2011 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1425

2011 HOUSE STANDING COMMITTEE MINUTES

House Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1425
January 25, 2011
13360

☐ Conference Committee

Committee Clerk Signature Ellen LeTang

Explanation or reason for introduction of bill/resolution:

Relating to the state building code

Committee Minutes:

Chairman Keiser: Opens the hearing on HB 1425

Representative Alon Weiland~District 13: I'm not going into any details but I will introduces HB 1425.

Chairman Keiser: Do you want your grandchildren go to these portable classrooms?

Alon Weiland: If that are safe as I would believe, yes, I would not have any objection.

Vice Chairman Kasper: Is this indicative of West Fargo or do you see other areas where they have this problem.

Alon Weiland: I don't know if Fargo has this kind of problem or not. That district is not growing as fast but I think that there are other schools districts in the state of North Dakota that are growing fast. This situation would allow with the temporary housing the school districts to make better plans and there are not intended to permanent.

Vice Chairman Kasper: If Fargo were to build a new school, would you have the vote of the people?

Alon Weiland: Yes.

Representative N Johnson: It says here in the provision for 10 years after construction they could have them, is there a penalty if you goes beyond 10 years.

Alon Weiland: Not sure.

Representative Kreun: There is no reference to the size of the kids in a classrooms, I would like to see a size?

Weiland: I defer, you make a good point. We have had two attempts at a bond issue and both failed, we will have to do it again, but hopefully this is a methodology that the school district to use to cut down the size of the individual classes.

Representative Boe: This portable classroom and must be a new concept because of the portables in the past must not have been in violation of the state building codes, would they?

Alon Weiland: There are some innovations in what they are proposing with this and that would be to have some things so it's not a permanent solution. There are some innovations out there that reduce the cost but still make it a good and safe application for a school.

Representative Kim Koppleman~District 13-West Fargo: The bill is really necessitated by growth in our schools and makes this applicable for others around the state of North Dakota. We have adopted the international building code and since most of those portable classrooms were in place that you were talking about, Representative Boe. We did an exemption for sprinkles in last session and it's not a one size fits all of an option as part of the statue reference there. Anytime you do a one size fits all by reference of adoption of the code, you run into the "what if's" and that is what this bill is here to do. The purpose is temporary. I have 2 suggestions, on line 13, I recommend an amendment that the word construction be changed to placement and that the section of sprinklers be a subsection of A.

Vice Chairman Kasper: The reason for this because the citizens of West Fargo have turned down the bond issue for a new school and you need temporary housing for the students?

Kim Kopppleman: Yes, but the new building code forces us to have permanent foundations. So if we were to do portable classrooms, it's now viable because they are not intended to sink a permanent foundation, the idea is for temporary structure. This will care for that. I believe a bond in some form will pass at some point.

Chairman Keiser: On line 13, when you read that last sentence, in the city of Bismarck we have a limited home rule charter. I don't believe any city has real home rule charter and we are still obligated to follow most of the century code. We went to the citizens and we have in a limited manner, where the city can impose its will in contrast of what the state's law may be. I don't believe the city of Bismarck adopted the building code thru the home rule charter; we just adopted the building code as an ordinance. This language might present a problem.

Kim Koppleman: This is the language that Legislative Council drafted.

Chairman Keiser: You don't know for West Fargo?

Kim Koppleman: I don't know, I assume the purpose for the language is to say that if a city were to adopt by reference the international building code by a home rule charter that they would have to make this exclusion if the bill passed. That's the intent. Whether or not

that they have to use the home rule charter in order to adopt the building code or whether they fall back on the state building code and enforce that.

Chairman Keiser: That's how it reads.

Kim Koppleman: What it says "this subsection applies to cities or counties adopting a building code under the home rule charter. If they choose to do that independently as a city, if they take no action, they are still under the state building code. If indeed a home rule charter allows them to take action and they adopt this code by authority then it would have to have this exclusion.

Chairman Keiser: Any other questions from the committee? Anyone else here to testify in support of HB 1425?

