

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2144

2007 SENATE POLITICAL SUBDIVISIONS

SB 2144

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2144**

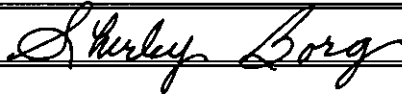
Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Hearing Date: **January 19, 2007**

Recorder Job Number: **1431**

Committee Clerk Signature



Minutes:

Vice Chairman Olafson called the Senate Political Subdivisions to order. Roll Call: 4 members present. Chairman Cook was absent.

Vice Chairman Olafson opened the hearing on SB 2144 relating to the fees for building permits.

Senator Holmberg District 17, Grand Forks, ND, appeared in support of SB 2144. He put the bill in for the Home Builders Association and thinks they made a valid case.

Representative Carlson, District 41, Fargo, ND, introduced SB 2144. The bill is quite simple, it just says that building permits provide by ordinance and to fix the fees for the issuance of building permits but the fees may not exceed the cost to the city of reviewing building permit applications and administering building inspection services. The inspectors are doing a good job of making sure that the public is safe. The concern that his association has is that because of the escalating cost of building permits, there has been in some instances, in some cities where there has been excess revenue that has been generated by the permits that has been funded into general funds for the general operating of the cities. The concern is that if there is a full and true cost of a permit that should be a cost of operating that division within the city of

government. I think a good question for the city representatives when they come, is there any identifiable money that has gone from permits to the general fund of your city?

Representative Boehning, District 27, Fargo, ND, co-sponsor of the bill, is in favor of SB 2144. There are no complaints on the city inspectors. He thinks if we are overcharging for building permit we should be looking at this.

Doreen Riedman, Executive Officer, North Dakota Association of Builders testified in support of SB 2144. (See attachment #1)

Kyle Bergquist, Builder in Bismarck and owner of Bergquist Development, Bismarck/Mandan Home Builders, and Board of Directors. We have a good relationship with the Inspections Department and we want to maintain that. We want to make sure if there is building adjustment in the cost of things in building permits, that there is a rational for it. He wants to make sure the building permit thing does not take the wrong direction and we have not addressed it ahead of time. It is a lot harder to fix it later.

Senator Hacker asked if he seen the majority of the problem across the board or could you target the difference between single family homes and multi-commercial.

Kyle Bergquist answered that there could be. It is hard to say because there are so many different situations.

Dan Lindquist, Builder in Fargo, owns his own Business, President of the Home Builders Association of Fargo-Moorhead and member of the NDAB Board of Directors. Testified in support of SB 2144 (See attached Testimony #2)

No further testimony in support of SB 2144.

Testimony opposed.

Connie Sprynczynatyk, North Dakota League of Cities appeared in opposition of SB 2144. (See attachment #3)

Senator Anderson said he use to do budget for cities and it is true we had to transfer in from building permits and we also had to transfer out in the expenses because we didn't know at the beginning of budget period which was October the year before, what it was going to be. I hear what the people are saying and do sympathize with the cost. However, all cities are different and making a budget out for a city can be complex. There is a lot more to it then just utilizing that money that you received for the building permit. Do you see this in some of the cities? Do they need the excess money to fund those things?

Connie Sprynczynatyk answered budgeting can be very complicated calculation. The money in the cities general fund is the money that comes from property tax and the other sources tend to be revenues from fines, fees, permits, transfers and aids from other sources. For example aid from the state aid distribution fund or money from the highway distribution fund and cigarette tax. In Bismarck's general fund it is true that the building permit fees are going to come into the general fund but if you are curious about the make up of the fund, just split it in half. One half comes from property tax and the other half comes from the other sources she mentioned above. The amount that comes from property tax goes to Health, Safety and Welfare which funds police, fire and emergency communications and that would be all we could fund as that budget is 97%. So that would leave only a few hundred dollars to do everything else including building inspection and city administration.

Ron Strand, Inspections Administrator for City of Fargo, spoke in opposition of SB 2144. (See attachment #4).

Kent Costin, Director of Finance for the City of Fargo, testified against SB 2144. (See attachment # 5)

Allen Grasser, City Engineer, City of Grand Forks, ND, testified in opposition of SB 2144. (See attachment # 6)

Darrell Linnertz, Building official for City of Minot, ND testified in opposition on SB 2144. (See attachment #7)

Ray Ziegler, Vice President of the ND Building Officials Association. Recommended a Do Not Pass on SB 2144 (See attachment # 8)

No further testimony in opposition of SB2144

Neutral testimony.

Kyle Bergquist, Bergquist Development and Bismarck/Mandan Home Builders Association, appeared to reiterate that they were not pushing for the intense micromanagement with in the governments. If there are legitimate costs that have to go to building permits and inspections and we are basically in an increase and decrease situation, we need to have an understanding.

No further testimony.

Vice Chairman Olafson closed the Hearing on SB 2144

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2144**

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Hearing Date: **January 25, 2007** (Action)

Recorder Job Number: **1881**

Committee Clerk Signature

Shirley Borg

Minutes:

Chairman Cook called the Senate Political Subdivisions committee to order. All members (5) present.

Chairman Cook asked for someone to refresh him on SB 2144 as he was not there for the hearing.

Senator Hacker told him the builders were for the bill along with Representative Carlson, Representative Boehning and Senator Holmberg. The cities were against the bill.

Senator Anderson said that one of the things that were brought out was that it is probably true on the bigger ones that there is more funds being collected but it is off set when there are small improvements that they never do it. In time of emergency and there are more inspections that have to be done that is also paid for out of those departments.

Chairman Cook asked if there was a fund that building fees are transferred into and at the end of the year there is a transfer for that fund. A sizable amount of money in certain cities is transferred into their general fund.

Senator Anderson said that in some years it goes into the fund and some years it goes out of the fund.

Senator Olafson said there were two problems that bother him. Number one; if we are going to require an agency of a political subdivision to only charge for their fees and services based on actual cost within that agency. If we pass this bill and this may be a questions will we have a flood of other citizens groups coming in and asking for the same type of a bill. Number two; is this a local issue? Should it be decided by the citizens of the city?

Senator Hacker spoke with the city administrator from his town. He feels the people should no the exact cost. I don't think it is about profits being made but people are wondering where this money is going.

