

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2246

2005 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2246

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2246

Senate Industry, Business and Labor Committee

Conference Committee

Hearing Date 1-25-05

Tape Number	Side A	Side B	Meter #
2	xxx		2900-4000
Committee Clerk Signature <i>Lisa Van Berkom</i>			

Minutes: **Chairman Mutch** opened the hearing on SB 2246. All Senators were present.

SB 2246 relates to park model trailers.

Senator Jack Traynor introduced the bill.

Senator Traynor: We have thousands of miles of lake shore around Devils Lake. One of the popular items seen on the lake shore is a park model trailer. I was asked to submit this bill because apparently, there is a problem with the handling of these units from a tax standpoint and registration. The bill you have before you would allow them to be registered which would mean they could be driven on the highway. If you own one of these, you are not permitted to put it below 1460. The lake is at 1448. So you could be a long way from the water. This would allow the unit to be registered like a mobile home. I hope the committee looks favorably upon the bill.

Joe Belzer, Ramsey County Commissioner, spoke in support of the bill.

Joe: These can be pulled with a three quarter ton pickup and licensed. They are like an RV. This would encourage economic value of Devils Lake.

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Senator Heitkamp : Do these things have axles?

Joe: Yes, they pull them up from Indiana.

Senator Heitkamp : The axle stays underneath them?

Joe: Yes.

Senator Espegard : This would just treat them the same as a mobile home?

Joe: No, as an RV. They are twelve feet wide. They have lights and holding tanks.

Senator Krebsbach: Are they set on a concrete pad?

Joe: They are on their wheels, on the lake shore, with leveling and blocks.

Keith Kiser, North Dakota Dept. of Transportation, held a neutral position.

Keith: The bill refers to these as being licensed as a house trailer, which in the statute doesn't include travel trailers. **Keith suggest that the committee amend that to include travel trailers.**

Chairman Mutch suggest amendments be prepared and reviewed at a later time.

The hearing was closed.

Chairman Mutch allowed committee discussion on this bill later that afternoon.

The amendments Chairman Mutch requested were prepared and reviewed by the committee.

Senator Klein moved to adopt the amendments.

Senator Krebsbach seconded.

Roll Call Vote: 7 yes. 0 no. 0 absent.

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

Roll Call Vote: 7 yes. 0 no. 0 absent.

Carrier: Senator Heitkamp

FISCAL NOTE
 Requested by Legislative Council
 01/18/2005

Bill/Resolution No.: SB 2246

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

This bill is expected to have no fiscal impact on the Department of Transportation.

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:	Keith Kiser	Agency:	NDDOT
Phone Number:	328-2725	Date Prepared:	01/20/2005

Date: 1-25-04
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2246

Senate Industry, Business and Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number Do Pass As Amended

Action Taken _____

Motion Made By Krebsbach Seconded By Klein

Senators	Yes	No	Senators	Yes	No
Senator Mutch, Chairman	X		Senator Fairfield	X	
Senator Klein, Vice Chairman	X		Senator Heitkamp	X	
Senator Krebsbach	X				
Senator Nething	X				
Senator Espegard	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Heitkamp

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

REPORT OF STANDING COMMITTEE (410)
January 27, 2005 1:32 p.m.

Module No: SR-18-1216
Carrier: Heitkamp
Insert LC: 50150.0201 Title: .0300

REPORT OF STANDING COMMITTEE

SB 2246: 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 2246 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "house" with "travel"

Renumber accordingly

2005 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2246

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2246

House Industry, Business and Labor Committee

Conference Committee

Hearing Date 3-2-05

Tape Number	Side A	Side B	Meter #
2	x		30-end
2		x	0-8.9
Committee Clerk Signature <i>Jody Rinke</i>			

Minutes:

Chairman Keiser: Opened the hearing on SB 2246.