Ben Koppleman~West Fargo School Board: In this bill, what the goal is, was to put another tool back into the tool box for school districts. About 2 building codes ago, where it became prohibited to place a temporary structure it didn't talk about portable school buildings in the building code but it does include it to where now they have to have a full frost footing, permanent bathrooms and things of that nature. So what that did was potentially raised the cost by as much as 50%. Yes I would send my kids to one of theses as long as standard safety provisions were enforced. Every school district that uses these to my knowledge has policies and evacuation plans. Another question was how temporary are these, I think that the intend is that after 10 years, that they would be back under the authority of the building inspecting body and would at that point require a permanent foundation. Our intent is that they are temporary. When we went out for our last bond referendums, we were asked if we looked at portables and they were not cost effective. We heard overwhelmingly that people were not interested in portables for the long term. We are looking for another tool in our toolbox because we don't know what the long term will be but this would be an option for them.

Representative N Johnson: On line 11, part of things not required are electrical installations, what kind of installations are you talking about?

Ben Koppleman: I think the intent was permanent electrical services. The key word is permanent in relating to foundations and any of those other things listed.

Representative Boe: Would this temporary building have to be permitted so we have a record to when the 10 years begin?

Ben Koppleman: I believe that they would be. The city would still have the jurisdiction to making sure that they were installed properly. They would not be required to be installed on a permanent basis but rather with practical rules which are already dealt with in the building code having to do with temporary structures. There was one other question asked about the 100 kids in the class room, all the rules that have to do with fire codes and safety and occupancy, would still be enforced.

Chairman Keiser: Is there anyone here to testify in support HB 1425, in opposition?

Connie Sprynczynatyk~North Dakota Council of City Leagues: Your question about a home rule charter could incorporate a building code? My understanding of the way the Attorney General's opinions have flowed in the post home rule charter, the legislature changed the law in 1969, shortly after some of the cities began home rule charters, many were ties strictly of collection and use of distribution of local sales tax. In the early 1990's, what the Attorney General basically if a community or county adopts a home rule charter and in the case of a city, implements by ordinance, that's how you implement a home rule charter. As a parent, I can't get my mind wrapped around the idea that my kids attend in a classroom that for some reason is exempted from the building codes and that a good idea. Basically the league has a consistently "don't chip away at home rule" position. That's the part of me that any time it says, notwithstanding the provisions of a home rule charter, we always object. Fundamentally it should be a big deal to change the building code. I would hope that everybody in the community would take very seriously that the prevailing interest is the health, safety and welfare.

Vice Chairman Kasper: The key to this bill is on line 10, the word permanent. This bill is saying, all of those items listed are going to be there, but they don't have to be there permanent. So the safety and conveniences that are needed are all there, they are not going to the expense of putting in the ground like building a new school. That should solve your concern I would think?

Connie Sprynczynatyk: Perhaps but when the State Legislature granted home rule, over the years there has been pieces that the state has a prevailing interest in this issue. This has to be consistently applied across the board and there have been changes made. I would go back to dealing with at the local level. Adding 300 students a year would mean that you would have a minimal 10 portable classrooms a year. Whether it can be negotiation at local level, my suggestion, if that's a possibility, let's do it that way.

Vice Chairman Kasper: In West Fargo they have had 3 or 4 votes to build a new school and the voters have turned it down, if you where the school board, where would you put them?

Connie Sprynczynatyk: What this does is gives them a way not to face the issue. How does that allow the voters to of West Fargo to face their obligation to provide for public education?

Vice Chairman Kasper: The voters have spoken 3 or 4 times, where would you put them?

Connie Sprynczynatyk: I have been there but it doesn't help the voters face their obligation. I don't have easy answers, I'm just struggling to see how this is the answer.

Representative Amerman: I live in the county and under the home rule a building code that is suggested in this bill, there are 5 farmers and they home school, trade off every week at each house, now they see they can put up a building and by pass these building codes right in the middle of these farms, can they put up a building?

