

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1345

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Deanna Hallworth
Operator's Signature

10/3/03
Date

2003 HOUSE POLITICAL SUBDIVISIONS

HB 1345

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10/3/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1345

House Political Subdivisions Committee

Conference Committee

Hearing Date: January 31, 2003

Tape Number	Side A	Side B	Meter #
1	X		30.1-53.8
1		X	0.0-25.1
Committee Clerk Signature <i>Micki Schmidt</i>			<i>2-18-03</i>

Minutes:

TAPE 1; SIDE A:

(30.1) REP. GLEN FROSETH: We will open the hearing on HB 1345.

(30.4) DOREEN STRYLIE MELHOFF: (Testimony in support) The Bill basically says that these homes coming in will keep the same standards as law requires.

(32.5) REP. AL CARLSON: (Testimony in support) (A home builder) Explained building codes and how it's unified across the country. It didn't address modular homes that are being pre built and bought and put into place on site. There might be thirty inspections on a house that I build from scratch. It's for public safety that those inspections take place. they make sure that we follow codes. When a pre-manufactured house is built, there are not nearly the requirements, because our building inspector isn't going out to their facility in most cases and inspecting the house in phases. This Bill is not meant to keep anyone from selling, building or delivering those houses into ND and housing our residents.

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Doreen Strylie Melhoff
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10/3/03
Date

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House Political Subdivisions Committee

Bill/Resolution Number HB 1345

Hearing Date: January 31, 2003

(37.3) REP. BRUCE ECKRE: Where are these coming in from?

(37.5) REP. AL CARLSON: Mostly coming from rural area's and Canada. Canadian's have some very strict energy standards among their products, but there are some differences in their mechanical and electrical.

(39.4) REP. MARY EKSTROM: Could you define modular.

(40.0) REP. AL CARLSON: I'm not sure what the definition is, or if there is a definition.

(40.0) REP. GIL HERBEL: How would you inspect a home like that, when the walls are enclosed already?

(40.7) REP. AL CARLSON: They will talk about the third party inspection and that will address some of that.

(44.6) REP. CAROL NEIMEIER: If the jurisdiction is able to amend the state building code, who has the authority to accomplish that?

(44.7) REP. AL CARLSON: It can be more restricted than that.

(46.6) DOREEN STRYLIE MELHOFF: (See attachment #1- amendment) Most states have laws of which they have to conform to at the state level. Explained the Third Party Inspection. The Division of Community Services is currently gathering local amendments. Devils Lake has an amendment that requires homes to have 7 foot 6 inch ceilings in their building code. **(53.8)**

***TAPE 1; SIDE B:**

(0.0) DOREEN STRYLIE MELHOFF: (continued testimony) Most states have their own support programs and they keep the standards the same for both.

(1.7) REP. MARY EKSTROM: The buildings that we are referring to, not modular, not mobile, is there a substantial difference in prices?

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10/3/03
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House Political Subdivisions Committee
Bill/Resolution Number HB 1345
Hearing Date: January 31, 2003

(1.9) DOREEN STRYLIE MELHOFF: Yes and no. The factory built modular homes don't have a chastity under them like a manufactured home does. There can be a good price advantage in some cases and they can be more affordable, but we have found some instances that the property, foundation, water etc... are costing more.

(4.1) REP. GIL HERBEL: Sounds like you're in favor of the 3rd party inspection, what kind of authority should they have, are there a lot of 3rd party inspectors in the state now?

(4.5) DOREEN STRYLIE MELHOFF: There are in central building commission, contracts with folks to be those 3rd party inspectors. They are not licensed, but they are people who have education on what to look for.

(6.5) REP. GLEN FROSETH: If they don't contract with the 3rd party inspection, they still are still subjected to all inspections by the State Electrical Board and other state boards. Is there a uniform building code between Canada and us?

(8.1) DOREEN STRYLIE MELHOFF: No.

(8.3) PAUL BUSCH; BUSCH LUMBER CO. IN DICKINSON: (Testimony in support)
What we're looking for is a level plane. Our buildings have codes to follow. Modular homes should follow state law.


(10.1) REP. DALE SEVERSON: Who distributes these homes?

(10.4) PAUL BUSCH: Two are in Minot, Canada, etc...

(11.3) JEFF KOHLER; KOHLER'S HOME IMPROVEMENT, BISMARCK: (Testimony in support) Explained the mandatory inspections we're subjected to.