Chairman Cook asked Senator Anderson being a former City Auditor, how this would be policed.

Senator Anderson said it would force the cities to go into cost accounting. It would be very difficult to tract their actual costs.

Senator Warner pointed out that this is a cost of business to the builders who are able to pass it through to the consumers. The consumers will pay it as a fee or as a property tax. The cost of running government is what ever they are.

Senator Hacker said he had trouble when government is not transparent and can not project how much it is costing them to run the program. I think people ought to know what it costs the inspection department if they are claiming that they can not derive a cost to one of their departments.

Chairman Cook asked the committees wishes on SB 2144.

Senator Warner made a motion for a Do Not Pass on SB 2144.

Senator Anderson Seconded the motion.

Roll call vote: Yes 4 No 1 Absent 0

Carrier: **Senator Anderson**

Date: 1-25-0
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2144

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Senator Warner Seconded By Senator Anderson

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X		Senator Arden C. Anderson	X	
Senator Curtis Olafson, ViceChair	X		Senator John M. Warner	X	
Senator Nicholas P. Hacker		X			

Total Yes 4 No 1

Absent 0

Floor Assignment Senator Anderson

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

REPORT OF STANDING COMMITTEE (410)
January 25, 2007 1:26 p.m.

Module No: SR-17-1220
Carrier: Anderson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2144: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO NOT PASS (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2144 was placed on the Eleventh order on the calendar.

2007 TESTIMONY

SB 2144



Testimony on Senate Bill 2144
Senate Political Subdivisions Committee
January 19, 2007

Doreen Riedman, Executive Officer
North Dakota Association of Builders

EXECUTIVE COMMITTEE

PRESIDENT & ALT. BUILD-PAC TRUSTEE

Lori Willson, Bismarck

1ST VICE PRESIDENT

Tim Rosencrans, Grand Forks

2ND VICE PRESIDENT

John Gunkelman, Fargo

SECRETARY/TREASURER

Ron Zeller, Dickinson

PAST PRESIDENT & BUILD-PAC TRUSTEE

Don Dabbert Jr., Fargo

STATE REPRESENTATIVE

Bruce Walker, Minot

ASSOCIATE NATIONAL DIRECTORS

Ken Krajsa, Fargo

Mike Stenvold, Minot

BOARD OF DIRECTORS

BISMARCK-MANDAN HOME BUILDERS ASSOCIATION

Bill Huber, President

Kyle Bergquist

Eddy Mitzel

Lori Willson

DICKINSON AREA BUILDERS ASSOCIATION

Bosch, President

Zeller

Irene Schafer, Executive Officer

FORX BUILDERS ASSOCIATION

Chad Robertson, President

Nate Applegren

Ralph Applegren, Life Director

Bob Klave, Life Director

Mario LaPlante

Tim Rosencrans

Betty McDonald, Executive Officer

HOME BUILDERS ASSOCIATION OF

FARGO-MOORHEAD

Dan Lindquist, President

Mike Arnold

Bill Blixt

Don Dabbert Jr.

Gerald Eid, Senior Life Director

John Gunkelman

Ken Krajsa

Bryce Johnson, Executive Vice Pres.

MINOT ASSOCIATION OF BUILDERS

John Lund, President

Mike Stenvold

Steve Velk

Bruce Walker, Life Director

Vicky Flagstad, Executive Officer

NORTH DAKOTA ASSOCIATION OF BUILDERS

Doreen Riedman,

Executive Officer

Sandra Neiss,

Administrative Assistant

Chairman Cook and members of the Senate Political Subdivisions Committee, the North Dakota Association of Builders (NDAB) encourages your support of Senate Bill 2144, relating to building permit fees.

The NDAB represents over 2,300 members statewide with employees numbering approximately 45,000. We are affiliated with five local builders associations in Bismarck-Mandan, Dickinson, Fargo-Moorhead, Grand Forks, and Minot; and are all part of a larger federation, the National Association of Home Builders (NAHB), which has over 240,000 members.

Escalating and unregulated building permit fees charged by municipalities have become an issue of increasing concern to our association and its members. Building permit fees generally refer to the costs associated with the review of applications and inspections service. These are regulatory fees, and should be assessed based on the costs of providing the services. The concern is that local governments are imposing and increasing these fees indiscriminately as a way to fund general budgets.

Several states have already moved to tighten their statutory language to prevent this abuse on the part of local governments. Minnesota recently adopted a law, which very specifically dictates how local governments may levy and account for fees. Other states, such as Pennsylvania, Texas and Georgia have also adopted such legislation. What we are seeking is very limited and general language to hold local governments accountable.

We want to ensure that building permit fees are limited to the direct cost of providing the application review and inspection services. Extra funds should not be raised under the guise of a building permit fee to provide revenue for general public purposes.



NAHB
NATIONAL ASSOCIATION
OF HOME BUILDERS

2
aash:
#1

In fairness, new homeowners should not be bearing more of the burden of funding government than others in the community.

We also want to ensure that fees aren't raised just because they haven't been raised for a period of time. There should be reasonableness attributed to any increase in such fees, and the fee should be commensurate with the anticipated direct costs of providing such services. It seems that some cities are using their inspections and building permit operations as virtual profit centers.

We respectfully ask this committee to support Senate Bill 2144, and ensure that building permit fees are limited to the direct cost of the review and inspection services.

RESIDENTIAL BUILDING PERMIT FEES ACROSS NORTH DAKOTA

	GENERAL BUILDING PERMIT:	ELECTRICAL PERMIT:	PLUMBING PERMIT:	MECHANICAL PERMIT:	OTHER:	TOTAL:
Dickinson	\$ 612.00	\$ 154.00				\$ 766.00
Grand Forks	\$ 979.00	\$ 154.00	\$ 84.00	\$ 102.00	\$ 15.00 sidewalk permit \$ 15.00 driveway permit \$ 80.00 water/sewer permit	\$ 1,429.00
Minot	\$ 800.00	\$ 150.00	\$ 65.00	\$ 65.00		\$ 1,080.00
Mandan	\$ 1,000.00	\$ 154.00	\$ 40.00	\$ 40.00		\$ 1,234.00
Bismarck	\$ 963.45	\$ 154.00	\$ 40.00	\$ 53.20		\$ 1,210.65
Fargo	\$ 705.60	\$ 154.00	\$ 150.00	\$ 70.00		\$ 1,079.60

* A \$200,000 home will vary from city to city, based upon the cost of the lot and other factors.