Connie Sprynczynatyk: I remember being lobbied hard by parents that were sending their kids to private school and they were leasing a facility. I was being lobbied to get the

fire department to back off on the fire codes so they could continue to educate those children. Ultimately, they built their own school. I don't know the answer to that one.

Representative Boe: Would you rather see than a total exemption if we would set up a separate set of rules to address this type of classroom?

Connie Sprynczynatyk: Changes to the state building code now, there is a process to changes to the state building code. Whether or not there needs to be temporary law with the temporary situation, that's above my pay grade and that is a legislative decision.

Representative Nathe: Do you know how many portable classrooms in the state?

Connie Sprynczynatyk: I don't know.

Chairman Keiser: Currently you read through the language, there is a state building code and a local building code. Can the local building code be different from the state building code, can it be less than the state building code? If has to be at the state standards, it could be more restrictive?

Connie Sprynczynatyk: More restrictive not less restrictive.

Chairman Keiser: This cannot be a local issue for West Fargo to take it to their voters as a home rule charter city can it be less restrictive than the state building code?

Connie Sprynczynatyk: I don't believe it can be less restrictive, it can be more restrictive.

Don Offerdahl Executive Director for the North Dakota State electrical Board: Looking at this legislation the electrical part of it, when they say "not have permanent electrical insulations", I'm trying to figure out what you would want to do lesser that what they are doing. As far as portable classrooms, going back to the early 90's in Minot, there out there. Last week we have the energy conference classes in town, this bill was brought up and they couldn't see what the issue was from what they are doing now? I don't believe there are foundations in Minot; you would have to ask the building inspector there. As far as the electrical, I would like to see the electrical taken out. We have provisions in our administrative rules to have exemptions that they can apply for and our board can give exemptions if they feel it is safe to the public.

Vice Chairman Kasper: On line 10, may not be required that a portable classroom have a permanent foundation, footing, bathroom, plumbing or electrical insulation, so it's saying you don't have these as permanent things. Then the next line, these portable classrooms are exempted from these provisions. We are only exempting these from the building code because the building code requires it to be permanent. We are just clarifying?

Don Offerdahl: The electrical code is not in the building code. Plumbing and electrical are not covered by the state building code, we have our own provisions in there.

Vice Chairman Kasper: Does your electrical your codes require these to be permanent or do you already allow them to be in these temporary classrooms if they are ok?

Don Offerdahl: How they are done now, there is not a lot of work to do it. I don't know what other ways you would do it that is cheaper.

Vice Chairman Kasper: I don't think they are trying to get around to what they are currently doing. I don't know why you would object to this?

Don Offerdahl: You can put rigid pipe on top of the ground and that would minimum electrical code, it doesn't need to be underground.

Vice Chairman Kasper: If you are saying that the electrical and plumbing are not in the building codes, if we would strike those out of the bill, then they would have to continue to comply with your codes you currently in place?

Don Offerdahl: Yes.

Representative Nathe: How many in the state?

Don Offerdahl: 40 to 50 in the state.

Chairman Keiser: I think you might be low, I don't think anyone has that answer.

Representative M Nelson: I'm concerned with the 10 year exemption, would the state electrical board have any real means of tracking 10 year exemptions from the code, who tracks?

Don Offerdahl: We wouldn't track that, I guess the building official in that area would track that if there was one in that jurisdiction.

Chairman Keiser: Anyone else here to testify in opposition to HB 1425, neutral? Closes the hearing on HB 1425 and we will hold the HB 1425.

2011 HOUSE STANDING COMMITTEE MINUTES

House Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1425
January 26, 2011
13487

☐ Conference Committee

Committee Clerk Signature Ellen LeTang

Explanation or reason for introduction of bill/resolution:

Relating to the state building code

Work Session Minutes:

Chairman Keiser: Opens the work session on HB 1425.

Vice Chairman Kasper: Reintroduces HB 1425.

