL: Advertise with the people for 30 days, hearing, waiting period, next board meeting then Leg. Council and the attorney generals office for review then it becomes effective.

Other situations in the manufacturing process and the communication, education process and being the ones to blame

SENATOR SAND: proposed question by HEITKAMP and why are you having objections

DON OFFERDAHL: we are trying to solve this problem and trying to obtain the same language and the Amaco Refinery. Going by Amaco's rules and being held liable. Policy and to address the board on this legislation

SENATOR KLEIN: haven't you been dragging your feet.

DON OFFERDAHL: we moved when the bill was introduced, then we knew that we had a problem out there.

SENATOR KLEIN: this is the first that you have heard about this

DON OFFERDAHL: yes, never been a complaint on the procedures, phone call that deals with this problems and complaint resolution

SENATOR SAND: amendment to the bill and the exception to the licenses

DON OFFERDAHL: little change for the people and keeping in touch with the people

SENATOR MUTCH: remembering back to the way things used to be

DON OFFERDAHL: understanding compassionate people, trying to keep in touch with the people and settling questions

SENATOR MUTCH: installing water heaters and wondering how this issue came about

TOM TUPA: opposed to this bill, see attached letter, consider the position of the electrical contractor

SENATOR KLEIN: push the board a little so they will move faster and we need to act soon.

TOM TUPA: can't speak for the board and changing of things that need to be done immediately

SENATOR SAND: electrical engineers who are working for engineers whom are not licensed

TOM TUPA: true in some cases but not all, depends on size of the contractor

SENATOR MUTCH: anyone else

RENEE DENNING: opposed to the bill, ND electrical workers council and past procedures that have worked well

SENATOR HEITKAMP not the direction I want to go either but what if the SEPT. 1st become DEC 1st

TOM TUPA: that would be better but we don't get into the manufacturing, inspection of wiring methods and do other electricians do that and is this new. Evaluation of equipment by a professional engineer. Sept., how many manufacturing places will be doing this and when this is implemented

SENATOR HEITKAMP rewriting some of these rules and establishing the guidelines or taking a proactive position.

TOM TUPA: wait till there is a problem and we need to address these rules, reacting on something that has worked all these years, technology changes and bidding process that is changed. We are more friendly than other states, all parties need to be accommodate and I would like to see a later date

AL WOLF: assistant attorney general, see testimony, jumping over hoops to get the project done and electrical codes

SIDE TWO

AL WOLF (CONTINUE): see testimony from page one, adding of language in another couple of years and when the language goes into effect, delaying of the process, reactive and proactive to a situation

Page 7

Senate Industry, Business and Labor Committee

Bill/Resolution Number hb1444 ibl

Hearing Date March 9, 1999

SENATOR SAND: electrical board has a great deal of wisdom on keeping up with technology, demonstrated quick action, bill would create no problem

AL WOLF: wording of the bill and the time frame that we have to do this in. John Walstad gave this committee the no time. need more time

SENATOR MUTCH: anyone else to testify, further questions for Mr.. Wolf

MOTION: close hearing on HOUSE BILL 1444

Senator Mathern motioned for a do pass committee recommendation on HB1444. Senator Klein seconded her motion. The motion carried with a 7-0-0 vote.

Senator Krebsbach will carry the bill.

PROPOSED AMENDMENTS TO HOUSE BILL 1444

Page 1, line 13, after "of" insert "companies that operate or install" and delete ",telegraph," and delete "service" and insert "system"

Page 1, line 14, remove "such service" and insert "the installation of telephone and radio communication conductors on premises where the installations are made for use exclusively for the transmission of telephone and radio signals"

Page 1, delete lines 19 through 24, and insert:

"Representative of manufacturing firms that are installing or modifying controls of wiring solely on industrial machinery that is for use by the firm itself, and performed by or under the direction of a registered professional engineer who issues a state accepted evaluation which is to be maintained with the equipment."

Renumber accordingly.

Date: ~~3/16~~ 3/16

Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES

HOUSE BILL/RESOLUTION NO. 1444

Senate INDUSTRY, BUSINESS AND LABOR COMMITTEE Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken

AMEND (STATE ELECTRICAL BOARD) WILL HAVE TO FIT INTO FIRST EMERGENCY

Motion Made By

THOMPSON

Seconded By

KREBSBACH

Senators	Yes	No	Senators	Yes	No
Senator Mutch	X				
Senator Sand	X				
Senator Krebsbach	X				
Senator Klein	X				
Senator Mathern	X				
Senator Heitkamp	X				
Senator Thompson	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

Date: 3/14
 Roll Call Vote #: 2 SR515242

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
 HOUSE BILL/RESOLUTION NO. 1444

Senate INDUSTRY, BUSINESS AND LABOR COMMITTEE Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken ~~READ~~ DO PASS AS AMENDED

Motion Made By MATHERN Seconded By KLEIN

Senators	Yes	No	Senators	Yes	No
Senator Mutch	X				
Senator Sand	X				
Senator Krebsbach	X				
Senator Klein	X				
Senator Mathern	X				
Senator Heitkamp	X				
Senator Thompson	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment KREBSBACH

