

2011 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2361

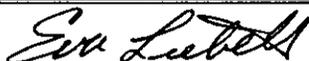
2011 SENATE STANDING COMMITTEE MINUTES

Senate Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

SB 2361
January 31, 2011
Job Number 13661

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to definitions under the State Building Code and used to temporary work camp housing exceptions

Minutes:

Attached Testimony

Chairman Klein: Opened the hearing.

Senator Lyson: Introduced the bill. He talked about the work camps that are going up. He stated there are camps being set up, some are single dwellings and others are five hundred unit buildings. They have one person per room, one toilet for every six rooms and two showers on each floor. They are given three meals a day; he stated that he has seen the ones in Williams County. He said there have been problems with regulating the units. They couldn't get health department to give a certificate of occupancy because things weren't being put together properly with all the inspectors.

Senator Laffen: Asked if any of the units were double wide units.

Senator Lyson: Said the ones he was in were three story units that came from the Olympic Village. He commented that they were put together well. He also stated that they have zero tolerance in these units, no drugs, smoking or alcohol on the premises.

Jason Nisbet, Governor's Office: Speaking in support of SB 2361. Testimony Attached. He said that these units must be removed 120 days after they are vacated by the owners of the units.

Chairman Klein: Asked if the Governor's office had worked with the folks involved to speed this along. What we are doing is, if you don't have an IBC certificate we will pass by that and use the walk through method temporarily?

Jason: Said you would use the walk through method to take a quick look, otherwise it would have to be dismantled to look at what is behind the walls.

Chairman Klein: Said and we don't want to do that.

Senator Andrist: Said conceivably we could build a lot of housing in five years but we could still have need for those work camps, is there a provision in the bill for extending this?

Jason: Said that the way he understands it is if the building is constructed or altered and is up to the state building code then it would be able to go beyond the five year period otherwise it would have to be removed.

Ken Bowlinger, North Dakota Department of Health Division of Food and Lodging: Stated that they have worked together with many agencies on the issue of temporary housing. They are trying to coordinate an effort to streamline without compromising health and safety. Their office is involved and they rely on the agencies to help them. They do license all these man camps, mobile home and RV parks. In addition to hotels, motels, and restaurants, so they are impacted very heavily in their division. They make sure codes are followed before they will license them. They require certificates from plumbing, electrical and building officials before they will license them. This bill talks about the building code issues and setting up exceptions for those building code issues.

Chairman Klein: Closed the hearing.

Senator Andrist: Moved a do pass.

Senator Nodland: Seconded the motion.

Discussion

Roll Call Vote: Yes-7 No-0

Senator Andrist to carry the bill

REPORT OF STANDING COMMITTEE

SB 2361: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2361 was placed on the Eleventh order on the calendar.

2011 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2361

2011 HOUSE STANDING COMMITTEE MINUTES

House Industry, Business and Labor Committee
Peace Garden Room, State Capitol

SB 2361
March 14, 2011
15375

Conference Committee

Committee Clerk Signature

Ellen LeTang

Explanation or reason for introduction of bill/resolution:

Definitions under the State Building Code and used temporary work camp housing exemptions; applicability of the State Building code to other state or local government codes and declare an emergency

Minutes:

Chairman Keiser: Opens the hearing on SB 2361.

Senator Lyson~District 1-Williston: Introduces SB 2361. We had trouble with what they call man-camps. We had a problem with two man-camps going in and they couldn't get an occupational certificate to open it up by the health department. They had to go to the county commission to get man-camps in this area and did all that. Then he called for investigations of these areas. These were two brand new camps that were built in Canada and brought down. He did what he was suppose to do with all the proper inspections. The electrical said that it didn't meet their code. The problem with electrical was they didn't have ground wires. My question to them was how long does it take to put a ground wire in to make them legal and they said 15 to 20 minutes. No one knew where the final reports were. They were all in the different department's files. The health department was frustrated because they were not receiving all the reports. We met with all the departments and agreed that we need to do something. My idea was to let the building inspector of the local areas receive all reports to submit to the health department. It is working because now they have flow chart. This is what the bill is about and certainly hope you will pass this.