Ben Koppleman~Board Member from West Fargo: (See attached testimony)

Representative M Nelson: The standards for the state electrical wiring equipment, plumbing code, and fire code are all specifically exempted from that state building code section, which you are amending. I think you are going too far. If you wanted to do those, you have to go into the areas of the code that affect those.

Ben Koppleman: I serve on that state electrical board. I've reviewed that with them. Legislative Council seems to think this section will still be binding on those because it specifically does cite them. Also, you look at the section which deals with sprinklers in residential homes that was there previous, that also was discussed 2 years ago to whether or not that had bearing on the fire code. It was deemed that it did. I don't know how to answer your question. It's my understanding that this would bear that restriction on those other codes as well.

Chairman Keiser: This is one of those cases that I would like to see the engrossed bill.

Ben Koppleman: If you don't mind, I could probably read it in a fluent fashion.

Chairman Keiser: If would be better for some of us slower folks to see it. Even in the amendment you put in the term permanent and the original bill had it in there too. We had some contractors and architects here and I asked them what was permanent? They said nothing. It's not in the building code, plumbing and there is no concept of permanent that they could come up with.

Ben Koppleman: There are some references to temporary which would be a stark difference from the rest of the code. Any time temporary is used, it's meant to be

temporary and all other is assumed permanent in those codes. They are all permanent unless there deemed temporary by the wording. We use temporary and permanent to differentiate.

Chairman Keiser: What is a permanent foundation?

Ben Koppleman: A permanent foundation is a frost proof foundation. A temporary foundation is something that adequately supports the weight of the structure and can safely tie down the structure in high winds or flood, but not necessary frost proof.

Chairman Keiser: Temporary I can understand permanent we are going to have trouble with.

Representative Kreun: The 10 year duration without a re-inspection, so once you put this in there, is the structure going to be there without a re-inspection?

Ben Koppleman: I don't think that will be the case, when you place these units, there would be a building permit required. In the case where there is a jurisdiction, they would have a building permit at that time, at the term of 10 years, they would have a requirement to notify the school.

Representative Kreun: What Bismarck does is give a building permit for 180 days and they come back and re-permit it, they continue to do that so that building is inspected on a frequent basis.

Ben Koppleman: I don't think that this bill or amendment would prohibit that. A lot of those things could be done through the fire marshal inspection. We have some jurisdictions that are more willing to operate under their discretion in the code to allow such things. This would have some consistency across the state so we don't have a different picture across the state.

Representative Amerman: The requirements of state plumbing, electrical and building still apply at the time of placement. At the off site where these are constructed, can you give me an idea how big of a business for off sight building; are businesses going to spring up if this is passed?

Ben Koppleman: There are industries that already build these classrooms in state and out of state.

Representative Boe: I was wondering on the question on permanent, could we use the word "approved" foundation? Then put in a definition of an approved foundation is.

Ben Koppleman: I think that would not satisfy this because then the jurisdiction could just say an approved foundation is a frost proof foundation and we are back to where we started. What we could say, however, instead of saying permanent footing and permanent foundations, say "shall not require a frost protected foundation" which means digging down into the earth. With plumbing and electrical, you could replace that with underground service.

Representative Boe: Last week in a bill I heard there was a reference to permanent, placed items on section lines, Legislative Council requested that he take the word permanent out because if fact, there is nothing that is permanent.

Ben Koppleman: In any of these instances, you could use the terms "designed to be permanent" that's different than being permanent.

Chairman Keiser: Committee, what are your wishes?

Representative Amerman: Could we have this engrossed?

Chairman Keiser: Yes.

Vice Chairman Kasper: Moves the amendment.

Representative Sukut: Second.

Chairman Keiser: Further discussion?

Voice vote, motion to adopt amendment 11.0694.01003 carried.

2011 HOUSE STANDING COMMITTEE MINUTES

House Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1425
February 2, 2011
13903

☐ Conference Committee

Committee Clerk Signature Ellen LeTang

Explanation or reason for introduction of bill/resolution:

Relating to the state building code.