HOME DESCRIPTION:

\$200,000 home
1,800 square foot ranch
full basement
two full bathrooms (stool, lav, tub/shower)
one gas fireplace
basement bathroom (rough-in only)
one kitchen
one kitchen sink
garbage disposal

State Electrical Inspection fees

(estimated \$8,000 electrical job cost)

Job Cost

Up to \$300.00
\$300.00 to \$3,000.00
\$3,000.00 to \$10,000.00
\$10,000.00 to \$15,000.00
\$15,000.00 to \$100,000.00
Over \$100,000.00

Inspection Fee

\$25.00 (minimum fee)
\$25.00 for the first \$300.00 plus 2% on balance up to \$3,000.00
\$79.00 for the first \$3,000.00 plus 1.5% on balance up to \$10,000.00
\$184.00 for the first \$10,000.00 plus 1% on balance up to \$100,000.00
\$234.00 for the first \$15,000.00 plus 1/2 of 1% on balance up to \$100,000.00
\$659.00 for the first \$100,000.00 plus 1/4 of 1% on balance

attach #1

NORTH DAKOTA BUILDING PERMIT DATA

November 2008

City	November 2008		YTD as of November 2008		November 2005		YTD as of November 2005	
Type	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation
BISMARCK								
Single Family	21	\$3,483,132.00	261	\$44,123,046.00	28	\$5,094,714.00	222	\$37,895,275.00
Twin Home/Duplex	4	\$519,039.00	12	\$2,910,963.00	3	\$953,991.00	4	\$1,176,921.00
Multi Family	1	\$750,000.00	14	\$7,678,981.00	1	\$805,400.00	10	\$5,836,377.00
Commercial	0	\$0.00	49	\$58,697,590.00	3	\$1,845,000.00	43	\$78,263,340.00
TOTAL	26	\$4,752,171.00	336	\$113,410,580.00	35	\$8,499,105.00	279	\$123,171,913.00
4 MILE JURISDICTION OF BISMARCK								
Single Family	15	\$3,077,685.00	205	\$38,936,497.00	11	\$2,037,934.00	210	\$37,489,726.00
Twin Home/Duplex	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
Multi Family	0	\$0.00	1	\$1,827,000.00	0	\$0.00	0	\$0.00
Commercial	0	\$0.00	11	\$2,318,048.00	0	\$0.00	9	\$3,424,830.00
TOTAL	15	\$3,077,685.00	217	\$43,081,545.00	11	\$2,037,934.00	219	\$40,914,556.00
BURLEIGH CO.								
Single Family	1	\$245,507.00	18	\$3,263,335.00	2	\$326,281.00	25	\$5,398,880.00
Twin Home/Duplex	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
Multi Family	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
Commercial	0	\$0.00	3	\$163,000.00	0	\$0.00	0	\$0.00
TOTAL	1	\$245,507.00	21	\$3,426,335.00	2	\$326,281.00	25	\$5,398,880.00
MANDAN								
Residential	5	\$706,461.00	103	\$13,376,507.00	6	\$622,216.00	85	\$14,364,315.00
Twin Home/Twnhs/Condos	0	\$0.00	55	\$6,611,508.00	0	\$0.00	62	\$8,460,043.00
Apartment Bldg	0	\$0.00	0	\$0.00	0	\$0.00	2	\$585,000.00
Commercial	0	\$0.00	9	\$4,635,695.00	1	\$243,299.00	11	\$5,152,337.00
TOTAL	5	\$706,461.00	167	\$24,623,710.00	7	\$865,515.00	160	\$28,561,695.00
DICKINSON								
Single Family	5	\$940,919.00	58	\$10,138,232.00	5	\$628,339.00	51	\$7,554,002.00
Multi Family	0	\$0.00	36	\$5,372,729.00	0	\$0.00	88	\$7,615,946.00
Commercial	0	\$0.00	10	\$6,332,594.00	1	\$250,000.00	15	\$14,912,415.00
TOTAL	5	\$940,919.00	104	\$21,843,555.00	6	\$878,339.00	154	\$30,082,363.00
FARGO								
Single Family	19	\$3,384,500.00	272	\$51,812,300.00	21	\$5,088,000.00	334	\$58,335,663.00
Twin Homes	10	\$1,486,000.00	204	\$22,394,000.00	13	\$1,842,700.00	105	\$12,042,900.00
Multi Family	0	\$0.00	11	\$32,076,000.00	1	\$1,855,000.00	58	\$33,581,880.00
Commercial	5	\$5,296,000.00	66	\$76,607,707.00	4	\$1,224,500.00	56	\$74,340,215.00
TOTAL	34	\$10,166,500.00	553	\$182,890,007.00	39	\$10,010,200.00	553	\$178,300,658.00
WEST FARGO								
Single Family	5	\$904,000.00	191	\$27,480,493.00	6	\$1,609,000.00	257	\$35,393,777.00
Twin Homes	4	\$400,000.00	81	\$10,162,000.00	0	\$0.00	180	\$15,103,093.00
Multi Family	1	\$325,000.00	9	\$2,625,000.00	0	\$0.00	14	\$17,246,302.00
Commercial	0	\$0.00	3	\$1,447,000.00	0	\$0.00	7	\$5,911,000.00
TOTAL	10	\$1,629,000.00	284	\$41,714,493.00	6	\$1,609,000.00	458	\$73,654,172.00
GRAND FORKS								
Single Family	3	\$620,631.00	104	\$18,569,942.00	7	\$1,123,604.00	109	\$17,791,529.00
Townhouses	0	\$0.00	81	\$10,983,782.00	0	\$0.00	93	\$11,079,270.00
Multi Family	0	\$0.00	13	\$12,122,872.00	0	\$0.00	9	\$17,401,000.00
Commercial	3	\$1,710,000.00	28	\$43,395,018.00	2	\$184,000.00	31	\$22,548,007.00
TOTAL	6	\$2,330,631.00	224	\$85,071,614.00	9	\$1,307,604.00	242	\$68,819,806.00
JAMESTOWN								
Single Family	1	\$186,039.00	24	\$4,130,720.00	0	\$0.00	17	\$2,817,565.00
Twin Homes	0	\$0.00	2	\$458,576.00	0	\$0.00	0	\$0.00
Multi Family	0	\$0.00	1	\$1,575,000.00	0	\$0.00	1	\$825,000.00
Commercial	2	\$380,000.00	6	\$1,784,000.00	1	\$100,000.00	7	\$1,318,972.00
TOTAL	3	\$566,039.00	33	\$7,948,296.00	1	\$100,000.00	25	\$4,961,537.00
MINOT								
Single Family	4	\$393,000.00	93	\$10,576,000.00	4	\$379,000.00	123	\$13,660,000.00
Townhouses/Condos	4	\$580,000.00	100	\$8,262,000.00	0	\$0.00	70	\$5,879,000.00
Apartment Units	0	\$0.00	31	\$1,338,000.00	0	\$0.00	15	\$554,000.00
Commercial	-	\$1,228,000.00	-	\$20,954,000.00	-	\$202,000.00	-	\$26,727,000.00
TOTAL	8	\$2,201,000.00	224	\$41,130,000.00	4	\$581,000.00	208	\$46,820,000.00
WILLISTON								
Single Family	1	\$156,332.00	63	\$11,461,759.00	2	\$236,789.00	25	\$2,551,015.00
Commercial	0	\$0.00	16	\$8,081,657.00	2	\$31,047.00	21	\$11,551,282.00
TOTAL	1	\$156,332.00	79	\$19,543,416.00	4	\$267,836.00	46	\$14,102,297.00
GRAND TOTALS	114	\$26,772,245.00	2242	\$584,683,551.00	124	\$28,482,814.00	2369	\$614,787,877.00

