

# SENATE FILE 142, 1973

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Title: AN ACT to create sections 35-436.1 through 35-436.39 of the statutes; and to repeal sections 33-213.1 through 33-213.9 and 35-420.1 through 35-436 of the statutes relating to a state department of fire prevention and electrical safety; abolishing the department of fire prevention and state electrical board; creating divisions within the department; creating an advisory council and electrical licensing board; designating powers of governor, department and council and electrical licensing board; granting rulemaking authority; providing penalties; and providing an effective date.

Introduced by

*Steve Meyerson*  
*James F. Thompson*  
*Michael*

DATE	ACTION	DATE	ACTION
JAN 19 1973	Introduced	FEB 23 1973	Rules Suspended
JAN 19 1973	Read first time		Read Third Time
JAN 19 1973	Referred to Com. No. 8		Amended as follows <i>SF 142H31A</i>
JAN 19 1973	Delivered to Printing		
JAN 23 1973	Delivered to Governor		
JAN 26 1973	COM. RECOMMENDATION AMEND AND DO PASS		PASSED <i>42 18</i>
JAN 29 1973	CONSIDERED IN COM OF WHOLE		
	DO PASS	FEB 24 1973	Received Amended
JAN 30 1973	READ SECOND TIME		Senate did Concur on House Amendments <i>26 votes 0 Excused 4 Absent 0</i>
JAN 31 1973	READ THIRD TIME		Delivered to Enrolling Section
	PASSED		RECEIVED FEB 24 1973
	<i>Amend 26 votes 3 Excused 1 Absent 0</i>		DELIVERED TO LSA FOR ENROLLING FEB 24 1973
	<i>Sent to LSA</i>		RECEIVED FROM LSA ENROLLED
<i>1/30/73</i>	<b>ENGROSSED</b>		SEA NO. <i>96</i>
<i>2/1/73</i>	<i>Sent to House</i>		SIGNED BY PRESIDENT
	Received from Senate		SIGNED BY SPEAKER
	Read First Time		APPROVED BY GOVERNOR
	Referred to Comm. No. <i>8</i>		CHAPTER NO. _____ SESSION LAWS OF WYOMING
	Delivered to Printer No. <i>8</i>		<i>§ 5: 142D</i>
FEB 12 1973	RETURNED		
	AMEND AND DO PASS		
	PLACED ON GENERAL FILE		
FEB 23 1973	Standing Com. Amendment <i>SF 142H31A</i>		
	<b>ADOPTED</b>		
	RECOMMENDED TO PASS		

1973

STATE OF WYOMING

LSA-200.01

SENATE FILE NO. 142

Creating a state department of fire prevention and electrical safety.

Introduced by: Senators MAJHANOVICH, THOMPSON and STAFFORD

*Steve Majhanovich*  
*James J. Thompson*  
*M. Stafford*

A BILL

for

1 AN ACT to create sections 35-436.1 through 35-436.39 of  
2 the statutes; and to repeal sections 33-213.1 through  
3 33-213.9 and 35-420.1 through 35-436 of the statutes  
4 relating to a state department of fire prevention and  
5 electrical safety; abolishing the department of fire pre-  
6 vention and state electrical board; creating divisions  
7 within the department; creating an advisory council and  
8 electrical licensing board; designating powers of gover-  
9 nor, department and council and electrical licensing  
10 board; granting rulemaking authority; providing penalties;  
11 and providing an effective date.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WYOMING:

13 Section 1. Sections 35-436.1 through 35-436.39 of  
14 the statutes are created to read:

15 35-436.1. Department created. Effective March 1,  
16 1973, there shall be created a department within the  
17 executive branch entitled "The Department of Fire Preven-

1 tion and Electrical Safety", hereinafter referred to as  
2 "the department".

3 35-436.2. Department successor; existing rules and  
4 regulations; transfer of property.

5 (a) The department is the successor to the cur-  
6 rently existing department of fire prevention and state  
7 electrical board, except as pertains to the examination  
8 and licensing of master and journeymen electricians.

9 (b) All rules, regulations and orders of the former  
10 department and board lawfully adopted prior to March 1,  
11 1973, and not inconsistent with the intent of this act, or  
12 other state and federal laws, shall continue to be effec-  
13 tive until revised, amended, repealed or nullified pur-  
14 suant to law.

15 (c) All records, physical property, and personnel,  
16 including their rights and privileges under the personnel  
17 division of the department of administration and fiscal  
18 control, unused funds of the former department and board  
19 shall be transferred to the department as of March 1,  
20 1973.

21 (d) Such property and personnel and their said  
22 rights shall initially repose in the division which is the  
23 counterpart of the department of origin. All records,  
24 lists and other information which by law are of a con-  
25 fidential or privileged nature shall be retained in such

1 character.

2 35-436.3. Divisions created; council created and  
3 electrical licensing board created.

4 (a) There are created within the department the  
5 division of fire prevention and the division of electrical  
6 safety. There is also created within the department an  
7 advisory council on fire prevention and electrical safety.  
8 Hereinafter the advisory council on fire prevention and  
9 electrical safety will be referred to as "the council".  
10 The council shall meet at least four times a year and also  
11 upon call of the governor to assist with the administra-  
12 tion of the department. The council shall also sit as an  
13 advisory council for both fire prevention and electrical  
14 safety divisions of the department.

15 (b) Effective March 1, 1973, there is established  
16 within the department an electrical licensing board. The  
17 board shall consist of three persons to be appointed by  
18 the governor. In making these appointments, the governor  
19 shall insure that one is a licensed journeyman, one is a  
20 licensed master electrician, and one is a licensed elec-  
21 trical contractor. Each appointment shall be for a four  
22 year term, provided that in the initial appointments one  
23 shall be for a two year term, one for a three year term,  
24 and one for a four year term. It shall be the responsi-  
25 bility of the electrical licensing board to administer

1 examinations for journeymen electricians, master electrici-  
2 cians and electrical contractors pursuant to the provi-  
3 sions of this act. In addition, the board shall have cer-  
4 tain revocation and appeal functions as specified in  
5 section 35-436.37.

6 35-436.4. State fire marshal; qualifications;  
7 expenses. The governor shall appoint, after consultation  
8 with the council, a state fire marshal who will serve as  
9 administrator of the department, and his qualifications  
10 shall not be less than ten years of service in a full time  
11 paid fire department, five of which shall have been in  
12 fire prevention, or a B. S. degree in fire prevention  
13 engineering and shall qualify by passing examinations and  
14 qualifications as provided by the council. He shall be  
15 allowed per diem and mileage and at the same rate paid  
16 other employees incurred in the discharge of his official  
17 duties, and shall give his entire time to the duties of  
18 his office.

19 35-436.5. Division administrators; qualifications.  
20 (a) The administrator shall appoint the head of the  
21 fire prevention division after consultation with the coun-  
22 cil and the governor. The head of the fire prevention  
23 division shall serve as the chief deputy fire marshal and  
24 his qualifications shall be the same as the state fire  
25 marshal and he shall have passed the examination provided

1 by the council. He shall be directly responsible to the  
2 state fire marshal.

3 (b) The administrator shall also appoint the head  
4 of the electrical safety division after consultation with  
5 the council and the governor. The head of the electrical  
6 safety division shall serve as the chief electrical  
7 inspector and his minimum qualifications shall be set by  
8 the council and shall pass the examination by the council.  
9 He shall be directly responsible to the state fire mar-  
10 shal.

11 35-436.6. Powers and duties of governor.

12 (a) The governor shall:

13 (i) Establish, after consultation with the  
14 council, administrative policy to be fol-  
15 lowed by each division in the department  
16 in administering fire prevention laws;

17 (ii) Promulgate reasonable rules and regula-  
18 tions after consultation with the coun-  
19 cil, in compliance with the Wyoming  
20 Administrative Procedure Act for the  
21 implementation of all state fire preven-  
22 tion laws.

23 35-436.7. Council membership appointment. The  
24 present members of the abolished state fire commission and  
25 the abolished state electrical board shall constitute the

1 membership of the newly created advisory council on fire  
2 prevention and electrical safety. They shall continue to  
3 serve the terms for which they were originally appointed.  
4 In making the appointments the governor shall insure that  
5 no more than five members are of the same political party.  
6 The two council members with fire safety backgrounds shall  
7 be appointed from lists submitted by the Federated Fire  
8 Fighters of Wyoming and the Wyoming state Firemen's Asso-  
9 ciation, inc. The member representing the paid full time  
10 fire departments shall be appointed from the list submit-  
11 ted by the Federated Fire Fighters of Wyoming and shall be  
12 appointed from the list submitted by the Wyoming state  
13 Firemen's Association, inc. The two council members  
14 representing the electrical industry shall be one licensed  
15 electrician and one licensed electrical contractor. Four  
16 members shall be appointed to represent the public at  
17 large. No business shall be transacted by the council in  
18 the absence of a quorum which shall be five, with one  
19 being from fire prevention, one from electrical, two from  
20 the public and the chairman or vice chairman. The council  
21 shall be an eight-man board.

22 35-436.8. Removal of council members. The governor  
23 shall have the power to remove any member of any council  
24 for inefficiency, neglect of duty or malfeasance in  
25 office.

1        35-436.9. Officers of council. At the first meeting  
2 of the council, and thereafter when new appointments are  
3 made, the chairman, vice chairman and secretary shall be  
4 selected from among the membership by vote of the council  
5 members.

6        35-436.10. Powers and duties of council.

7        (a) In addition to other expressed and implied  
8 powers as may from time to time be granted, the council  
9 shall:

10            (i) Consider and study their respective  
11 fields of fire prevention and electrical  
12 safety, and advise the governor and the  
13 administrators of the respective divi-  
14 sions;

15            (ii) Recommend policies, practices and stan-  
16 dards relating to fire prevention and  
17 electrical safety, which recommendations  
18 the governor and the administrators of  
19 the respective divisions shall duly con-  
20 sider;

21            (iii) Investigate the conduct of the work of  
22 their respective divisions and for this  
23 purpose to have access, at any time, to  
24 all books, papers, documents and records  
25 pertaining or belonging thereto and to

1 require written or oral information from  
2 any administrator or employee of the  
3 department or respective division;

4 (iv) Hold meetings at such time and place as  
5 may be prescribed by their internal rules  
6 of management, but not less frequently  
7 than quarterly, said quarterly meetings  
8 to be held during the months of March,  
9 June, September and December; and

10 (v) Give notice to the governor, and the  
11 administrators of the divisions, of the  
12 time and place of every meeting, regular  
13 or special and permit the governor or his  
14 designated assistant and the administra-  
15 tors of the divisions to be present and  
16 to be heard upon any matter coming before  
17 the council.