REPORT OF STANDING COMMITTEE

HB 1444, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1444 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to provide a contingent"

Page 1, line 3, remove "effective date;"

Page 1, line 14, after "of" insert "a company that operates or installs", overstrike ", telegraph,", and overstrike "service" and insert immediately thereafter "systems"

Page 1, line 15, overstrike "such service" and insert immediately thereafter "the installation of telephone and radio communication conductors on premises where the installations are made for use exclusively for the transmission of telephone and radio signals"

Page 1, line 20, replace "Employees of and owners of any manufacturing business when engaged in" with "A representative of a manufacturing firm that is installing or modifying controls of wiring solely on industrial machinery that is for use by the firm itself, and performed by or under the direction of a registered professional engineer who issues a state-accepted evaluation which is to be maintained with the equipment."

Page 1, remove lines 21 through 24

Page 2, remove lines 1 through 15

Renumber accordingly

1999 TESTIMONY

HB 1444


From: Bruce Q. Gjovig/ISD/NoDak@Hub on 01/26/99 04:39 PM
To: Kim A. Koppelman/NDLC/NoDak@NoDak, Rick A. Berg/NDLC/NoDak@NoDak
cc:
Subject: For HB 1444 elec. license

Thank you Rep. Koppelman for sending me a copy of HB 1444. I called upon a couple of manufacturing companies to discover that you correctly identified a problem that occurs as professional engineers, esp. electrical engineers, are best equipped to install specific systems to operate equipment used by manufacturing companies. By current law, electricians are supposed to install the equipment, even though engineers are often better informed and equipped to do so. Your amendment makes sense, promotes competency and safety, as it keeps current permit and inspection requirements in place. It is a proper update of the law, reflecting the new skills that exist in the marketplace. Job well done. I encourage passage of HB 1444.

Bruce Gjovig
Center for Innovation
Box 8372
Grand Forks, ND 58202

O: 777-3132
FAX: 777-2339
email: gjovig@prairie.nodak.edu

NORTH DAKOTA HOUSE OF REPRESENTATIVES



Representative Kim Koppelman
District 13
513 First Avenue NW
West Fargo, ND 58078-1101

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



COMMITTEES:
Judiciary,
Vice Chairman
Political Subdivisions

Testimony on House Bill 1444 by Rep. Kim Koppelman before the House Industry, Business and Labor Committee 1-27-99

Mr. Chairman and Members of the House Industry, Business and Labor Committee, I am Rep. Kim Koppelman and I represent District 13, which consists essentially of West Fargo and a small surrounding rural area.

I was asked by a local firm to introduce House Bill 1444 to address a problem experienced by manufacturing companies. Often, as technology increases, complex, high-tech controllers need to be designed to run the manufacturing equipment. If the owner or an employee of the firm is a licensed professional engineer, that individual is competent to do the necessary design and installation work.

Under current law, in North Dakota, however, it is illegal for the engineer to do so. The work must be done by an electrician. I'm told that often, an electrician may arrive and have no idea of how to proceed with the task at hand, because of its technical nature or narrow, unique scope. Consequently, the engineer must literally "walk" the electrician through the process, only to have it signed off on and make it legal. In one example which was related to me, the engineer involved had taught these procedures at a major university, yet he couldn't legally perform the task within his own manufacturing company.

Current state law includes exceptions of tasks which don't require a licensed electrician. These are limited and reasonable exceptions. House Bill 1444 would simply add a very narrow, specific, but necessary additional exception. It would allow licensed, professional engineers who are owners or employees of a manufacturing company to do this work in that firm, rather than requiring that only electricians may do it. I am also offering the attached amendment to clarify the bill and ensure its narrow scope.

This is a reasonable and necessary revision. As the bill stipulates, normal permitting and inspections would apply, ensuring propriety and safety. Because some electricians have apparently raised concerns due to some misunderstandings, I want to make clear that this bill is in no way targeted at electricians or intended to deny them work. Instead, it will solve a problem in an very narrow area which is often out of the scope of an electrician's normal work.

As we strive to help North Dakota's industrial base expand and encouraging more business like manufacturing in the state, we need common-sense, business-friendly legislation like this, to make it easier, not more difficult to be in business in North Dakota.

Mr. Chairman and Members of the Committee, I urge a "Do-Pass" recommendation on House Bill 1444 and, although I trust you'll be hearing more professionally competent testimony, I'll be happy to attempt to answer any questions you might have.

David Seabaugh
2616 39th Ave SW
Fargo, ND 58104

Senator Judy Lee
North Dakota State Senate
Bismarck, ND

January 26, 1999

Dear Senator Lee,

I would like to express my support for HB1444, which would give Engineers the right to install & repair control system wiring on systems they design for their employer. I believe limited permission to install control system wiring is the correct approach. Licensed Electricians who know the procedures and codes that must be followed for standard power installations can best do installation of power systems. Installation of control circuits is an entirely different matter. Control circuits are much more involved often involving computer and/or PLC interfaces, low voltage signals subject to magnetic interference and in depth calibrations, which are required. To convey the information typically needed in common control circuits; the Engineer is required to write volumes of detailed instructions and complex schematics. The Electricians then need to read and fully comprehend the volumes of detailed instructions and complex schematics before they attempt to accomplish the tasks. It has been my experience that even after these steps have been taken, the Electrician needs the Engineer present when the installation is taking place to resolve questions and give direction on calibrations. I have had experience with both approaches.

