

2013 HOUSE POLITICAL SUBDIVISIONS

HB 1427

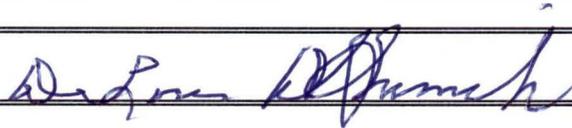
2013 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee Prairie Room, State Capitol

HB 1427
February 7, 2013
Job #18544

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to review of fire sprinkler system plans.

Minutes:

Testimony #1,2,3,4,5,6,7

Chairman N. Johnson: Opened the hearing on HB 1427.

Rep. Guggisberg: (See testimony #1). 01:00 - 2:09 Went over the five parts of the bill. I also have an amendment prepared effecting Chapter 54 relating to single and twin homes. (Proposed amendment #2). The National fire sprinkler organization would not testify for it because it was not strict enough. Handed out testimony from Chief Alan Hanson. (See testimony #3). Handed out article from Fargo Forum (See testimony #4).

Rep. Hatlestad: Right now the state does not require sprinkler system in single family dwelling or not more than two.

Rep. Guggisberg: That is correct. This law says if as a city you want to create an ordinance requiring it you are prohibited from doing that.

Rep. Hatlestad: So this bill changes that?

Rep. Guggisberg: There are some buildings that are required to have sprinklers. Currently there is no regulation of that or no way to tell if it is properly installed. All of the larger cities in ND have an ordinance and they do plan review and before occupancy is allowed in the building the fire inspector will go out and make sure it was installed within the guidelines that the installers said they were going to do. This bill would say if you are outside one of those cities that is already doing this, the state fire marshal is responsible for it. So contractor would have to send plans to the State Fire Marshall's Officer for review and they would come out and make sure they were installed properly.

Rep. Hatlestad: So this part you highlighted will remain as is?

Rep. Guggisberg: That is correct. I have language like that in the amendment to clarify that.

Rep. L. Meier: Isn't it correct that all sprinkler systems have to be installed by licensed contractors currently?

Rep. Guggisberg: That is not correct. That was not something we wanted to include in this bill. In ND you have to get a license to be a barber but you don't have to get a license to install fire sprinklers in a building. That is why this is so important.

Rep. Klemin: Other than this restriction on single family dwellings or two dwelling units are cities, counties and townships currently allowed building code requirements for sprinkler systems?

Rep. Guggisberg: That is correct.

Rep. Klemin: I am wondering what Subsection 1 adds then if they can already to this except for this restriction on one or two unit dwellings?

Rep. Guggisberg: I don't have an answer for that.

Rep. W. Hanson: So the cities that are not enforcing regulations on sprinkler systems in apartment buildings or warehouses and how many?

Rep. Guggisberg: The fire marshal could give you a better answer.

Rep. Koppelman: Looks like this could regulate or allow cities or counties or some local political subdivision to regulate how sprinkler systems have to be designed; where they could be sold and who could sell them as well as how they are installed. Is that correct?

Rep. Guggisberg: That is correct. Maybe some of this isn't necessary in number one because these cities are already doing this. We just wanted to clarify it.

Rep. Koppelman: They are already doing what?

Rep. Guggisberg: They are not regulating the price, but everything else yes they use the codes to regulate how they are installed and inspected.

Rep. Koppelman: So they could say Lowell's could sell sprinkler systems, but Home Depot can't?

Rep. Guggisberg: Maybe that needs to be fixed in the bill.

Dan Phillips, Licensed Journeyman: (See testimony #5) 13:02 - 15:39

Rep. Hatlestad: You are a journeyman plumber?

Dan Phillips: No sprinkler fitter.

Rep. Hatlestad: Do you think someone needs to be licensed to do what you do?

Dan Phillips: We have nothing in common with each other. We have separate lines coming into the building.

Rep. J. Kelsh: Is there a big difference in design and quality of sprinkler systems?

Dan Phillips: In forming this bill I had a lot of communication with the fire marshal and I knew that most cities in North Dakota already do this; plan review and inspection. As far as designs; is that what you are asking?

Rep. J. Kelsh: Is there a lot of difference in quality of sprinkler systems? I was wondering why they were saying regulating the design and sale.

Dan Phillips: Is one contractor going to install it differently than the other?

Rep. J. Kelsh: Do they make a Lincoln and Ford of sprinkler systems?

Dan Phillips: Materials have to be UL and meet codes.

Rep. Koppelman: You implied you wrote the bill. Is this the same bill?

Dan Phillips: It is not close to the first bill. I see the need to have this bill because fire sprinklers are being installed with real problems. I worked out west and saw some large concerns. Discussed this particular problem with an apartment building that had been shipped in the down south.

Rep. Koppelman: You said you are from Fargo and licensed in Minnesota. Are you Rep. Guggisberg constituent or is it because he is a fireman he had an interest?

Dan Phillips: I knew he was a representative in Fargo and since he was a fire chief he would understand more about it.

Rep. Hatlestad: Are those pipes in the attic doing going to freeze? Where do you run you pipe then?

Dan Phillips: If that was the case and if they wanted protection in that building I was talking about we would put the pipe alongside the wall exposed or run it up in the wall on the inside walls to protect the areas that need to be covered.

Rep. Hatlestad: If you put them in the ceiling will the pipes freeze?

Dan Phillips: Normally pipe is never run in the attic and if it is it is a dry system and there is air inside that system. You are not allowed to put antifreeze inside those systems to keep them from freezing. They just brought the building up from the wrong part of the country to think it was going to be effective here.

Rep. Beadle: The bill that you and Rep. Guggisberg brought forward last session was dealing more with the licensing with the Secretary of State's office for contractor to work on the installation of fire sprinkler systems and you were requiring them to be licensed or

certified by NICD or some other organization and only by meeting those requirements as well as having whatever liability exposure limit they had to meet that stuff before they could be issued a license to install in the state. Is the right?

Dan Phillips: Yes.

Rep. Beadle: So the end goal understands the need. You are saying right now no one is checking out these plans. We need to have somebody checking out the plans to make sure that if this building goes up in flames there is some protection there? Is that the end goal here?

Dan Phillips: Exactly.

Rep. Klemin: In Subsection 4 of this bill it says the contractor shall arrange for an inspection. Who is to do that inspection?

Dan Phillips: Yes it is the state fire marshal.

Chairman N. Johnson: If it is in an area that doesn't have building codes established what applicable codes would they need to meet?

Dan Phillips: In Chapter 10 of the states that fire sprinklers are to be installed by this code so if they are in compliance with that code or any other building code; if the building isn't required to be sprinkled we are not changing when it is required. If it is required by building code then afford the contractor that a qualified official is reviewing that to make sure he is getting a system that is going to provide the safety features for him.

Chairman N. Johnson: You said you have been working in the Williston area for about 15 months. What type of buildings are you putting sprinkler systems in?

Dan Phillips: The first building was schlumberger; a big oil company. There are lots of apartment buildings recently. Halliburton doing truck washes in buildings. The strangest installation I have done is a tent; they stored a large number of chemicals in there and we put a foam system in there to help a fire that may occur in that tent.

Rep. Hatlestad: In a big city that has a paid staff like Williston he does inspections so the inspection can be done by a fire chief rather than the state fire marshal?

Dan Phillips: Yes he does everything before you can attach the control valves that would control the sprinkler system. He wants to make sure all the rocks are out of there. He is the only area in ND I have gone to where we needed to get that done so he comes out there to witness the flush in an apartment or before the ceilings are covered up he will look at the piping before it is covered up with sheetrock to make it is sure it is attached to something. I am not sure how the state fire marshal stuff works; whether he could have somebody else do an inspection or not.

Raymond Lambert, State Fire Marshal: (See testimony #6) 32:55 - 39:00

Chairman N. Johnson: Did you put the fiscal note together?