18 35-436.11. Vacancies. Any vacancy caused by the  
19 death, removal, resignation or disqualification of any  
20 appointed member of the council, shall be filled by the  
21 governor to serve for the unexpired term.

22 35-436.12. Expenses of council members. Members of  
23 the council shall not receive compensation for their  
24 services, but when actually engaged in the performance of  
25 their duties, they shall receive travel expenses, per diem

1 and mileage expense in the same manner and amount as  
2 employees of the state.

3 35-436.13. Attorney general to advise council and  
4 licensing board. The attorney general shall be the legal  
5 advisor of the council and licensing board.

6 35-436.14. Chief deputy fire marshal; duties;  
7 salary and expenses. The chief deputy fire marshal shall  
8 be subject to the direction of the state fire marshal and  
9 shall have all of the powers, rights, privileges and  
10 immunities granted unto the state fire marshal by law,  
11 subject always to the control and supervision herein pro-  
12 vided. The chief deputy fire marshal shall serve as the  
13 head of the fire prevention division. He shall be paid an  
14 annual salary as provided by the personnel division of the  
15 department of administration and fiscal control, shall be  
16 allowed per diem and mileage at the same rate paid to  
17 other state employees incurred in the discharge of his  
18 official duties, and shall give his entire time to the  
19 duties of his office.

20 35-436.15. Construction of term state fire marshal.  
21 When reference is made to the state fire marshal it shall  
22 be construed to include the authorized division chiefs.

23 35-436.16. Duties of state fire marshal. The state  
24 fire marshal shall implement fire safety programs in the  
25 state designed to minimize fire hazards and disasters and

1 loss of life and property from these causes. These pro-  
2 grams are to include, but are not limited to the estab-  
3 lishment and enforcement of fire safety and safety prac-  
4 tices throughout the state, preventive inspection and  
5 corrective activities, coordination of fire safety pro-  
6 grams with volunteer and paid fire companies, and other  
7 state agencies and political subdivisions exercising  
8 enforcement aspects, and critical analysis and evaluation  
9 of Wyoming fire loss statistics for determination of prob-  
10 lems and solutions. The state fire marshal shall review  
11 building construction plans as to their adequacy respect-  
12 ing fire safety considerations.

13 35-436.17. Inspection of state, public, etc., build-  
14 ings.

15 (a) The state fire marshal shall make at least one  
16 inspection during every year, of each state institution,  
17 and submit a copy of the report to the state board of  
18 charities and reform with recommendations in regard to  
19 fire prevention, fire protection and to the public safety.

20 (b) The state fire marshal shall have authority to  
21 inspect public, business or industrial buildings and to  
22 require conformance to standards of prevention and safety  
23 and of use of premises as promulgated by the National Fire  
24 Protection Association or by the United States Bureau of  
25 Standards.

1           35-436.18. Investigation of fires; notification to  
2 fire marshal; powers of fire marshal.

3           (a) The state fire marshal or the chief of the fire  
4 department of each city, town, or fire district in the  
5 state of Wyoming shall investigate the cause, origin and  
6 circumstances of each fire occurring in such city or town  
7 by which property of a value in excess of \$500 has been  
8 destroyed or damaged, and shall make an investigation to  
9 determine whether the fire was the result of carelessness  
10 or design. The investigation shall be commenced within  
11 two days, not including Sunday if the fire occurred on  
12 that day, and the state fire marshal may superintend and  
13 direct the investigation if he deems it necessary.

14           (b) The officer making an investigation of a fire  
15 occurring in a city, town, or fire district shall forth-  
16 with notify the state fire marshal and within one week of  
17 the occurrence of the fire shall furnish him a written  
18 statement of all facts relating to its cause and origin,  
19 and such other information as required by forms provided  
20 by the state fire marshal.

21           (c) The state fire marshal may at any time investi-  
22 gate as to the origin or circumstances of any fire or  
23 explosion or attempt to cause fire or explosion occurring  
24 in the state.

25           (d) The state fire marshal shall have the authority

1 at all times of the day or night, in performance of the  
2 duties imposed by the provisions of this act, to enter  
3 upon and examine any building or premises where any fires  
4 or attempt to cause fires shall have occurred, or which at  
5 the time may be burning, and also the power to enter upon  
6 at any time any building adjacent to that in which the  
7 fire or attempt to cause fires occurred, should he deem it  
8 necessary in the proper discharge of his duties. He also  
9 may take full control and custody of the buildings and  
10 premises, and place such person in charge thereof as he  
11 may deem proper, until his examination and investigation  
12 shall be completed.

13 35-436.19. Same; testimony; subpoena; arrest; depu-  
14 ties.

15 (a) If, in his opinion, further investigation is  
16 necessary, the state fire marshal shall take or cause to  
17 be taken the testimony on oath of all persons supposed to  
18 be cognizant of any facts, or to have means of knowledge  
19 in relation to the matter concerning which an examination  
20 is required by law to be made, and cause such testimony to  
21 be reduced to writing.

22 (b) And when in his judgment, such examination dis-  
23 closes that the fire or explosion was of incendiary  
24 origin, the state fire marshal may arrest the supposed  
25 incendiary or cause him to be arrested and charged with

1 the crime, and shall transmit a copy of the testimony so  
2 taken to the county attorney for the county wherein said  
3 fire or explosion or attempt to cause fire or explosion  
4 occurred.

5 (c) The state fire marshal shall have power to sub-  
6 poena witnesses and compel their attendance before him to  
7 testify in relation to any matter which is, by provision  
8 of this act, a subject of inquiry and investigation by the  
9 state fire marshal, and shall also have power to cause to  
10 be produced before him such papers as he may require in  
11 making the examination. The state fire marshal is hereby  
12 authorized to administer oaths and affirmations to persons  
13 appearing as witnesses before him. False swearing in any  
14 matter or proceeding aforesaid shall be deemed perjury and  
15 shall be punishable as such.

16 (d) The state fire marshal may deputize a member of  
17 any fire department, duly organized and operating in this  
18 state, who is approved by the chief of his department and  
19 is properly qualified to act as his deputies for the pur-  
20 pose of making such inspections and investigations and  
21 carrying out such orders as set forth under the rules and  
22 regulations promulgated by the council.

23 35-436.20. Deputy state fire marshals authorized.  
24 The state fire marshal shall have the authority to desig-  
25 nate part-time deputies from volunteer or paid fire

1 departments to act as deputy fire marshals within the  
2 limits as set forth under the rules and regulations  
3 promulgated by the council. Where there is no legally  
4 designated fire marshal in a county or municipal corpora-  
5 tion, the state fire marshal shall carry out the provi-  
6 sions of this act herein.

7 35-436.21. Fire marshal to enforce law; other powers  
8 and duties.

9 (a) The state fire marshal shall have the authority  
10 to enforce all laws of the state having to do with:

- 11 (i) The prevention of fire;
- 12 (ii) The storage, sale and use of any explo-  
13 sive, combustible or other dangerous  
14 article in solid, liquid or gas form;
- 15 (iii) The installation and maintenance of  
16 equipment of all sorts intended for fire  
17 control, detection and extinguishment;
- 18 (iv) The means and adequacy of exit, in case  
19 of fire, from buildings and all other  
20 places in which persons work, live or  
21 congregate from time to time for any pur-  
22 pose, whether publicly or privately  
23 owned, except buildings used wholly as  
24 dwelling houses containing no more than  
25 two families;

- 1 (v) The suppression of arson and investigation  
2 of fire and explosions;
- 3 (vi) The state fire marshal shall assist any  
4 chief of any recognized fire company or  
5 department, or any legally designated  
6 fire marshal of a county or municipal  
7 corporation, or other state agencies in  
8 fire prevention matters, upon request;
- 9 (vii) The state fire marshal shall enforce the  
10 regulations promulgated by the council;
- 11 (viii) The state fire marshal shall  
12 inspect all state, county and municipally  
13 owned institutions, all schools,  
14 theaters, churches, hospitals, residen-  
15 tial custodial care, nurseries, homes for  
16 the aged, nursing homes, penal insti-  
17 tutions and other places of public assem-  
18 bly as to fire exits and reasonable  
19 safety standards and report his findings  
20 and recommendations to the proper admin-  
21 istrative heads;
- 22 (ix) The state fire marshal shall have the  
23 authority to employ such other personnel  
24 as deemed necessary by him and the divi-  
25 sion chiefs for the efficient performance

1 of assigned duties.

2 35-435.22. Certain structures declared nuisance;  
3 repair or demolition; procedure.

4 (a) Any building or other structure which for want  
5 of proper repair, by reason of age, dilapidated condition,  
6 defective chimneys, defective gas connections, defective  
7 or poorly installed wiring and equipment, defective heat-  
8 ing apparatus or for any other cause or reason is espe-  
9 cially liable to fire and which building or other struc-  
10 ture is so situated as to endanger other buildings and  
11 property in the vicinity, is hereby declared to be a  
12 public nuisance. If the state fire marshal or the chief  
13 of a fire department or fire district upon an examination  
14 or inspection, finds that a building or other structure,  
15 which for want of proper repair, by reason of age and  
16 dilapidated condition, defective or poorly installed elec-  
17 tric wiring or equipment, defective chimneys, defective  
18 gas connections, defective heating apparatus or for any  
19 other cause or reason is especially liable to fire, and  
20 which building or other structure is so situated as to  
21 endanger other buildings or property in the vicinity, the  
22 officer shall order the structure to be repaired, torn  
23 down or demolished, all materials removed and all danger-  
24 ous conditions remedied.

