

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

23/2

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Operator's Signature

Date

2003 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2312

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10/22/03

Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2312

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date 2-03-03

Tape Number	Side A	Side B	Meter #
1	xxx		0-2930
Committee Clerk Signature <i>Lisa VanBerkom</i>			

Minutes: Chairman Mutch opened the hearing on SB 2312. All Senators were present. SB 2312 relates to providing for a manufactured home installation program.

Testimony in support of SB 2312.

Senator Kringstad introduced the bill. The U.S. Congress passed a manufactured housing improvement plan in 2000. The part of the Act that raises concern deals with the standards of installation of manufactured homes. The state needs laws in place by December, 2005. The purpose of this bill is to establish such standards to meet the requirements of the Federal Act. Senator Kringstad then turned the testimony over to Kent French.

Kent French, ND Manufactured Housing Association, spoke in favor of the bill. They do not want the federal government to mandate requirements. He states that 30% of housing sold in the United States is manufactured housing. 50% of the housing is a combination of manufactured, modular, or panelized. The federal government put the act into effect in 2000. It set up standards for manufactured homes. We ask that we be allowed to determine their own standards. They are

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10/22/03
Date

Page 2

Senate Industry, Business and Labor Committee

Bill/Resolution Number 2312

Hearing Date 02-03-03

developing a state program. They want to ensure that standards won't make it unaffordable to purchase a manufactured homes. This bill sets state wide standards for installation and inspection that will protect the home owner.

Senator Mutch: Is there no mandate from the federal government yet?

Kent: It won't be in effect until 2005.

Senator Espgaard: It says here that the department of commerce shall make the rules, why them?

Kent: They are the people who develop building codes for the state.

Senator Heitkamp: Is there a grandfather clause here? Why would you grandfather future homes?

Kent: We have communities that are empty now, and already developed. I believe that the mandate we would set would be for the new communities in the future.

(meter no. 1025)

Rod Schaper, would like to touch on a couple of subjects that came up. He is in support of the bill. If you are in an existing community that has been in operation for years, you are being forced to compete with communities that are being developed. The expense of bringing these older communities up to where the new and developing communities are would be horrendous. Thus you could no longer compete with the new ones coming in. They want to develop a law that will not put anyone out of business.

Senator Heitkamp: If you grandfather it in, does the structure already exist or does everything coming in get grandfathered?

Rod: No, the ones coming in would have to meet standards.

Don Offerdahl, Executive Director of the North Dakota State Electrical Board, spoke in favor of SB 2312. See attached testimony.

Page 3

Senate Industry, Business and Labor Committee

Bill/Resolution Number 2312

Hearing Date 02-03-03

Senator Heitkamp: If the amendment goes in, would you support the bill?

Don: Yes, with amendments.

Rich Gray, of the North Dakota Department of Commerce, Division of Community Services, spoke and did not indicate whether he is in support or opposition. He states that 70% of the complaints with manufactured housing are to deal with the installation. The federal government up until this point has not been involved in the regulation of these homes. The federal government is saying that they have to get a handle on the situation with the installation of homes. 36 states currently have these guidelines.

Senator Klein: So what are we attempting to do?

Rich: The law right now does not provide us with an ability to set standards. This is a no cost bill.

Senator Mutch: What would happen if we don't do anything?

Rich: The best we can do right now is just sit around until we see what the federal government does and then come back in 2005 and ask for some ability to set our own standards.

(meter no. 2170)

Ranae Phennig, ND Electrical Workers Council, stated for the record that they would support the bill with the proposed amendments for the Electrical Board.

Jerry Hjelmstad, ND League of Cities, was neutral on this bill. He just wanted to go on record with that.

Hearing was closed. No action taken.

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2312

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date 02-04-03

Tape Number	Side A	Side B	Meter #
2	xxx		100
Committee Clerk Signature <i>Lisa VanBerkon</i>			

Minutes: The committee addressed SB 2312 during committee work. There was brief discussion.

Senator Espegard made a motion to amend. Senator Klein seconded.

Roll Call Vote: 7 Yes. 0 No. 0 Absent.

Senator Espegard moved a DO PASS AS AMENDED. Senator Klein seconded.

Roll Call Vote: 7 Yes. 0 No. 0 Absent.

Carrier: Senator Espegard

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10/22/03
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FISCAL NOTE
Requested by Legislative Council
01/27/2003

Bill/Resolution No.: SB 2312

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

No fiscal impact is expected. The Manufactured Housing Association has agreed to provide the funds necessary to develop the rules for the program (i.e. costs associated with publications, filing notices, mailing, printing, etc.).

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Rich Gray	Agency:	ND Dept. of Commerce
Phone Number:	328-3698	Date Prepared:	01/30/2003

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10/22/03
Date

38336.0101
Title.0200

Adopted by the Industry, Business and Labor
Committee

February 4, 2003

403
7-4-3

PROPOSED AMENDMENTS TO SENATE BILL NO. 2312

Page 1, line 10, remove "These standards supersede all existing state, county, city, and township"

Page 1, remove line 11

Page 1, line 12, remove "cities and counties, pertaining to installation of manufactured homes."