Compiled by the North Dakota Association of Builders from local building inspection department reports

Senate Bill 2144 – Limiting of Building Permit Fees

Mr. Chairman and members of the Senate Political Subdivisions Committee, my name is Dan Lindquist. I am a builder in Fargo, own my own business, and am currently serving as the President of the Home Builders Association of Fargo-Moorhead. *and member of N S A B Board of Directors*

- I feel building permit fees should be limited to the cost of providing the service, and I don't believe that excesses in building permit fees should provide revenue for general public purposes.
- In 2005, permit fees generated \$2,008,815 for the City of Fargo. The Inspections Department budget was \$1,186,068. The excess amount of \$822,747 was contributed to the city's general fund. *- This is also the year the Fargo City Commission approved a 10% increase*
- I don't think building permit fees should not be raised indiscriminately, *in permit fees.* for reasons like they haven't been raised in a number of years or fees are higher in other communities.
- Permit fees should be based upon reliable, factual statistics/~~showing~~ the fee is commensurate with the costs of reviewing the applications/~~and~~ administering the inspections services.
- We are simply asking for accountability in how such fees are established/~~and~~ want to ensure that such fees are never used for purposes other than which they are intended.
- In Fargo, I think the Building contractors have a great relationship with Ron Strand and the staff in his Inspections department. He has made himself available and been helpful in addressing concerns raised by people in the Building Industry. It is important to keep that excellent working environment in tact. It is also imperative we make every effort to keep housing affordable. In 2005 and 2006 my company has closed over 70 addresses under \$150,000. For a large number of these buyers, even a small increase in their purchase price would eliminate them from homeownership. People buying homes benefits everyone, and it's in the best interest of all, to keep costs manageable.

Thank you, Mr. Chairman. I'd be happy to answer any questions you may have.



POST OFFICE BOX 1306
WILLISTON, NORTH DAKOTA 58802-1306
PHONE (701) 577-8100
FAX (701) 577-8880
TDD (800) 366-6888
(State Relay)

CITY OF **Williston** NORTH DAKOTA

January 16, 2007

Senate Political Subdivisions Committee
State Capitol
Bismarck, North Dakota

Dear Senator Cook and Committee Members:

The City of Williston opposes the limitations on building permit fees that are imposed in SB 2144. We have many costs that are currently covered by our basic fee schedule. It would be an added burden to track each inspection and bill each project based on the actual costs of each project. Our current rate schedule provides some consistency to each project based on the estimated construction costs and does not differ based on each project, making it a lot easier to administer. We presently use a fee schedule set up in 1988 using the Building Safety Journal to come up with values and continue to use a 1988 uniform building fee schedule set by the Uniform Building Code at 75% of the fee in 1988. We have not adjusted our fee schedule since 1988 and believe we are certainly not out of line in our current schedule.

We urge a "Do Not Pass" recommendation for SB 2144.

Sincerely,

E. Ward Koeser
President of the Board of Commissioners

TESTIMONY IN OPPOSITION TO SENATE BILL 2144

RON C STRAND

INSPECTIONS ADMINISTRATOR

CITY OF FARGO

JANUARY 18, 2007

GOOD MORNING, CHAIRMAN COOK AND MEMBERS OF THE SENATE POLITICAL
SUBDIVISIONS COMMITTEE.

I AM RON STRAND AND I AM THE INSPECTIONS ADMINISTRATOR FOR THE CITY OF
FARGO. I AM REPRESENTING THE CITY OF FARGO. I AM HERE THIS MORNING TO
SPEAK IN OPPOSITION TO SB 2144 AND ITS PREMISE WHICH WOULD REQUIRE A
SUBJECTIVE AND NONSPECIFIC LIMITATION ON BUILDING PERMIT FEES. SPECIFICALLY
WE OBJECT TO THE PREMISE THAT ANY REGULATION OF BUILDING PERMIT FEE
AMOUNTS IS NECESSARY AND THAT AMOUNTS REPRESENTED ARE EXCESSIVE WITH
RESPECT TO THE COSTS OF PROVIDING THESE SERVICES.

HOPEFULLY I CAN PROVIDE YOU WITH SOME INSIGHT INTO BUILDING PERMITS, PLAN
REVIEWS AND THEIR PROVISION AS SERVICES TO OUR CITIZENS. I WOULD ALSO LIKE
TO PROVIDE YOU WITH MY THOUGHTS ON THE COSTS OF PROVIDING SUCH SERVICES.