(15.6) RICH GREY; DIVISION OF COMMUNITY SERVICES: (Testimony in support)
This is becoming a bigger business. 36 states have programs already. We've become the fourth

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House Political Subdivisions Committee

Bill/Resolution Number HB 1345

Hearing Date: January 31, 2003

member of the Interstate Compact. What we're doing here is really making sure that when a building comes into North Dakota, and this legislation passed a HB1210 according to last session, no matter where they go, we know that most of our jurisdictions do not enforce them. If passed, every contractor, every manufacturer who wants to build a product coming into North Dakota will be required to hire one of these certified 3rd party's. We have a manufacturer in the state right now who has a certified 3rd party, but they're not working under a program because we don't have a state program. The cost of a 3rd party inspection runs anywhere from \$300 to \$1500 per inspection. The Industrial Buildings Commission is doing a study right now to get a better handle on what this is costing from their certified.

(24.4) DOREEN STRYLIE MELHOFF: There were some groups that were unable to be here today and wanted me to share their names. They are American Institute of Architect, AIA of ND, ND Society of Professional Engineer, etc... (couldn't make the names out)

(24.7) REP. GLEN FROSETH: Any testimony in support? Opposition? Hearing none, I will close the hearing on HB 1345. We will hold this until next week. I think we will consider this amendment. **(25.5)**

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10/3/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1345

House Political Subdivisions Committee

Conference Committee

Hearing Date: February 6, 2003

3:00 P.M.

Tape Number	Side A	Side B	Meter #
3	X		5.1-10.5
Committee Clerk Signature <i>Mickie Schmidt</i> 2-20-03			

Minutes:

TAPE 3; SIDE A:

(5.5) CHAIRMAN GLEN FROSETH: We will open the hearing on HB 1345. (Handed out an amendment; attachment #1) Explained the amendment. Any discussion on the amendment?

(7.6) REP. ANDREW MARAGOS: I WOULD MOVE THE AMENDMENT.

(7.7) REP. RON IVERSON: I SECOND IT.

(7.7) CHAIRMAN GLEN FROSETH: Any further discussion? There was concern on the exemption listed. Any structures built still needs to be inspected by a state inspection. We will take a voice vote on the amendments: All in favor say I: 14-y; 0-n; the amendment passes.

(9.2) REP. RON IVERSON: I WOULD MOVE A DO PASS AS AMENDED.

(9.3) REP. MIKE GROSZ: I SECOND IT.

(9.4) CHAIRMAN GLEN FROSETH: Rep.'s Ekstrom and Niemeier resists. I will have the clerk take the Roll Call Vote: 12-y; 2-n; 0-absent; Carrier; Rep. Grosz. (10.5)

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Dennis Holmquist
Operator's Signature

10/3/03
Date

30533.0101
Title.0200

Adopted by the Political Subdivisions
Committee
February 6, 2003

YR
2/7/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1345 Po1 Sub 2-6-03

Page 1, line 2, after "code" insert "; and to amend and reenact section 54-21.3-07 of the North Dakota Century Code, relating to modular residential and commercial structures"

Page 1, after line 10, insert:

"SECTION 2. AMENDMENT. Section 54-21.3-07 of the North Dakota Century Code is amended and reenacted as follows:

54-21.3-07. Modular residential and commercial structures - Third-party inspections - Rules. The manufacturer of a modular residential or commercial structure that is built in a factory ~~may~~ shall contract with a third party for the inspection of the structure for compliance with all applicable building, electrical, fire, and plumbing codes and standards during the manufacturing process in the factory. A third party that conducts inspections and certifies compliance with all applicable codes and standards must be approved as a certified third-party inspector by the division of community services. The department of commerce shall adopt rules for the certification of inspectors and for the procedures to be followed in conducting inspections of modular residential and commercial structures. # When a manufacturer of modular residential or commercial structures contracts with a certified third-party inspector to monitor compliance with all applicable building, electrical, fire, and plumbing codes and standards for a modular residential or commercial structure, no further inspection by state or local building, electrical, fire, or plumbing inspectors may be required for that structure during the manufacturing process in the factory. This section does not apply to a factory manufacturing fewer than six residential or commercial structures per year.