Senator Traynor: Appeared in support of this bill and also was a sponsor. The problem arose in our lake area, when people attempted to place park model trailers below the level FEMA could ultimately reach 1460 ft. . That is quite a ways from the water now the lake is about 1448 ft. We know of people that have put these trailers down near the water but below 1460 and the emergency manager says you can't have it there. This bill would allow owners to register these units so they could be moved on the highways, then FEMA would allow them to be anywhere near the water.

Representative Johnson: When you say a park model trailer, does that limit it to a certain length and width that it can be?

Senator Traynor: I guess it is defined in sub section 2.

Representative Froseth: If a park model trailer is licensed, they don't have to pay property tax do they?

Senator Traynor: I think you are right

Representative Ekstrom: Will the wheels be left on them and tied down?

Senator Traynor: The trailers that I've seen do not have wheels on them.

Eric Warren, Devils Lake, North Dakota: Appeared in support of bill. I'm here on my own behalf and I am a township supervisor that is effected by this quite a bit, what this bill does is give us an opportunity in the lake region to put these trailer park models on the lake, we had to ask one gentlemen to move it off because FEMA was insurable by flood insurance. We want to make it uninsurable by flood insurance is what a trailer license does, the tax issue that you brought up is nothing is being tax there anyway so it does not matter to us as a township or I can't speak for our tax director but he is only going by the sale of the lots itself, because there is nothing that can be put on those lots right now that is permanent. Most of the ones that will be put up in our region will have a hitch and wheels left on them, because we want to get them out of there if the water would come up again. I know they don't show them in the pictures, but there are hitches and wheels under them, and we can solve that by skirting them and not seeing the wheels.

Jerry Peterson, Business Manager, ND Motor Vehicle Division: Appeared in support of bill. I wasn't going to testify but maybe I can answer some questions on the park model trailer fee that we get. That is a \$20.00 annual fee that we get at the department and all that we issue is a white piece of paper, and when I checked the record today, we only had about 29 that have been issued over the last few years.

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House Industry, Business and Labor Committee

Bill/Resolution Number SB 2246

Hearing Date 3-2-05

If this bill passes through we would issue a license plate to the trailers and I would assume that the people we would have to send out a renewal at that point so that they would have a current tab on that plate. The sales tax is paid up front and there are no taxes later on.

Hearing closed.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2246

House Industry, Business and Labor Committee

Conference Committee

Hearing Date 3-7-05

Tape Number	Side A	Side B	Meter #
2	x		27.-52
Committee Clerk Signature <i>Jody Rinke</i>			

Minutes:

Chairman Keiser: Reconvened the hearing on SB 2246.

Representative Froseth: What they are asking to do it to be able to register a park model trailer and license to eliminate buying flood insurance if they were located on a piece of property that was determined by FEMA was in a flood zone. But I had concerns that it would affect other areas in the state like Lake Metigoshe, and they can buy a license plate and put it on a park model and get by without having that unit accessed as property and pay property tax on, and I could not get any answers from anybody.

Representative Amerman: They had to have a hitch and wheels to be considered a trailer, are we telling the individuals that make these that they have to put hitches and wheels on now?

Representative Nottestad: Are we creating a park home into a travel trailer?

Chairman Keiser: FEMA says that if you have a flood zone you cannot put a permanent structure there. What these people are arguing is a shorter trailer has wheels and can be moved

Page 2

House Industry, Business and Labor Committee

Bill/Resolution Number SB 2246

Hearing Date 3-7-05

easily and if we designate this one category, and you can put it in there and the water rises you can pull it back.

Representative Ekstrom: I move a **DO NOT PASS** on SB 2246.

Representative Ruby: I **SECOND** the **DO NOT PASS** motion on SB 2246.

Motion carried **VOTE: 9-YES 3-NO 2-Absent (Kasper, Dosch).**

Representative Thorpe: I visited with Marcy Dickerson from the tax department and she gave me information on this issue and in the Century code the park model trailers are not subject to the home taxation right now or we should say non taxable.

Representative Ekstrom: I move to **RECONSIDER** our actions on SB 2246.