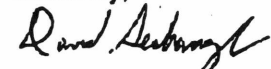
I was one of four technical managers in a Nuclear Engineering Division that was assigned responsibility for designing the MTS Class of Nuclear Submarines for the Department of the Navy. In my position as Nuclear Engineering Branch Head for Naval Architecture and Heating Ventilating and Air Conditioning, I was responsible for writing and approving extremely detailed test procedures. These procedures employed all the skilled trades used to build, overhaul and modify Nuclear Submarines. In addition to the skilled trades, Test Engineers were used to oversee the system alignments, test equipment installation and the actual testing. It was not uncommon for the Engineer responsible for the design to be called to resolve problems encountered in testing. One such incident involved the failure of a new battery ventilation system design, which was developed by my department. Upon inspection by the Engineer that designed the system, it was determined that the hydrogen sensors had been installed improperly. This oversight could have been prevented if the Engineer responsible for the design had been actively involved in the installation of the control/test equipment. This one over sight cost taxpayers hundreds of thousands of dollars and could have cost tens of millions if the system had been redesigned thereby delaying the completion of the nuclear submarine.

In my work for Lucas Electric, I designed and developed testing and final stage assembly robots for transmission back up switches used by General Motors in domestic and foreign automobiles. These robots consisted of computer control units which controlled vacuum testing, optical encoded angle measurements, torque levels, CNC controlled date code and serial number scribing, pick and place robot controls. All processes including loading and unloading the switches were complete in 15 seconds. The control wiring of the testing and assembly robot required a complex control system over 400 control wires to be connected individually between the computer circuit boards and numerous items on the robot. Even with schematics and detailed procedures, the Electricians were not able to install the control wiring. The Engineer responsible for the design was allowed to do the actual connection of the control wires. After the control wiring was installed, the Electrician installed the power to the units. The Electricians were then trained by the Engineer on how to perform maintenance and resolve problems afterwards. I could not imagine the magnitude of problems, damaged equipment and wasted time if an Electrician were to attempt this task, regardless of the Electrician's training or experience. The complete nature of a highly complex item such as this robot cannot be described without writing volumes of procedures and diagrams to recreate what the Engineer already clearly understands.

These are just two of the many examples I could give. Allowing the Engineer to install control systems will become more of an issue as our technology increases. To do otherwise will limit our implementation of emerging technologies, putting our industries at a competitive disadvantage and cost our state jobs.

Thank you for the letting me express my opinion on this issue.

Sincerely,



David Seabaugh

UL's BACKGROUND AND HISTORY:

Underwriters Laboratories Inc. (UL) is an independent, not-for-profit product certification organization without capital stock. A copy of UL's 1997 Annual report is enclosed with this letter for reference. As part of this report, the officers and trustees are listed.

UL's corporate mission is to serve the public by testing products for safety. UL's principal activity is investigating many kinds of products to requirements specified in specific requirements in standards and various model codes. These products include plumbing products, electrical and electronic equipment and products, mechanical products, building materials, construction systems, fire protection equipment, burglary protection systems and equipment, and marine products.

A general overview of UL and its services is provided in the enclosed document entitled "*More Than A Mark*". Listed at the back of the document is the addresses and phone numbers of the UL offices worldwide.

TESTING EXPERIENCE AND EXPERTISE

UL has been in the business of listing and labeling products for over 104 years - an activity that is the basis of UL's expertise. Since its first examination on March 24, 1894, on the flammability characteristics of a noncombustible insulator, the breadth of UL product evaluations has increased every year. More than 77,000 product investigations are conducted at its laboratories each year and as a result over 14 billion marks are placed on UL certified products annually. UL has five domestic offices and 9 foreign subsidiaries/affiliates comprising over 1.5 million square feet of laboratory space.

STAFF:

UL has qualified staff numbering approximately 4000 persons worldwide with over 1200 engineers and scientists and over 300 registered professional engineers. The evaluation of plumbing products at UL dates back to 1904 when the first fire sprinkler system was investigated and certified. The progression towards certification of general plumbing products for non-fire service purposes has evolved since that time culminating in the formal program UL now provides to the plumbing industry. Towards this goal, UL staff has received specific training in the evaluation of plumbing products for safety, performance and health effects from both in-house and outside sources.

UL staff routinely conduct product investigations at one of the five UL engineering and testing facilities or in some cases, in the field - often at the product manufacturing facility. During the course of these investigations, UL staff interpret and apply requirements in Standards (such as a variety of ASTM, AWWA, ANSI and ANSI/NSF standards referenced in Appendix A). UL staff then conduct appropriate tests, prepare written reports on the products investigated and verify that the manufacturer can produce products in accordance with the written reports which serve as inspection procedures.