Raymond Lambert: It was put together by the Division of the Attorney by our finance division with a lot of data I had provided them. As far as the amount of time there are some national standards there if a system is of a certain size the amount of time it generally takes to do a plan review of that system. Also the amount of time it would take to travel to the location and complete the final inspections. So the hours to do the work was provided by myself and what is unknown at this time is the amount of sprinkler plans that will actually come to this office for review.

Chairman N. Johnson: Then none of the business or people building it would be charged for having the inspection done. The state would bear the costs of that?

Raymond Lambert: It is my understanding that in plan reviews and contract works the plans designs and the contractor that gets the work; this work would be directly to that project.

Rep. M. Klein: How many people do you have on your staff that is qualified to review the plans and do the inspection?

Raymond Lambert: Currently I have myself and two other staff members that are well versed and currently doing these project reviews. I have five other staff members that are not too far behind. All my staff could do the final observation of the final test of the system once it is installed.

Rep. L. Meier: How many additional FTE's would you need if this bill became law?

Raymond Lambert: The fiscal note that was put together was expecting 12 sprinkler plans per month we are right on the board of needing an additional FTE. If it goes to 15-20 I see in the future we would need an additional person in this office.

Rep. Klemin: does your testimony mean the State of ND has standards requiring fire sprinklers in certain buildings in ND?

Raymond Lambert: Yes we do. They have adopted the International Building Code which if a community has a division and adopt the standards they are to adopt that building code. Our major cities have done so. They have their fire and building officials that can conduct this work. The rest of the state would have to adopt the codes. The state law does require the all work done within the state of ND be done under the provision of the state building code which adapts to the fire code. We have numerous buildings under current state law requires a sprinkler system installed. What is missing is that anyone in those communities other than our four major cities, of course, and the Dickinson, Williston, Grand Forks, Jamestown. Those are the communities that have adopted this code and have inspectors to do the work. The buildings that are being built are being constructed in communities that do not fall under an umbrella of our major cities. None of them are getting initial plans review or any completion for contractual work for compliance review being done by anyone other than the industry themselves and I want to open that door to allow the state and our citizens of the state some assurance that they are receiving that level of protection.

Rep. Klemin: So this is a major safety issue. We don't have any way to know if they are being properly implemented.

Raymond Lambert: We have a tremendous amount of construction going on that are not getting properly reviewed on these systems. The reason is they are in communities that do not have the ability to provide this service. They do not have the time or expertise to provide any assurance that these systems are being installed properly and no plan reviews.

Rep. M. Klein: Isn't a major part of your responsibility to inspect schools and state buildings throughout the state. Doesn't that take most of your time?

Raymond Lambert: That is given duties we are mandated currently. Most of our time is spent with that. We have been all along picking up reviews of these plans and those are complete through reviews. We have not been doing the onsite inspections. We are obviously getting all the plans. I realize that I am adding 8-16 hours a month to each of my staff and that would be less time reading the codes and more time doing the hands on work.

Rep. Klemin: As I read the bill the cost of doing the plan review and onsite inspections are to be paid for by the contractor; not by the state. Is that right?

Raymond Lambert: That is correct. It is nationally being done. Locally those fees are billed right to that contractor when it is out; which the state would do too.

Chairman N. Johnson: So the revenue would be the money billed to the contractor for doing the inspection. Where do we need the \$239,000 appropriations? Wouldn't the \$337 cover the \$239,000?

Raymond Lambert: The fiscal note is the initial based on 12 sprinkler systems per month. Those dollars will be directly billed to the contract on that so there would be no cost to the state. The larger numbers are on based on if the numbers go up that is what it could be. The additional FTE would be funded through this plan review and through this program.

Rep. Kathy Hogan: Are you currently billing contractors when you are doing these site reviews?

Raymond Lambert: We are not.

Rep. Kathy Hogan: That is because you don't have jurisdiction to bill?

Raymond Lambert: That is correct.

Steve Dirksen, First Chief of Fargo, ND: Section 1 deals with cities like Fargo that are already doing plan reviews. We did not want to burden the state with that. We have staff that is taking care of these things. We do not want to regulate the sale of sprinkler systems. We saved a business a lot of money by having a sprinkler system this last weekend. One sprinkler head saved the whole building from burning down. I would

suggest that you would amend out the sale in section one and go forward there. We do stand in support of sprinkler systems.

Rep. M. Klein: Do you charge for reviewing the plans and going out and inspecting them?

Steve Dirksen: In the city of Fargo we do not charge for sprinkler plan review or any of the inspections that go along with that. That is built into our annual budget.

Rep. M. Klein: The total number you have on staff that is qualified to do this?

Steve Dirksen: Currently we have five people that work within our fire prevention inspection division.

Opposition:

Doreen Riedman, ND Assoc. of Builders: (See testimony #7). 54:05- 1:034

Rep. Koppelman: On this map it looks like very few states are doing what we are being asked to do. Have most states rejected the idea of having something like this?

Doreen Riedman: Most states now have a ban on fire sprinkler codes in the residential arena yes. This legislature is a little different but we see it as another way to get there. Minnesota has a bill in right now that would require fire sprinklers on any home with more than 4500 finished sq.ft. That is not a very big house anymore so they are trying to get these bills passed.

Rep. Koppelman: Is there is no one to enforce or inspect that building code? If you are out in the country building a garage or something you are not going to get an inspection. Is that true?

Doreen Riedman: That is true. Licensed contractors are to abide by the state building codes so we certainly instill that in our people and they are to do that when they sign their licensed contractor application.

Rep. Koppelman: If this bill were to pass we would be setting up a standard for sprinkler systems would be stronger than what we have for building codes because we would be saying if you don't have a local authority to inspect or enforce that the state fire marshal would be doing it and we are not even doing that for the construction of structures, are we?

Doreen Riedman: We are not. I think the state fire marshal should be getting reimbursed for this, but I think it is great if they voluntarily want to do this.

Rep. M. Klein: How much would you add to a \$400,000 home to put the sprinkler system in?

Doreen Riedman: Four years ago I had it pegged between \$4,000-\$8,000 for a single family home. Right now I think you could add more for that timeframe.

Rep. Beadle: Based on your testimony and what you stated and this map deals with single family homes. The supporter or sponsor of this bill admitted that his goal is not for single family homes. That seems to be the blunt of your opposition to it. If this bill is amended so that it is either put in the other building section of code or we qualify father that single families and duplex properties don't apply does the organization still have opposition?

Doreen Riedman: I would have check with my folks. Our concern is more about the practicality of this and making this work out there in rural North Dakota. There are probably other safety issues that are as important or maybe even more important than a fire sprinkler system I don't know how that would work. This sends a big red flag to us with these types of things.

Rep. Klemin: In your written testimony you said building permits are not required in much of rural North Dakota. What are you talking about as rural North Dakota?

Doreen Riedman: I can provide you with this list that says these enforce the code. I am here to tell you that the call I had on some codes are coming from major cities and some stuff is not even being covered so the building permit activity out there is one thing. I would be happy to show you my attempt at a map of the 8 counties that currently have building codes and enforcement jurisdictions but there is a lot of open area out there that does not have code jurisdiction.

Rep. Klemin: We are not just talking about major cities having building permits; there are 107 cities and 8 counties that have building code requirements, which does cover a lot of North Dakota. Of those there were some that did not have the expertise or capability of plan approval or site inspection for the sprinkler systems. Is that not correct?

Doreen Riedman: That may be true. I think it is wonderful that the state fire marshal is going that when folks are asking for it to be done. It is going to be unmanageable if you were trying to enforce this.

Rep. B. Hanson: In your opinion do you see there being a problem keeping up with the code or a reasonable standard of fire safety with all the new construction that has been going on especially in the West and most of the rest of the state?