SINCE 1975 I HAVE BEEN THE BUILDING OFFICIAL FOR TWO COMMUNITIES OF
SIGNIFICANTLY DIFFERENT SIZE. I BELIEVE THAT MY EXPERIENCE SHOULD LEND A
CONSIDERABLE AMOUNT OF INSIGHT ON THE SUBJECT AT HAND. I NOT ONLY
UNDERSTAND THE INTRICACIES OF PROVIDING PLAN REVIEW AND BUILDING
INSPECTIONS SERVICES TO OUR PUBLIC BUT HAVE ALSO BEEN INVOLVED IN

PREPARING AND ADHERING TO BUDGETS IN BOTH SMALL AND LARGE COMMUNITIES WITH STAFFING LEVELS AND SERVICE DEMANDS COMMENSURATE TO THEIR SIZE.

REGARDLESS OF SIZE OUR COMMUNITIES FACE THE SAME CHALLENGE, PROVIDING NECESSARY SERVICE TO THE BEST POSSIBLE CONCLUSION FOR A REASONABLE COST AND WITHIN A SUSTAINABLE BUDGET. THIS HAS BECOME MORE COMPLEX IN TODAY'S ENVIRONMENT. IN ADDITION TO THE MORE TRADITIONAL ASPECTS OF BUDGETING, COMMUNITIES NOW HAVE TO TRY TO ANTICIPATE FACTORS THAT, WERE THE BILL YOU ARE BEING ASKED TO CONSIDER BE APPROVED, CAUSE JURISDICTIONS TO INCLUDE ALL OF THEIR COSTS TO ARRIVE AT AN ITEMIZATION OF ALL COSTS THAT SHOULD BE ASSOCIATED WITH PLAN REVIEW AND PERMIT SERVICES.

PERMIT FEES WOULD NOT GO DOWN. OUR FEES ARE SET TO COVER OUR EXPENSES. THE PERCEPTION OF FEES EXCEEDING THE COST OF PROVIDING PERMIT, PLAN REVIEW AND INSPECTION SERVICES IS MISGUIDED. SOME COSTS ARE OBVIOUS AND SELF-EVIDENT OTHERS ARE NOT READILY APPARENT BUT ARE NONE THE LESS REAL. THOSE NOT READILY APPARENT COSTS INCLUDE ADMINISTRATIVE SUPPORT FROM THE AUDITOR'S DEPARTMENT FOR PROVIDING ALL OF OUR ACCOUNTING AND BILLING SERVICES; PLAN REVIEW SERVICES FROM FIRE, ENGINEERING AND PLANNING DEPARTMENTS; COMPUTERS, SOFTWARE, AND TECHNICAL SUPPORT FROM OUR INFORMATION TECHNOLOGY DEPARTMENT; VEHICLE SERVICES FROM OUR CENTRAL GARAGE; AND, LEGAL SERVICES FROM OUR ATTORNEY'S OFFICE AND THERE ARE DOUBTLESS MORE. ALSO NOT READILY APPARENT BUT JUST AS REAL ARE COSTS FOR OFFICE SPACE (PRESENTLY RUNNING FROM \$.50 TO \$1.00 PER SQUARE FOOT IN DOWNTOWN FARGO), ELECTRICITY, HEAT, PARKING, AND INSURANCE.

ADDITIONAL COSTS WOULD ALSO HAVE TO BE CALCULATED TO INCLUDE THE ANTICIPATED COSTS OF LONG TERM RECORDKEEPING, UNUSUAL NUMBERS OF

REINSPECTIONS, AND LENGTHIER THAN NORMAL INSPECTION TIMES. ALL OF THESE CONSIDERATIONS WOULD DRIVE THE PERMIT FEES UPWARD. PREVIOUSLY UNANTICIPATED COSTS, FOR EXAMPLE UNSTABLE AND SOMETIMES RUNAWAY FUEL PRICES, SUDDEN CHANGES IN SERVICE DEMAND AND THE POTENTIAL FOR UNFAVORABLE LITIGATION RESULTS WOULD ALSO HAVE TO BE INCLUDED.

THE BUILDING PERMIT FEE FOR A \$200,000 HOME IN FARGO IS A ONE-TIME FEE OF \$705.50. \$705.50 TO OFFSET THE COST OF: REVIEW OF THE PLANS (INCLUDING RESUBMITTALS); ISSUANCE OF THE BUILDING PERMIT; DISTRIBUTION OF THE PLANS AND PERMIT COPIES TO OTHER AFFECTED DEPARTMENTS; FIVE TO FIFTEEN INSPECTIONS OF THE SITE AND CONSTRUCTION (INCLUDING FUEL, VEHICLE MAINTENANCE, INSURANCE); ADMINISTRATION OF CORRECTION NOTICES; ISSUANCE OF THE CERTIFICATE OF OCCUPANCY; STORAGE OF PERMIT AND PLAN RECORDS; RESPONSE TO INQUIRIES; AND, POTENTIAL COST OF DEFENSE AGAINST FUTURE LITIGATION.

IN ANY EVENT, THE EFFECT OF THIS LEGISLATION WOULD BE TO FORCE JURISDICTIONS TO OPERATE ON A POTENTIALLY VERY CLOSE MARGIN. IF PERMIT CONSTRUCTION ACTIVITY DROPS, DOWNSIZING OF DEPARTMENTS COULD WELL BE THE RESULT. DOWNSIZING WOULD BE CRIPPLING. LAYOFFS OF TRAINED AND EXPERIENCED INSPECTORS WOULD COST US THOSE TRAINED PERSONNEL THAT WE HAVE WORKED SO HARD TO ACQUIRE, TRAIN AND RETAIN. THE OBVIOUS RESULT WOULD BE LESS EFFICIENT, LESS CONSISTENT, LESS ACCURATE SERVICE WITH THE FURTHER RESULT OF INCREASED EXPOSURE TO LAWSUITS AND AN INCREASE IN COSTS THAT WOULD HAVE TO BE PASSED ON TO USERS. THIS WOULD SEEM TO ME TO ACCOMPLISH JUST THE OPPOSITE OF ITS INTENDED PURPOSE. ONCE DONE THIS WOULD BE DIFFICULT TO UNDUE. OUR TRAINED INSPECTORS WOULD NOT BE ABLE

4 #14
TO SIT AROUND AND WAIT FOR A RECALL TO SERVICE WITH US. THEY WOULD HAVE TO PURSUE OTHER POSITIONS AND BE LOST TO US.