25 (b) The order shall be in writing, shall recite the

1 grounds therefor and shall be filed in the office of the  
2 clerk of the district court of the county in which the  
3 building or structure so ordered to be altered, repaired  
4 or demolished is situated, and thereupon all further pro-  
5 ceedings for the enforcement thereof shall be had in said  
6 court. A copy of the order filed as aforesaid shall be  
7 served upon the owner of the building or structure so  
8 directed to be altered, repaired or demolished, together  
9 with a written notice that the same has been so filed and  
10 will be put in force unless the owner, occupant or tenant  
11 shall file with the clerk of the said court his objections  
12 or answer thereto within the time specified in section  
13 35-436.23 of the statutes. If there is a tenant occupying  
14 the building, service shall also be made upon the occu-  
15 pant. Service shall be made upon the owner and occupant,  
16 if there is one, personally either within or without the  
17 state, but if the whereabouts of the owner is unknown and  
18 cannot be ascertained by the state fire marshal or the  
19 chief of a fire department or fire district by the exer-  
20 cise of reasonable diligence, then upon his filing in the  
21 office of the clerk of the district court his affidavit to  
22 this effect, service of the notice upon the owner may be  
23 made by the clerk of the district court by publication of  
24 the same in accordance with the Wyoming Rules of Civil  
25 Procedure for service of summons by publication in civil

1 actions and by posting a copy thereof in a conspicuous  
2 place upon the building or structure, and the service so  
3 made shall be deemed to be complete upon the expiration of  
4 the publication period. Proof of service of the notice  
5 shall be filed in the office of the clerk of the district  
6 court within five days after completion of the service  
7 thereof.

8 35-436.22. Same; answer to notice or order. The  
9 owner of any building so condemned, or any occupant or  
10 lessee upon whom such notice or order shall be served,  
11 within 20 days from the date such service, as herein pro-  
12 vided, may file with the clerk of the district court and  
13 serve upon the said council written objections to said  
14 order in the form of an answer, denying the existence of  
15 any of the facts therein cited which he desires to contro-  
16 vert. If no answer is so filed and served, the owner and  
17 all other persons in interest shall be deemed to be in de-  
18 fault and thereupon the court shall affirm the order of  
19 condemnation and direct the state fire marshal or the  
20 chief of a fire department or a fire district to proceed  
21 with the enforcement thereof. If an answer is filed and  
22 served as herein provided, the court shall hear and deter-  
23 mine the issues so raised and give judgment thereon as  
24 herein provided.

25 35-436.23. Same; hearing. The court, upon applica-

1 tion of the state fire marshal or the chief of a fire  
2 department or a fire district, shall make its order fixing  
3 a time and place for the hearing, which time shall be  
4 within 20 days from the date of the filing of the answer  
5 or as soon thereafter as the matter may be heard. If upon  
6 trial the order is sustained, judgment shall be given  
7 accordingly and a time shall be fixed within which the  
8 building or structure shall be altered, destroyed or  
9 repaired, as the case may be, in compliance with the  
10 order, but otherwise the court shall annul or set aside  
11 the order of condemnation.

12 35-436.24. Same; appeal. An appeal from the judg-  
13 ment of the district court may be taken by the owner or  
14 other party in interest in the property and shall be per-  
15 fected in accordance with any rules of the supreme court  
16 of the state of Wyoming governing the taking of appeals  
17 from the several district courts of the state of Wyoming  
18 in civil actions.

19 35-436.25. Same; sale of materials; expense a lien;  
20 disposition of proceeds. If the owner or other party in  
21 interest fails to comply with the order of condemnation of  
22 a building or structure, as herein provided, within the  
23 time fixed by the court, in case a trial is had therein,  
24 or has failed to appeal from the judgment, then the state  
25 fire marshal or the chief of a fire department or a fire

1 district shall proceed to cause the building or structure  
2 to be altered, repaired or demolished in accordance with  
3 the directions contained in the order. If a building or  
4 structure is demolished in accordance with the order, he  
5 may sell or dispose of the salvaged materials therefrom at  
6 public auction upon five days posted notice. He shall  
7 keep an accurate account of the expenses incurred in  
8 carrying out the order and shall credit thereon the pro-  
9 ceeds of any salvage sale, and shall report his action  
10 thereon with a statement of expenses, or balance thereof,  
11 the expenses incurred by him and the amount, if any,  
12 received from the salvage sale, to the court for approval  
13 and allowance. The court shall examine, correct if neces-  
14 sary and allow the expense account. The amount allowed  
15 constitutes a lien against the real estate on which the  
16 building or structure is or was situated and if the amount  
17 thereof is not paid by the owner or other party in inter-  
18 est within six months after the amount has been examined  
19 and approved by the court as aforesaid, the real estate  
20 shall be sold under proper order of court by the sheriff  
21 of the county in which situated in the manner provided by  
22 law for the sale of real estate upon execution. The pro-  
23 ceeds of the sale shall be paid into the state treasury.  
24 If the amount received as salvage or on sale exceeds the  
25 expense incurred by the state fire marshal or the chief of

1 a fire department or fire district, the court shall direct  
2 the payment of the surplus to the owner of into court for  
3 his use and benefit.

4 35-436.26. Removal of combustible material; remedy  
5 of flammable conditions. If the state fire marshal or  
6 chief of any fire department or fire district in the state  
7 of Wyoming finds in any building or premises subject to  
8 their inspection any combustible materials or flammable  
9 conditions or fire hazards dangerous to the safety of the  
10 buildings, premises or to the public, the officer shall  
11 order the material, conditions or hazards to be removed or  
12 remedied. The order shall be in writing and directed  
13 generally to the owner, lessee, agent or occupant of the  
14 building or premises, and any owner, lessee, agent or  
15 occupant upon whom a notice is served, who fails to comply  
16 therewith within 24 hours thereafter, unless the order  
17 prescribes a longer time, is guilty of a misdemeanor and  
18 the material may be removed or dangerous condition cor-  
19 rected at the expense of the owner of the building or  
20 premises or at the expense of the person upon whom service  
21 is made, or both. The state fire marshal or chief of any  
22 fire department or fire district in the state of Wyoming  
23 may maintain all necessary actions for the recovery  
24 thereof.

25 35-436.27. Same; appeal to council. If the owner or

1 occupant deems himself aggrieved by an order of an officer  
2 under the preceding section, he may appeal to the council  
3 within 48 hours, and the cause of the complaint shall at  
4 once be investigated by direction of the council. Unless  
5 the order is revoked by the council, it shall remain in  
6 force and forthwith be complied with by the owner or occu-  
7 pant.

8 35-436.28. Same; penalty. An owner or occupant of  
9 buildings or premises who fails to comply with the orders  
10 of the authorities named in section 35-436.25 through  
11 35-436.27 of the statutes shall be fined not less than  
12 \$100 or more than \$500 for each days' neglect.

13 35-436.29. Records to be maintained; inspection.  
14 The state fire marshal shall keep in his office a record  
15 of all fires occurring in the state, the origin of such  
16 fires, and all facts, statistics and circumstances relat-  
17 ing thereto which have been determined by investigation  
18 under the provisions of this act. Except the testimony  
19 given upon an investigation, the record shall be open at  
20 all times to public inspection.

21 35-436.30. Report to council and governor. The  
22 state fire marshal shall make an annual report containing  
23 a detailed statement of his official actions and the  
24 transactions of his department to the council. The coun-  
25 cil shall submit the report to the governor with such

1 recommendations and comments thereon as it may deem neces-  
2 sary.

3 35-436.31. Administrator of electrical division;  
4 salary and expenses. The chief electrical inspector shall  
5 serve as head of the electrical safety division. He shall  
6 be paid an annual salary provided by the personnel divi-  
7 sion of the department of administration and fiscal con-  
8 trol. He shall be allowed per diem and mileage at the  
9 same rate paid to other state employees incurred in the  
10 discharge of his official duties, and shall give his  
11 entire time to the duties of his office.

12 35-436.32. Definitions.

13 (a) The term "master electrician" means a person  
14 having at least four years practical experience in the  
15 electrical wiring industry with technical knowledge to  
16 properly plan, lay out, and supervise the physical  
17 installation and repair of wiring apparatus and equipment  
18 for electric light, heat, power, and other purposes in  
19 accordance with the National Electrical Code, and, where  
20 applicable, city ordinances.

21 (b) The term "journeyman electrician" means a  
22 person having at least four years' experience in the elec-  
23 trical wiring industry with technical knowledge to wire  
24 for, supervise, install, and repair electrical apparatus  
25 and equipment for light, heat, power, and other purposes,

1 in accordance with the National Electrical Code and, where  
2 applicable, city ordinances.

3 (c) The term "electrical contractor" means any  
4 person, firm, copartnership, corporation, association, or  
5 combination thereof, who contracts or offers to contract  
6 for another the planning, laying out, supervising, and  
7 installing or the making of additions, alterations, and  
8 repairs in the installation or wiring apparatus and equip-  
9 ment for electric light, heat, and power for compensation.  
10 Such contractor shall be or employ a master electrician.  
11 Any person who only plans or designs electrical installa-  
12 tions need not be classed as an electrical contractor.

13 33-436.33. Minimum requirements for electrical  
14 installations.

15 From and after July 1, 1973, the installation of electric  
16 conductors and equipment in or on buildings open to the  
17 public and the conductors that connect the installations  
18 to a supply of electricity shall be made subject to the  
19 minimum requirements of the current edition of the  
20 National Board of Fire Underwriters pamphlet number 70,  
21 and amendments thereto. State electrical inspectors shall  
22 have the right of ingress or egress to all such buildings  
23 or other structures during reasonable working hours for  
24 the purpose of making electrical inspections. Electrical  
25 equipment or material shall not be used in the state of

1 Wyoming unless listed by underwriters' laboratories or  
2 other nationally recognized safety testing laboratories  
3 approved by the council. The council shall adopt as cri-  
4 teria for approval of certain electrical equipment or  
5 material, the listing of the equipment or material by a  
6 nationally recognized safety testing laboratory properly  
7 equipped and qualified for experimental testing, inspec-  
8 tion of runs or goods at boxes and service value determi-  
9 nation through field inspections.