Doreen Riedman: We think everything should be built to code and have the fire safety standards and that is why we follow the international building code Chapter 7 and 9.

Rep. B. Hanson: Do you feel the standards are being kept up?

Doreen Riedman: I think for the most part they are. I think everybody is doing the best job they can out there. I think everybody is over worked and spread thin right now. We know how busy everybody is.

Rep. B. Hanson: I understand simply making more rules does not mean they will be enforced. On the commercial and multifamily unit I don't want to play reactive government in 2015 session if I can take care of this now. Would the association have any way that we could work something like this out in the way you think would become enforceable? If we

simply killed this I don't know of any other legislation that is pending on this issue. I feel this is an important issue that should be dealt with in this session.

Doreen Riedman: I think for the most part we have a lot of professionals out there building these buildings. The general and mechanical contractors, architects and engineers that are putting up these buildings and I think things are probably designed very well. There are going to be problems, but I think the reviews should be continued as they are right now. The way this is written opens too many doors when most of the cities are already doing this and they have the tools and abilities that they need.

Rep. Ben Hanson: If we rework this and make sure it exempts single family dwellings would you take this back to the association and discussing that then?

Doreen Riedman: Absolutely. We were never contacted ahead of time about this bill.

Rep. Hatlestad: We have had a big push in the west to require contractors to be licensed to do business in North Dakota. License to do business and a license contractor, same thing?

Doreen Riedman: There are two separate steps there. The licensed contractors go through the Secretary of State's office and he also handles the business licensing as well. They have task forces that go out and try to round everybody up and make sure everybody is licensed. There was just something in the paper about a couple of unlicensed contractors that Attorney General Stenehjem rounded up so I know they do go out and the tax department and WSI and they make sure all the requirements are followed. They are doing their best and we are trying also to police the situation as well. We don't want to be setting here with a bunch of homes that weren't inspected and built properly in our state. We are seeing a range of quality right now and that is a fear of us down the road. Until there is a broad state building code department and people from a state level perhaps that can go out and do this so now it is quite difficult.

Rep. J. Kelsh: This says may adopt so can't any city in the state do this now?

Doreen Riedman: Yes Ellendale is on the list and Oakes as well as a code enforcing jurisdiction so they could do that right now. We are doing all of this already.

Rep. Kretschmar: The bill would only apply if the project exceeds 20 sprinkler heads or a total cost of \$2500. In the code you site in ND are there minimum's in that?

Doreen Riedman: I am sure there are. They aren't dollar wise or by head so that is what threw us for a loop too. It is based on the type of building you are putting up. If you are putting up a day care or school or nursing home or business where people come and go like an apartment building those all require it. It is by the type and class, not by 20 heads or \$2500. That would be almost any system.

Neutral:

Julie Wagendorf, Department of Health: I am a health inspector and have the privilege of going out west and doing house inspections. From my experience in working in crew camps, I worked mostly in McKenzie County. I wanted to provide some information because what I see out west is most of the crew camps that are being put up are outside city limits within the county and there have not been local enforcing agencies up until very recently that enforce the building code. Not only are fire sprinklers, if they are installed, they may not be checked. Many of the crew camps I have been in don't have fire sprinklers at all so that means they don't meet building code. The reason is that local enforcing government had not adopted the building code until recently so there is no enforcing of that building code. In McKenzie County I know of at least 15 crew camps that collectively can have thousands of people staying there at any time out in the middle of the county. There are no fire sprinklers or fire hydrants and that is where people are currently living. We are working very hard with other state agencies to try to determine what the best way is to help counties in the area that currently or hadn't been enforcing building codes. What do we do about these buildings that had been erected and housing people to stay? We license them to operate so we perform health inspections and part of that health inspection includes fire and life safety. Mostly we look at smoke detectors and fire extinguishers and they are keeping logs for these. Food and lodging will review plans for lodging establishments and during those plan reviews we try to pay particular attention to fire and life safety but because as a state agency we don't have any enforcing authority for the building code many of those don't have fire sprinklers at all. I don't know about Williams and Mountrail County and how they are doing. McKenzie County recently does have a building inspector starting July of 2012 so they are at this point forward able to enforce. I just wanted to provide that insight on how things are doing. Typically buildings outside the state that are manufactured are supposed to come with IBC stamp that shows that they have had a third party building inspection, but there is little enforcement happening.

Rep. A. Maragos: Minimum do they all have fire alarms in the rooms?

Julie Wagendorf: Yes they do. They are required to be licensed as a lodging establishment they of 23-09 that they have smoke detectors in each room. We do enforce that and test time. We also ensure they are keeping a smoke detector log up to date.

Rep. A. Maragos: Do crew camps are they double loaded corridors or do they have outside excess to their individual rooms at these camps?

Julie Wagendorf: How do you define a crew camp? We license crew camps to operate can answer yes to both of those questions. They look like a mobile home park and as you drive by it they are individual housing set up in rows so you would exit the door to go outside.

Rep. Koppelman: You mentioned IBC stands for Industrialized Building Commission. I thought it was International Building Code?

Julie Wagendorf: They both exist.

Rep. Koppelman: You said you are neutral?

Julie Wagendorf: I am neutral; just providing information. I did not prepare testimony and I just wanted clarification where there are not agencies in the area to enforce the building codes. If they are in cities they are probably being done. I just wanted to bring forth information where most of these establishments are being built.

Rep. Koppelman: You indicated some are doing this and some didn't a couple of years ago so it sounds like it is a coming up to speed in some areas where they are overwhelmed with a lot of requirements now so the policy question now is rather we want to ramp this up in state government when we don't have anything to enforce building codes in those areas either to do it for sprinklers?

Julie Wagendorf: The challenge definitely goes beyond sprinklers.

Rep. J. Kelsh: There is nothing restricting those counties from doing that any place in the state; is there? Can they also require sprinklers in those buildings?

Julie Wagendorf: If the local code enforcing government, which would be a city, township, or county adopted the building code and chose to enforce it then absolutely they would be enforcing the building code which would include having fire sprinklers in those buildings and they can at any time adopt them.

Rep. J. Kelsh: What does this bill do?

Julie Wagendorf: In the cities, townships, and counties that have adopted building code and do require a fire sprinkler this would allow the state fire marshal and cities that do have building inspectors to ensure that those fire sprinklers are installed correctly. Even if you adopt a building code and say you need a fire sprinkler and then you are not regulating how those are installed this bill would allow those who are enforcing building coded fire sprinklers to have it installed correctly and it would operate when it was needed.

Rep. J. Kelsh: I am not understanding what this bill does that we cannot do at this point?

Julie Wagendorf: I am not sure I have an answer to your question at this time.

Rep. Hatlestad: McKenzie County just now decided to install the building codes, than all those existing facilities are grandfathered in. You can't touch them?

Julie Wagendorf: That is right. Any project that has broken ground before July 1, 2012 for McKenzie County they are grandfathered in.

Rep. L. Meier: If there is a remodeling project on that building then the building codes would be enforced.

Julie Wagendorf: That is correct.

Rep. Klemin: The code applies statewide regardless of whether a local political subdivision has elected to enforce it, is that correct?

Julie Wagendorf: That is a good question.

Cal Steiner, Department of Commerce: Rep. J. Kelsh an entity cannot just adopt any code. If they adopt a code it has to be the state building code. At that point they can amend it to fit their needs; and they could amend it to do what this bill requires. However, if you do pass the bill it would be law and they would have to do this. If you leave it alone then they would have the opportunity to do this. The entities that have not adopted the state building code could not force them to do that because they do not have a building code at that point. If you don't build to the state building code wait until somebody gets killed; because you didn't then you will be held to that standard in court. If it is not enforced is the code there? We do expect that the code if followed to protect yourself from lawsuits.

Hearing closed.