Representative Ruby: This sets a limit of five years and we are hearing that the oil activity could go in 15 or 20 years. Would we have to re-issue, re-inspect or remove and build new ones?

Senator Lyson: I would think that they could do it again. What we don't want is man-camps, we want permanent housing. They also have to put some money down to get these cleaned up when they are done. We don't want this to be a temporary city and we don't need another Gillette, WY, we want them to live in homes like everybody else asap.

Jason Nisbet-Governor's Office: (See attached testimony 1).

Representative N Johnson: It sounds that after five years you would have to definitely move the temporary housing. My understanding is that exploration and drilling phase maybe go 15, 20 years. Would you have to physically move it or re-apply.

Jason Nisbet: Not necessarily, you could re-apply and the main point to this legislation is the 5 year period that would allow them to get it up to code. If they have it inspected again and it's up to code, they would not have to move it.

Representative Ruby: If they have used those 5 years to bring it up to code, they would be accepted or could they get an extension to this exemption?

Jason Nisbet: I believe they could, but that is something I would have to check into.

Representative Gruchalla: Understanding that this is an attempt to speed and streamline the permit process, won't the local building inspector be under extreme pressure to go through this process. In a rush, won't you be afraid that some boundaries will be overstepped to get all this done.

Jason Nisbet: I believe there are some people here who could help answer that question.

Chairman Keiser: Just following up on that question, there will be some pressure brought on those building inspectors.

Jason Nisbet: Yes, it would be.

Chairman Keiser: What happens if their exemption really shouldn't have been granted?

Jason Nisbet: I believe they would be exempted.

Chairman Keiser: They could not be sued, even though they rushed, because they are exempted, they can't be sued.

Jason Nisbet: Yes, I believe that would be correct.

Chairman Keiser: They cannot be sued even though they rushed.

Jason Nisbet: I believe that's correct.

Representative M Nelson: We worked on joining the industrialized building commission for third party inspections. Here it looks like we are exempting where we can't do anything but non-destructive inspections of used housing, but they are still suppose to be found in compliance with codes. How can these inspectors know that they not compromising if they are not allowed to do destructive inspections?

Jason Nisbet: I'm not an expert on inspections but I do believe there are people here to answer those questions.

Chairman Keiser: Is there anyone else to testify in support, in opposition, in the neutral position of SB 2361.

Bruce Hagen~Department of Commerce-Division of Community Services: I could address the questions for Jason.

Representative M Nelson: We are talking about modular construction and performing inspections. If a building comes in used, it's prohibiting them from using destructive inspections and yet insure compliance with codes. If destructive inspections are necessary, why are we not allowing it in used?

Bruce Hagen: What we are seeing happening, a lot of these buildings have been used in other places and have been inspected, they have stickers from other states. They were submitting drawings, but the way the law was written, we were not being allowed to do that. This would bypass that and it stills puts the responsibility on the local building inspector to make that decision. It streamlines the process and allow us to move forward more quickly.

Representative Frantsvog: If it doesn't have the IBC label, it would have something equivalent, is that correct?

Bruce Hagen: Correct.

Representative Frantsvog: Before there would be an approval?

Bruce Hagen: The IBC label is required on brand new buildings. These used buildings may have gotten the IBC label in other states where they have at least passed some building codes at that point.

Chairman Keiser: You heard the example and all that was required was 15 minutes to hook in a ground wire. So, what's the problem? Are we writing whole legislation because two departments didn't communicate?

Bruce Hagen: I can't answer to what happened to those reports at that time but hopefully with this legislation, we won't see this anymore.

Chairman Keiser: Not to be argumentative but this legislation, it still wouldn't be required to be installed.

Bruce Hagen: The legislation does give the electrical board to exempt that.

Chairman Keiser: The inspector is exempted, not the electrical board.

Bruce Hagen: The electrical board will get the final say with the inspector being involved.

Chairman Keiser: Could you tell me where in the bill it give that kind of authority other than the local person doing the inspection?

Bruce Hagen: In the second part from the state and the local.

Chairman Keiser: Further questions?

Representative Frantsvog: If you've been granted the exception, do still have to identify the code deficiencies?

