

Sixty-second  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2361**

Introduced by

Senators Lyson, Hogue

Representatives Hatlestad, Sukut

1 A BILL for an Act to create and enact two new subsections to section 54-21.3-02 and a new  
2 section to chapter 54-21.3 of the North Dakota Century Code, relating to definitions under the  
3 State Building Code and used temporary work camp housing exemptions; to amend and  
4 reenact section 54-21.3-04 of the North Dakota Century Code, relating to applicability of the  
5 State Building Code to other state or local government codes; and to declare an emergency.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1.** Two new subsections to section 54-21.3-02 of the North Dakota Century Code  
8 are created and enacted as follows:

9 "Temporary work camp housing" includes a modular residential structure used to  
10 house workers on a temporary basis for a maximum period of five years.

11 "Code enforcement agency" means an agency of the state or local government with  
12 authority to inspect buildings and enforce the law, ordinances, and regulations which  
13 establish standards and requirements applicable to the construction, installation,  
14 alteration, repair, or relocation of buildings.

15 **SECTION 2. AMENDMENT.** Section 54-21.3-04 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **54-21.3-04. Exemptions.**

- 18 1. ~~The~~Except as specifically provided in this chapter, the following statewide codes are  
19 exempt from this chapter:
- 20 a. The Standards for Electrical Wiring and Equipment, as contained in North Dakota  
21 Administrative Code article 24-02.
  - 22 b. The State Plumbing Code, as contained in North Dakota Administrative Code  
23 article 62-03.

- 1           c.   The State Fire Code, as contained in the rules of the state fire marshal as
- 2               provided in section 18-01-04.
- 3       2.   The following buildings are exempt from this chapter:
- 4           a.   Buildings which are neither heated nor cooled.
- 5           b.   Buildings used whose peak design rate of energy usage is less than one watt per
- 6               square foot [929.0304 square centimeters] or three and four-tenths British
- 7               thermal units an hour per square foot [929.0304 square centimeters] of floor
- 8               area.
- 9           c.   Restored or reconstructed buildings deliberately preserved beyond their normal
- 10           term of use because of historical associations, architectural interests, or public
- 11           policy, or buildings otherwise qualified as a pioneer building, historical site, state
- 12           monument, or other similar designation pursuant to state or local law.
- 13       3.   Any building used for agricultural purposes, unless a place of human habitation or for
- 14           use by the public, is exempt from this chapter.

15       **SECTION 3.** Section 54-21.3-09 of the North Dakota Century Code is created and enacted  
16 as follows:

17       **54-21.3-09. Used temporary work camp housing - Exemption.**

18       State or local government code enforcement agencies may allow exemptions or accept  
19 alternate methods for construction and placement of temporary work camp housing that has  
20 been previously used as housing or temporary work camp housing in a different location,  
21 provided that the waiver does not substantially compromise the health or safety of workers. This  
22 authority is granted to code enforcement agencies enforcing the State Building Code, the State  
23 Electrical Code, and the State Plumbing Code when acting within their existing jurisdiction. This  
24 section does not apply to newly constructed temporary work camp housing.

- 25       1.   State or local government code enforcement agencies, acting within their existing  
26           jurisdiction, may conduct a nondestructive walkthrough inspection of previously used  
27           temporary work camp housing to ensure compliance with applicable codes, including  
28           the State Building Code, State Electrical Code, and State Plumbing Code. If the  
29           housing is found to be compliant with these codes, or to not substantially compromise  
30           the health or safety of workers pursuant to a waiver under section 54-21.3-04, the  
31           code enforcement agency may issue a limited certificate of inspection, which is

1 effective for a period of five years. Residents may not be permitted to move into or live  
2 in temporary work camp housing unless the housing has a current limited certificate of  
3 inspection or has been found to meet all applicable codes and requirements by any  
4 code enforcement agency having jurisdiction.

5 2. The applicable codes, including the State Building Code, the State Electrical Code,  
6 and the State Plumbing Code, are applicable as a standard for liability in legal actions  
7 against owners or operators of temporary work camp housing if exemptions are  
8 granted. ~~State and local government code enforcement agencies are not liable in~~  
9 ~~damages in a civil action for injury, death, or loss to person or property allegedly~~  
10 ~~caused by any act or omission of the code enforcement agency in connection with~~  
11 ~~inspecting temporary work camp housing, pursuant to section 32-12.1-03 or~~  
12 ~~32-12.2-02.~~

13 3. An owner of temporary work camp housing has the duty to remove that housing and  
14 all related above-grade and below-grade infrastructure within one hundred twenty  
15 days after the temporary work camp housing is vacated. Any city or county may abate  
16 any public nuisance caused by vacated temporary work camp housing within its  
17 jurisdiction. An owner of temporary work camp housing shall provide the city or county  
18 where the temporary work camp housing is installed with a surety bond, letter of credit,  
19 or other security instrument in the form and in an amount specified by the city or  
20 county. These funds must be used to cover actual expenses that may be incurred by  
21 the city or county in removal of the temporary work camp housing, including any  
22 above-grade or below-grade infrastructure. The owner is liable for any expenses that  
23 are reasonably incurred by the city or county which exceed the amount of the security.

24 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.