10 35-436.34. Exceptions; law not to supersede ordi-  
11 nances.

12 Nothing herein shall apply to installations in farms or  
13 ranches of 40 acres or more on deeded land, mines, or  
14 their appurtenant facilities, oil field operations, petro-  
15 leum refineries, railway shops, railway buildings, or  
16 railway rolling stock, and locomotive equipment, automo-  
17 tive equipment or equipment employed by a railway, gas,  
18 electric or communication utility in the exercise of its  
19 function as a public utility, nor to installations by per-  
20 sons on their own property if such is not to be used for  
21 public business. Any person who plugs in any electrical  
22 appliance where an approved electrical outlet exists or  
23 any person who services or repairs an electrical appli-  
24 ance, shall not be considered as an installer.

25 35-436.35. License exams; revocation; appeals.

1           (a) It shall be the duty of the electrical inspec-  
2 tor to enforce the rules and regulations as set forth  
3 herein. The electrical licensing board may suspend or  
4 cancel the license of any licensee for continued and fla-  
5 grant violation of this act or rules and regulations  
6 formulated by the electrical licensing board for the pur-  
7 poses herein stated. The electrical licensing board shall  
8 formulate such rules and regulations as necessary to carry  
9 out the provisions of this act and for examination of  
10 applicants for license. The chief electrical inspector  
11 shall pass on the fitness and qualifications of applicants  
12 for licenses. Any applicant may appeal a decision of the  
13 electrical inspector to the electrical licensing board and  
14 may appeal a decision of the council.

15           (b) Any person, firm or corporation whose applica-  
16 tion for a license is denied or whose license is suspended  
17 or cancelled by the electrical licensing board, or who is  
18 refused a license by the electrical licensing board may  
19 appeal to the appropriate district court.

20           35-436.36. Electrical contractor's license. Each  
21 electrical contractor shall, on or before the first day of  
22 July of each year, file with the chief electrical inspec-  
23 tor of the state of Wyoming an application in writing for  
24 each firm operated by him in Wyoming to obtain a license  
25 therefor. No license shall be issued until the applicant

1 meets the requirements and has paid to the electrical  
2 licensing board a license fee as provided in section  
3 35-436.42 of the statutes for each firm operated by him.  
4 All licenses shall bear the date of issue and shall expire  
5 on the first day of July next following the date of issue.  
6 Every electrical contractor licensed under the provisions  
7 of this act shall be entitled to have his license renewed  
8 for the ensuing year, upon the expiration of his license,  
9 by the payment to the council of the proper fee on or  
10 before the date of expiration of the license period.

11 35-436.37. Licensing of master electricians and  
12 journeymen electricians; temporary permits.

13 (a) (i) All master electricians not being elec-  
14 trical contractors and all journeymen  
15 electricians performing work or intending  
16 to perform work for hire of installing  
17 electric wiring or equipment to convey  
18 electric current, or installing apparatus  
19 to be operated by such current, shall, on  
20 or before the first day of July, 1973,  
21 make application for a license to the  
22 state electrical inspector. The applica-  
23 tion shall be on a form furnished by the  
24 state electrical board and be accompanied  
25 by an examination fee of \$10.00. The

1 forms shall state the applicant's full  
2 name, his address, the extent of his  
3 experience, and such other information as  
4 may be required by the state electrical  
5 board. Upon applicant's complying with  
6 the rules and requirements promulgated by  
7 the state electrical board and, being  
8 qualified, successfully completes the  
9 examination, he shall pay to the state  
10 electrical board a license fee of \$25 for  
11 a master electrician's license; \$10 for a  
12 journeyman electrician's license, and,  
13 upon receipt thereof, he shall be issued  
14 the proper license by said inspector.  
15 Any person serving a four year elec-  
16 trician apprenticeship under the super-  
17 vision of a licensed electrician shall be  
18 exempt from the licensing provision of  
19 this paragraph during training. Pro-  
20 vided, however, that credit for the time  
21 spent in any electrical school shall be  
22 given to the master electrician, journey-  
23 man electrician, or apprentice for the  
24 time spent in said classes, up to a total  
25 of two years on the aforementioned four

1. year requirement.

2. (ii) Each electrician licensed under the  
3. provisions of this act shall be entitled,  
4. upon the expiration of his license, to a  
5. renewal thereof by the payment of 50% of  
6. the proper license fee to the state elec-  
7. trical board on or before the date of the  
8. expiration of his license.

9. (iii) Wyoming resident contractors and electri-  
10. cians who, prior to July 1, 1973, had at  
11. least two years practical experience in  
12. installing electric wires and equipment  
13. covered by the National Electrical Code  
14. shall not be required to take the exami-  
15. nation, but shall be issued a license by  
16. the board upon payment of the proper li-  
17. cense fee and furnishing of proof satis-  
18. factory to the board of such two years'  
19. experience. Until the board is organized  
20. and not later than August 1, 1973, all  
21. applications for licenses without exami-  
22. nation shall be submitted to the state  
23. fire marshal. All applications submitted  
24. to the fire marshal shall contain the  
25. information required by this act.

1           Licensing by the fire marshal shall be in  
2           letter form and shall be effective until  
3           the board is organized and has provided  
4           application and license forms. Until the  
5           board is organized all license fees shall  
6           be paid to the fire marshal and deposited  
7           by him in accordance with this act.

8           (iv) Not later than July 15, 1973, the fire  
9           marshal shall submit a list of all such  
10          licenses to the governor, and the gover-  
11          nor shall select from among them one  
12          electrician and one contractor to serve  
13          on the state electrical board.

14          (b) The state electrical board shall issue temporary  
15          permits to engage in the work of a journeyman electrician  
16          to any applicant who furnishes evidence satisfactory to  
17          the board that he has the required experience to qualify  
18          for the examination herein provided and who makes neces-  
19          sary application and pays the fee herein provided for upon  
20          application. Temporary permits shall continue in effect  
21          only until the next examination is given and may be  
22          revoked by the board at any time.

23          35-436.38. Criminal penalties; other remedies.

24          (a) Any person or corporation violating any provi-  
25          sion of this act shall upon conviction thereof, if a

1 person, be punished by a fine not more than \$500, or by  
2 imprisonment for a term not to exceed six months, or by  
3 revocation of his license or by such fine, imprisonment  
4 and revocation, in the discretion of the court, and if a  
5 corporation, be punished by a fine of not more than  
6 \$1,000.00. Any officer or agent of a corporation, or  
7 member or agent of a copartnership or association, who  
8 shall personally participate in or be accessory to any  
9 violation of this act by the copartnership, association,  
10 corporation shall be subject to the penalties herein pre-  
11 scribed for an individual. Provided, that a firm, associ-  
12 ation or corporation and its different officers, agents,  
13 and servants may each be prosecuted separately for viola-  
14 tions of provisions of this act, and acquittal or convic-  
15 tion of one officer, agent or servant shall not abate the  
16 prosecution of the others.

17 (b) Violators of any provision of this act may also  
18 be enjoined or ousted from the continuing of the violation  
19 by proceedings brought by the county attorney of the  
20 proper county or by the attorney general, regardless of  
21 whether criminal proceedings have been instituted.

22 35-436.39. Fees; disposition.

23 (a) The fees for licenses, as provided by this act,  
24 shall be as follows:

25 (i) Contractor's license \$50.00

- |   |       |                            |         |
|---|-------|----------------------------|---------|
| 1 | (ii)  | Master electrician license | \$25.00 |
| 2 | (iii) | Journeyman electrician     | \$10.00 |
| 3 |       | license                    |         |
| 4 | (iv)  | Working permit for         | \$ 5.00 |
| 5 |       | journeyman electrician     |         |
| 6 | (v)   | Examination fee            | \$10.00 |

7 (b) The following fees shall apply for any inspec-  
 8 tion conducted by the chief electrical inspector or his  
 9 deputy:

- 10 (i) Residential construction and extensive  
 11 remodeling (based on enclosed living  
 12 area), but not to include extensions to,  
 13 or minor remodeling of existing installa-  
 14 tions, which shall be covered by subsec-  
 15 tion (c) of this section, and not, in any  
 16 instance, to include any maintenance,  
 17 repair, or alteration of existing facili-  
 18 ties which are exempt as set forth in  
 19 this act:

- |    |     |                             |         |
|----|-----|-----------------------------|---------|
| 20 | (A) | Not more than 1,000         | \$ 7.50 |
| 21 |     | sq. ft.                     |         |
| 22 | (B) | Over 1,000 sq. ft. and      | \$10.00 |
| 23 |     | not more than 1,500 sq. ft. |         |
| 24 | (C) | 2,000 sq. ft.               | \$15.00 |
| 25 | (D) | Per 100 sq. ft. in excess   | \$ .25  |

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of 2,000 sq. ft.

(E) Reinspections \$10.00

(ii) All other fees shall be computed on the dollar value of the electrical installation, including fixtures and installation costs thereof, as follows:

(A) More than \$50 but not more than \$150.....\$ 3.50

(B) More than \$150 but not more than \$300.....\$ 5.00

(C) More than \$300 but not more than \$2,000.....\$ 8.00

(D) More than \$2,000 but not more than \$50,000.....\$ 4.00 per each \$1,000 valuation or fraction thereof

(E) More than \$50,000 but not more than \$500,000.....\$ 50.00 plus \$3 per each \$1,000 valuation or fraction thereof of total valuation

(F) More than \$500,000.....\$550.00 plus \$2 per each \$1,000 valuation or fraction thereof of total valuation

1           (c) State permits and inspection fees are not  
2 required in any municipality having its own electrical  
3 code or ordinance providing inspection and inspectors  
4 equal to the minimum standards provided herein.

5           (d) Inspection fees will not be charged for inspec-  
6 tions made on installations that are not under new con-  
7 struction or remodeling. Example: Annual inspections of  
8 hospitals, schools, nursing homes, a person seeking assur-  
9 ance that his home or establishment does not present a  
10 safety hazard, a state owned or controlled facility.