Representative Nottestad: I **SECOND** the motion to **RECONSIDER**.

Motion carries on a voice vote.

Representative Boe: I move a **DO PASS** on SB 2246.

Representative Dietrich: I **SECOND** the **DO PASS** motion on SB 2246.

Motion carried. **VOTE: 10-YES 2-NO 2-Absent (Kasper, Dosch).**

Representative Thorpe will carry the bill on the floor.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2246

House Industry, Business and Labor Committee

Conference Committee

Hearing Date 3-8-05

Tape Number	Side A	Side B	Meter #
3	x		2-4.1
Committee Clerk Signature <i>Jody Benke</i>			

Minutes:

Chairman Keiser: Reconvened on SB 2246.

Representative Froseth: I move to **RECONSIDER** our action on SB 2246.

Representative Ekstrom: I **SECOND** the motion of **RECONSIDERATION**.

Motion carried voice vote.

Representative Ekstrom: I **MOVE** to **AMEND SB 2246 (EMERGENCY CLAUSE)**

Representative Vigesaa: I **SECOND** the motion.

Motion carried voice vote.

Representative Ekstrom: I move a **DO PASS AS AMENDED** on SB 2246.

Representative Johnson: I **SECOND** the **DO PASS AS AMENDED** motion.

Motion carried. **VOTE: 11-YES 1-NO 2-Absent (Kasper & Boe).**

Representative Thorpe will carry the bill on the floor.

Date: 3-7-05

Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2246

House INDUSTRY, BUSINESS AND LABOR Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Rep. Ekstrom Seconded By Rep. Leiby

Representatives	Yes	No	Representatives	Yes	No
G. Keiser-Chairman	X		Rep. B. Amerman	X	
N. Johnson-Vice Chairman		X	Rep. T. Boe		X
Rep. D. Clark	X		Rep. M. Ekstrom	X	
Rep. D. Dietrich	X		Rep. E. Thorpe	X	
Rep. M. Dosch	A	A			
Rep. G. Froseth	X				
Rep. J. Kasper	A	A			
Rep. D. Nottestad	X				
Rep. D. Ruby	X				
Rep. D. Vigesaa		X			

Total (Yes) 9 No 3

Absent 2 Kasper & Dosch

Floor Assignment Rep. Thorpe

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

Roll Call Vote #: 2 Date: 3-7-05

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.**

House INDUSTRY, BUSINESS AND LABOR Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Reconsider Actions voice vote

Motion Made By Rep. Ekstrom Seconded By Rep. Nottestad

Representatives	Yes	No	Representatives	Yes	No
G. Keiser-Chairman			Rep. B. Amerman		
N. Johnson-Vice Chairman			Rep. T. Boe		
Rep. D. Clark			Rep. M. Ekstrom		
Rep. D. Dietrich			Rep. E. Thorpe		
Rep. M. Dosch					
Rep. G. Froseth					
Rep. J. Kasper					
Rep. D. Nottestad					
Rep. D. Ruby					
Rep. D. Vigesaa					

Total (Yes) 12 No 0

Absent 2 Kasper & Dosch

Floor Assignment Thorpe

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

Date: 3-7-05
Roll Call Vote #: 3

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2246

House INDUSTRY, BUSINESS AND LABOR Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Boe Seconded By Rep. Dietrich

Representatives	Yes	No	Representatives	Yes	No
G. Keiser-Chairman	X		Rep. B. Amerman	X	
N. Johnson-Vice Chairman	X		Rep. T. Boe	X	
Rep. D. Clark	X		Rep. M. Ekstrom		X
Rep. D. Dietrich	X		Rep. E. Thorpe	y	
Rep. M. Dosch	A	A			
Rep. G. Froseth	X				
Rep. J. Kasper	A	A			
Rep. D. Nottestad	X				
Rep. D. Ruby	X				
Rep. D. Vigesaa	X				