As an example of UL's testing and certification expertise a copy of UL's Engineering Services organization chart is enclosed.

SUMMARY OF UL'S ACCREDITATIONS:

UL is involved in over 80 accreditation programs covering a wide spectrum of products and services. These accreditation programs are all related to UL's activities concerned with the evaluation and testing services of materials, products, and systems for safety, performance and health effects aspects. UL works with accreditors from the private sector whose work is accepted by a variety of stakeholders and with accreditors from municipal, State and federal government bodies. These organizations include the American National Standards Institute (ANSI), National Institute of Standards and Technology under the National Voluntary Laboratory Accreditation Program (NIST/NVLAP) and Occupational Safety and Health Administration (OSHA) as a Nationally Recognized Testing Laboratory (NRTL), just to name a few. A list of accreditations and recognitions that UL currently participates in which are specific to the plumbing area is shown in Appendix B.

STANDARDS ACTIVITY AND INVOLVEMENT:

UL also devotes its resources to the development and maintenance of UL Standards. These documents contain the requirements for many of the products tested by UL. Since the first Standard was developed in 1903, the number of UL Standards has increased to over 700.

In the plumbing area, UL has written and continues to maintain over 20 standards referenced in Table 14-1 of the Uniform Plumbing Code. In addition, UL continues to offer standards development services to the plumbing industry. A description of the method for standards development, revision and implementation for UL standards is shown in the enclosed pamphlet entitled "*Method of Development, Revision and Implementation of UL Standards for Safety*".

In addition to writing various standards, UL regularly attends and actively participates in a number of standards committees in order to support products certified to non-UL standards. A list of the committees on which UL participates for traditional plumbing products and for some plumbing related fire protection services can be found in Appendix A.

In addition to the committees shown in Appendix A, UL participates on a variety of additional committees for fire protection services (backflow prevention devices, sprinkler systems, etc...) and for various appliances (dishwashers, water heaters, etc....) which have plumbing aspects. A full list of committees UL participates on including all fire protection and appliance committees can be provided if needed.

CODE ACTIVITY:

To support the UL Mark in the code community, UL has a dedicated staff in its Codes and Technical Services Department. The responsibilities of this staff include providing

technical information on UL's services including specific inquiries on product installations and use, helping to develop codes and educational materials, explain UL's services to code authorities as well as representing UL at the various code related meetings. In support of the UPC, a UL representative regularly attends and actively participates in the UPC Code Hearings and the IAPMO Annual Business Meetings. In addition a UL representative also attends the ICBO, BOCA and SBCCI annual meetings, the IPC Code hearings, the A40 committee as well as monitoring actions in the Standard Plumbing Code and National Standard Plumbing Code.

More information regarding the Codes and Technical Services Department can be found in the enclosed pamphlet entitled "*A Guide to UL Services for US Regulatory Authorities*". A personnel bulletin is enclosed in order to assist in future questions for UL Staff.

UL also publishes two newsletters for Code Authorities. The "E&PH Insights" Newsletter highlights the needs of the plumbing and environmental health code authorities. The "Code Authority" is published for all authorities, including, building, electrical, and plumbing code experts. Recent copies of these newsletters are provided for review.

CERTIFICATION SYSTEM:

Summary - Product Certification (Listing or Classification) by UL involves testing and evaluation of product designs, material and systems to determine if they meet the applicable requirements published in various documents (standards, codes, etc...) for various product categories. Subscribers contract with UL voluntarily for testing and evaluation of their product. The results of the investigation of representative samples are issued to the manufacturer in the form of a written report signed by a UL engineer and reviewed and countersigned by a senior engineer of higher authority. If the findings are acceptable, Listing or Classification is extended contingent upon the establishment of UL's Follow-up Services, and the manufacturer's agreement to use the appropriate UL Marking only on products that comply with UL's requirements.

The Follow-Up Service of UL is designed to serve as a check on the means which the manufacturer exercises to determine compliance of the product with the requirements of UL. Under the Follow-Up Service, the manufacturer attaches labels, marks, or other authorized evidences of Listing or Classification to products which may comply with UL's requirements. Representatives of UL make periodic examinations or test of the products at the factory and may from time-to-time, select samples from the factory, and the open market or elsewhere to be sent to a UL testing facility for examination and/or test to determine compliance with UL's requirements. Should examination or test by UL's representative disclose features not in compliance with the requirements, the manufacturer is required to correct such items or remove the UL Mark from the product.

Inspection of Manufacturer's Facilities and Initial Production Inspections - Initial production inspections are conducted on first product runs of every new design of product intended to bear the UL Mark. This is a key factor in assuring that the manufacturer is producing his products in accordance with the requirements, beginning with the first production run.