11           (e) The chief electrical inspector shall deposit  
12 all monies received by him from fees required by provision  
13 of this act with the state revenue department who shall  
14 place these monies into the general fund.

15           (f) It shall be further provided that pursuant to  
16 the passage of this act there shall be appropriated from  
17 the general fund the amount as approved by Ways and Means  
18 Committee.

19           Section 2. The provisions of this act shall not  
20 apply to any interstate carrier of products or personnel  
21 included, but not limited to, railways, air lines, motor  
22 carriers, both truck and bus, and pipe lines which main-  
23 tain fire inspection personnel and inspect their own prem-  
24 ises and systems.

25           Section 3. Sections 33-213.1 through 33-213.9 and

1 35-420.1 through 35-436 of the statutes are repealed.

2 Section 4. This act is effective on and after March  
3 1, 1973.

4 (END)

SF142HS1 - A

- ✓ Page 4, Line 16, after "other" insert "state"
- ✓ Page 5, Line 8, after "and" insert "he" and after "examination" insert "provided"
- ✓ Page 5, Line 16, after "prevention" insert "and electrical safety"
- ✓ Page 5, Line 22, after "tion" insert "and electrical safety"
- ✓ Page 6, Line 11, after "Wyoming" insert period, delete "and" and insert "The member representing the volunteer departments" before "shall"
- ✓ Page 7, Line 7, after "other" delete "expressed and implied"
- ✓ Page 11, Line 6, after "city" insert "comma", delete "or" and after "town" insert ", or district"
- ✓ Page 11, Line 15, after "shall" delete "forth-"
- ✓ Page 11, Line 16, delete "with"
- ✓ Page 11, Line 23, after "or" insert "any" and after "cause" insert "a"
- ✓ Page 21, Line 2, before "owner" insert "previous" and after "owner" delete "of into court"
- ✓ Page 22, Line 6, after "and" delete remainder of line and insert "the owner or occupant shall comply."
- ✓ Page 22, Line 7, delete "part."
- ✓ Page 22, Line 12, after "each" delete "days'" and insert "day's"
- ✓ Page 23, Line 3, after "35-436.31." delete "Administrator" and insert "Chief Electrical Inspector"
- ✓ Page 27, Line 3, delete "35-436.42" and insert "35-436.39"
- ✓ Page 33, Line 12, after "be" delete "appropriated from" and insert "an appropriation."
- ✓ Page 33, delete Lines 13 and 14. - Engen PJS

31 - A  
SF142HS2

- ✓ Page 8, Line 22, after "council" insert "and electrical licensing board"
- ✓ Page 8, Line 23, after "council" insert "and the electrical licensing board" - True PJS

SF142SS1-A

- ✓ Page 28, line 20 - Delete the words "Board of Fire Underwriters" and insert "Fire Protection Association".
- ✓ Page 29, line 9 -- Delete lines 9 through 25.
- Page 30, line 1 -- Delete lines 1 through 13. - Stafford

SENATE FILE NO. 142

Creating a state department of fire prevention and electrical safety.

Introduced by: Senators MAJHANOVICH, THOMPSON and STAFFORD

*Steve Majhanovich*  
*James J. Thompson*  
*W. Stafford*

A BILL

for

1 AN ACT to create sections 35-436.1 through 35-436.39 of  
2 the statutes; and to repeal sections 33-213.1 through  
3 33-213.9 and 35-420.1 through 35-436 of the statutes  
4 relating to a state department of fire prevention and  
5 electrical safety; abolishing the department of fire pre-  
6 vention and state electrical board; creating divisions  
7 within the department; creating an advisory council and  
8 electrical licensing board; designating powers of gover-  
9 nor, department and council and electrical licensing  
10 board; granting rulemaking authority; providing penalties;  
11 and providing an effective date.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WYOMING:

13 Section 1. Sections 35-436.1 through 35-436.39 of  
14 the statutes are created to read:

15 35-436.1. Department created. Effective March 1,  
16 1973, there shall be created a department within the  
17 executive branch entitled "The Department of Fire Preven-

1 tion and Electrical Safety", hereinafter referred to as  
2 "the department".

3 35-436.2. Department successor; existing rules and  
4 regulations; transfer of property.

5 (a) The department is the successor to the cur-  
6 rently existing department of fire prevention and state  
7 electrical board, except as pertains to the examination  
8 and licensing of master and journeymen electricians.

9 (b) All rules, regulations and orders of the former  
10 department and board lawfully adopted prior to March 1,  
11 1973, and not inconsistent with the intent of this act, or  
12 other state and federal laws, shall continue to be effec-  
13 tive until revised, amended, repealed or nullified pur-  
14 suant to law.

15 (c) All records, physical property, and personnel,  
16 including their rights and privileges under the personnel  
17 division of the department of administration and fiscal  
18 control, unused funds of the former department and board  
19 shall be transferred to the department as of March 1,  
20 1973.

21 (d) Such property and personnel and their said  
22 rights shall initially repose in the division which is the  
23 counterpart of the department of origin. All records,  
24 lists and other information which by law are of a con-  
25 fidential or privileged nature shall be retained in such

1 character.

2 35-436.3. Divisions created; council created and  
3 electrical licensing board created.

4 (a) There are created within the department the  
5 division of fire prevention and the division of electrical  
6 safety. There is also created within the department an  
7 advisory council on fire prevention and electrical safety.  
8 Hereinafter the advisory council on fire prevention and  
9 electrical safety will be referred to as "the council".  
10 The council shall meet at least four times a year and also  
11 upon call of the governor to assist with the administra-  
12 tion of the department. The council shall also sit as an  
13 advisory council for both fire prevention and electrical  
14 safety divisions of the department.

15 (b) Effective March 1, 1973, there is established  
16 within the department an electrical licensing board. The  
17 board shall consist of three persons to be appointed by  
18 the governor. In making these appointments, the governor  
19 shall insure that one is a licensed journeyman, one is a  
20 licensed master electrician, and one is a licensed elec-  
21 trical contractor. Each appointment shall be for a four  
22 year term, provided that in the initial appointments one  
23 shall be for a two year term, one for a three year term,  
24 and one for a four year term. It shall be the responsi-  
25 bility of the electrical licensing board to administer

1 examinations for journeymen electricians, master electri-  
2 cians and electrical contractors pursuant to the provi-  
3 sions of this act. In addition, the board shall have cer-  
4 tain revocation and appeal functions as specified in  
5 section 35-436.37.

6 35-436.4. State fire marshal: qualifications;  
7 expenses. The governor shall appoint, after consultation  
8 with the council, a state fire marshal who will serve as  
9 administrator of the department, and his qualifications  
10 shall not be less than ten years of service in a full time  
11 paid fire department, five of which shall have been in  
12 fire prevention, or a B. S. degree in fire prevention  
13 engineering and shall qualify by passing examinations and  
14 qualifications as provided by the council. He shall be  
15 allowed per diem and mileage and at the same rate paid  
16 other employees incurred in the discharge of his official  
17 duties, and shall give his entire time to the duties of  
18 his office.

19 35-436.5. Division administrators: qualifications.

20 (a) The administrator shall appoint the head of the  
21 fire prevention division after consultation with the coun-  
22 cil and the governor. The head of the fire prevention  
23 division shall serve as the chief deputy fire marshal and  
24 his qualifications shall be the same as the state fire  
25 marshal and he shall have passed the examination provided

1 by the council. He shall be directly responsible to the  
2 state fire marshal.

3 (b) The administrator shall also appoint the head  
4 of the electrical safety division after consultation with  
5 the council and the governor. The head of the electrical  
6 safety division shall serve as the chief electrical  
7 inspector and his minimum qualifications shall be set by  
8 the council and shall pass the examination by the council.  
9 He shall be directly responsible to the state fire mar-  
10 shal.

11 35-436.6. Powers and duties of governor.

12 (a) The governor shall:

13 (i) Establish, after consultation with the  
14 council, administrative policy to be fol-  
15 lowed by each division in the department  
16 in administering fire prevention laws;

17 (ii) Promulgate reasonable rules and regula-  
18 tions after consultation with the coun-  
19 cil, in compliance with the Wyoming  
20 Administrative Procedure Act for the  
21 implementation of all state fire preven-  
22 tion laws.

23 35-436.7. Council membership appointment. The  
24 present members of the abolished state fire commission and  
25 the abolished state electrical board shall constitute the

1 membership of the newly created advisory council on fire  
2 prevention and electrical safety. They shall continue to  
3 serve the terms for which they were originally appointed.  
4 In making the appointments the governor shall insure that  
5 no more than five members are of the same political party.  
6 The two council members with fire safety backgrounds shall  
7 be appointed from lists submitted by the Federated Fire  
8 Fighters of Wyoming and the Wyoming state Firemen's Asso-  
9 ciation, inc. The member representing the paid full time  
10 fire departments shall be appointed from the list submit-  
11 ted by the Federated Fire Fighters of Wyoming and shall be  
12 appointed from the list submitted by the Wyoming state  
13 Firemen's Association, inc. The two council members  
14 representing the electrical industry shall be one licensed  
15 electrician and one licensed electrical contractor. Four  
16 members shall be appointed to represent the public at  
17 large. No business shall be transacted by the council in  
18 the absence of a quorum which shall be five, with one  
19 being from fire prevention, one from electrical, two from  
20 the public and the chairman or vice chairman. The council  
21 shall be an eight-man board.

22 35-436.8. Removal of council members. The governor  
23 shall have the power to remove any member of any council  
24 for inefficiency, neglect of duty or malfeasance in  
25 office.

1           35-436.9. Officers of council. At the first meeting  
2 of the council, and thereafter when new appointments are  
3 made, the chairman, vice chairman and secretary shall be  
4 selected from among the membership by vote of the council  
5 members.

6           35-436.10. Powers and duties of council.