2013 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee Prairie Room, State Capitol

HB 1427
February 8, 2013
Job # 18634

Conference Committee

Committee Clerk Signature



Minutes:

Proposed amendment #1& 2

Chairman N. Johnson: reopened HB 1427. Handed out two sets of proposed amendments. (Proposed amendment #1 & 2.) The fiscal note says it is \$239,670 in appropriations which I am confused since they said they can do it now. Went over the two amendments.

Rep. Klemin: That is similar to the last part of the amendment that I prepared and they have the same intention. Explained my proposed amendment.

Rep. Klemin Made a Motion to Move those 2 amendments; Seconded by Rep. Ben Hanson.

Chairman N. Johnson: It would include both sets of amendments except for the last page 2, line 2 on Rep. Klemin's amendments.

Rep. Beadle: You have removing lines 4-10 which includes the Section in the Chapter it is going into. Is the intent to keep it in Chapter 18 or to move it over to Chapter 54?

Rep. Klemin: I think it should say remove lines 7-10.

Chairman N. Johnson: We will take that as a friendly amendment.

Rep. Toman: Given the neutral testimony that is not just fire sprinklers that aren't being done. There are other health and fire standards that are not being done currently. I am just wondering what this bill is really going to do for those buildings when we have other more important things now to be concerned with. It is not going to cover other fire hazardous.

Voice vote carried. One no. The motion did carry.

Rep. Klemin Made a Motion to Do Pass As Amended; Seconded by Rep. Ben Hanson

Rep. Klemin: I understand what Rep. Toman's concern is about. What the bill is about it seems pretty evident that we have a major public safety issue that needs to be addressed

and there is no point in putting in fire sprinkler systems that don't work. This does address one aspect of it. If these places are going to be requiring fire sprinkler systems and they don't have anybody to review the plan or to inspect them then somebody should be doing that and the state fire marshal works for the Attorney General and I think the amendments take care of most of the concerns that were brought up at the hearing. It is not a perfect bill but at least it is better than it was.

Rep. M. Klein: I agree with you. I am afraid that we are creating another big agency. Sometime ago I recall the State Fire Marshal had two or three people and I asked him yesterday and he is up to eight and I can assure you if we start doing this he is going to be coming in adding additional people.

Rep. Klemin: The fiscal note on this should be zero because that is all going to be paid for through these fees that are charged to the contractor. Secondly if we do need people to go out and inspect or do the plan reviews as a matter of public safety I don't think we should be objecting to that. We are saving lives.

Rep. Toman: What is going to happen with the fiscal note then?

Rep. Klemin: It would seem that the fiscal note would have to be changed. We are going to have X number of dollars coming in and equal number of dollars going out.

Rep. J. Kelsh: The bill allows the fire inspector to charge a fee to inspect sprinkler systems. It doesn't do much other than that right?

Chairman N. Johnson: Asked for a roll call vote on a Do Pass as Amended on 1427.

Vote: 5 Yes 8 No 2 Absent Failed

Do Not Pass Motion Made by Rep. A. Looyen; Seconded by Rep. L. Meier

Vote: 8 Yes 5 No 2 Absent Carrier: Rep. L. Meier

Closed.

FISCAL NOTE
Requested by Legislative Council
02/12/2013

Amendment to: HB 1427

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

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$337,941	\$0	\$449,461
Expenditures	\$0	\$0	\$0	\$239,670	\$0	\$249,162
Appropriations	\$0	\$0	\$0	\$239,670	\$0	\$249,162

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties	\$0		
Cities	\$0	\$337,941	\$449,461
School Districts	\$0		
Townships	\$0		

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

This bill provides that any political subdivision that does not regulate the design, sale, installation or modification of fire sprinkler systems exceeding 20 sprinkler heads or costing over \$2,500 must be reviewed and inspected by the Fire Marshal.

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

This bill requires the Fire Marshal of the Office of Attorney General to review all fire sprinkler system plans of 20 or more sprinkler heads or costing at least \$2,500 for those political subdivision that does not regulate the design, sale, installation or modification of fire sprinkler systems. The Fire Marshal must inspect the fire sprinkler systems, after project completion, to verify the project is in compliance with applicable codes and meets national fire protection association standards.

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

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

The estimated Office of Attorney General other funds revenues from political subdivisions for complying with this bill are estimated at \$337,941 for the 2013-15 biennium and \$449,461 for the 2015-17 biennium. These amounts are shown in the city fiscal impact for simplicity since what political subdivisions might be charged is unknown. The Fire Marshal billing rate is set by a consultant, who works with the office's federal cognizant agency, which approves the rate. The federal cognizant agency requires that the rate charged be the same for all entities the office charges in the event any pay these charges with federal funds.

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

This bill is estimated to result in an additional deputy fire marshal due to the estimated volume of hours this bill will necessitate. The cost of the FTE is estimated at \$239,670 for the 2013-15 biennium and \$249,162 for the 2015-17 biennium.

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

The Office of Attorney General needs authorization to hire and pay the expenses of the additional deputy fire marshal. A contingency appropriation could be added to House Bill No. 1003 to provide the authorization to hire this FTE when it is needed due to the uncertainty of the amount of work this bill may result in.

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 701-328-3622

Date Prepared: 02/12/2013

FISCAL NOTE
Requested by Legislative Council
02/05/2013

Bill/Resolution No.: HB 1427

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

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$337,941	\$0	\$449,461
Expenditures	\$0	\$0	\$0	\$239,670	\$0	\$249,162
Appropriations	\$0	\$0	\$0	\$239,670	\$0	\$249,162

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties	\$0		
Cities	\$0	\$337,941	\$449,461
School Districts	\$0		
Townships	\$0		

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

This bill provides that any political subdivision that does not regulate the design, sale, installation or modification of fire sprinkler systems exceeding 20 sprinkler heads or costing over \$2,500 must be reviewed and inspected by the Fire Marshal.

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

This bill requires the Fire Marshal of the Office of Attorney General to review all fire sprinkler system plans of 20 or more sprinkler heads or costing at least \$2,500 for those political subdivision that does not regulate the design, sale, installation or modification of fire sprinkler systems. The Fire Marshal must inspect the fire sprinkler systems, after project completion, to verify the project is in compliance with applicable codes and meets national fire protection association standards.

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

The estimated Office of Attorney General other funds revenues from political subdivisions for complying with this bill are estimated at \$337,941 for the 2013-15 biennium and \$449,461 for the 2015-17 biennium. These amounts are shown in the city fiscal impact for simplicity since what political subdivisions might be charged is unknown. The Fire Marshal billing rate is set by a consultant, who works with the office's federal cognizant agency, which approves the rate. The federal cognizant agency requires that the rate charged be the same for all entities the office charges in the event any pay these charges with federal funds.

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

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

The Office of Attorney General needs authorization to hire and pay the expenses of the additional deputy fire marshal. A contingency appropriation could be added to House Bill No. 1003 to provide the authorization to hire this FTE when it is needed due to the uncertainty of the amount of work this bill may result in.

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 701-328-3622

Date Prepared: 02/05/2013

February 8, 2013

19/1/13
CJW

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1427

Page 1, line 6, remove "Local regulation - "

Page 1, remove lines 7 through 10

Page 1, line 11, replace "2." with "1."

Page 1, line 12, remove "sale."

Page 1, line 13, remove "scope exceeds twenty sprinkler"

Page 1, line 14, replace "heads or" with "has"

Page 1, line 14, after "dollars" insert "or more"

Page 1, after line 16 insert:

"2. If authorized by the attorney general, the state fire marshal may contract to provide fire sprinkler plan review and site inspection services to a city, county, or township that regulates the design, installation, or modification of fire sprinkler systems."