Renumber accordingly

Page No. 1

38336.0101

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10/22/03

Date

Date: 2-4-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2312

Senate IBL Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Motion to Amend

Motion Made By Espegard Seconded By Klein

Senators	Yes	No	Senators	Yes	No
7- Sen. Duane Mutch, Chairman	X		Sen. Michael Every <u>5</u>	X	
1- Sen. Jerry Klein, Vice Chairman	X		Sen. Joel Heitkamp <u>4</u>	X	
6- Sen. Duaine Espegard	X				
2- Sen. Karen Krebsbach	X				
3- Sen. Dave Nething	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

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10/22/03
Date

Date: 2-4-03
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO.

Senate LBL

Committee

☐ Check here for Conference Committee**Legislative Council Amendment Number**

Action Taken

Do Pass as Amended

Motion Made By

Espegard

Seconded By

Heir

[illegible]

Total (Yes)

(Yes) 7

No 0

Absent

Floor Assignment

Espegard

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

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Operator's Signature

1022103

Date _____

REPORT OF STANDING COMMITTEE (410)
February 5, 2003 8:19 a.m.

Module No: SR-22-1667
Carrier: Espegard
Insert LC: 38336.0101 Title: .0200

REPORT OF STANDING COMMITTEE
SB 2312: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends
AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS**
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2312 was placed on the Sixth
order on the calendar.

Page 1, line 10, remove "These standards supersede all existing state, county, city, and
township"

Page 1, remove line 11

Page 1, line 12, remove "cities and counties, pertaining to installation of manufactured homes."
Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

SR-22-1667

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Date

2003 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2312

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10/22/03

Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2312

House Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date March 11, 2003

Tape Number	Side A	Side B	Meter #
1		X	1163-2797
Committee Clerk Signature <i>Bob Leier</i>			

Minutes: Chair Kelser: Opened hearing on SB 2312

Sen. Kringstad: Introduced Tom Kelsch.

Tom Kelsch (ND Manufactured Housing Association): Passed out testimony from Kent French. Want to work with the cities and Department of Commerce so the federal government does not step in. Explaining the bill, after the first seven lines, the "ifs" are in just in case the federal government changes rules.

Rep. Klein: Is this for mobile homes or manufactured homes? Kelsch believes just manufactured homes.

Rich Gray (Dept. of Commerce): He supports the bill. HUD says 70% or more of manufactured homes do not have construction related problems, but installation problems. If ND does not do something, the federal government will regulate for us. We need to get together as a group to develop a program along with the federal government. In response to Rep. Klein's question, this deals with manufactured homes.

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10/22/03
Date

Page 2

House Industry, Business and Labor Committee

Bill/Resolution Number 2312

Hearing Date March 11, 2003

Rep. Froese: Will this not affect the services placed in mobile parks? Gray said those are governed by the Dept. of Health. This would deal with new homes, unless the federal government changes anything.

Rep. Kasper: If this has been a problem for so long, where were we years ago? Gray said he does not have a good answer for that. The feds took over in 1976 to set standards for manufactured homes. ND does not have factories, which could be why we have not done anything yet. Feds only deal with "how" they are built, not the installation. HUD has dealt with consumer complaints; now the state will deal with complaints.

Rep. Ekstrom: Safety, quality, environmental standards...are these all included? Is this comprehensive? Gray said there are a number of standards out there. Most are permanent installations now, unlike the 'mobile' homes of the past.

Rep. Froese: Does the fiscal note include setting up administrative rules? Gray said that the Manufactured Housing Association will pay for publishing the rules, but not all will be covered, so the fiscal note covers the remainder.

Chair Keiser: Closed hearing on SB 2312

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2312

House Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date March 12, 2003

Tape Number	Side A	Side B	Meter #
3	x		9.0-13.0
Committee Clerk Signature <i>Edith Hammer</i>			

Minutes: Chairman Kelser called for committee work on SB 2312.

Kent French, who is active in the manufactured home industry in North Dakota, had further discussions with Rep. Kelsh and they agreed that it wasn't necessary for Mr. French to appear before the committee for additional questions. This bill will attempt to put our state in a proactive position relative to federal legislation that might be coming down the pike. The fiscal note is negligible so it does not need to be referred to Appropriations.

Rep. Dosch moved a Do Pass.

Rep. Klein seconded the motion.

Results of the roll call vote: 14-0-0.

Rep. Kasper will carry SB 2312 on the floor.

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10/22/03
Date

Date: 3/12/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2312

House INDUSTRY BUSINESS & LABOR Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Dosch Seconded By Klein

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	✓		Boe	✓	
Vice-Chair Severson	✓		Ekstrom	✓	
Dosch	✓		Thorpe	✓	
Froseth	✓		Zaiser	✓	
Johnson	✓				
Kasper	✓				
Klein	✓				
Nottestad	✓				
Ruby	✓				
Tieman	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Kasper

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

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Operator's Signature Deanna Waller

Date 10/22/03

REPORT OF STANDING COMMITTEE (410)
March 12, 2003 4:48 p.m.