Continuing Factory Follow-Up and Inspection Program - Representatives of UL have at all times during business hours or when the factory or storage facilities are in operation free, unannounced and immediate access to the factories and other facilities where the products may be fabricated, processed, finished, stored or located in order that the Representative may perform his/her function under the Follow-Up Service. UL's Field Representatives will make periodic examinations or tests of the products at the factory (and as necessary select samples of the product for countercheck test at the laboratory) to determine compliance of products with the requirements. The frequency of follow-up inspections are sufficient to provide a reasonable check on the means by which the manufacturer exercises to assure that the product bearing the UL Mark complies with the applicable Standard(s). The frequency will vary for different categories of products produced under different conditions. For most plumbing products investigated by UL the frequency will be not less than four times per year.

Continuing Certification Tests and Inspection - A Follow-Up Services Procedure is prepared for each manufacturing location and sets forth the conditions governing the use of the UL mark on products. The Procedure (a copy of which is supplied to the manufacturer and to the UL Field Representative serving the factory) will include, but is not limited to:

- a) The identification of the products authorized for labeling.
- b) Identification of the manufacturer and factory location at which the manufacture and labeling is authorized.
- c) The description, specifications and requirements applicable to the product.
- d) Description of the manufacture and/or assembly processes where required for control purposes.
- e) Description of the manufacturer's quality control program, when utilized as part of the Follow-Up Program.
- f) Description of inspections and test to be conducted by the Field Representative.
Description of inspections and test to be conducted by the manufacturer.
- g) Description of countercheck test to conducted at UL.
- h) The form and means of applying the UL Mark.

Utilization of Manufacturer's Quality Assurance Program - Quality assurance programs of a manufacturer are reviewed to insure that adequate controls are imposed on labeled products.

Laboratory Counter-Check Test or Audit Tests - Samples when required for follow-up testing as described in the Follow-Up Service Procedure are selected and tested at the factory and, when required, forwarded to the appropriate UL laboratory for additional tests. The frequency of selection along with the type, size and quantity of samples is specified in the manual. In addition, periodically UL Field Representatives will be asked to select additional samples for testing at the UL laboratory.

Follow-Up Services Resources - UL has 190 inspection centers world wide. Attached in Appendix C is a summary of available staff and locals where UL has inspection staff within the United States.

THE UL MARK

Description of the Mark - UL Marks vary in size and configuration depending upon the type of product being labeled and type of UL service rendered. Some are integrally applied to the product during manufacture, others are printed material applied to the product or package after manufacture. The "Show the UL Mark" brochure enclosed, details the following basic elements:

- a) UL in a circle
- b) The word "Classified" or "Listed"
- c) The designation of the category
- d) When Classified product, the following statement "Classified to (name of standard) - (year published)."
- e) Control number that is a four character alpha/numeric number.

CONTROL OF THE UL MARK:

The Authority to Use the UL Mark - In signing the Follow-Up Service Agreement, the Subscriber agrees that the name of Underwriters Laboratories Inc. any abbreviation thereof, or symbol thereof shall not be used until they have been expressly authorized by UL in accordance with the Agreement. Specifics on this commitment are contained in the Agreement.

UL Mark Used in Advertising - Under the Follow-Up Service Agreement the subscriber agrees to make reference to UL only in a manner so that the promotional or advertising material is not in conflict with the findings and certifications of UL and that reference to UL in no way tends to create a misleading impression as to the nature of UL's findings, Classifications/Listings and Follow-Up Service. UL provides each subscriber with material intended to guide the subscriber in preparing the copy and artwork for advertising and promotional purposes.

Order, Manufacturer and Release of UL Mark - It is the subscriber's responsibility to initiate the ordering of Marks. Marks may be ordered through UL, or they may be ordered by the subscriber directly through an authorized printer, but only after UL has

reviewed and authorized the format. Marks are authorized or released to the subscriber through the UL Field Representative servicing the manufacturing facility. With a new subscriber, each initial product production lot is inspected and Mark are released only when the UL Field Representative is satisfied that the product complies with the Procedure requirements. Although some Marks are procured directly by the subscriber and released to him through the authorized printer, the manufacturer has agreed through the Follow-Up Serve Agreement to refrain from using the Marks until authorized by UL. Authorization is granted after the UL Field Representative has conducted a factory inspection and found the products in compliance with the Procedure description.

FIELD REPORT SYSTEM

In addition to this regular Follow-Up program, UL operates a program to handle situations involving the misuse or misrepresentation of UL's registered certification marks, including situation involving alleged product failure.

The Field Report System was established to evaluate reports from the field regarding products bearing UL's registered Marks. Source of reports include:

- Consumers
- Inspection Authorities
- Retailers/Distributors
- Governmental Agencies
- Manufactures
- UL's own staff
- Insurance Companies
- State Agencies

Actions generally taken during the investigation of a Field Report include:

- Determine whether Listing Marks are legitimate
- Extra inspection visits to verify compliance of current production
- Review of inspection history for non-compliance's
- Contact with UL client for analysis of alleged failure mode and whether they have received similar reports.
- Determine if report was because of misuse/abuse of product
- Where appropriate, maintain dialog with complainant.