Total (Yes) 10 No 2

Absent 2 Kasper & Dosch

Floor Assignment Rep. Thorpe

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

Roll Call Vote #: _____ Date: 3-8-05

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2246

House INDUSTRY, BUSINESS AND LABOR Committee _____

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Reconsider Actions Voice vote

Motion Made By Rep. Froseth Seconded By Rep. Ekstrom

Representatives	Yes	No	Representatives	Yes	No
G. Keiser-Chairman			Rep. B. Amerman		
N. Johnson-Vice Chairman			Rep. T. Boe		
Rep. D. Clark			Rep. M. Ekstrom		
Rep. D. Dietrich			Rep. E. Thorpe		
Rep. M. Dosch					
Rep. G. Froseth					
Rep. J. Kasper					
Rep. D. Nottestad					
Rep. D. Ruby					
Rep. D. Vigesaa					

Total (Yes) 12 No 0

Absent (2) Kasper & Boe

Floor Assignment _____

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

Date: 3-8-05
Roll Call Vote #: 2

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2246

House INDUSTRY, BUSINESS AND LABOR Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amend w emergency clause Voice Vote

Motion Made By Rep. Ekstrom Seconded By Rep. Vigesaa

Representatives	Yes	No	Representatives	Yes	No
G. Keiser-Chairman			Rep. B. Amerman		
N. Johnson-Vice Chairman			Rep. T. Boe		
Rep. D. Clark			Rep. M. Ekstrom		
Rep. D. Dietrich			Rep. E. Thorpe		
Rep. M. Dosch					
Rep. G. Froseth					
Rep. J. Kasper					
Rep. D. Nottestad					
Rep. D. Ruby					
Rep. D. Vigesaa					

Total (Yes) 12 No 0

Absent (2) Kasper & Boe

Floor Assignment _____

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

Date: 3-8-05
 Roll Call Vote #: 3

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2246

House INDUSTRY, BUSINESS AND LABOR Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Rep. Ekstrom Seconded By Rep. Johnson

Representatives	Yes	No	Representatives	Yes	No
G. Keiser-Chairman			Rep. B. Amerman		
N. Johnson-Vice Chairman			Rep. T. Boe		
Rep. D. Clark			Rep. M. Ekstrom		
Rep. D. Dietrich			Rep. E. Thorpe		
Rep. M. Dosch					
Rep. G. Froseth					
Rep. J. Kasper					
Rep. D. Nottestad					
Rep. D. Ruby					
Rep. D. Vigesaa					

Total (Yes) 11 No 1

Absent (2) Kasper & Boe

Floor Assignment Rep. Thorpe

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

REPORT OF STANDING COMMITTEE (410)
March 9, 2005 1:33 p.m.

Module No: HR-43-4520
Carrier: Thorpe
Insert LC: 50150.0301 Title: .0400

REPORT OF STANDING COMMITTEE

SB 2246, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2246 was placed on the Sixth order on the calendar.

Page 1, line 2, after "trailers" insert "; and to declare an emergency"

Page 1, after line 19, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2005 TESTIMONY

SB 2246

director of tax equalization of such county. Such report must list the number of mobile homes; the name of the owner of each mobile home which is located within each lot in the mobile home park; the name of the owner of each mobile home which has been moved into, out of, or within the mobile home park; the name of the owner of each mobile home which occupies more than one lot; and the lots which are vacant. In addition, the quarterly report must provide the name and date of arrival or departure of each mobile home which has been moved since the time of the last quarterly report. Any person who fails to make a report as required by this section is guilty of an infraction.

57-55-09. Rules and regulations. The state tax commissioner may make any rules and regulations that are necessary to carry out the provisions of this chapter.

57-55-10. Exemptions - Exceptions.