Renumber accordingly

Page No. 1

30533.0101

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Dennis Halverson
Operator's Signature

10/3/03
Date

Date: 2-6-03

Roll Call Vote #: 2

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1345**

House "POLITICAL SUBDIVISION" Committee _____

Check here for Conference Committee

Legislative Council Amendment Number 30533.0101 0200

Action Taken Do Pass As Amended

Motion Made By Rep. Iverson Seconded By Rep. Grosz

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	✓				
Vice-Chairman Nancy Johnson	✓				
Mike Grosz	✓				
Gil Herbel	✓				
Ron Iverson	✓				
William E. Kretschmar	✓				
Andrew Maragos	✓				
Dale Severson	✓				
Alon Wieland	✓				
Bruce Eckre	✓				
Mary Ekstrom		✓			
Carol A. Niemeler		✓			
Sally M. Sandvig	✓				
Vonnie Pietsch	✓				

Total (Yes) 12 No 2

Absent 0

Floor Assignment Rep. Grosz

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

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10/3/03
Date

REPORT OF STANDING COMMITTEE (410)
February 10, 2003 8:35 a.m.

Module No: HR-25-2072
Carrier: Grosz
Insert LC: 30533.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1345: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1345 was placed on the Sixth order on the calendar.

Page 1, line 2, after "code" insert "; and to amend and reenact section 54-21.3-07 of the North Dakota Century Code, relating to modular residential and commercial structures"

Page 1, after line 10, insert:

"SECTION 2. AMENDMENT. Section 54-21.3-07 of the North Dakota Century Code is amended and reenacted as follows:

54-21.3-07. Modular residential and commercial structures - Third-party inspections - Rules. The manufacturer of a modular residential or commercial structure that is built in a factory ~~may~~ shall contract with a third party for the inspection of the structure for compliance with all applicable building, electrical, fire, and plumbing codes and standards during the manufacturing process in the factory. A third party that conducts inspections and certifies compliance with all applicable codes and standards must be approved as a certified third-party inspector by the division of community services. The department of commerce shall adopt rules for the certification of inspectors and for the procedures to be followed in conducting inspections of modular residential and commercial structures. ~~#~~ When a manufacturer of modular residential or commercial structures contracts with a certified third-party inspector to monitor compliance with all applicable building, electrical, fire, and plumbing codes and standards for a modular residential or commercial structure, no further inspection by state or local building, electrical, fire, or plumbing inspectors may be required for that structure during the manufacturing process in the factory. This section does not apply to a factory manufacturing fewer than six residential or commercial structures per year."

Renumber accordingly

2003 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1345

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1345

Senate Industry, Business, and Labor Committee

Conference Committee

Hearing Date 03/10/03

Tape Number	Side A	Side B	Meter #
Tape 1	x		5350-end
Tape 1		x	0-1438
Committee Clerk Signature <i>Lisa Van Berkorn</i>			

Minutes:

Senator Mutch opens HB 1345. Senators Krebsbach, Every, and Heitkamp absent.

Representative Al Carlson, sponsor of bill, introduces bill and goes through it. This bill is no way trying to stop modular homes from coming into this state. They are not required to meet same codes as custom homes. There is about 30 inspections on built homes and modular homes have about 1 inspection. We just want the same amount of safety for both.

Senator Klein: Is there any significance to 6?

Rep Carlson: If your industrial arts at your school built one or two units they are going to get some leway for that, if they are building twenty five houses I would have a problem with that.

Senator Klein: this would apply to the lumberyards?

Rep. Carlson: Yes

Senator Nething: There is a manufacturer along I-94 by James town?

Rep. Carlson: He should already be under 3rd party inspection because of the volume he does.

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10/3/03
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Page 2
Senate Industry, Business, and Labor Committee
Bill/Resolution Number HB 1345
Hearing Date 03/10/03

Senator Heitkamp: Above the 6 home limit are they able to find 3rd party inspector's?

Carlson: I don't know for sure.

Senator Heitkamp: I don't think they have a problem with this bill, they just don't have the easiest access to the inspectors.

Doreen Streyle Mehlhoff, Executive Director, ND Association of Builder's (Testimony attached)

Senator Heitkamp: Do you have example of where they haven't met the standards as you have to?

Mehlhoff: Stairways, fire ratings, and others

Senator Klein: You don't believe it will be a problem for smaller entities?

Mehlhoff: I don't believe so.

Richard Grey, Department of Commerce, The Industrialized Building Commissions will do the inspecting for us. He also goes through the steps that the commission will follow.