Minutes:

Chairman Keiser: We have the bill before us as adopted as amended, what are the wishes of the committee?

Representative Kreun: Moves a Do Not Pass as Amended.

Representative M Nelson: Second.

Chairman Keiser: Further discussion? Vote how you want. Bismarck folks have been on me. West Fargo has a unique problem. Right now, the largest school district is Bismarck. We have been living with portables for a long time and meeting every code.

Representative M Nelson: We had a couple portables in our area this year for schools. What is happening in West Fargo is more of a local problem working with the building inspectors. We didn't have any problem in our local school district. I against this because down the road, I'm getting concerned about giving exemptions on school buildings from building codes.

Chairman Keiser: I think West Fargo's problem was discussed indirectly on the floor by Vice Chairman Kasper's bill that went down. In West Fargo, there is sediment amongst some that they are unhappy in general.

Representative N Johnson: I'm going to support the do not pass. We have used temporary portable classrooms in our community while I was on the school board. When I grew up in Grand Forks, we did double shifts.

Chairman Keiser: Further Discussion?

Roll call was taken for a Do No Pass as Amended on HB 1425 with 9 yeas, 4 nays, 1 absent and Representative M Nelson is the carrier.

2011 HOUSE STANDING COMMITTEE MINUTES

House Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1425
February 7, 2011
14149

☐ Conference Committee

Committee Clerk Signature Ellen LeTang

Explanation or reason for introduction of bill/resolution:

Relating to the state building code

Minutes:

Chairman Keiser: Opens the work session on HB 1425. This is the bill proposed by Representative Koppleman and we put his amendment on it. We voted and it was seven to seven.

Chairman Keiser: What are the wishes of the committee?

Vice Chairman Kasper: Do Pass as Amended on HB 1425.

Representative Ruby: Second.

Chairman Keiser: Further discussion?

Bill Wilkins~Administrator for the City of Bismarck: Attempting to look at the needs of the bill sponsor and the existing codes with the previous code, we have found an opportunity to allow the frost-free foundation into this amendment. The city building inspector in Bismarck has agreed and the Fargo building official said that it would be ok also.

Chairman Keiser: Further discussion?

Representative Sukut: I have had an opportunity to take the amended bill and sent it to the building inspector in Williston. They are OK with the amended bill. I will be supporting the amended bill.

Roll call was taken for a Do Pass as Amended on HB 1425 with 11 yeas, 3 nays, 0 absent.

what that means, depending who you buy it from. If I'm a manufacturer, I would recommend you to do this, I don't like that part.

Vice Chairman Kasper: The foundations system must comply the recommendations of the manufacturer's engineering report. All structures like this must be built to code and I'm sure the building code will protect the consumer. To build and move it they are going to have an engineer's report, it just says that it has to comply with that.

Chairman Keiser: Further discussion?

Voice vote, motion carries.

Chairman Keiser: What are the wishes of the committee?

Vice Chairman Kasper: Motions for a Do Pass as Amended on HB 1425.

Representative Ruby: Second.

Chairman Keiser: Further discussion?

Roll call was taken for a Do Pass as Amended on HB 1425 with 7 yeas, 7 nays, 0 absent.

Chairman Keiser: We will table this bill until tomorrow.

VK
2/3/11

11.0694.01003
Title.02000

Prepared by the Legislative Council staff for
Representative Koppelman
January 26, 2011

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1425

Page 1, line 9, after the first "code" insert ", plumbing code, electrical code,"

Page 1, line 9, after the second "building" insert ", plumbing, or electrical"

Page 1, line 10, after "that" insert "buildings designed for and used as"

Page 1, line 11, after the first underscored comma insert "permanent"

Page 1, line 11, after the second underscored comma insert "a permanent"

Page 1, line 11, after "bathroom" insert "if bathroom facilities are located in an adjacent building"

Page 1, line 11, after the third underscored comma insert "permanent"

Page 1, line 11, after "plumbing" insert "services or fixtures"

Page 1, line 11, after "or" insert "permanent"

Page 1, line 11, replace "installations" with "service"

Page 1, line 13, replace "construction" with "placement"

Page 1, line 13, after the underscored period insert "A city, township, or county may require that a temporary foundation system be used that provides adequate anchoring and structural support."