7           (a) In addition to other expressed and implied  
8 powers as may from time to time be granted, the council  
9 shall:

10                   (i) Consider and study their respective  
11 fields of fire prevention and electrical  
12 safety, and advise the governor and the  
13 administrators of the respective divi-  
14 sions;

15                   (ii) Recommend policies, practices and stan-  
16 dards relating to fire prevention and  
17 electrical safety, which recommendations  
18 the governor and the administrators of  
19 the respective divisions shall duly con-  
20 sider;

21                   (iii) Investigate the conduct of the work of  
22 their respective divisions and for this  
23 purpose to have access, at any time, to  
24 all books, papers, documents and records  
25 pertaining or belonging thereto and to

1                   require written or oral information from  
2                   any administrator or employee of the  
3                   department or respective division;

4                   (iv) Hold meetings at such time and place as  
5                   may be prescribed by their internal rules  
6                   of management, but not less frequently  
7                   than quarterly, said quarterly meetings  
8                   to be held during the months of March,  
9                   June, September and December; and

10                  (v) Give notice to the governor, and the  
11                  administrators of the divisions, of the  
12                  time and place of every meeting, regular  
13                  or special and permit the governor or his  
14                  designated assistant and the administra-  
15                  tors of the divisions to be present and  
16                  to be heard upon any matter coming before  
17                  the council.

18                  35-436.11. Vacancies. Any vacancy caused by the  
19                  death, removal, resignation or disqualification of any  
20                  appointed member of the council, shall be filled by the  
21                  governor to serve for the unexpired term.

22                  35-436.12. Expenses of council members. Members of  
23                  the council shall not receive compensation for their  
24                  services, but when actually engaged in the performance of  
25                  their duties, they shall receive travel expenses, per diem

1 and mileage expense in the same manner and amount as  
2 employees of the state.

3 35-436.13. Attorney general to advise council and  
4 licensing board. The attorney general shall be the legal  
5 advisor of the council and licensing board.

6 35-436.14. Chief deputy fire marshal; duties;  
7 salary and expenses. The chief deputy fire marshal shall  
8 be subject to the direction of the state fire marshal and  
9 shall have all of the powers, rights, privileges and  
10 immunities granted unto the state fire marshal by law,  
11 subject always to the control and supervision herein pro-  
12 vided. The chief deputy fire marshal shall serve as the  
13 head of the fire prevention division. He shall be paid an  
14 annual salary as provided by the personnel division of the  
15 department of administration and fiscal control, shall be  
16 allowed per diem and mileage at the same rate paid to  
17 other state employees incurred in the discharge of his  
18 official duties, and shall give his entire time to the  
19 duties of his office.

20 35-436.15. Construction of term state fire marshal.  
21 When reference is made to the state fire marshal it shall  
22 be construed to include the authorized division chiefs.

23 35-436.16. Duties of state fire marshal. The state  
24 fire marshal shall implement fire safety programs in the  
25 state designed to minimize fire hazards and disasters and

1 loss of life and property from these causes. These pro-  
2 grams are to include, but are not limited to the estab-  
3 lishment and enforcement of fire safety and safety prac-  
4 tices throughout the state, preventive inspection and  
5 corrective activities, coordination of fire safety pro-  
6 grams with volunteer and paid fire companies, and other  
7 state agencies and political subdivisions exercising  
8 enforcement aspects, and critical analysis and evaluation  
9 of Wyoming fire loss statistics for determination of prob-  
10 lems and solutions. The state fire marshal shall review  
11 building construction plans as to their adequacy respect-  
12 ing fire safety considerations.

13 35-436.17. Inspection of state, public, etc., build-  
14 ings.

15 (a) The state fire marshal shall make at least one  
16 inspection during every year, of each state institution,  
17 and submit a copy of the report to the state board of  
18 charities and reform with recommendations in regard to  
19 fire prevention, fire protection and to the public safety.

20 (b) The state fire marshal shall have authority to  
21 inspect public, business or industrial buildings and to  
22 require conformance to standards of prevention and safety  
23 and of use of premises as promulgated by the National Fire  
24 Protection Association or by the United States Bureau of  
25 Standards.

1           35-436.18. Investigation of fires; notification to  
2 fire marshal; powers of fire marshal.

3           (a) The state fire marshal or the chief of the fire  
4 department of each city, town, or fire district in the  
5 state of Wyoming shall investigate the cause, origin and  
6 circumstances of each fire occurring in such city or town  
7 by which property of a value in excess of \$500 has been  
8 destroyed or damaged, and shall make an investigation to  
9 determine whether the fire was the result of carelessness  
10 or design. The investigation shall be commenced within  
11 two days, not including Sunday if the fire occurred on  
12 that day, and the state fire marshal may superintend and  
13 direct the investigation if he deems it necessary.

14           (b) The officer making an investigation of a fire  
15 occurring in a city, town, or fire district shall forth-  
16 with notify the state fire marshal and within one week of  
17 the occurrence of the fire shall furnish him a written  
18 statement of all facts relating to its cause and origin,  
19 and such other information as required by forms provided  
20 by the state fire marshal.

21           (c) The state fire marshal may at any time investi-  
22 gate as to the origin or circumstances of any fire or  
23 explosion or attempt to cause fire or explosion occurring  
24 in the state.

25           (d) The state fire marshal shall have the authority

1 at all times of the day or night, in performance of the  
2 duties imposed by the provisions of this act, to enter  
3 upon and examine any building or premises where any fires  
4 or attempt to cause fires shall have occurred, or which at  
5 the time may be burning, and also the power to enter upon  
6 at any time any building adjacent to that in which the  
7 fire or attempt to cause fires occurred, should he deem it  
8 necessary in the proper discharge of his duties. He also  
9 may take full control and custody of the buildings and  
10 premises, and place such person in charge thereof as he  
11 may deem proper, until his examination and investigation  
12 shall be completed.

13 35-436.19. Same; testimony; subpoena; arrest; depu-  
14 ties.

15 (a) If, in his opinion, further investigation is  
16 necessary, the state fire marshal shall take or cause to  
17 be taken the testimony on oath of all persons supposed to  
18 be cognizant of any facts, or to have means of knowledge  
19 in relation to the matter concerning which an examination  
20 is required by law to be made, and cause such testimony to  
21 be reduced to writing.

22 (b) And when in his judgment, such examination dis-  
23 closes that the fire or explosion was of incendiary  
24 origin, the state fire marshal may arrest the supposed  
25 incendiary or cause him to be arrested and charged with

1 the crime, and shall transmit a copy of the testimony so  
2 taken to the county attorney for the county wherein said  
3 fire or explosion or attempt to cause fire or explosion  
4 occurred.

5 (c) The state fire marshal shall have power to sub-  
6 poena witnesses and compel their attendance before him to  
7 testify in relation to any matter which is, by provision  
8 of this act, a subject of inquiry and investigation by the  
9 state fire marshal, and shall also have power to cause to  
10 be produced before him such papers as he may require in  
11 making the examination. The state fire marshal is hereby  
12 authorized to administer oaths and affirmations to persons  
13 appearing as witnesses before him. False swearing in any  
14 matter or proceeding aforesaid shall be deemed perjury and  
15 shall be punishable as such.

16 (d) The state fire marshal may deputize a member of  
17 any fire department, duly organized and operating in this  
18 state, who is approved by the chief of his department and  
19 is properly qualified to act as his deputies for the pur-  
20 pose of making such inspections and investigations and  
21 carrying out such orders as set forth under the rules and  
22 regulations promulgated by the council.

23 35-436.20. Deputy state fire marshals authorized.  
24 The state fire marshal shall have the authority to desig-  
25 nate part-time deputies from volunteer or paid fire

1 departments to act as deputy fire marshals within the  
2 limits as set forth under the rules and regulations  
3 promulgated by the council. Where there is no legally  
4 designated fire marshal in a county or municipal corpora-  
5 tion, the state fire marshal shall carry out the provi-  
6 sions of this act herein.

7 35-436.21. Fire marshal to enforce law; other powers  
8 and duties.

9 (a) The state fire marshal shall have the authority  
10 to enforce all laws of the state having to do with:

- 11 (i) The prevention of fire;
- 12 (ii) The storage, sale and use of any explo-  
13 sive, combustible or other dangerous  
14 article in solid, liquid or gas form;
- 15 (iii) The installation and maintenance of  
16 equipment of all sorts intended for fire  
17 control, detection and extinguishment;
- 18 (iv) The means and adequacy of exit, in case  
19 of fire, from buildings and all other  
20 places in which persons work, live or  
21 congregate from time to time for any pur-  
22 pose, whether publicly or privately  
23 owned, except buildings used wholly as  
24 dwelling houses containing no more than  
25 two families;

- 1 (v) The suppression of arson and investigation  
2 of fire and explosions;
- 3 (vi) The state fire marshal shall assist any  
4 chief of any recognized fire company or  
5 department, or any legally designated  
6 fire marshal of a county or municipal  
7 corporation, or other state agencies in  
8 fire prevention matters, upon request;
- 9 (vii) The state fire marshal shall enforce the  
10 regulations promulgated by the council;
- 11 (viii) The state fire marshal shall  
12 inspect all state, county and municipally  
13 owned institutions, all schools,  
14 theaters, churches, hospitals, residen-  
15 tial custodial care, nurseries, homes for  
16 the aged, nursing homes, penal insti-  
17 tutions and other places of public assem-  
18 bly as to fire exits and reasonable  
19 safety standards and report his findings  
20 and recommendations to the proper admin-  
21 istrative heads;
- 22 (ix) The state fire marshal shall have the  
23 authority to employ such other personnel  
24 as deemed necessary by him and the divi-  
25 sion chiefs for the efficient performance

1 of assigned duties.

2 35-435.22. Certain structures declared nuisance;  
3 repair or demolition; procedure.

4 (a) Any building or other structure which for want  
5 of proper repair, by reason of age, dilapidated condition,  
6 defective chimneys, defective gas connections, defective  
7 or poorly installed wiring and equipment, defective heat-  
8 ing apparatus or for any other cause or reason is espe-  
9 cially liable to fire and which building or other struc-  
10 ture is so situated as to endanger other buildings and  
11 property in the vicinity, is hereby declared to be a  
12 public nuisance. If the state fire marshal or the chief  
13 of a fire department or fire district upon an examination  
14 or inspection, finds that a building or other structure,  
15 which for want of proper repair, by reason of age and  
16 dilapidated condition, defective or poorly installed elec-  
17 tric wiring or equipment, defective chimneys, defective  
18 gas connections, defective heating apparatus or for any  
19 other cause or reason is especially liable to fire, and  
20 which building or other structure is so situated as to  
21 endanger other buildings or property in the vicinity, the  
22 officer shall order the structure to be repaired, torn  
23 down or demolished, all materials removed and all danger-  
24 ous conditions remedied.