IN FARGO, AND I SUSPECT IN OTHERS OF THE STATE'S JURISDICTIONS, FEES ARE ALREADY BASED ON ANTICIPATED COSTS OF PROVIDING THE NECESSARY SERVICE. SOME CLASSES OF BUILDING PERMIT FEES HAVE BEEN KEPT LOW IN ORDER TO STIMULATE DEVELOPMENT IN CERTAIN AREAS OF CONSTRUCTION OR IN CERTAIN AREAS OF THE COMMUNITY. AS AN EXAMPLE, COMMERCIAL PERMIT FEES ARE PRESENTLY A GOOD DEAL HIGHER THAN RESIDENTIAL FEES. THIS EFFECTIVELY SUBSIDIZES SOME OF THE COST FOR THE PROVISION OF RESIDENTIAL INSPECTIONS SERVICES. IN WAKE OF THIS PROPOSED LEGISLATION IT WOULD BE NECESSARY TO ELIMINATE THIS DISPARITY AND EQUALIZE RESIDENTIAL TO COMMERCIAL FEES BASED ON NUMBERS OF INSPECTIONS OR SOME OTHER CRITERIA.

A RECENT LAWSUIT RESULTED IN A JUDGMENT AGAINST THE CITY OF \$167,000 FOR WORK AUTHORIZED UNDER A PERMIT FOR WHICH THE FEE WAS \$116. THIS SORT OF RESULT CERTAINLY POINTS OUT THAT THE MINIMAL COST OF PERMITS CAUSED US A GREAT DEAL OF CONCERN ABOUT POTENTIAL LIABILITY ON ANY OR ALL OF OUR PERMITTED PROJECTS. LEGISLATION FROM THE 2005 SESSION GAVE JURISDICTIONS SOME HELP WITH PARTIAL LIMITS ON LIABILITY BUT WE ARE STILL OPEN TO LITIGATION THE COSTS OF WHICH MUST BE CONSIDERED WITHIN OUR FEE STRUCTURES.

WHAT IS THE MOTIVATION? I HAVE BEEN TOLD THAT THIS IS AN EFFORT TO AVOID A DOWNTURN IN HOME CONSTRUCTION. OF ALL THE THINGS THAT ARE LIKELY TO HAVE SUCH AN EFFECT I WOULD DOUBT THAT THE BUILDING PERMIT FEE, A ONE TIME COST, HAS MUCH OF AN EFFECT.

IS THE PURPOSE TO STOP RAMPANT FEE INCREASES? FEE INCREASES IN FARGO HAVE GENERALLY BEEN IN RESPONSE TO AND CORRELATED WITH INFLATION RATES WITH THE POSSIBLE EXCEPTION OF SOMEWHAT RARE CATCH UP INCREASES FOLLOWING YEARS WHEN LITTLE OR NO INCREASE HAD TAKEN PLACE. IN ADDITION ALL PROPOSED FEE INCREASES ARE COMPARED TO FEE SCHEDULES OF COMPARABLY-SIZED COMMUNITIES.

TO SUMMARIZE, THIS BILL WILL NOT SERVE TO AVOID CONSTRUCTION DOWNTURNS. IT WILL NOT FORESTALL INFLATION-BASED FEE INCREASES. IT WILL NOT CAUSE FEES TO BE REDUCED AND MAY IN FACT CAUSE THEM TO INCREASE TO MORE ACCURATELY REFLECT ALL COSTS. IT WILL NOT CREATE A COST SAVINGS TO ANYONE. IT WILL NOT CAUSE ANY INCREASED EFFICIENCY IN TERMS OF TIME OR EXPENSE. IT WILL CAUSE BUILDING DEPARTMENTS TO RUN EXACTLY AT THE LEVEL OF THEIR EXPENSES AND JURISDICTIONS TO REACT MORE QUICKLY AND WITH DISASTEROUS RESULTS TO ANY CONSTRUCTION DOWNTURNS. IT WILL ALLOW BUILDING DEPARTMENTS TO OPERATE AT A LOSS BUT FOR WHAT PURPOSE WOULD A COMMUNITY DO THAT? IT WILL LEAVE JURISDICTIONS TO FIND OTHER SOURCES TO PAY FOR ANY LAWSUITS WITHOUT THE MEANS TO RECOVER THOSE COSTS. IT WILL POTENTIALLY CRIPPLE BUILDING DEPARTMENTS. IT WILL NOT MAKE LOCAL GOVERNMENTS MORE RESPONSIVE TO CONCERNS ABOUT BUILDING PERMIT FEE AMOUNTS AND WOULD PERHAPS MAKE THEM LESS ABLE TO BE RESPONSIVE TO LOCAL CONSTRUCTION OR GOVERNMENTAL NEEDS.

THIS BILL SERVES NO ONE AND CERTAINLY NOT THOSE WE ARE ALL HERE TO SERVE, THE PROPERTY OWNERS OF THIS STATE.

City of Fargo – Testimony on SB 2144

Honorable Chair Cook, and Senators, my name is Kent Costin, Director of Finance for the City of Fargo. I am here to share information about building permit fees in Fargo and to give a brief overview of our revenue and expense structure for permits and to explain why the City of Fargo opposes this bill.

The spreadsheet attached details the value of permits issued, the fees collected and recaps our cost structure. As you can see over the past 10 years, there is noticeable ebb and flow in the volume of permits issued, which is related to market demand for housing, interest rates, and the overall national and local economy. While the economic conditions in Fargo have been quite robust for the past several years, it is apparent that there are times when permit volume declines and when they spike. Specific instances where declines are evident include the years of 1997, 2001, and 2000 (See shaded lines). The 1997 flood had a definite impact on local activity.

Ironically, ten years later, 2006 was an all time record in the value of permits issued and the volume of fees collected.

Our analysis for the past ten years shows an average cost recovery percentage of 125%, meaning that overall the City did collect more money

21 for permit fees than our estimated expenditures, however, there were three
22 years during this time frame when the City essentially broke even, and one
23 year during an economic slow down (2001) where we actually lost money in
24 the building inspection function.

25

26 An emerging and more troubling issue that has surfaced in the past two years
27 is lawsuits that have been filed against the City related to the building
28 inspection functions. In one case the City was held liable and paid \$188,000
29 out of our self insurance fund and another case is currently in litigation.