Renumber accordingly

Date: Jan 26, 2011

Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1425

House **House Industry, Business and Labor** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 11.0694.01003

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

Motion Made By _____ Seconded By _____

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser			Representative Amerman		
Vice Chairman Kasper			Representative Boe		
Representative Clark			Representative Gruchalla		
Representative Frantsvog			Representative M Nelson		
Representative N Johnson					
Representative Kreun					
Representative Nathe					
Representative Ruby					
Representative Sukut					
Representative Vigesaa					

voice vote - motion carried

Total Yes _____ No _____

Absent _____

Floor Assignment _____

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

Date: Feb 2, 2011

Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1425

House **House Industry, Business and Labor** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☒ Do Not Pass ☒ Amended ☐ Adopt Amendment

Motion Made By Rep Kreun Seconded By Rep Nelson

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	✓		Representative Amerman	✓	
Vice Chairman Kasper		✓	Representative Boe	~~AB~~	
Representative Clark	✓		Representative Gruchalla	✓	
Representative Frantsvog	✓		Representative M Nelson	✓	
Representative N Johnson	✓				
Representative Kreun	✓				
Representative Nathe	✓				
Representative Ruby		✓			
Representative Sukut		✓			
Representative Vigesaa		✓			

Total Yes 9 No 4

Absent 1

Floor Assignment Rep M. Nelson

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

Date: Feb 7,

Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1425

House **House Industry, Business and Labor** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

Motion Made By Rep Kasper Seconded By Rep Nathe

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	✓		Representative Amerman		✓
Vice Chairman Kasper	✓		Representative Boe		✓
Representative Clark	✓		Representative Gruchalla		✓
Representative Frantsvog	✓		Representative M Nelson		✓
Representative N Johnson	✓				
Representative Kreun		✓			
Representative Nathe	✓				
Representative Ruby	✓				
Representative Sukut	✓				
Representative Vigesaa		✓			

Total Yes 8 No 6

Absent 0

Floor Assignment _____

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

Reconsider

11.0694.02001
Title.03000

Prepared by the Legislative Council staff for
Representative Koppelman
February 7, 2011

VR 2/8/11

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1425

Page 1, line 9, remove "a building, plumbing, or"

Page 1, line 10, replace "electrical" with "an equivalent"

Page 1, line 10, replace "city, township, or county may not include a requirement" with "political subdivision must provide"

Page 1, line 11, replace "buildings" with "a building"

Page 1, line 11, remove "have a"

Page 1, replace lines 12 through 18 with "may be constructed and inspected as a temporary structure as defined by the state building code or may be permitted as a permanent school portable classroom. The foundation system of such a structure must comply with the recommendations of the manufacturer's engineering report for a preengineered unit or a structural engineer's report. Frost-free footings may not be required for a temporary structure that meets the requirements of the state building code unless required by an engineering report. Temporary electrical and plumbing installations may be allowed for any structure by the state agencies governing those areas of construction or the applicable codes."

Renumber accordingly

Date: Feb 7, 2011

Roll Call Vote # 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1425

House **House Industry, Business and Labor** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 11.0694.02001

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

Motion Made By Rep Kasper Seconded By Rep Ruby

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser			Representative Amerman		
Vice Chairman Kasper			Representative Boe		
Representative Clark			Representative Gruchalla		
Representative Frantsvog			Representative M Nelson		
Representative N Johnson					
Representative Kreun					
Representative Nathe					
Representative Ruby					
Representative Sukut					
Representative Vigesaa					

voice vote, motion carried

Total Yes _____ No _____

Absent _____

Floor Assignment _____

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

adopt admendment 11.0694.02001

Date: Feb 7, 2011

Roll Call Vote # 3

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1425

House **House Industry, Business and Labor** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment

Motion Made By Rep Kasper Seconded By Rep Ruby

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	✓		Representative Amerman		✓
Vice Chairman Kasper	✓		Representative Boe		✓
Representative Clark	✓		Representative Gruchalla		✓
Representative Frantsvog	✓		Representative M Nelson		✓
Representative N Johnson		✓			
Representative Kreun		✓			
Representative Nathe	✓				
Representative Ruby	✓				
Representative Sukut		✓			
Representative Vigesaa	✓				

Total Yes 7 No 7

Absent 0

Floor Assignment Rep Kasper

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

Date: Feb 8, 2011

Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1425

House **House Industry, Business and Labor** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment

Motion Made By Rep Kasper Seconded By Rep. Ruby

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	✓		Representative Amerman		✓
Vice Chairman Kasper	✓		Representative Boe	✓	
Representative Clark	✓		Representative Gruchalla		✓
Representative Frantsvog	✓		Representative M Nelson		✓
Representative N Johnson	✓				
Representative Kreun	✓				
Representative Nathe	✓				
Representative Ruby	✓				
Representative Sukut	✓				
Representative Vigesaa	✓				

Total Yes 11 No 3

Absent 0

Floor Assignment Rep. Kasper

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

REPORT OF STANDING COMMITTEE

HB 1425: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1425 was placed on the Sixth order on the calendar.

Page 1, line 9, after the first "code" insert ", plumbing code, electrical code,"

Page 1, line 9, after the second "building" insert ", plumbing, or electrical"

Page 1, line 10, after "that" insert "buildings designed for and used as"

Page 1, line 11, after the first underscored comma insert "permanent"

Page 1, line 11, after the second underscored comma insert "a permanent"

Page 1, line 11, after "bathroom" insert "if bathroom facilities are located in an adjacent building"

Page 1, line 11, after the third underscored comma insert "permanent"

Page 1, line 11, after "plumbing" insert "services or fixtures"

Page 1, line 11, after "or" insert "permanent"

Page 1, line 11, replace "installations" with "service"

Page 1, line 13, replace "construction" with "placement"

Page 1, line 13, after the underscored period insert "A city, township, or county may require that a temporary foundation system be used that provides adequate anchoring and structural support."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1425, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1425 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "a building, plumbing, or"

Page 1, line 10, replace "electrical" with "an equivalent"

Page 1, line 10, replace "city, township, or county may not include a requirement" with "political subdivision must provide"

Page 1, line 11, replace "buildings" with "a building"

Page 1, line 11, remove "have a"

Page 1, replace lines 12 through 18 with "may be constructed and inspected as a temporary structure as defined by the state building code or may be permitted as a permanent school portable classroom. The foundation system of such a structure must comply with the recommendations of the manufacturer's engineering report for a preengineered unit or a structural engineer's report. Frost-free footings may not be required for a temporary structure that meets the requirements of the state building code unless required by an engineering report. Temporary electrical and plumbing installations may be allowed for any structure by the state agencies governing those areas of construction or the applicable codes."

Renumber accordingly

2011 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1425

2011 SENATE STANDING COMMITTEE MINUTES

Senate Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

HB 1425
March 9, 2011
Job Number 15160

☐ Conference Committee

Committee Clerk Signature Eva Liebelt

Explanation or reason for introduction of bill/resolution:

Relating to the state building code

Minutes: No testimony

Chairman Klein: Called the hearing on House Bill 1425 to order.

Representative Wieland: In support of the bill. He said 1425 relates to the state building code in regards to portable school classrooms. They can be constructed in such a manner because they are temporary. There is a change in the building code that would allow the change to be less than it would be as a permanent building.