Page 1, line 20, replace "subsection 2" with "this section"

Page 1, line 21, remove "project subject to"

Page 1, line 22, replace "subsection 2" with "this section"

Page 1, line 22, after "inspection" insert "by the state fire marshal"

Page 1, line 23, remove "applicable codes and meets national fire protection"

Page 2, line 1, replace "association standards" with "the state building code."

Page 2, after line 2, insert:

"5. This section does not affect the provision under subsection 4 of section 54-21.3-03 which prohibits a city, township, or county from including in a building code any requirement that fire sprinklers be installed in a single family dwelling or a residential building that contains no more than two dwelling units."

Renumber accordingly

Date: 2-8-13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1427**

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Klemin Seconded By Rep. B. Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson			Rep. Ben Hanson		
Vice Chairman Patrick Hatlestad			Rep. Kathy Hogan		
Rep. Thomas Beadle			Rep. Jerry Kelsh		
Rep. Matthew Klein		✓	Rep. Naomi Muscha		
Rep. Lawrence Klemin					
Rep Kim Koppelman					
Rep. William Kretschmar					
Rep. Alex Looyen					
Rep. Andrew Maragos					
Rep. Lisa Meier					
Rep. Nathan Toman					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*Voice
 Vote
 carried!*

Date: 2-8-13
 Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1427

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Klemin Seconded By Rep. B. Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson		✓	Rep. Ben Hanson	✓	
Vice Chairman Patrick Hatlestad		✓	Rep. Kathy Hogan	✓	
Rep. Thomas Beadle	✓		Rep. Jerry Kelsh		✓
Rep. Matthew Klein		✓	Rep. Naomi Muscha	—	—
Rep. Lawrence Klemin	✓				
Rep Kim Koppelman	—				
Rep. William Kretschmar	✓				
Rep. Alex Looyen		✓			
Rep. Andrew Maragos		✓			
Rep. Lisa Meier		✓			
Rep. Nathan Toman		✓			

Total (Yes) 5 No 8

Absent 2

Floor Assignment _____

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

Failed

Date: 2-8-13
Roll Call Vote #: 3

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1427

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Broysen Seconded By Rep. L. Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson	✓		Rep. Ben Hanson		✓
Vice Chairman Patrick Hatlestad	✓		Rep. Kathy Hogan		✓
Rep. Thomas Beadle		✓	Rep. Jerry Kelsh	✓	
Rep. Matthew Klein	✓		Rep. Naomi Muscha	✓	
Rep. Lawrence Klemin		✓			
Rep. Kim Koppelman	—	—			
Rep. William Kretschmar		✓			
Rep. Alex Looyen	✓				
Rep. Andrew Maragos	✓				
Rep. Lisa Meier	✓				
Rep. Nathan Toman	✓				

Total (Yes) 8 No 5

Absent 2

Floor Assignment Rep. Meier

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

REPORT OF STANDING COMMITTEE

HB 1427: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (8 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1427 was placed on the Sixth order on the calendar.

Page 1, line 6, remove "Local regulation - "

Page 1, remove lines 7 through 10

Page 1, line 11, replace "2." with "1."

Page 1, line 12, remove "sale."

Page 1, line 13, remove "scope exceeds twenty sprinkler"

Page 1, line 14, replace "heads or" with "has"

Page 1, line 14, after "dollars" insert "or more"

Page 1, after line 16 insert:

"2. If authorized by the attorney general, the state fire marshal may contract to provide fire sprinkler plan review and site inspection services to a city, county, or township that regulates the design, installation, or modification of fire sprinkler systems."

Page 1, line 20, replace "subsection 2" with "this section"

Page 1, line 21, remove "project subject to"

Page 1, line 22, replace "subsection 2" with "this section"

Page 1, line 22, after "inspection" insert "by the state fire marshal"

Page 1, line 23, remove "applicable codes and meets national fire protection"

Page 2, line 1, replace "association standards" with "the state building code."

Page 2, after line 2, insert:

"5. This section does not affect the provision under subsection 4 of section 54-21.3-03 which prohibits a city, township, or county from including in a building code any requirement that fire sprinklers be installed in a single family dwelling or a residential building that contains no more than two dwelling units."

Renumber accordingly

2013 TESTIMONY

HB 1427

#1

Ron Guggisberg

District 11

Testimony in support of HB 1427

Section 1

1. Clarifies that if a local jurisdiction has currently adopting and enforcing ordinances including fees they may continue to do so. It does not say they may adopt codes outside of state law, specifically it does not allow them to enact ordinances in conflict with 54-21.3-03.
2. States that if a sprinkler system is installed with more than 20 heads or a total cost of \$2,500, a permit must be issued by the state fire marshal.
3. Allows state fire marshal to charge an hourly fee for work done by the fire marshal's office.
4. Requires the contractor to arrange an inspection to verify the installation is in compliance.

4. The state building code or a building code adopted by a city, township, or county may not include a requirement that fire sprinklers be installed in a single family dwelling or a residential building that contains no more than two dwelling units. The state building code, plumbing code, electrical code, or an equivalent code adopted by a political subdivision must provide that a building designed for and used as a school portable classroom may be constructed and inspected as a temporary structure as defined by the state building code or may be permitted as a permanent school portable classroom. The foundation system of such a structure must comply with the recommendations of the manufacturer's engineering report for a preengineered unit or a structural engineer's report. Frost-free footings may not be required for a temporary structure that meets the requirements of the state building code unless required by an engineering report. Temporary electrical and plumbing installations may be allowed for any structure by the governmental entities governing those areas of construction or the applicable codes.

13.0791.01001
Title.

Prepared by the Legislative Council staff for
Representative Guggisberg
February 6, 2013

#2

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1427

Page 2, after line 2, insert:

- "5. This section does not affect the provision under subsection 4 of section 54-21.3-03 which prohibits a city, township, or county from including in a building code any requirement that fire sprinklers be installed in a single family dwelling or a residential building that contains no more than two dwelling units."

Renumber accordingly

NOT HERE - #3

Chairperson and members of the committee,

I am Alan Hanson Fire Chief for the City of Williston Fire Department and I would like to submit this testimony for support of House Bill 1427. As a Fire Chief, it is my responsibility to review plans along with performance of the inspections necessary to oversee the installation of sprinkler systems within my jurisdiction. One advantage that I have is I am full time. A large majority of Fire Chiefs in this state are Volunteer and have to conduct plan reviews on their own time with many of them not having the necessary training to perform those reviews. Fire Chiefs in our area are inundated with rapid growth and high demand for services that make it difficult to juggle priorities.

This bill will give Fire Chiefs and Fire Marshals the ability to have a qualified representative conduct those reviews on their behalf which will assure that life safety measures are reviewed.

Respectfully Submitted

Alan K. Hanson

Fire Chief



The Forum of Fargo-Moorhead

Published February 01, 2013, 07:37 AM

Sprinkler system douses fire at Fargo business

FARGO – A sprinkler system is getting credit for putting out a fire early today before it could cause significant damage to a Fargo business that makes building materials.

By: Forum staff reports, INFORUM

FARGO – A sprinkler system is getting credit for putting out a fire early today before it could cause significant damage to a Fargo business that makes building materials.

Firefighters responded at 12:04 a.m. to the Lavelle Co. at 3101 4th Ave. S. for a report of a commercial fire alarm and sprinkler flow switch activation.

When crews arrived, they found that the sprinkler system had extinguished a fire in a room used for staining and spray-finishing wood products, Assistant Fire Chief Gary Lorenz stated in a news release.

The fire involved a work bench with tools and staining supplies on it.

The fire caused no structural damage to the building, and there was only minor smoke and water damage estimated at \$1,000. No one was in the building at the time of the fire.

The cause of the fire is under investigation, but one possible cause is spontaneous combustion of oily rags that were discarded in a metal container next to the portable work station, Lorenz stated.

The Fargo Fire Department encourages all businesses that have sprinkler systems to make sure they are professionally inspected and functioning properly, the release stated.