30 While the Legislature approved legislation in the last session to mitigate our
31 risk, it is evident that risk remains in this business function and we are being
32 challenged to uphold a standard higher than what is expected for normal
33 inspections. It is a generally accepted business practice to include the cost
34 of risk in the pricing of our services.

35

36 This bill if passed would add more complexity and ongoing administration
37 and accounting and financial analysis functions which would drive up our
38 administrative cost structure. We do not feel that the additional cost of
39 precise cost accounting provides is justified, in light of the myriad of
40 accounting rules and practices that we do each and every day.

41

42 Based upon the issues addressed above we do not feel that our permit fees
43 are priced excessively.

44 On a broader note, permit fees account for about 5% of General Fund
45 revenues. In a year where record amounts of testimony is being heard on
46 property tax reduction and reform, restricting our revenue coverage on
47 permits only shifts the burden property taxes, a direction that everyone in the
48 State is trying to avoid. Leaving our revenue structure in place helps reduce
49 the General Fund property tax burden.

50 In a recent meeting with our local homebuilder association, I suggested that
51 the City was being unjustly singled out on this issue of affordable housing. I
52 inquired why they were not introducing a bill limiting realtor fees to the
53 actual time they spend actually selling a home, capping mortgage broker
54 fees, mortgage financing costs, and developer and builder profits. All of
55 these entities contribute to the cost of housing and should be included in a
56 broader analysis of affordable housing.

57 The Fargo City Commissioners recommend a do not pass vote on this bill.

58 Thank you for the opportunity to speak on this issue. I would be happy to
59 answer any questions that you might have.

City of Fargo
Building Permit Fees Analysis (SB 2144 Testimony)
Last Ten Fiscal Years

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Year	Value of Permits Issued	Permit Fees Collected	Inspection Division Costs	Planning Division Costs	Costs Not Allocated	Total Estimated Costs	Surplus Fees	Fee Coverage %	Fee/ Value Ratio
2007	??	??	1,297,569	129,757	259,514	1,686,840	??	??	??
2006	339,460,332	2,308,140	1,252,104	125,210	250,421	1,627,735	680,405	142%	0.7%
2005	296,707,727	2,032,899	1,169,571	116,957	233,914	1,520,442	512,457	134%	0.7%
2004	238,381,749	1,696,683	1,099,627	109,963	219,925	1,429,515	267,168	119%	0.7%
2003	206,831,672	1,397,921	986,184	98,618	197,237	1,282,039	115,882	109%	0.7%
2002	199,004,907	1,388,458	924,061	92,406	184,812	1,201,279	187,179	116%	0.7%
2001	172,773,654	1,081,772	877,171	87,717	175,434	1,140,322	(58,550)	95%	0.6%
2000	204,285,352	1,215,600	711,884	71,188	142,377	925,449	290,151	131%	0.6%
1999	221,530,342	1,190,662	640,322	64,032	128,064	832,419	358,243	143%	0.5%
1998	191,190,551	1,044,314	566,582	56,658	113,316	736,557	307,757	142%	0.5%
1997	139,730,167	730,988	528,232	52,823	105,646	633,878	97,110	115%	0.5%
1996	138,905,834	775,258	475,481	-	95,096	570,577	204,681	136%	0.6%
								1997-2006	125%

Notes:

Inspection Divisional Costs include the actual cost of Inspection Services
Planning Division costs represent time spent by Zoning Administration Functions, and legal costs
Costs not allocated include an estimate of other department personnel services, IT support, and other overhead
Slow years are shown in shaded rows, essentially a break even

TESTIMONY ON SENATE BILL 2144

Senate Political Subdivisions Committee

Allen Grasser, City Engineer
City of Grand Forks

January 19, 2007

Mr. Chairman and members of the Senate Political Subdivisions Committee, thank you for the opportunity to testify on behalf of the City of Grand Forks in opposition to Senate Bill 2144.

On behalf of the City of Grand Forks, I would like to urge you to consider a DO NOT PASS on Senate Bill 2144 for the following reasons: It infringes on a municipality's authority to reasonably and responsibly budget for the services it provides and it may, in some cases, actually result in higher building permit fees.

The citizens of Grand Forks, with the adoption of the Home Rule Charter, expressly established the authority to prepare the budget for the City of Grand Forks. Outside infringement of this authority diminishes the degree to which the local government and its services accurately reflect the will of its citizens pertaining to the level of services desired and their acceptable costs. Municipal budgets are set by undergoing a thorough process with many factors considered. Each city has a responsibility to provide an expected level of service and to provide that service at a reasonable and acceptable cost. These are the expectations of the citizens they serve and artificial influence undermines the integrity of this process.

In fact, outside influence may even result in an increase in building permit fees. In Grand Forks, the amount collected for a building permit does not cover all the actual costs as suggested in SB 2144. To honestly and accurately determine the cost of "reviewing building permit applications and administering building inspection services", we would have to take into account all costs including the operational overhead for the office. It would also need to account for staff time in Health, Fire and Finance. This includes costs such as office space rental and a proportionate share of building utilities.

To put this issue into perspective, I asked our Building Administer to calculate the cost of a building permit on a new \$200,000 home. The cost of the building permit in Grand Forks came out to \$1,016.00. This is $\frac{1}{2}$ of 1% of the construction cost to help ensure the integrity and safety of the families who will live in this home for the next 50+ years. It is also interesting to note that the State adopts a building code. Contained within the State adopted code is a suggested permit fee schedule. In accordance with that schedule, the same \$200,000 home referenced above would have a building permit cost of \$1,553.75.

In researching background data for this bill, I asked for our recent history of revenue compared to expenses. From 2000 to 2005, the revenue from building permits varied from \$393,000 to \$669,000. During the same time period, the Inspection Department's budget ranged from \$634,000 to \$709,000. These numbers are an indication of the wide variability in construction from one year to the next. One can readily see the inherent problems of matching "costs" to "expenses" from one year to the next.

The City of Grand Forks is proud to be able to provide building inspection services in the form of information and guidance to individuals, professionals and developers in surrounding communities. This service is provided because there is a need for it and is currently not provided for either by a local building inspections operation or by the state.