Bruce Hagen: I'm not sure I can answer that question.

Chairman Keiser: Anyone else here to testify in the neutral position on SB 2361. Closes the hearing on SB 2361, what are the wishes of the committee?

Representative N Johnson: Moves a Do Pass.

Representative Ruby: Second.

Chairman Keiser: Further discussion?

Roll call was taken for a Do Pass on SB 2361 with 9 yeas, 4 nays, 1 absent and Representative Frantsvog is the carrier.

2011 HOUSE STANDING COMMITTEE MINUTES

House Industry, Business and Labor Committee
Peace Garden Room, State Capitol

SB 2361
March 14, 2011
15389

Conference Committee

Committee Clerk Signature

Allen LeTang

Explanation or reason for introduction of bill/resolution:

Definitions under the State Building Code and used temporary work camp housing exemptions; applicability of the State Building code to other state or local government codes and declare an emergency

Minutes:

Vice Chairman Kasper: Because there is a problem?

Chairman Keiser: No, because there is such a high risk of having a problem and I think we should amend to affect that they can provide an exemption for 30, 60 or 90 day, but at the end of that period, that it must meet code.

Representative Amerman: If they are exempt from liability, who is stuck with the liability?

Chairman Keiser: I haven't talked with them, but if it's an electrical issue, they are going to sue somebody. I'm curious what Basin's position is if we have exempted the inspectors. In a law suit, you start listing everybody and the deep pockets gets to go most, not necessarily first.

Representative Boe: It will be the local distributor of the electrical power. They will not hook a power up to it without the certificate.

Chairman Keiser: But it's exempt.

Representative Boe: You haven't got a certificate, the meter does not go in. It has to have the stamp before the meter goes in.

Chairman Keiser: There are two ironies in this legislation. One, it only applies to pre-existing and it exempts everybody. There is something that doesn't sound right to me.

Representative Amerman: I struggle on which way to vote on this. I will make a motion to reconsider SB 2361 and allow you time for an amendment.

Chairman Keiser: No, I don't have one but I would like everyone to think about it.

Representative Sukut: It's not a perfect bill, but we have a problem, I would like to see the bill go out the way it is.

Chairman Keiser: We should hold them liable and strike that clause.

Representative Sukut: The liability right now would set back on the owners, would it not?

Chairman Keiser: The Anderson Building, because the inspectors screwed up, everybody was sued, including the city of Bismarck.

Representative Amerman: Even if the inspectors are held liable, wouldn't everybody get sued anyway?

Chairman Keiser: No, this bill is exempting them from liability.

Representative Gruchalla: I was still questioning the need for the bill, there was testimony that the third party inspections took care of this of it anyway. I'm not clear on that either.

Chairman Keiser: Representative Sukut has an important point, if we amend it, it has to go back into the senate and we have to consider all the things that could happen.

Representative Kreun: Have we defined the problem? Is it that the facility does not meet the requirements or is it the paperwork not following it? That is the question I would like answered.

Chairman Keiser: I don't know the answer.

Representative Clark: I thought Senator Lyson said that the repairs could be made relatively easy. Is that right or wrong?

Representative Boe: That would be coming from Canada. Canada grounds to the ground and the US grounds to the ground but also to a rod, but only as a safety factor. I'm guessing that there is no place to hook that grounding wire back in and they would have to add that in. We don't know where they come from.

Chairman Keiser: I don't know what the answer is. Closes the work session.

2011 HOUSE STANDING COMMITTEE MINUTES

House Industry, Business and Labor Committee
Peace Garden Room, State Capitol

SB 2361
March 16, 2011
15503

Conference Committee

Committee Clerk Signature

Allen DeTang

Explanation or reason for introduction of bill/resolution:

Definitions under the State Building Code and used temporary work camp housing exemptions; applicability of the State Building code to other state or local government codes and declare an emergency

Work Session Committee Minutes:

Chairman Keiser: Opens the work session on SB 2361. I held the bill and the next day I talked with Senator Lyson and he did not know that they were being exempted from liability; he felt that should be removed.

Representative Sukut: I concur.