Closed HB 1345

Senator Espegard motions for a Do Pass

Senator Nething 2nd

4 Yes 0 No 3 Absent

Carrier: Senator Espegard

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Doreen Mehlhoff
Operator's Signature

10/3/03
Date

Date: 3/10/03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1345

Senate _____ Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Espegard Seconded By Nething

Senators	Yes	No	Senators	Yes	No
Sen. Mutch, Chairman	✓				
Sen. Klein, Vice Chairman	✓				
Sen. Krebsbach					
Sen. Nething	✓				
Sen. Heltkamp					
Sen. Every					
Sen. Espegard	✓				

Total (Yes) 4 No 0

Absent 3

Floor Assignment Espegard

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

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Deanna Hallworth
Operator's Signature

10/3/03
Date

REPORT OF STANDING COMMITTEE (410)
March 10, 2003 11:15 a.m.

Module No: SR-42-4320
Carrier: Espegard
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1345, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (4 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1345 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-42-4320

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Dennis Mutch
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2003 TESTIMONY

HB 1345

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10/3/03
Date

2-6-03

#1

PROPOSED AMENDMENT TO HB 1345

Add this to the existing HB 1345:

SECTION 2. AMENDMENT. Section 54-21.3-07 of the North Dakota Century Code would be amended and reenacted as follows:

54-21.3-07. Modular residential and commercial structures - Third-party Inspections - Rules. The manufacturer of a modular residential or commercial structure that is built in a factory may shall contract with a third party for the inspection of the structure for compliance with all applicable building, electrical, fire, and plumbing codes and standards during the manufacturing process in the factory. A third party that conducts inspections and certifies compliance with all applicable codes and standards must be approved as a certified third-party inspector by the division of community services. The department of commerce shall adopt rules for the certification of inspectors and for the procedures to be followed in conducting inspections of modular residential and commercial structures. If ~~When~~ a manufacturer of modular residential or commercial structures contracts with a certified third-party inspector to monitor compliance with all applicable building, electrical, fire, and plumbing codes and standards for a modular residential or commercial structure, no further inspection by state or local building, electrical, fire, or plumbing inspectors may be required for that structure during the manufacturing process in the factory.

EXEMPTION:

1. Factories manufacturing less than six residential or commercial structures per year.

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10/3/03
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SECRETARY/TREASURER
IMMEDIATE PAST PRESIDENT
STATE REPRESENTATIVE & SR. LIFE DIRECTOR
BUILD PAC TRUSTEE & LIFE DIRECTOR
ALTERNATE BUILD PAC TRUSTEE
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 Ken Wilson
 Ken Krain, Executive Officer

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 LeRoy Kuryka
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 Billy McDonald, Executive Officer

HOME BUILDERS ASSOCIATION OF FARGO-MOORHEAD
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 Bryan Johnson, Executive Vice Pres.

MINOT ASSOCIATION OF BUILDERS
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 Rocky Engstad, Executive Officer

GRAND FORKS ASSOCIATION OF BUILDERS
 Ken Stroh, President
 Ken Krajsa, Executive Officer
 Amber C. Bebell, Administrative Assistant



**Testimony in Support of ~~HB 1345~~
 Senate Industry, Business and Labor Committee
 March 10, 2003**

**Doreen Streyle Mehlhoff, Executive Officer
 North Dakota Association of Builders**

Chairman Mutch and members of the Senate Industry, Business and Labor Committee, the North Dakota Association of Builders (NDAB) respectfully asks for your **support of HB 1345** which would require that factory-built modular housing placed in North Dakota meet the State Building Code or, if placed in a jurisdiction with local amendments to the State Building Code, meet the code in that jurisdiction. **This is the standard to which builders in our state build homes, and we believe factory-built modular homes should meet the same standards.**

The NDAB represents over 1,400 members statewide with more than 53,000 people employed in North Dakota. NDAB is affiliated with five local builders associations in Bismarck-Mandan, Dickinson, Fargo-Moorhead, Grand Forks, and Minot. We are also part of a larger federation, the National Association of Home Builders (NAHB), which has over 205,000 members across the nation.

Definition of Factory-Built Modular Housing

- Modular homes are built with components constructed in a controlled factory environment.
- They are not "manufactured" or "mobile" homes, which are constructed to the Federal Construction Safety Standards Act, or HUD building code standards.
- Modular homes are 90-95 percent complete (kitchens and baths finished, flooring and carpet installed, wall coverings and paint, all wiring and plumbing waiting to be attached on site, and exterior and roofing finishes) when they are shipped from the factory to the building site to be affixed to the conventional foundation.

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- Modular homes are generally shipped within a 300-mile radius of the manufacturing facility.
- The average time for completing a modular home is 2 to 4 weeks.