Tags: news, updates, fire

More from around the web

- Missing Boy Found as Grown, Married Man (GMA)
- My answer to the question, "So is Brian Williams really an idiot, or does he just play one on TV?" (InvestingChannel)
- 10 Self-Employed Businesses You Can Start Today With Little or No Money (The Self Employed)
- Dan Marino fathered child with CBS employee in 2005 (SI.com)
- Spoiled rotten: 11 most pampered rich kids (Bankrate.com)

#5

Dan Phillips
Testimony In Support Of HB 1427
2/7/2013

Chairperson Johnson and members of the committee,

I am appearing today on my own behalf in favor of house bill 1427. I have been a sprinkler fitter for 15 years. I am a licensed journeyman in MN and am NICET I certified in inspecting and testing. NICET is the National Institute for Certification in Engineering Technologies. I live in Fargo but have been working in the Williston area for the last 15 months.

Fire Chief Alan Hanson oversees the fire sprinkler installations in Williston. Minot and Dickinson are the next two closest cities that require sprinkler plans to be reviewed by the fire department. There is a considerable amount of new construction in the areas in between. Discrepancies in the plan review process and inspections Alan has seen in Williston prompted me to introduce a bill that would ensure that a qualified person is available to do plan review for townships without those resources.

Currently in areas such as Watford City, when the installation of the sprinkler system is complete a pressure test is performed to make sure it holds 200 psi for 2 hours. The person witnessing that test for the building owner is often the job superintendent, who has little, if any knowledge of NFPA 13. The fire sprinkler installation code book. (National Fire Protection Association)

Designing a sprinkler system for a building includes factors such as square footage, type of occupancy, and water supply. To make sure that there is enough water to meet the demand of each system, a flow test from the nearest water main is conducted. If the water supply is not sufficient it may require a pump or even a



water storage tank with a pump to be installed. The designers take that information into consideration to determine the pipe size and sprinkler heads for the system to work properly. A plan review by a qualified person could verify these conditions are accurate and correct.

An electrician can turn on a light switch to show that his wiring is correct. A plumber can open a faucet and run water. A sprinkler head is activated by fire. It will only work properly if it is designed and installed properly. A system designed to save lives and property deserves a second look.



#6

**HOUSE BILL 1427 TESTIMONY
HOUSE POLITICAL SUBDIVISION COMMITTEE
FEBRUARY 22, 2003
PRAIRIE ROOM**

By Raymond Lambert, State Fire Marshal

Madam Chairmen and members of the House Political Subdivision Committee:

I am Raymond Lambert, State Fire Marshal, Office of Attorney General, and I would like to thank you for the opportunity for me to provide testimony in support of House Bill 1427 which would allow the State Fire Marshal's Office the opportunity to perform a plan review of a contractor's fire sprinkler systems and provide for an on-site inspection at the completion of the contract for compliance with current codes and standards.

House Bill 1427 as introduced would not interfere with the ability of the cities and communities that have adopted codes and standards and review these plans for compliance and provide permitting for this contractual work to occur. House Bill 1427 would provide for the State Fire Marshal's Office to perform fire sprinkler plans review permitting after approval and do an on-site visit to see proper compliance at the conclusion of the contract. This bill as is would provide this service in communities throughout North Dakota, whether it be a city, county, or township, that currently have not adopted codes and standards or have agencies that provide this service.

Regularly, the State Fire Marshal's Office receives phone calls or receives in the mail a set of plans with the request for a review from the State Fire Marshal's Office because the local communities of which they are working with are not able to or have the agencies that provide that service. This office does what we can to provide the review as requested at no cost to the requesting architect or contractors.

The need is obvious. Properly installed and maintained fire sprinkler systems are proven to be a major life safety component when an undesired fire occurs both to the people that work and who reside in the buildings that require sprinkler systems and to the emergency responders that respond to that call to suppress that fire. Properly installed and maintained fire sprinkler systems respond quickly and efficiently when a fire does occur, greatly reduces the amount of necessary emergency responders to control these fires, and reduce in many cases the amount of damage occurred when an undesired fire does happen. Without the ability of local communities to provide plan reviews, the State Fire Marshal's Office is the next reasonable office to provide this needed service. This bill would put in place the tools necessary to meet the needs to have fire sprinkler plans reviewed, approved, and permit the contractor to complete this work. The need for this service is also indicated from the plan reviews this office performs at this time. Cited deficiencies are common in the plans that are reviewed, such as inadequate water supply providing water to the fire suppression sprinkler system, improper valves installed in the fire sprinkler systems, improper piping installed in fire sprinkler systems, inadequate or nonexistent calculations as to the proper size, spacing, and location of sprinkler heads installed in sprinkler

systems, and no final acceptance test to show the proper installation and the operation of the system.

With the adopted standards of the state requiring fire sprinklers in so many of the structures being constructed today throughout the state of North Dakota and fire sprinkler systems being such an effective tool in improving the life safety of the individuals working and residing in these structures, House Bill 1427 if passed is a major step in the right direction to improve the effectiveness and efficiency of fire sprinklers throughout the state with a complete, thorough review and inspection of the contractor or engineer's designed plans and permitting an inspection at the completion of the projects.

Thank you for permitting me the opportunity to provide my testimony in support of passage of House Bill 1427. If I may answer any questions that you might have at this time, I will be pleased to do so. Thank you again.

Raymond Lambert, State Fire Marshal



#7

Testimony on House Bill 1427
House Political Subdivisions Committee
February 7, 2013

Doreen Riedman, Executive Officer
North Dakota Association of Builders

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STAFF

- Doreen Riedman, Executive Officer
Sandra Neiss, Administrative Assistant

Chairman Johnson and members of the House Political Subdivisions Committee, the North Dakota Association of Builders (NDAB) **strenuously urges you to oppose House Bill 1427, relating to fire sprinkler systems.**

The NDAB represents 1,941 member companies statewide with employees numbering 51,966. We are in partnership with six local builders associations in Bismarck-Mandan, Dickinson, Fargo-Moorhead, Grand Forks, Minot, and Williston; and are all part of a larger federation, the National Association of Home Builders (NAHB), which has over 150,000 members.

Our association has closely reviewed this legislation and believes that it opens the door to residential fire sprinklers being included in codes and ordinances. By adding this to Chapter 18 of the Century Code, dealing with Fires and the State Fire Marshal Department, it becomes a stand-alone code outside the boundaries of the State Building Code (see page two of the State Building Code), putting fire sprinkler codes back on the table.

- *The first part of the bill allows for the adoption and enforcement of ordinances regulating the design, sale, installation and modification of fire sprinkler systems by cities, counties, and townships enforcing a building code.*

It's been reported that the 12 major cities are already requiring design reviews and inspections, so this is not needed.

- *The second part of the bill requires cities, counties and townships NOT already regulating the design, sale, and installation of the systems to now submit plans to the State Fire Marshal.*

How will these projects be identified? What is the rationale behind the 20 sprinkler heads or \$2,500? We should be following what is currently in the State Building Code rather than adding other stipulations.

Building permits are not required in much of rural North Dakota, so how will this be administered and enforced? Our state is having enough trouble inspecting and enforcing

Affiliated With



what is being built out there, so to add more to the mix right now is simply not workable. We would rather see the whole State Building Code enforced statewide than to have these piecemeal requirements that would be cumbersome and confusing.

