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SENATE BUSINESS & INDUSTRY
AT NO. 6
DATE 2/10/05
BILL NO. SB265

February 10, 2005

To: Senate Business, Labor, and Economic Affairs Committee

From: Neil Poulsen, Chief Building Official

Subject: **SB 265 Revise Electrician Laws**

I am speaking in opposition to a portion of SB 265. MCA Section 50-60-607 (2) proposes to prohibit the use of nonmetallic sheathed cable (romex) in commercial buildings and further requires that those who do not follow this law are guilty of a misdemeanor.

To provide background for my opposition to this proposal you should be aware that the State of Montana has adopted the 2002 National Electrical Code. This is a consensus based code formulated by the National Fire Protection Association (NFPA). This code is updated every three years with the input from electricians, electrical inspectors, electrical engineers, electric utility companies, electrical union representatives, manufacturers and testing agencies from all over the United States.

In order to make a change to the National Electrical Code conclusive evidence must be presented to show the need for the change. Anyone can submit their request for a change to the electrical code to NFPA if they can substantiate why a change should be made.

In the last code cycle a change was made to the electrical code that required all wiring above suspended ceilings in commercial buildings to be run in conduit. This already covers half of what this bill is mandating. This change was made after a national group of electrical experts debated the issue and determined there was a compelling reason to make this change to the electrical code.

I would submit that the Montana Legislature is not the place to make a change to the National Electrical Code. The change that this bill proposes should be submitted to the team of experts at NFPA with any supporting technical data for their professional consideration. If the evidence for this change is warranted then the change will be made as provided.

Another forum for this change would be to propose an amendment to the State Building Codes Bureau at their hearings later this year when they begin the adoption process for the upcoming 2005 National Electrical Code.

Another matter not brought up in this amendment is just who has the responsibility to enforce this new law with its mandated misdemeanor charge. Please delete this poorly crafted piece of legislation from this bill.

FORM FOR PROPOSALS FOR 2005 NATIONAL ELECTRICAL CODE®

Mail to: Secretary, Standards Council
National Fire Protection Association
1 Batterymarch Park, P.O. Box 9101
Quincy, Massachusetts 02269-9101
Fax to: 617-770-3500

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Log # _____

Date Rec'd _____

- Notes:
1. All proposals must be received by 5:00 p.m. EST on Friday, November 1, 2002
Proposals received after 5:00 p.m. EST, Friday, November 1, 2002 will be returned to the submitter
 2. Type or print legibly in black ink. Limit each proposal to a SINGLE section. Use a separate copy for each proposal.
 3. If supplementary material (photographs, diagrams, reports, etc.) is included, you may be required to submit sufficient copies for all members and alternates of the technical committee.

Please indicate in which format you wish to receive your ROP/ROC: electronic or paper download

Date _____ Name _____ Tel. No. _____

Company _____

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Please Indicate Organization Represented (if any) _____

1. Section/Paragraph _____

2. Proposal Recommends: (Check one) new text revised text deleted text

3. Proposal (include proposed new or revised wording, or identification of wording to be deleted): (Note: Proposed text should be in legislative format: i.e., use underscore to denote wording to be inserted (inserted wording) and strike-through to denote wording to be deleted (~~deleted wording~~))

4. Statement of Problem and Substantiation for Proposal: (Note: State the problem that will be resolved by your recommendation; give the specific reason for your proposal including copies of tests, research papers, fire experience, etc. If more than 200 words, it may be abstracted for publication)

5. This Proposal is original material. (Note: Original material is considered to be the submitter's own idea based on or as a result of his/her own experience, thought, or research and, to the best of his/her knowledge, is not copied from another source)

This Proposal is not original material; its source (if known) is as follows: _____

If you need further information on the standards-making process, please contact the
Standards Administration Department at 617-984-7249.
For technical assistance, please call NFPA at 617-770-3000.

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Signature (Required)

PLEASE USE SEPARATE FORM FOR EACH PROPOSAL