Representative N Johnson: Motions to reconsider SB 2361.

Representative Nathe: Second.

Voice vote, motion carries.

Chairman Keiser: (Passes amendment 11.8252.01001, title 02000). What are the wishes of the committee?

Representative Amerman: I'm not so sure they are exempted already.

Chairman Keiser: That is providing that they have done everything properly, that there wasn't a quick and dirty inspection.

Representative Kreun: I think the difference in inspecting temporary work camp housing; it specifically states that they are exempt from that. What you are indicating is overall, they are exempt if they do the job properly.

Representative Boe: Moves to adopt amendment 11.8252.01001, title 02000.

Representative Sukut: Second.

Chairman Keiser: Further discussion?

Voice vote taken, motion carried.

Vice Chairman Kasper: Moves a Do Pass as Amended.

Representative N Johnson: Second.

Representative M Nelson: I have a problem with this, we limit that they cannot destructively inspect. We limit their ability to inspect in the code and now we are turning around and saying that they are going to be liable for damages, if they follow this law. I would say we would have to defeat the whole bill, now you are liable.

Chairman Keiser: What area are you referring to?

Representative M Nelson: Page 2, line 26.

Vice Chairman Kasper: Referring to line 26, the language that says "may conduct" it does not say they "must conduct", and if you choose to do it, you are going to be liable. I would think that they would do a more thorough inspection that they should have done in the first place.

Representative M Nelson: If that's what it says, there is no purpose of this bill.

Chairman Keiser: It's up to the local folks if they just want to do a walk through or more thorough inspection. It's up to them and your point it well taken. If I'm an inspector, I'm going to do a thorough inspection.

Chairman Keiser: Further discussion.

Roll call was taken for a Do Pass as Amended on SB 2361 with 12 yeas, 1 nay, 1 absent and Representative Frantsvog is the carrier.

Date: Mar 14, 2011

Roll Call Vote # _____

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2361

House House Industry, Business and Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

Motion Made By Rep Johnson Seconded By Rep Ruby

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser		✓	Representative Amerman	✓	
Vice Chairman Kasper		✓	Representative Boe	Ab	
Representative Clark	✓		Representative Gruchalla		✓
Representative Frantsvog	✓		Representative M Nelson	✓	
Representative N Johnson	✓				
Representative Kreun	✓				
Representative Nathe	✓				
Representative Ruby	✓				
Representative Sukut	✓				
Representative Vigesaa		✓			

Total Yes 9 No 4

Absent 1

Floor Assignment Rep Frantsvog

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

Date: March 16, 2011

Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2361

House House Industry, Business and Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

Motion Made By Rep Johnson Seconded By Rep Nathe

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser			Representative Amerman		
Vice Chairman Kasper			Representative Boe		
Representative Clark			Representative Gruchalla		
Representative Frantsvog			Representative M Nelson		
Representative N Johnson					
Representative Kreun					
Representative Nathe					
Representative Ruby					
Representative Sukut					
Representative Vigesaa					

reconsideration

Total Yes _____ No _____

Absent _____

Floor Assignment _____

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

11.8252.01001
Title.02000

Adopted by the Industry, Business and Labor
Committee

March 16, 2011

V/K
3/16/11

PROPOSED AMENDMENTS TO SENATE BILL NO. 2361

Page 3, line 8, remove "State and local government code enforcement agencies are not liable
in"

Page 3, remove lines 9 through 12

Renumber accordingly

Date: March 16, 2011

Roll Call Vote # 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2361

House House Industry, Business and Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number 11.8252.01001.02000

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

Motion Made By Rep Boe Seconded By Rep Sukut

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser			Representative Amerman		
Vice Chairman Kasper			Representative Boe		
Representative Clark			Representative Gruchalla		
Representative Frantsvog			Representative M Nelson		
Representative N Johnson					
Representative Kreun					
Representative Nathe					
Representative Ruby					
Representative Sukut					
Representative Vigasaa					

voice vote, motion carried

Total Yes _____ No _____

Absent _____

Floor Assignment _____

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

Date: March 16, 2011

Roll Call Vote # 3

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2361

House House Industry, Business and Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