25 (b) The order shall be in writing, shall recite the

1 grounds therefor and shall be filed in the office of the  
2 clerk of the district court of the county in which the  
3 building or structure so ordered to be altered, repaired  
4 or demolished is situated, and thereupon all further pro-  
5 ceedings for the enforcement thereof shall be had in said  
6 court. A copy of the order filed as aforesaid shall be  
7 served upon the owner of the building or structure so  
8 directed to be altered, repaired or demolished, together  
9 with a written notice that the same has been so filed and  
10 will be put in force unless the owner, occupant or tenant  
11 shall file with the clerk of the said court his objections  
12 or answer thereto within the time specified in section  
13 35-436.23 of the statutes. If there is a tenant occupying  
14 the building, service shall also be made upon the occu-  
15 pant. Service shall be made upon the owner and occupant,  
16 if there is one, personally either within or without the  
17 state, but if the whereabouts of the owner is unknown and  
18 cannot be ascertained by the state fire marshal or the  
19 chief of a fire department or fire district by the exer-  
20 cise of reasonable diligence, then upon his filing in the  
21 office of the clerk of the district court his affidavit to  
22 this effect, service of the notice upon the owner may be  
23 made by the clerk of the district court by publication of  
24 the same in accordance with the Wyoming Rules of Civil  
25 Procedure for service of summons by publication in civil

1 actions and by posting a copy thereof in a conspicuous  
2 place upon the building or structure, and the service so  
3 made shall be deemed to be complete upon the expiration of  
4 the publication period. Proof of service of the notice  
5 shall be filed in the office of the clerk of the district  
6 court within five days after completion of the service  
7 thereof.

8 35-436.22. Same; answer to notice or order. The  
9 owner of any building so condemned, or any occupant or  
10 lessee upon whom such notice or order shall be served,  
11 within 20 days from the date such service, as herein pro-  
12 vided, may file with the clerk of the district court and  
13 serve upon the said council written objections to said  
14 order in the form of an answer, denying the existence of  
15 any of the facts therein cited which he desires to contro-  
16 vert. If no answer is so filed and served, the owner and  
17 all other persons in interest shall be deemed to be in de-  
18 fault and thereupon the court shall affirm the order of  
19 condemnation and direct the state fire marshal or the  
20 chief of a fire department or a fire district to proceed  
21 with the enforcement thereof. If an answer is filed and  
22 served as herein provided, the court shall hear and deter-  
23 mine the issues so raised and give judgment thereon as  
24 herein provided.

25 35-436.23. Same; hearing. The court, upon applica-

1 tion of the state fire marshal or the chief of a fire  
2 department or a fire district, shall make its order fixing  
3 a time and place for the hearing, which time shall be  
4 within 20 days from the date of the filing of the answer  
5 or as soon thereafter as the matter may be heard. If upon  
6 trial the order is sustained, judgment shall be given  
7 accordingly and a time shall be fixed within which the  
8 building or structure shall be altered, destroyed or  
9 repaired, as the case may be, in compliance with the  
10 order, but otherwise the court shall annul or set aside  
11 the order of condemnation.

12 35-436.24. Same; appeal. An appeal from the judg-  
13 ment of the district court may be taken by the owner or  
14 other party in interest in the property and shall be per-  
15 fected in accordance with any rules of the supreme court  
16 of the state of Wyoming governing the taking of appeals  
17 from the several district courts of the state of Wyoming  
18 in civil actions.

19 35-436.25. Same; sale of materials; expense a lien;  
20 disposition of proceeds. If the owner or other party in  
21 interest fails to comply with the order of condemnation of  
22 a building or structure, as herein provided, within the  
23 time fixed by the court, in case a trial is had therein,  
24 or has failed to appeal from the judgment, then the state  
25 fire marshal or the chief of a fire department or a fire

1 district shall proceed to cause the building or structure  
2 to be altered, repaired or demolished in accordance with  
3 the directions contained in the order. If a building or  
4 structure is demolished in accordance with the order, he  
5 may sell or dispose of the salvaged materials therefrom at  
6 public auction upon five days posted notice. He shall  
7 keep an accurate account of the expenses incurred in  
8 carrying out the order and shall credit thereon the pro-  
9 ceeds of any salvage sale, and shall report his action  
10 thereon with a statement of expenses, or balance thereof,  
11 the expenses incurred by him and the amount, if any,  
12 received from the salvage sale, to the court for approval  
13 and allowance. The court shall examine, correct if neces-  
14 sary and allow the expense account. The amount allowed  
15 constitutes a lien against the real estate on which the  
16 building or structure is or was situated and if the amount  
17 thereof is not paid by the owner or other party in inter-  
18 est within six months after the amount has been examined  
19 and approved by the court as aforesaid, the real estate  
20 shall be sold under proper order of court by the sheriff  
21 of the county in which situated in the manner provided by  
22 law for the sale of real estate upon execution. The pro-  
23 ceeds of the sale shall be paid into the state treasury.  
24 If the amount received as salvage or on sale exceeds the  
25 expense incurred by the state fire marshal or the chief of

1 a fire department or fire district, the court shall direct  
2 the payment of the surplus to the owner of into court for  
3 his use and benefit.

4 35-436.26. Removal of combustible material; remedy  
5 of flammable conditions. If the state fire marshal or  
6 chief of any fire department or fire district in the state  
7 of Wyoming finds in any building or premises subject to  
8 their inspection any combustible materials or flammable  
9 conditions or fire hazards dangerous to the safety of the  
10 buildings, premises or to the public, the officer shall  
11 order the material, conditions or hazards to be removed or  
12 remedied. The order shall be in writing and directed  
13 generally to the owner, lessee, agent or occupant of the  
14 building or premises, and any owner, lessee, agent or  
15 occupant upon whom a notice is served, who fails to comply  
16 therewith within 24 hours thereafter, unless the order  
17 prescribes a longer time, is guilty of a misdemeanor and  
18 the material may be removed or dangerous condition cor-  
19 rected at the expense of the owner of the building or  
20 premises or at the expense of the person upon whom service  
21 is made, or both. The state fire marshal or chief of any  
22 fire department or fire district in the state of Wyoming  
23 may maintain all necessary actions for the recovery  
24 thereof.

25 35-436.27. Same; appeal to council. If the owner or

1 occupant deems himself aggrieved by an order of an officer  
2 under the preceding section, he may appeal to the council  
3 within 48 hours, and the cause of the complaint shall at  
4 once be investigated by direction of the council. Unless  
5 the order is revoked by the council, it shall remain in  
6 force and forthwith be complied with by the owner or occu-  
7 pant.

8 35-436.28. Same; penalty. An owner or occupant of  
9 buildings or premises who fails to comply with the orders  
10 of the authorities named in section 35-436.25 through  
11 35-436.27 of the statutes shall be fined not less than  
12 \$100 or more than \$500 for each days' neglect.

13 35-436.29. Records to be maintained; inspection.  
14 The state fire marshal shall keep in his office a record  
15 of all fires occurring in the state, the origin of such  
16 fires, and all facts, statistics and circumstances relat-  
17 ing thereto which have been determined by investigation  
18 under the provisions of this act. Except the testimony  
19 given upon an investigation, the record shall be open at  
20 all times to public inspection.

21 35-436.30. Report to council and governor. The  
22 state fire marshal shall make an annual report containing  
23 a detailed statement of his official actions and the  
24 transactions of his department to the council. The coun-  
25 cil shall submit the report to the governor with such

1 recommendations and comments thereon as it may deem neces-  
2 sary.

3 35-436.31. Administrator of electrical division;  
4 salary and expenses. The chief electrical inspector shall  
5 serve as head of the electrical safety division. He shall  
6 be paid an annual salary provided by the personnel divi-  
7 sion of the department of administration and fiscal con-  
8 trol. He shall be allowed per diem and mileage at the  
9 same rate paid to other state employees incurred in the  
10 discharge of his official duties, and shall give his  
11 entire time to the duties of his office.

12 35-436.32. Definitions.

13 (a) The term "master electrician" means a person  
14 having at least four years practical experience in the  
15 electrical wiring industry with technical knowledge to  
16 properly plan, lay out, and supervise the physical  
17 installation and repair of wiring apparatus and equipment  
18 for electric light, heat, power, and other purposes in  
19 accordance with the National Electrical Code, and, where  
20 applicable, city ordinances.

21 (b) The term "journeyman electrician" means a  
22 person having at least four years' experience in the elec-  
23 trical wiring industry with technical knowledge to wire  
24 for, supervise, install, and repair electrical apparatus  
25 and equipment for light, heat, power, and other purposes,

1 in accordance with the National Electrical Code and, where  
2 applicable, city ordinances.

3 (c) The term "electrical contractor" means any  
4 person, firm, copartnership, corporation, association, or  
5 combination thereof, who contracts or offers to contract  
6 for another the planning, laying out, supervising, and  
7 installing or the making of additions, alterations, and  
8 repairs in the installation or wiring apparatus and equip-  
9 ment for electric light, heat, and power for compensation.  
10 Such contractor shall be or employ a master electrician.  
11 Any person who only plans or designs electrical installa-  
12 tions need not be classed as an electrical contractor.

13 33-436.33. Minimum requirements for electrical  
14 installations.

15 From and after July 1, 1973, the installation of electric  
16 conductors and equipment in or on buildings open to the  
17 public and the conductors that connect the installations  
18 to a supply of electricity shall be made subject to the  
19 minimum requirements of the current edition of the  
20 National Fire Protection Association pamphlet number 70,  
21 and amendments thereto. State electrical inspectors shall  
22 have the right of ingress or egress to all such buildings  
23 or other structures during reasonable working hours for  
24 the purpose of making electrical inspections. Electrical  
25 equipment or material shall not be used in the state of

1 Wyoming unless listed by underwriters' laboratories or  
2 other nationally recognized safety testing laboratories  
3 approved by the council. The council shall adopt as cri-  
4 teria for approval of certain electrical equipment or  
5 material, the listing of the equipment or material by a  
6 nationally recognized safety testing laboratory properly  
7 equipped and qualified for experimental testing, inspec-  
8 tion of runs or goods at boxes and service value determi-  
9 nation through field inspections.