Depending on the situation, some other actions that can be taken are:

- Market survey
- Purchasing of specific samples for testing
- Increasing inspection frequency where necessary
- Revision to requirements
- Revising inspection programs

- Public Notices.

TESTING PROGRAM

Examination and/or Tests - Testing and examination will begin upon receipt of the requested samples. The samples are reviewed to determine compliance with the requirements and appropriate test program is established and conducted.

The investigation of the product may or may not result in Classification or Listing. If the product is found not to be in compliance with the requirements, a report of UL's findings will be made to the submitter. The report, which presents the results of the tests conducted and construction features not in compliance with the requirements, provides the manufacturer with information for the submittal of corrected or improved samples.

If the product is found to be eligible for Classification/Listing, a Follow-Up Service Procedure and appropriate report will be prepared in anticipation of the establishment of Classification/Listing and Follow-Up Service. The procedure identifies, describes, and sets forth the requirements for the Classified/Listed Product and specifies the UL Mark to be used.

Identification of Test Program - The individual standards used and the tests conducted vary with the products submitted to UL for testing. Once a product is submitted for testing the test program is finalized in accordance with the products unique construction features to the appropriate standards.

Standards Used - UL test facilities maintain a list of all test standards, methods, etc. currently on hand and available for testing material and products. This list is identified as the TEST METHOD INDEX, (TMI). The index indicates the title of the document, its destination, issue or edition, date and the sponsoring organization. A representative copy of a TMI is enclosed.

Instrumentation Used - An inventory list of all equipment that is used by each test UL test facility is maintained. All measuring instruments and test equipment used to acquire test data and control critical test condition is properly maintained and calibrated. The engineering department manager has designated a person as the department equipment supervisor who is responsible for the calibration and maintenance of instruments used within the department. All instruments required to be calibrated are listed on the Laboratory Equipment Log, (LEL) list for the department. Each instrument is uniquely identified and information indicating the instrument's last calibration and calibration due date is included. Additional information maintained for each instrument includes name of equipment, manufacturer's name, model and serial number, date received and placed in service, current location, condition when received, and details of maintenance performed, history of damage, malfunction or modification or repair and calibration certificates.

Equipment Calibration - UL maintains a calibration program for its instrumentation. As part of this program, instruments are required to be calibrated, traceable to a nationally, or internationally recognized standards of measurement; for instance, NIST traceable or a standard reference material. Where traceability to a national or international standard is not available, other procedures are required to be utilized to ensure required accuracy.

PRODUCT LISTINGS:

Listing in Product Directories - Each subscriber who has completed the engineering investigation of its product and is eligible to affix the UL Mark to the product, is under a UL in-plant Follow-Up Service inspection program. Subscribers are tabulated in the respective UL Directories, first by product category and then alphabetically. In any given year, subscribers whose service is terminated are deleted from the Directory when it is reprinted. Semi-annually a supplement containing revisions to each Directory is published. To augment the continual up-to-date information on eligible subscribers, the presence of the Mark on the product is the only means provided for the identification of UL certified products produced under the UL Follow-Up Service.

Guide Information - As part of the directories each category contains guide information. This information is published to alert the authority having jurisdiction of the scope for which a product has been Classified/Listed. The guide details the markings that may be found on the products, as well as how these markings affect the application of the product in the final installation. The UL mark which is applied to the product is explained in detail as to the type of certification, Listing versus Classification, the product designation that may appear on the product, and in the case of Classification, the standard designation to appear as part of the mark. The guide information also details the standard(s) used to evaluate the products listed in the category.

UL believes that it is ultimately the decision of the code official to determine code compliance of a product in a particular installation, and strongly respects the authority of the code official to make this determination.

As previously indicated, each UL category has an established "guide card" which indicates the scope of the certification for the products under that category. The guide card information is published in UL directories directly before the specific listings for that category. It is within the guide card that the standard to which the product has been tested as well as any additional requirements which the products have been evaluated to can be found.

SUN ELECTRIC, INC.

VOICE: 701-281-9140

FAX: 701-281-9194

FACSIMILE TRANSMITTAL SHEET

TO:	Don Offerdahl	FROM:	Jim Hanson
COMPANY:	ND State Electrical Board	DATE:	1-27-99
FAX NUMBER:	701-328-9524	TOTAL NO. OF PAGES INCLUDING COVER:	1
PHONE NUMBER:	701-328-9522	SENDER'S REFERENCE NUMBER:	
RE:	House Bill No. 1444	YOUR REFERENCE NUMBER:	

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

In my professional opinion, Item #4 in House Bill No. 1444 should not be adopted.

It would allow any person (qualified or unqualified) to wire within a manufacturing facility. Also, the fact that it is performed under the direction of a licensed professional engineer does not guarantee that the installation will comply with the NEC because the licensed professional engineer could be a Mechanical, Civil, Structural, Industrial, or Electrical Engineer.

Respectfully submitted,



Jim Hanson, P.E.
Sun Electric, Inc.