Motion Made By Rep Kasper Seconded By Rep Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	7		Representative Amerman	✓	
Vice Chairman Kasper	7		Representative Boe	✓	
Representative Clark	7		Representative Gruchalla	✓	
Representative Frantsvog	7		Representative M Nelson		✓
Representative N Johnson	7				
Representative Kreun	7				
Representative Nathe	7				
Representative Ruby	7				
Representative Sukut	7				
Representative Vigasaa	7				

Total Yes 12 No 1

Absent 1

Floor Assignment Rep Frantsvog

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

REPORT OF STANDING COMMITTEE

SB 2361: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING).
SB 2361 was placed on the Fourteenth order on the calendar.

S

REPORT OF STANDING COMMITTEE

SB 2361: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2361 was placed on the Sixth order on the calendar.

Page 3, line 8, remove "State and local government code enforcement agencies are not liable in"

Page 3, remove lines 9 through 12

Renumber accordingly

2011 SENATE INDUSTRY, BUSINESS AND LABOR

CONFERENCE COMMITTEE

SB 2361

2011 SENATE STANDING COMMITTEE MINUTES

Senate Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

SB 2361
April 6, 2011
Job Number 16390

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to definitions under the State Building Code and used to temporary work camp housing exemptions

Minutes:

Conference Committee Discussion and Vote

Chairman Andrist: Called the meeting to order on 2361. Said that essentially the Senate had no problem with the amendments that they added, they seem to make good sense. He said that Jason Nisbet from the governor's office found that the wrong section number was referred to and he was going to ask him to give an explanation of that.

Jason Nisbet, Governor's Office: He said that they did a quick review of the document after it had passed and should have noticed before, but there was one small glitch in the wording of this document. He said one of their parties noticed that on page two, line thirty, the wording section fifty four, 21.3-04 should be replaced. What they would propose is to replace it with this section. He said that the language was meant to apply to 5421.3-09, the section there in question and not to 5421.3-04. He said that was the glitch when they took it up to legislative council when they did their final draft.

Chairman Andrist: Asked if there were any questions that the committee members had for Jason.

Representative Ruby: Asked Jason if the section that was referenced was an exemption section for the state building code, how is that different than just applying it to 09.

Jason: Said the exemptions that they were talking about in the section in question was the ability to grant waivers as to compared to 54-21.3-04 refers to types of building codes that this language would apply to. He didn't have the documents in question with him but he said he believes the change they made would be correct.

Chairman Andrist: Said that he thinks that it would make it just a little more clear if they could use the proposed language of this section. He asked if there were further questions or further discussion. He said the proper language would be for the Senate to accede to the House amendments and to further amend.

Senator Nodland: Moved that the Senate accede to the House amendment as printed on page 833 of the Senate journal and page 1015 of the House journal and that Senate Bill 2361 be further amended as follows; page 2 line 30 replace section 54-21-3-04 with this section.

Representative Frantsvog: Seconded the motion.

Chairman Andrist: Asked if there was further discussion and for the clerk to call the roll.

Roll Call Vote: Yes-6 No-0

Senator Andrist to carry for the senate

Representative Frantsvog to carry for the house

11.8252.01003
Title.03000

Adopted by the Conference Committee

April 6, 2011

JB
4-6-11

PROPOSED AMENDMENTS TO SENATE BILL NO. 2361

That the Senate accede to the House amendments as printed on page 833 of the Senate Journal and page 1015 of the House Journal and that Senate Bill No. 2361 be further amended as follows:

Page 2, line 30, replace "section 54-21.3-04" with "this section"

Renumber accordingly

2011 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

Committee: IBL

Bill/Resolution No. SB 2361 as (re) engrossed

Date: 4/6/11

Roll Call Vote #: 1

Action Taken

- SENATE accede to House amendments
- SENATE accede to House amendments and further amend
- HOUSE recede from House amendments
- HOUSE recede from House amendments and amend as follows

Senate/House Amendments on SJ/HJ page(s) 833

- Unable to agree, recommends that the committee be discharged and a new committee be appointed

((Re) Engrossed) _____ was placed on the Seventh order of business on the calendar