Module No: HR-44-4621
Carrier: Kasper
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2312, as engrossed: Industry, Business and Labor Committee (Rep. Kelsor, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2312 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-44-4621

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Date

2003 TESTIMONY

SB 2312

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10/22/03

Date

Support

SB 2312

Chairman Mutch and other members of the Industry, Business and Labor Committee.

My name is Donald Offerdahl. I am the Executive Director of the North Dakota State Electrical Board.

I come before you today in support of the concept of Senate Bill 2312. I am proposing that this bill be amended to clarify the federal HUD's jurisdiction pertaining to manufactured and mobile homes.

I propose the following amendment: On line 12, "cities and counties, pertaining to the initial installation of manufactured homes which was done during the inspection process at the factory in accordance with HUD 24 CRC 3280", this is the process we presently are following when a manufactured or mobile home is set on a site. The on-site electrical work is required to be certified safe to energize. This is to ensure that the manufactured or mobile home is connected in accordance with the National Electrical Code and HUD standards 3280. This process has always been in place in the State of North Dakota along with all the neighboring states.

I appreciate the time you have given me to inform you of the electrical requirements to assure safety to the consumers. I will be happy to answer any questions you may have at this time.

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Donald Offerdahl
Operator's Signature

10/22/03

Date

Submitted to:
Submitted by:
Date:

Senate Industry, Business & Labor Committee
North Dakota League of Cities
February 3, 2003

PROPOSED AMENDMENTS TO SENATE BILL NO. 2312

Page 1, line 10, remove "These standards supersede all existing state,
county, city, and township"

Page 1, remove line 11

Page 1, line 12, remove "cities and counties, pertaining to the installation
of manufactured homes."

Renumber accordingly

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10/22/03

Date

Testimony – Dave Anderson, President, Downtown Community Partnership, Fargo

March 11, 2003

Mr. Chairman, Members of the Committee,

My name is Dave Anderson. I serve as president of the Downtown Community Partnership in Fargo, a role I assumed shortly after the creation of Fargo's Renaissance Zone.

The zone and similar ones in ten other North Dakota communities have proven to be a very important tool in our work to bring growth and vitality to our central business districts. In the nearly three years of effort that has followed the start of Fargo's zone, we have seen tired old buildings renewed, empty lots filled with new buildings and an awakened sense of value on the part of our community for downtown as well as a better understanding of its potential. Roughly six million dollars worth of land and buildings have been improved to a post project value of more than twenty-seven million dollars. Statewide, I am told, there are more than seventy projects.

The zone concept is evolving ... it started out slowly with small projects submitted by brave entrepreneurs willing to give the program a try. Some fine-tuning by the Legislature two years ago made a good idea a very good program and practice is showing us how to bring larger projects to downtown to further utilize the incentives. We're hitting a stride, even in a sluggish economy overshadowed by the possibility of war.

After all the progress made in the zone since 2000, our downtown community is concerned that another tool created along with the zone will no longer be an attractive incentive to bring businesses into the downtown zone and its renewal projects. SB 2259 would take the valuable tax credits created for renaissance fund investments and make the funds available for use outside of the zones and thereby remove an important incentive to attract businesses to fill our newly revitalized commercial spaces.

I understand the investors desire to place the resources of the renaissance fund in faster paced projects ... but the zone is a work in progress. Just as we are getting past the learning curve, we fear this proposal will drain the fund that was conceived for investment in zone businesses.

Understanding the desires of the investors, but also guarding the needs of the zone as a project area ... I suggest there is room for compromise, by allowing a portion of the fund to be invested outside the zone while reserving the balance for zone projects. We can work together on this ... we have a record of cooperation over the past three years.

Without such a specified commitment for the fund to the zone, our organization must join with the City of Fargo and oppose the current version of the bill.

Testimony in Support of Senate Bill No. 2312

House Industry, Business & Labor Committee

March 11, 2003

Chairman Keiser, House Industry, Business & Labor Committee members, my name is Kent French. I am a lobbyist on behalf of the North Dakota Manufactured Housing Association testifying in support of SB 2312.

The US Congress passed the Manufactured Housing and Improvement Act of 2000. The part of the Act which raises concern deals with standards for installation (permanent foundations, etc.) of manufactured homes, licensing and training of installers, inspections of installations, and consumer dispute resolution. As yet, no one knows what exactly those standards are going to be. However, it is certain that if a state does not have laws in place that deal with these standards by December 2005, the federal government under the HUD Department will impose its own standards and administration program.

This proposed bill is intended to create a way to establish such standards for manufactured homes in North Dakota so that we can meet the requirements of the federal Act and also keep as much of the process of creation and administration of the standards in the hands of North Dakotans.

Accordingly, I urge a DO PASS recommendation for SB 2312. If there are any questions I would be willing to try to answer them.

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Dennis Wallin
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