1. A mobile home described in this subsection to the extent herein limited is exempt from taxation under this chapter; provided, that the mobile home shall have a tax permit as provided in section 57-55-06:
 - a. If it is owned and used as living quarters of a military person on active military duty in this state who is a resident of another state.
 - b. If it is owned and occupied by a welfare recipient, provided the mobile home is not permanently attached to the land and classified as real property. For the purposes of this subdivision, "welfare recipient" means any person who is certified to the county director of tax equalization by the county social service board as receiving the major portion of income from any state or federal public assistance program.
 - c. If it is owned and used as living quarters by a disabled veteran or unremarried surviving spouse who meets the requirements of subsection 20 of section 57-02-08.
 - d. If it is owned and used as living quarters by a permanently and totally disabled person or unremarried surviving spouse who meets the requirements of subsection 20 of section 57-02-08.
 - e. If it is owned and used as the living quarters for a blind person who meets the requirements of subsection 22 of section 57-02-08.
 - f. If it is owned and used by a person who uses it as living quarters and who qualifies for the homestead credit provided in section 57-02-08.1, and the mobile home shall be regarded for the purposes of this exemption as the homestead of the person claiming the exemption.
2. This chapter does not apply to a mobile home that:
 - a. Is used only for the temporary living quarters of the owner or other occupant while the person is engaged in recreational or vacation activities, provided the unit:
 - (1) Displays a current travel trailer license; or
 - (2) Is a park model trailer that is used only for seasonal or recreational living quarters and not as a primary residence, and which is located in a trailer park or campground, and for which the owner has paid a park model trailer fee under section 39-18-03.2. For purposes of this paragraph, "park model" trailer means a recreational vehicle not exceeding forty feet [12.19 meters] in length which is primarily designed to provide temporary living quarters for recreation, camping, or seasonal use, is built on a

single chassis, is mounted on wheels, has a gross trailer area not exceeding four hundred square feet [37.16 square meters] of enclosed living space in the setup mode, and is certified by the manufacturer as complying with American national standards institute standard A119.5.

- b. Qualifies as a farm residence as described by subsection 15 of section 57-02-08, provided such mobile home is permanently attached to the ground.
- c. Is permanently attached to a foundation and is assessed as real property, provided the owner of such mobile home also owns the land on which such mobile home is located.
- d. Is owned by a licensed mobile home dealer who holds such mobile home solely for the purpose of resale, and provided that such mobile home is not used as living quarters or as the place for the conducting of any business.

57-55-11. Collection - Enforcement - Penalty.

- 1. The director of tax equalization shall make an inspection of each mobile home park, lot, or other place in which mobile homes are located, for the purpose of determining whether the provisions of this chapter are being complied with. If the director determines that any person is not complying with the provisions of this chapter, the director shall give such person a warning that if such person fails to comply within ten days after the issuance of such warning, the director of tax equalization may begin civil action against such person. In the alternative, if the director of tax equalization determines that there are mobile homes in the director's county belonging to transients or nonresidents who have failed to comply with the provisions of this chapter, and in the director's opinion the taxes will be uncollectible if immediate action is not taken, the director shall notify the county sheriff. The county sheriff shall immediately, and in no event later than five days after receiving such notification, commence proceedings as provided by law to collect the taxes, penalties, and interest, if any, which are due.
- 2. Before a mobile home is moved from its existing location, a moving permit must be obtained by the owner from the county director of tax equalization indicating that all taxes, penalties, and interest levied against the mobile home have been paid. While the mobile home is being transported, the moving permit must be displayed on the rear of the mobile home. Any person who violates this provision is guilty of an infraction, for which a fine of no less than one hundred dollars and no more than five hundred dollars may be imposed.

57-55-12. Refunds.

- 1. The owner of any mobile home who has paid, through mistake or otherwise, a greater amount of tax or penalty and interest than was justly due may apply for an abatement or refund under chapter 57-23 and a refund of the unjust portion paid. The county auditor and treasurer shall charge all refunds against the taxing districts to which the collection was credited.
- 2. If the owner of a mobile home has paid the full amount of taxes due under this chapter and thereafter during the current year such mobile home has been demolished or destroyed beyond repair by fire, windstorm, or flood, the owner is entitled to a refund under subsection 1.