In summary, I believe the City of Grand Forks has struck a reasonable compromise in establishing fees that generally reflect expenses without creating the additional overhead and bureaucracy that might accompany this bill. The authority to determine a local budget is one that has proven to be thoughtful and accurate and cities, with the oversight of its citizens, have been responsible stewards of this authority and obligation. We continue to work to ensure that these budgets are reflective of the local expectations and market levels and accountable to the local citizens. Our thorough local budgeting process also ensures the best services are provided at the best cost. Sometimes, as in our case, that cost is actually a pretty good deal.

Thank you again for the opportunity to provide this testimony. It is for the above reasons that I ask your opposition to SB 2144 and request a DO NOT PASS recommendation from the committee. Thank you.

TO: Senate Political Subdivisions Committee

FROM: City of Minot

DATE: — 9:00 AM January 19, 2007

RE: Hearing on Senate Bill 2144

I would like to begin by introducing myself, my name is Darrell Linnertz and I am the Building Official for the City of Minot. I would also like to thank Chairman Cook and the committee for allowing me to submit this written testimony in opposition to this bill on behalf of the City of Minot.

It appears as if this bill proposes to limit the cost of a building permit and possibly related permits, to the actual cost of activities performed by the Building Inspection Division for each individual project.

For the purposes of this testimony, it is assumed that the term "building permits" refers to all permits issued for the total construction of a specific structure. In Minot permits are required for building, moving, demolition, electrical, excavation, gas piping, mechanical, plumbing, sidewalk, signs, and encroachments.

If this bill were moved to the Senate floor with a "do pass" recommendation from this committee, there would be a serious and detrimental effect on the City of Minot as well as other North Dakota cities and North Dakota itself.

If you look at past history it is clear that building activity for the City of Minot is cyclic in nature. Building activity in the City of Minot has been at an all time high for the last two years. Permit fees have more than offset the budget of the Building Inspection Division during this period. It is also true that building activity prior to the last 2 years did not offset the budget of the Building Inspection

Department. When permit income exceeds the budget, the additional income is used to reduce the mill levy for the next budget year. Conversely, increasing the mill levy for the next budget year makes up the difference in cost when permit income does not offset the budget.

Generally, we try to determine an average for a number of years, and develop a fee schedule that will offset the average budget for the long run. This approach provides stability in cost and budgeting, and attempts to smooth out the concept of adjusting budgets on a knee jerking year-by-year basis, which is not compatible with prudent governmental operation.

If this bill were to be passed by the legislature, it appears that it would require an extremely and unnecessarily complicated record keeping system to comply with its intent. It most certainly would require additional administrative personnel and possibly additional inspection employees, to make it a reality. Additionally, the efficiency of the Building Inspection Division would suffer because of the extra record keeping workload that would be placed on existing and/or additional employees. For example, records for the following cost items, as a minimum, would have to be kept for each permit:

- Building and Inspection Division Salaries, Wages and Benefits
- Vehicle Fuel or Mileage
- Training/Continuing Education
- Travel
- Supplies
- Memberships/Dues
- Printing

- Office Equipment
- Field Equipment
- Publications/Subscriptions
- Office Furniture
- Office Supplies
- Building Space Charges
- Vehicle Maintenance Charges
- Vehicle Replacement Charges
- City Attorney
- City Council
- Security Services
- Personnel Department Services
- Janitorial Services
- City Manager, Finance Director, and City Engineer
- Utilities
- Data Processing Services
- Finance Department Services
- Assessors Department Services
- Planning Department Services
- Etc.

There are some facets of the permitting process to which it is very difficult to assign a value, such as liability insurance. How can a value be assigned to the liability that a jurisdiction assumes when it issues a permit? There have been cases in North Dakota where a jurisdiction has been found to be at least partially

liable for deficiencies in construction of structures built over 10 years before the discrepancies were discovered. Situations such as the above are a risk management factor whose value and cost are essentially impossible to determine.

There are laws and regulations enforced under the building permit that simply cannot be determined and made a part of the permit cost. Yet they come into play in the issuance of every building permit. Examples of these undeterminable costs are Federal, State and local regulations such as ADA, Fair Housing, Minority Contracting, Buy America Act, Asbestos Regulations, Public Health, Storm Water Management, dangerous building abatement, nuisances, housing complaints and neighborhood issues.

Additionally, it would be essentially impossible to determine actual and true costs of construction inspection services for each and every permit before said permit is issued. It would be very difficult, if not impossible, to collect permit fees after construction has been completed and the actual cost of the inspections services have been determined as suggested by this bill.

Therefore, the City of Minot encourages your committee to move this legislation to the floor of the Senate by recommending a **"do-not-pass"** on Senate Bill # 2144.

Thank you again for allowing the City of Minot to present this written testimony to the committee.

In Opposition to Senate Bill 2144

January 19th, 2007

Mr. Chairman and fellow committee members of the Senate Political Subdivision Committee.

My name is Ray Ziegler and I am the Vice President of the North Dakota Building Officials Association.

I am here to represent the interests of the NDBOA. Our members consist of Building Officials, Inspectors, Architects, Engineers, and other Construction tradesmen. Our organization is dedicated to enforcing the requirements of the building codes. The codes exist to protect the lives of the general public, emergency personal and private citizens. Our members are not only from the eight larger municipalities but also from the smaller communities. For the smaller cities the requirements of this Bill could mean having to charge thousands of dollars for a permit since they may only issue a hand full of permits a year while having to meet all of the administrative costs of a stand alone program. The larger communities that issue hundreds of permits would also be severely affected by the burden of projecting and retracting the ever changing fluctuations in the number of permits and the wide range of values per project. Another issue in

projecting the costs is the inconsistency in the number of inspections it may take to achieve code compliance. Under the present system of determining permit fees the results of these ever changing variables are dealt with by each local community. This amount may be adjusted by requests from their building inspections departments forwarded on to administration where the decision will fall on city commissioners who represent all interests. It is the feelings of the NDBOA that there is already a very good working system of checks and balances in place to deal with the intent of Senate Bill 2144.

Therefore there is no need for this Bill and the additional administrative work load it would place on communities. As Vice President of the NDBOA I am asking you to vote no on amending and reenacting Subsection 6 of section 40-05-02 of the North Dakota Century Code. Thank you for your time and I would be happy to answer any questions you may have.

Ray Ziegler
Vice President of the NDBOA