3204 9TH STREET NORTHWEST
WEST FARGO, ND 58078

January 25, 1999

Mr. Rick Berg, Chairman
Industry, Business and Labor

Re: House Bill No. 1444
Section 43-09-16 of the North Dakota Century Code

I have been a Registered Professional Electrical Engineer and a Master Electrician in the State for over 20 years and have seen a number of installations that do not comply with Code and are unsafe. I have also provided safety training for various groups and have been an expert witness in a number of legal cases. In the latest case, a plant maintenance person replaced a junction box on a machine and misunderstood the control wiring schematic. When he had completed his work, the equipment would not operate properly and a licensed electrician was contacted to repair the machine. The electrician died when he came in casual contact with the machine because the wiring had been connected in such a fashion that the frame of the machine was energized at 277 volts to ground.

This is an isolated case but the fact is that wiring systems today are complex and there are constantly changing requirements from manufacturers, code authorities and testing agencies. Electricians are required to attend continuing education classes as a condition of licensure to keep abreast of these changes.

While Registered Professional Electrical Engineers are responsible for the system design and capacities they are usually not involved in installation techniques and materials because they typically do not work in the field. On the other hand, the licensed electrician is directly responsible to the State Electrical Board through the inspection process and is required to submit wiring certificates but the Registered Engineer is not. As the law is currently written, if the installation does not comply with Code or is unsafe, the licensed electrician must correct the installation or if he fails to do so, the State Electrical Board will pay for the corrections through the posted bond or undertaking fund.

Clearly the proposed amendment ignores this process because no one is directly responsible for the wiring installation. You cannot revoke the electrician's license or use the bond of someone who does not have one. Also, the amendment is unworkable because there is no licensed individual to be responsible for the installation and fill out a wiring certificate even though the amendment states that "it does not affect permit and inspection requirements." As a result the State Electrical Board would not have inspection authority in these installations and wiring installations may become unsafe. We must work to keep the installation, wiring certificate and inspection process intact which dramatically improves the safety of electrical systems. Safety is the primary goal of any electrical installation.

For these reasons, I oppose the amendment to allow non-electrician's to construct, modify or install wiring systems in any type of installation including a manufacturing plant.

Thank you for considering my comments on this matter.

Loren V. Winters
Professional Engineer N# 1869
Master Electrician N# 1948

Chairman Berg and other committee members

I just received a fax from the executive secretary of the North Dakota Electrical Contractors Association.

On paragraph #4 you are introducing legislation that would take away electrical work for contractors. This would give the availability of manufacturing firms an open ticket to have any work done in the building done by a manufacturer.

As it states in the North Dakota electrical code and in the National Electrical Code any work is to be installed by a qualified and licensed electrician. There is a big difference in being able to install electrical equipment properly by a person that has been trained and has been tested by the state to a professional engineer. The engineer draws up specifications of material to be used and where to put the proper power source feed.

I believe Don Offerdahl (executive director for the North Dakota State Electrical Board) can give you many instances where improper installation is done and problems have come up.

I ask that you withdraw your support for HB 1444.

Thank you

Eugene Cross
Wayne's Electric Inc.

HOLMES ELECTRIC CO.

1925 20th Ave. S.E. • P.O. Box 1367 • Minot, North Dakota 58702
Fax Number (701) 852-0925
Telephone (701) 852-4445

HOUSE BILL #1444

Mr. Chairman and Distinguished Representatives

Thank you for the opportunity to address my concerns on HB1444.

My name is Bill Brunner. I have been a journeyman electrician for 23 years and a master electrician for four years. I served on the ND State Electrical Board for ten years until 1997. I also serve on the National Electrical Code Panel. This panel is made up of one electrician, one contractor, one manufacturer, one design engineer, one inspector, one member from the chemical industry, one member from the Department of Agriculture.

In these meetings, we discuss requested code changes. Even though there are four engineers on this panel, the questions always return to the one electrician and one contractor for the safety concerns. After all, the only reason for the code is the practical safeguard of persons and property.

If the installation of electrical equipment is done without the supervision of a master electrician, yet still requiring an inspection certificate, who is responsible for the installation?

If the inspector calls for corrections, what are his options? He cannot hold up the license of the installer because he has no license. If corrections are not made the Electrical Board cannot take monies from the undertaking fund and hire a contractor to correct the violations because the installer has not contributed to the fund.

Electrical safety is a very serious concern and should not be taken lightly!

Therefore, I stand in total opposition of this bill as written.

HOLMES ELECTRIC CO.


William A. Brunner
Manager



Seal of
Competency

EQUAL OPPORTUNITY EMPLOYER

January 26, 1999

Chairman Berg and other Members of Business, Industry & Labor Committee:

My name is Gregory R. Dockter, and I wish to offer comments on House Bill 1444. Unfortunately a previously-scheduled Final Project Observation precludes me from testifying in person. Hence, I will forward this correspondence to you, and will be available anytime after Thursday to answer telephone questions, or appear in person later, should you feel it necessary.

I am qualified to comment on this item for the following reasons:

1. Bachelor of Science, Electrical Engineering, NDSU 1971.
2. Master Electrician, North Dakota #1160, 1978.
3. Registered Professional Engineer, North Dakota #2315, 1980.