Motion Made by: Senator Nodland Seconded by: Representative Frantsvog

Senators				Representatives			
	#	Yes	No		#	Yes	No
Senator Andrist	✓	✓		Representative Ruby	✓	✓	
Senator Nodland	✓	✓		Representative Frantsvog	✓	✓	
Senator Murphy	✓	✓		Representative Amerman	✓	✓	

Vote Count: Yes 6 No 0 Absent 0

Senate Carrier Senator Andrist House Carrier Representative Frantsvog

LC Number 11.8252.01003 of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

SB 2361: Your conference committee (Sens. Andrist, Nodland, Murphy and Reps. Ruby, Frantsvog, Amerman) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 833, adopt further amendments as follows, and place SB 2361 on the Seventh order:

That the Senate accede to the House amendments as printed on page 833 of the Senate Journal and page 1015 of the House Journal and that Senate Bill No. 2361 be further amended as follows:

Page 2, line 30, replace "section 54-21.3-04" with "this section"

Renumber accordingly

SB 2361 was placed on the Seventh order of business on the calendar.

2011 TESTIMONY

SB 2361

Testimony Prepared for Senate Bill 2361
Senate Industry, Business and Labor Committee
January 31, 2011

Mr. Chairman, members of the Senate Industry, Business and Labor Committee, I am Jason Nisbet from the Governor's Office, speaking in support of Senate Bill 2361. This bill is meant to address a shortage of worker housing in the western part of our state by modifying some of the inspection requirements for worker housing brought in from other jurisdictions.

Section 1 of this legislation would create definitions for temporary work camp housing, as well as code enforcement agency. According to this definition, "Temporary work camp housing includes a modular residential structure used to house workers on a temporary basis, for a maximum period of five years." Allowing a five year time period for this provision would help address the housing demand within our state, allowing the owners of this temporary work camp housing to bring the buildings in compliance with all applicable codes, or to allow permanent housing structures to be constructed during this interim period. The definition of code enforcement agency helps to clarify the code inspection authorities who will administer this process.

Section 2 of the legislation provides a minor change. This section would change the language regarding exempt parties under chapter 54-21.3, noting that the Standards for Electrical Wiring and Equipment under NDAC 24-02, the State Plumbing Code under NDAC 62-03, and the State Fire Code under NDCC 18-01-04 could be regulated if specifically mentioned in this chapter.

Section 3 is the critical portion of this bill. Subsection 1 of section 3 grants state or local government code enforcement agencies acting within their existing jurisdictions the authority to conduct a non-destructive walkthrough inspection of the temporary work camp housing to ensure compliance with applicable codes. Many of these housing structures do not have Industrialized Building Commission (IBC) labels. Currently, to perform the required inspections on these non-certified structures to ensure the structure and all installations conducted upon relocation to North Dakota are compliant with state codes, the structure would have to be to some extent dismantled. In contrast, in buildings with IBC labels, only nondestructive walkthrough inspections by code enforcement agencies are required. Maintaining the current inspection process for these unlabeled structures would be costly and time-consuming, unnecessarily burdening development of work camp housing.

After inspection, the inspecting code enforcement agency would have the authority to allow exemptions under the state building code, electrical code, and plumbing code, or accept alternate methods for construction of temporary work camp housing that has been previously used as housing in a different location, provided that the waiver does not substantially

compromise the health or safety of workers. If the temporary work camp housing is found to meet these standards, the code enforcement agency would be allowed to issue a limited certificate of inspection, which would be valid for a period of five years.

Subsection 2 of proposed section 3 states that the state building code would be applicable as a standard for liability in legal actions against owners or operations of temporary work camp housing where exemptions are granted. This subsection also mentions provisions already codified in state law, under NDCC 32-12.1-03 and 32-12.2-02, noting that code enforcement agencies shall not be liable in damages in a civil action for injury, death, or loss to person or property allegedly caused by any act or omission of a code enforcement agency during the inspection process.