Safety, Health and Welfare

Building codes are developed specifically for the purpose of regulating the **life-safety, health and welfare of the public with respect to building construction** and maintenance. Building codes reduce the potential hazards of unsafe construction. By following code guidelines, projects will meet minimum standards of safety and will be less likely to cause injury.

Meet the Same Standards

Builders of conventionally constructed, or stick-built, homes have numerous and frequent inspections to ensure their homes are meeting or exceeding code requirements. We support codes governing home building that are fair and maintain housing affordability, while providing for the health and safety of the home occupants. Therefore, we believe that **factory-built modular homes placed in North Dakota should meet the same standards.**

The newly adopted State Building Code references the 2000 International Residential Code for construction of one- and two-family dwellings, and townhomes. Local jurisdictions have the ability to amend the State Building Code, though there are only a few cities with local amendments.

Electrical and Plumbing Requirements

North Dakota already requires factory-built modular houses be connected to the power source by licensed electricians. The North Dakota Electrical Board has jurisdiction over all homes in North Dakota. After site inspection, the Board requires all code violations to be corrected to meet National and state electrical codes.

In addition, the homes must also meet the State Plumbing Code (Uniform Plumbing Code), with inspections and enforcement handled by the State Plumbing Board.

Deanna Halverson
Operator's Signature

10/3/03
Date

Other States' Requirements

In most states, modular structures conform to the state and/or local prescriptive building codes and their construction is regulated at the state level. Local and state regulations govern the on-site work that is done on modular and closed wall residential structures and the homes must comply with local requirements for foundation work.

Here are some examples of how nearby states regulate these structures:

- **Minnesota** - won't accept any modular products unless they bear the Industrialized Buildings Commission (IBC) label.
- **Montana** - requires modular products to meet state codes and has a state program overseeing inspections and enforcement of the codes.
- **Idaho** - all modular buildings installed in the state must comply with codes, laws, and rules enacted by the state, and must bear the insignia of approval.

Third-Party Inspection Program

We believe the state's Third-Party Inspection program is one way to ensure compliance of these code requirements. By working with the Industrialized Buildings Commission (IBC), we can make sure those factories using the program and placing homes in North Dakota meet our codes. The State will need to coordinate this with the IBC, but we are confident that it is workable.

Section 2 of the bill was added by the House Political Subdivisions Committee, making the Third-Party Inspection program mandatory for all factories producing six or more units per year.

Building officials from one jurisdiction can accept inspections from other building officials, so factories building fewer than six units per year may choose to contract with building-officials for inspection purposes.

For the **safety, health and welfare** of North Dakota citizens purchasing factory-built modular housing, it's imperative they **meet the same standards** as stick-built housing in our state.

The North Dakota Association of Builders and its membership strongly support this legislation, and we ask the Senate Industry, Business and Labor Committee to give a favorable recommendation on House Bill 1345.

JOB SITE INSPECTION RECORD

1 & 2 FAMILY DWELLINGS

BUILDING PERMIT NO. _____

STREET ADDRESS _____

NATURE OF WORK _____

OWNER _____

CONTRACTOR _____

This card shall be maintained available by the Permit Holder until final approval. It shall be the duty of the person requesting any inspection to provide access to and means for inspection of such work. This card is site specific and cannot be used as a record for any other job site. Structure shall not be occupied prior to all final approvals.

CONTRACTORS LICENSE # _____

INSPECTOR MUST SIGN APPROPRIATE SPACE

INSPECTION	DATE	INSPECTOR	COMMENTS
Foundation			
Set back			
Footing			
Foundation			
Reinforcing			
DO NOT PLACE CONCRETE UNTIL ABOVE IS SIGNED			
Concrete Floor Slabs			
Electrical (groundwork)			
Plumbing (groundwork)			
DO NOT PLACE FLOOR UNTIL ABOVE IS SIGNED			
Rough Electrical			
Rough Plumbing			
Gas Piping			
Heating & Ventilating			
DO NOT COVER WORK UNTIL ABOVE HAS BEEN SIGNED			
Roofing			
Windwash			
Framing			
ABOVE MUST BE SIGNED BEFORE WALLS ARE INSULATED			
Wall/Rim Insulation			
Vapor Barrier (additions)			
Drywall			
DO NOT OCCUPY PRIOR TO FINAL			
Htg Vent & A/C			
Electrical			
Plumbing			
Grading			
Building			

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Dennis Hall
Operator's Signature

10/3/03
Date