- *Section four includes inspections and compliance with not only the codes we already have in the state, but also the standards of the National Fire Protection Association (NFPA).*

In North Dakota, we follow the International Codes, as identified in Chapter 54 of the Century Code. Chapter 9 of the International Building Code covers Fire Protection Systems for commercial buildings. We do not need to bring additional NFPA standards into our codes, when the **current code covers design, installation, testing, and maintenance requirements.**

- Let's keep in mind who the National Fire Protection Association represents...**the fire sprinkler manufacturers.**
- In September of 2008, NFPA went to extraordinary lengths to get fire sprinkler requirements inserted into the International Codes, and they succeeded. Fire sprinklers are in the 2009 International Residential Code.
- Many of you may remember the fire sprinkler bill that we initiated in 2009 to prohibit fire sprinkler code requirements in one- and two-family homes. (I've attached my testimony from 2009 for your reference.)
- You can be very proud to know that North Dakota was the first state to pass legislation prohibiting the sprinkler code requirement in one- and two-family homes. (Senate Bill 2354 passed the Senate 46-0 and the House 91-2.)
- Since then, 39 other states followed suit, and five are currently in process. (see map attached)
- As one of my Governmental Affairs Committee co-chairs said this week during our meetings, **"this bill is disguised very well, and it's not what you're being sold."**
- Fire sprinkler codes are already part of the International Building Code for commercial buildings, and the 10-12 major cities in the state are already reviewing the designs and inspecting the installations of these systems.
- This legislation is not needed, and simply opens the door for fire sprinkler code requirements to come from another section of the Century Code, side-stepping the State Building Code.

We respectfully ask your committee to give House Bill 1427 a strong Do Not Pass recommendation.

CHAPTER 54-21.3
STATE BUILDING CODE

54-21.3-01. Purposes of chapter.

The purposes of this chapter are to:

1. Provide the citizens of this state with nationally recognized standards and requirements for construction and construction materials.
2. Eliminate restrictive, obsolete, conflicting, and unnecessary construction regulations that tend to increase construction costs unnecessarily or restrict the use of new materials, products, or methods of construction or provide preferential treatment to types or classes of materials or products or methods of construction.
3. Ensure adequate construction of buildings throughout the state and to adequately protect the health, safety, and welfare of the people of this state.

54-21.3-02. Definitions.

As used in this chapter, unless the context requires otherwise:

1. "Agricultural purposes" includes purposes related to agriculture, farming, ranching, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.
2. "Building" means a combination of any materials fixed to form a structure and the related facilities for the use or occupancy by persons, or property. The word "building" shall be construed as though followed by the words "or part or parts thereof".
3. "City" means any city organized under the laws of this state.
4. "Code enforcement agency" means an agency of the state or local government with authority to inspect buildings and enforce the law, ordinances, and regulations which establish standards and requirements applicable to the construction, installation, alteration, repair, or relocation of buildings.
5. "Construction" means the construction, erection, reconstruction, alteration, conversion, or repair of buildings.
6. "Jurisdictional area" means the area within which a city or township has zoning jurisdiction.
7. "State building code" means the state building code provided for in this chapter.
8. "Temporary work camp housing" includes a modular residential structure used to house workers on a temporary basis for a maximum period of five years.

54-21.3-03. State building code.

1. The department of commerce, in cooperation with the state building code advisory committee, shall adopt rules to implement, amend, and periodically update the state building code, which must consist of the international building, residential, mechanical, and fuel gas codes.
2. The state building code advisory committee consists of:
 - a. Two representatives appointed by the North Dakota building officials association, one of whom must be from a jurisdiction of fewer than ten thousand people.
 - b. One representative appointed by the North Dakota chapter of the American institute of architects.
 - c. One representative appointed by the North Dakota society of professional engineers.
 - d. One representative appointed by the North Dakota association of builders.
 - e. One representative appointed by the North Dakota association of mechanical contractors.
 - f. One representative appointed by the associated general contractors.
 - g. A fire marshal appointed by the state fire marshal.
 - h. One individual appointed by the state electrical board.
3. The state building code advisory committee shall meet with the department of commerce or a designee of the commissioner of commerce at least once each

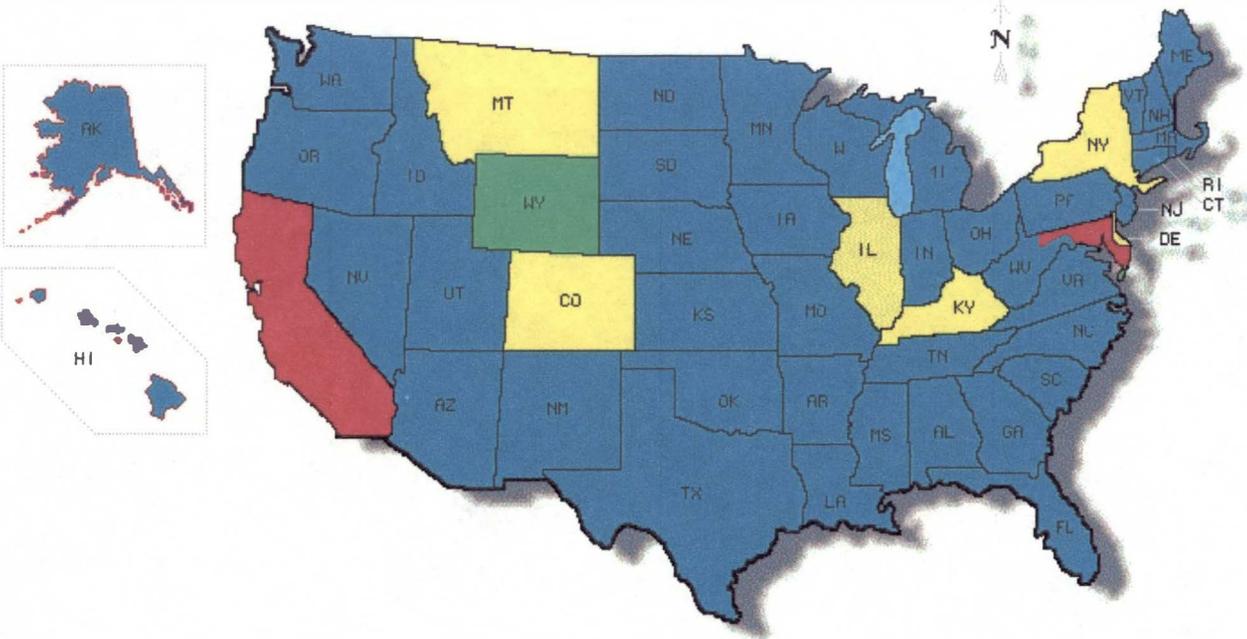
calendar year to address proposed amendments to the state building code. The department of commerce may not adopt an amendment to the state building code unless the amendment is approved by a majority vote of:

- a. One representative appointed by the North Dakota chapter of the American institute of architects;
 - b. One representative appointed by the North Dakota society of professional engineers;
 - c. One representative appointed by the North Dakota association of builders;
 - d. One representative appointed by the North Dakota association of mechanical contractors;
 - e. One representative appointed by the associated general contractors; and
 - f. Representatives of eligible jurisdictions as established by administrative rule.
4. [The state building code or a building code adopted by a city, township, or county may not include a requirement that fire sprinklers be installed in a single family dwelling or a residential building that contains no more than two dwelling units. The state building code, plumbing code, electrical code, or an equivalent code adopted by a political subdivision must provide that a building designed for and used as a school portable classroom may be constructed and inspected as a temporary structure as defined by the state building code or may be permitted as a permanent school portable classroom. The foundation system of such a structure must comply with the recommendations of the manufacturer's engineering report for a preengineered unit or a structural engineer's report. Frost-free footings may not be required for a temporary structure that meets the requirements of the state building code unless required by an engineering report. Temporary electrical and plumbing installations may be allowed for any structure by the governmental entities governing those areas of construction or the applicable codes.
5. For the purposes of manufactured homes, the state building code consists of the manufactured homes construction and safety standards under 24 CFR 3280 adopted pursuant to the Manufactured Housing Construction and Safety Standards Act [42 U.S.C. 5401 et seq.].
6. The governing body of a city, township, or county that elects to administer and enforce a building code shall adopt and enforce the state building code. However, the state building code may be amended by cities, townships, and counties to conform to local needs.
7. A modular residential structure or a prebuilt home placed in the state must be constructed in compliance with the state building code. A modular residential structure or a prebuilt home placed in a jurisdiction that has amended the state building code must be constructed in compliance with the state building code and the amendments adopted by that jurisdiction.