Subsection 3 of Section 3 creates a duty for the owner of temporary work camp housing to remove housing and all related infrastructure within 120 days after the housing is vacated. This subsection also requires that an owner of temporary work camp housing provide a form of security instrument executed in favor of the jurisdiction where the temporary work camp housing is installed, in an amount to be determined by the jurisdiction. These funds would be used to cover actual expenses incurred by the jurisdiction in removal of the temporary work camp housing, with any additional expenses over the amount of security also the responsibility of the owner of the temporary work camp housing.

Section 4 would declare this bill an emergency measure, to ensure that the housing needs in our state can be met as soon as possible.

Mr. Chairman, members of the Senate Industry, Business and Labor Committee, I respectfully request that you vote "do pass" on Senate Bill 2361.

Testimony Prepared for Senate Bill 2361
House Industry, Business and Labor Committee
March 14, 2011

Mr. Chairman, members of the House Industry, Business and Labor Committee, I am Jason Nisbet from the Governor's Office, speaking in support of Senate Bill 2361. This bill is designed to address a shortage of worker housing in the western part of our state by modifying some of the inspection requirements for worker housing brought in from other jurisdictions.

Section 1 of this legislation would create definitions for temporary work camp housing, as well as code enforcement agency. According to this definition, "Temporary work camp housing includes a modular residential structure used to house workers on a temporary basis, for a maximum period of five years." Allowing a five year time period for this provision would help address the housing demand within our state, allowing the owners of this temporary work camp housing to bring the buildings in compliance with all applicable codes, or to allow permanent housing structures to be constructed during the interim period. The definition of code enforcement agency helps to clarify the code inspection authorities who will administer this process.

Section 2 of the legislation provides a minor change. This section would change the language regarding exempt parties under chapter 54-21.3, noting that the Standards for Electrical Wiring and Equipment under NDAC 24-02, the State Plumbing Code under NDAC 62-03, and the State Fire Code under NDCC 18-01-04 could be regulated if specifically mentioned in this chapter.

Section 3 is the critical portion of this bill. Subsection 1 of section 3 grants state or local government code enforcement agencies acting within their existing jurisdictions the authority to conduct a non-destructive walkthrough inspection of the temporary work camp housing to ensure compliance with applicable codes. Many of these housing structures do not have Industrialized Building Commission (IBC) labels. Currently, to perform the required inspections on these non-certified structures to ensure the structure and all installations conducted upon relocation to North Dakota are compliant with state codes, the structure would have to be to some extent dismantled. In contrast, in buildings with IBC labels, only nondestructive walkthrough inspections by code enforcement agencies are required. Maintaining the current inspection process for unlabeled structures would be costly and time-consuming, unnecessarily burdening development of work camp housing.

After inspection, the inspecting code enforcement agency would have the authority to allow exemptions under the state building code, electrical code, and plumbing code, or accept alternate methods for construction of temporary work camp housing that has been previously used as housing in a different location, provided that the waiver does not substantially

compromise the health or safety of workers. If the temporary work camp housing is found to meet these standards, the code enforcement agency would be allowed to issue a limited certificate of inspection, which would be valid for a period of five years.

Subsection 2 of proposed section 3 provides that the state building code would be applicable as a standard for liability in legal actions against owners or operations of temporary work camp housing where exemptions are granted. This subsection also mentions provisions already codified in state law, under NDCC 32-12.1-03 and 32-12.2-02, noting that code enforcement agencies shall not be liable in damages in a civil action for injury, death, or loss to person or property allegedly caused by any act or omission of a code enforcement agency during the inspection process.

Subsection 3 of Section 3 creates a duty for the owner of temporary work camp housing to remove housing and all related infrastructure within 120 days after the housing is vacated. This subsection also requires that an owner of temporary work camp housing provide a form of security instrument executed in favor of the jurisdiction where the temporary work camp housing is installed, in an amount to be determined by the jurisdiction. These funds would be used to cover actual expenses incurred by the jurisdiction in removal of the temporary work camp housing, with any additional expenses over the amount of security also the responsibility of the owner of the temporary work camp housing.

Section 4 would declare this bill an emergency measure, to ensure that the housing needs in our state can be met as soon as possible.

Mr. Chairman, members of the House Industry, Business and Labor Committee, I respectfully request that you vote "do pass" on Senate Bill 2361.