A significant portion of my electrician's apprenticeship was served wiring manufacturing facilities: Specifically three different phases of Melroe plants here in Bismarck. In my present capacity as Chief-Electrical-Engineer and Partner-in-Charge of Prairie Engineering, P.C., Bismarck, I have significant design experience in manufacturing facilities, including Turtle Mountain Corporation/Dunseith, Killdeer Mountain Manufacturing/Killdeer, Steffes & Sons/Dickinson, and TMI/ Dickinson.

In my opinion, the best interests of the State of North Dakota will **not** be served by adding this exemption to 43-09-16. My experience has shown many of these items of manufacturing equipment have significant power and control requirements such as multiple 208 or 480 volt three-phase power inputs, and multiple remote control circuits (line voltage, low voltage and/or logic connections). Installation requires not only knowledge of the various National Electrical Code requirements, but also practical installation skills in conduit bending, wire pulling, and wire terminating. These skills are best acquired by working in the Trade. Holders of a current electrician's license, have demonstrated they have met minimum time requirements and have successfully passed a written examination of electricity and trade installation fundamentals. Manufacturer's employees and owners, as referenced in the proposed text, may not possess this detailed knowledge and these practical skills.

Licensed professional engineers are also referenced in the proposed text. A "loop-hole" may exist here, in that a discipline is not listed, nor is there a requirement as to the jurisdiction issuing the license. It would seem that the wording would allow an engineer of **any** discipline registered in **any** state to satisfy this requirement. This could pose just as serious safety implications as outlined in the preceding paragraph. The proposed text also uses the phrase "under the direction of.....".

January 26, 1999

Page 2

In my opinion, this is imprecise language. Does it mean "under the direct supervision."? Does the engineer need to be physically present during the installation? Would a drawing satisfy this requirement? What about a general, paragraphical work description?

Furthermore, with respect to the licensed professional engineers and manufacturer's employees and owners, will they have the necessary contractor's bonding and insurance presently required as another check and balance to ensure satisfactory project completion after inspection?

In summary, I suggest a "**do not pass**" action.

By: Gregory R. Dockter, P.E.

GRD/gd



Fax Transmission

No. of pages incl. this one: 1

To: Rep. Kim Koppelman and the members of the Fifth-Sixth
Legislative Assembly of North Dakota

Fax number: 701-328-1271

From: Richard Shorma

Date: Tuesday, January 26, 1999

WCCO Belting Inc
1998 N9th St, P.O. Box 1205
Wahpeton, ND 58074
701-642-8787/701-642-8788

Subject: HB 1444

Your sponsorship of ND HB 1444 will be beneficial to the North Dakota manufacturing community. We have experienced in the past the same dilemma electricians have understanding the complexity of certain electrical connections as engineered specific to a specially built machine.

HB 1444 will indeed streamline the installation process or repairs as defined in amendment to Section 43-09-16 of the North Dakota Century Code.

I support HB 1444 and encourage the House Industry, Business and Labor Committee to approve the bill and sent to the floor with a recommended DO PASS.

Sincerely,

Dick Shorma



WCCO Belting

**TESTIMONY BY ALBERT A. WOLF
SPECIAL ASSISTANT ATTORNEY GENERAL
BEFORE
SENATE INDUSTRY BUSINESS AND LABOR COMMITTEE**

HB 1444

Chairman Mutch and members of the Senate IBL Committee.

As Special Assistant Attorney General for the state of North Dakota for the State Electrical Board for 32 years, I appear today to advise this Committee that it has been my experience over the years that the State Electrical Board is very conscientious in responding to the requests for consideration of electrical-related problems. This has been accomplished by meetings with the Board and members of the industry or the public, by seeking legislation where that is deemed necessary, by adopting regulations on administrative rules that can be used to deal with problems, and by simply engaging in innovative, yet statutorily correct procedures to accommodate many situations.

Having said that, the problem which has been described as a basis for introducing HB 1444 is one that could very well be dealt with in an orderly, timely manner by publishing proposed regulations and obtaining information and guidance from various sources within the industry and outside the industry.

To pass HB 1444 is to impose upon a governmental agency a directive which suggests serious neglect or wrongdoing on the part of the agency. My information suggests that did not occur in this case and that when the problem was presented the Electrical Board personnel became very active in dealing with the problem by adopting a policy.

The Electrical Board has demonstrated that it is not against progress, against innovative ideas, against job development, or against cooperation with segments of the community to allow for reasonable development and with minimal oversight and yet protecting the public against electrical and fire hazards which may result from defective or inappropriate wiring projects in violation of the wiring codes.

It would be of great benefit to orderly government process to allow the Electrical Board to obtain input into this matter, and adopt an administrative regulation that would deal with the subject as fully and broadly as possible, and do all this with a policy now adopted by which they would be required to deal with problems of this nature under specific procedures but within the statutory provisions to carry out the Board's responsibility.

We urge a DO NOT PASS recommendation from this Committee on HB 1444.