54-21.3-04. Exemptions.

1. Except as specifically provided in this chapter, the following statewide codes are exempt from this chapter:
 - a. The Standards for Electrical Wiring and Equipment, as contained in North Dakota Administrative Code article 24-02.
 - b. The State Plumbing Code, as contained in North Dakota Administrative Code article 62-03.
 - c. The State Fire Code, as contained in the rules of the state fire marshal as provided in section 18-01-04.
2. The following buildings are exempt from this chapter:
 - a. Buildings which are neither heated nor cooled.
 - b. Buildings used whose peak design rate of energy usage is less than one watt per square foot [929.0304 square centimeters] or three and four-tenths British thermal units an hour per square foot [929.0304 square centimeters] of floor area.
 - c. Restored or reconstructed buildings deliberately preserved beyond their normal term of use because of historical associations, architectural interests, or public

States Enacting Legislation on Fire Sprinkler Codes



Last Updated January 22, 2013

Blue States
Red States

Mandatory Requirements Defeated
Mandatory Requirements Approved

Yellow States
Green States

Pending Action
No Action Reported

#1

Rep. Lawrence R. Klemin

February 8, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1427

Page 1, remove lines 4 through 10

Page 1, line 11, replace "2" with "1"

Page 1, line 12, remove "sale,"

Page 1, line 13, remove "scope exceeds twenty sprinkler"

Page 1, line 14, replace "heads or" with "has" and after "dollars" insert "or more"

Page 1, line 20, replace "2" with "1" and insert "or subsection 3" and insert:

"With the approval of the attorney general, the state fire marshal may also contract with any city, county, or township that regulates fire sprinkler systems to provide plan review and site inspection services at the hourly rate established by the attorney general, which fee shall be payable by the fire sprinkler system contractor."

Page 1, line 21, replace "4" with "3"

Page 1, line 22, replace "2" with "1" and after "inspection" insert "by the state fire marshal"

Page 1, line 24, replace "applicable codes and meets national fire protection" with "the state building code"

Page 2, line 1, remove "association standards"

Page 2, line 2, after the period insert:

"4. This section does not apply to single family dwellings or two unit family dwellings."

Renumber accordingly

13.0791.01001
Title.

Prepared by the Legislative Council staff for
Representative Guggisberg
February 6, 2013

#2

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1427

Page 2, after line 2, insert:

"5. This section does not affect the provision under subsection 4 of section 54-21.3-03 which prohibits a city, township, or county from including in a building code any requirement that fire sprinklers be installed in a single family dwelling or a residential building that contains no more than two dwelling units."

Renumber accordingly



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Testimony in Support of Senate Bill 2354 House Political Subdivisions Committee March 5, 2009

*Doreen Riedman, Executive Officer
North Dakota Association of Builders*

Chairman Wrangham and members of the House Political Subdivisions Committee, the North Dakota Association of Builders (NDAB) asks for your support of Senate Bill 2354 which will keep residential sprinklers from being required in one- and two-family dwellings in our state. This legislation will not prevent homeowners from installing sprinkler systems in their homes, if they so desire.

The NDAB represents over 2,000 members statewide with employees numbering approximately 43,000. We are affiliated with five local builders associations in Bismarck-Mandan, Dickinson, Fargo-Moorhead, Grand Forks, and Minot; and are all part of a larger federation, the National Association of Home Builders (NAHB), which has over 200,000 members.

This legislation has been brought forward in response to an effort funded by fire sprinkler manufacturers that now requires residential sprinkler systems in all one- and two-family dwellings and townhomes.

It's not necessarily a move we want to make – to halt cities, townships, and counties from adopting their own building codes – but the fire sprinkler industry forced this upon us, and now we're trying to put the brakes on this runaway train. They put the requirement in the 2009 International Residential Code, much to the dismay of the building industry and most of the building officials. And now we're taking this step to put the code back to where it was before this travesty occurred to the code process.

The story behind the ICC hearings:

The International Code Council held their annual hearings and voting process last September in Minneapolis. During the weeklong voting process, at which building officials from across the country vote on various code issues, **the process was hijacked by the fire suppression industry – the folks who sell the sprinkler systems.**



- Over 500 votes took place during the weeklong process. Each voting member was given a device on which to cast their vote at each hearing. On the day of the fire sprinkler vote, there was a surge of new devices handed out. The vote on fire sprinklers totaled 1,753 from both sides. Then, immediately following the vote, over 1,200 devices were turned in. These 1,200 voters were flown in, put up for the weekend, wined and dined, and given a memorial trophy that said, "Thanks for your vote." All of this in order to purchase a vote in their favor. *(More details attached from my counterpart at the Builders Association of Minnesota who was in attendance.)*

What this legislation will do:

- Eliminate the need for each city, township, and county to amend out this section of the International Residential Code that was forcibly added during the tainted voting process.
- It will protect smaller communities that may unwittingly adopt the 2009 IRC.
- By making this decision once, at the state legislative level, we are dealing with this issue that has been emotional, and has been fueled and funded by the fire suppression industry – the folks who sell sprinkler systems.
- No one wants to be the one to have to present the amendment to remove this in their jurisdiction. They'll invite criticism from citizens who don't know the whole story, as well as the press who may attempt to sensationalize this with the help of the fire sprinkler industry.
- You will see the influence they have on the fire chiefs of some of the cities in our state. They represent some, but not all, of the larger cities in our state.
- It will still give individuals the right to install such systems in their homes if they wish.

We're looking out for our state and its interests. We're not asking for anything new here – we just want to go back to where we were before all this happened.

The Opposition will:

- Overstate the effectiveness of residential sprinklers by not addressing the leading factor in the safe evacuation of the occupants in a fire – the early warning provided by the smoke alarms.
- Dismiss homebuilders' and the public's concerns over design, installation, inspection, maintenance, effectiveness, and ultimately housing affordability nationwide.
- Draw on the emotions of city commissioners, citizens, and the press in every city in this state to make sure this doesn't get amended out at local levels, unless we pass this bill.

Passing this legislation will:

- **Assure uniformity across the state of North Dakota** by eliminating the possibility of pockets of the state requiring sprinkler systems while other areas of the state do not. Uniformity will also foster better and more consistent enforcement statewide as well as overall cost savings from predictable code requirements and enforcement.
- **Recognize that a statewide residential sprinkler requirement is not wanted by our citizen-consumers.** You will perhaps hear that homeowners want safety regardless of cost. However, the option to install sprinkler systems has been around for a very long time and consumers are not electing to spend the money for these systems. A public information and awareness campaign needs precede state or local requirements to install these systems in residences.
- **Assure that the installation of a sprinkler system in your home should be a personal not governmental decision.** Before requirements for these systems are enacted, the public should be informed and aware of the positive and negative aspects of the systems. Then the time may have arrived for code requirements mandating these systems in homes. However, there has been no effort to inform the public. In the absence of that informational effort this bill should be passed to avoid premature adoption of a sprinkler requirement by any level of government in this state.
- **Recognize that the state of our economy and the construction of homes will be seriously compromised** should sprinklers be required in homes at the present time. At an estimated \$4,000 to \$8,000 additional cost for inclusion of this system within a home, many potential homebuyers will be priced out of the market and fewer homes will be built despite the fact that these homes are needed.

Look at the facts – the data doesn't bear this out. Then follow the money, and you'll see where this is coming from. We respectfully ask you to support SB 2354.