10 35-436.34. Exceptions: law not to supersede ordi-  
11 nances.

12 Nothing herein shall apply to installations in farms or  
13 ranches of 40 acres or more on deeded land, mines, or  
14 their appurtenant facilities, oil field operations, petro-  
15 leum refineries, railway shops, railway buildings, or  
16 railway rolling stock, and locomotive equipment, automo-  
17 tive equipment or equipment employed by a railway, gas,  
18 electric or communication utility in the exercise of its  
19 function as a public utility, nor to installations by per-  
20 sons on their own property if such is not to be used for  
21 public business. Any person who plugs in any electrical  
22 appliance where an approved electrical outlet exists or  
23 any person who services or repairs an electrical appli-  
24 ance, shall not be considered as an installer.

25 35-436.35. License exams; revocation; appeals.

1           (a) It shall be the duty of the electrical inspec-  
2 tor to enforce the rules and regulations as set forth  
3 herein. The electrical licensing board may suspend or  
4 cancel the license of any licensee for continued and fla-  
5 grant violation of this act or rules and regulations  
6 formulated by the electrical licensing board for the pur-  
7 poses herein stated. The electrical licensing board shall  
8 formulate such rules and regulations as necessary to carry  
9 out the provisions of this act and for examination of  
10 applicants for license. The chief electrical inspector  
11 shall pass on the fitness and qualifications of applicants  
12 for licenses. Any applicant may appeal a decision of the  
13 electrical inspector to the electrical licensing board and  
14 may appeal a decision of the council.

15           (b) Any person, firm or corporation whose applica-  
16 tion for a license is denied or whose license is suspended  
17 or cancelled by the electrical licensing board, or who is  
18 refused a license by the electrical licensing board may  
19 appeal to the appropriate district court.

20           35-436.36. Electrical contractor's license. Each  
21 electrical contractor shall, on or before the first day of  
22 July of each year, file with the chief electrical inspec-  
23 tor of the state of Wyoming an application in writing for  
24 each firm operated by him in Wyoming to obtain a license  
25 therefor. No license shall be issued until the applicant

1 meets the requirements and has paid to the electrical  
2 licensing board a license fee as provided in section  
3 35-436.42 of the statutes for each firm operated by him.  
4 All licenses shall bear the date of issue and shall expire  
5 on the first day of July next following the date of issue.  
6 Every electrical contractor licensed under the provisions  
7 of this act shall be entitled to have his license renewed  
8 for the ensuing year, upon the expiration of his license,  
9 by the payment to the council of the proper fee on or  
10 before the date of expiration of the license period.

11 35-436.37. Licensing of master electricians and  
12 journeymen electricians; temporary permits.

13 (a) (i) All master electricians not being elec-  
14 trical contractors and all journeymen  
15 electricians performing work or intending  
16 to perform work for hire of installing  
17 electric wiring or equipment to convey  
18 electric current, or installing apparatus  
19 to be operated by such current, shall, on  
20 or before the first day of July, 1973,  
21 make application for a license to the  
22 state electrical inspector. The applica-  
23 tion shall be on a form furnished by the  
24 state electrical board and be accompanied  
25 by an examination fee of \$10.00. The

1 forms shall state the applicant's full  
2 name, his address, the extent of his  
3 experience, and such other information as  
4 may be required by the state electrical  
5 board. Upon applicant's complying with  
6 the rules and requirements promulgated by  
7 the state electrical board and, being  
8 qualified, successfully completes the  
9 examination, he shall pay to the state  
10 electrical board a license fee of \$25 for  
11 a master electrician's license; \$10 for a  
12 journeyman electrician's license, and,  
13 upon receipt thereof, he shall be issued  
14 the proper license by said inspector.  
15 Any person serving a four year elec-  
16 trician apprenticeship under the super-  
17 vision of a licensed electrician shall be  
18 exempt from the licensing provision of  
19 this paragraph during training. Pro-  
20 vided, however, that credit for the time  
21 spent in any electrical school shall be  
22 given to the master electrician, journey-  
23 man electrician, or apprentice for the  
24 time spent in said classes, up to a total  
25 of two years on the aforementioned four

1 year requirement.

2 (ii) Each electrician licensed under the  
3 provisions of this act shall be  
4 entitled, upon the expiration of his li-  
5 cense, to a renewal thereof by the pay-  
6 ment of 50% of the proper license fee to  
7 the state electrical board on or before  
8 the date of the expiration of his li-  
9 cense.

10 (b) The state electrical board shall issue temporary  
11 permits to engage in the work of a journeyman electrician  
12 to any applicant who furnishes evidence satisfactory to  
13 the board that he has the required experience to qualify  
14 for the examination herein provided and who makes neces-  
15 sary application and pays the fee herein provided for upon  
16 application. Temporary permits shall continue in effect  
17 only until the next examination is given and may be  
18 revoked by the board at any time.

19 35-436.38. Criminal penalties; other remedies.

20 (a) Any person or corporation violating any provi-  
21 sion of this act shall upon conviction thereof, if a  
22 person, be punished by a fine not more than \$500, or by  
23 imprisonment for a term not to exceed six months, or by  
24 revocation of his license or by such fine, imprisonment  
25 and revocation, in the discretion of the court, and if a

1 corporation, be punished by a fine of not more than  
 2 \$1,000.00. Any officer or agent of a corporation, or  
 3 member or agent of a copartnership or association, who  
 4 shall personally participate in or be accessory to any  
 5 violation of this act by the copartnership, association,  
 6 corporation shall be subject to the penalties herein pre-  
 7 scribed for an individual. Provided, that a firm, associ-  
 8 ation or corporation and its different officers, agents,  
 9 and servants may each be prosecuted separately for viola-  
 10 tions of provisions of this act, and acquittal or convic-  
 11 tion of one officer, agent or servant shall not abate the  
 12 prosecution of the others.

13 (b) Violators of any provision of this act may also  
 14 be enjoined or ousted from the continuing of the violation  
 15 by proceedings brought by the county attorney of the  
 16 proper county or by the attorney general, regardless of  
 17 whether criminal proceedings have been instituted.

18 35-436.39. Fees; disposition.

19 (a) The fees for licenses, as provided by this act,  
 20 shall be as follows:

21	(i)	Contractor's license	\$50.00
22	(ii)	Master electrician license	\$25.00
23	(iii)	Journeyman electrician	\$10.00
24		license	
25	(iv)	Working permit for	\$ 5.00

1 journeyman electrician

2 (v) Examination fee \$10.00

3 (b) The following fees shall apply for any inspec-  
4 tion conducted by the chief electrical inspector or his  
5 deputy:

6 (i) Residential construction and extensive  
7 remodeling (based on enclosed living  
8 area), but not to include extensions to,  
9 or minor remodeling of existing  
10 installations, which shall be covered by  
11 subsection (c) of this section, and not,  
12 in any instance, to include any mainte-  
13 nance, repair, or alteration of existing  
14 facilities which are exempt as set forth  
15 in this act:

16 (A) Not more than 1,000 \$ 7.50  
17 sq. ft.

18 (B) Over 1,000 sq. ft. and \$10.00  
19 not more than 1,500 sq. ft.

20 (C) 2,000 sq. ft. \$15.00

21 (D) Per 100 sq. ft. in excess \$ .25  
22 of 2,000 sq. ft.

23 (E) Reinspections \$10.00

24 (ii) All other fees shall be computed on the  
25 dollar value of the electrical installa-

- 1                   tion, including fixtures and installa-  
 2                   tion costs thereof, as follows:
- 3                   (A)    More than \$50 but not  
 4                                   more than \$150.....\$   3.50
- 5                   (B)    More than \$150 but not  
 6                                   more than \$300.....\$   5.00
- 7                   (C)    More than \$300 but not  
 8                                   more than \$2,000.....\$   8.00
- 9                   (D)    More than \$2,000 but  
 10                                   not more than  
 11                                   \$50,000.....\$   4.00 per  
 12                                   each \$1,000 valuation or fraction  
 13                                   thereof
- 14                   (E)    More than \$50,000 but  
 15                                   not more than  
 16                                   \$500,000.....\$ 50.00 plus  
 17                                   \$3 per each \$1,000 valuation or  
 18                                   fraction thereof of total valuation
- 19                   (F)    More than \$500,000....\$550.00 plus  
 20                                   \$2 per each \$1,000 valuation or  
 21                                   fraction thereof of total valuation
- 22                   (c)    State permits and inspection fees are not  
 23                   required in any municipality having its own electrical  
 24                   code or ordinance providing inspection and inspectors  
 25                   equal to the minimum standards provided herein.

1           (d) Inspection fees will not be charged for inspec-  
2           tions made on installations that are not under new con-  
3           struction or remodeling. Example: Annual inspections of  
4           hospitals, schools, nursing homes, a person seeking assur-  
5           ance that his home or establishment does not present a  
6           safety hazard, a state owned or controlled facility.

7           (e) The chief electrical inspector shall deposit all  
8           monies received by him from fees required by provision of  
9           this act with the state revenue department who shall place  
10          these monies into the general fund.

11          (f) It shall be further provided that pursuant to  
12          the passage of this act there shall be appropriated from  
13          the general fund the amount as approved by Ways and Means  
14          Committee.

15          Section 2. The provisions of this act shall not  
16          apply to any interstate carrier of products or personnel  
17          included, but not limited to, railways, air lines, motor  
18          carriers, both truck and bus, and pipe lines which main-  
19          tain fire inspection personnel and inspect their own prem-  
20          ises and systems.

21          Section 3. Sections 33-213.1 through 33-213.9 and  
22          35-420.1 through 35-436 of the statutes are repealed.

23          Section 4. This act is effective on and after March  
24          1, 1973.

25

(END)