Representative Koppelman: In support of the bill. Said the bill was introduced because of the fact that many of the school districts are growing and the international building code was adopted a few years ago and it had some changes. One of those changes deals with this issue. The new code stated that all structures including temporary structures would have to have permanent foundations and fixtures. He said it doesn't make a lot of sense for classrooms that are only going to be there for a couple of years. The intent is to make sure they are safe and that is why the bill is engrossed. They tried to formulate definitions of what kind of structures would be needed. The amendment was largely crafted by the city manager for Bismarck in consultation with the building inspector also from Bismarck. Inspections are included in the engrossment. One point that came out is that line 18 of the bill refers to state agencies and it should be replaced with governmental entities. He said he would suggest that amendment.

Chairman Klein: Asked if the structures would be a little more modern.

Representative Koppelman: The intent is a more modular structure.

Senator Laffen: He said his experience is they are a small house built by the shop at the school and set on blocks or a modular trailer house. The problem that he sees is that they end up there forever. He has been to a lot of the school where there are serious mold and health issues because of the crawl space underneath these buildings. It was never intended for them to be there long. He asked if it would be possible to amend the bill to say, as a temporary use permit of some kind, maybe five years.

Representative Koppelman: Said that the original bill included a ten year limit. The amendment language doesn't include that and he thinks the reason was the main concern was inspection. The current bill does allow for inspection as provided by the local political subdivisions. The bill doesn't say you can't inspect them every year. He thinks a local political subdivision could say that they are only going to allow them temporarily and permanently it's their choice. For the temporary issues he feels the inspections will take care of the problem because they could deal with any health issues that might arise. He also said that it was stated that this might be a good thing in that it might give more impotence to pass a bond issue because people would want to get rid of them.

Senator Laffen: He asked if there was an ongoing inspection requirement.

Representative Koppelman: Defers the question.

Ben Koppelman, Vice President of West Fargo School Board: He is here on behave of the school board. He said the inspections that are periodically done in schools and commercial facilities would be decided by the school. He stated that they are fire and safety inspections most often and in some entities they are health inspections as well that are done on annual bases. He said it is recognized that the inspections that are already there will take care of the problems. Because the unit isn't suppose to be there longer than ten years they would rather use the definitions in building code for temporary and allow some room for what time frame they thought was adequate. He wanted to say that West Fargo has one of the fastest growing school districts and they have a need for these temporary structures. He said they were informed by their local building jurisdiction by the letter of the code it would not allow for a portable school classroom. There intent is to have the flexibility for their taxpayers in case they have to look at something like this.

Warren Larson, North Dakota Council of Educational Leaders: In support of the bill. He wanted to speak to the venting underneath the units to prevent mold. He stated that they had vented underneath some units and did not have mold problems. He said that the foundation could cost as much as a portable. He feels this is critical and doesn't think there are any problems with the temporary units.

Senator Murphy: Asked about the safety of these units.

Warren: Said they haven't had any problems and doesn't see any safety issues.

Senator Larsen: Asked what the life span of the temporary schools are and if they end up being there longer than they should.

Warren: That does happen from time to time where the units stay there for a longer period of time, especially when you have problems with passing bond issues. Generally when you get through the bond issues you can eliminate some of them. If they are set up right they should be fine.

Chairman Klein: Closed the hearing.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

HB 1425
March 9, 2011
Job Number 15175

☐ Conference Committee

Committee Clerk Signature Eva Liebelt

Explanation or reason for introduction of bill/resolution:

Relating to the state building code

Minutes: Discussion, Amendment and Vote

Chairman Klein: Asked if there were any questions on the amendment that deals with the wording of state agency to governmental entities.

Senator Nodland: Said some of the regulatory inspectors might be county or city inspectors rather than state.

Senator Andrist: Moved to adopt the amendment.

Senator Larsen: Seconded the motion.

Roll Call Vote: Yes-7 No-0

Senator Larsen: Moved a do pass as amended.

Senator Andrist: Seconded the motion.

Roll Call Vote: Yes-6 No-1

Senator Laffen: He stated that it is a good bill because they do need temporary facilities but the crawl space develops mold. He said no one checks them and feels that it might be addressed someday. That is why he voted no.

Senator Larsen to carry the bill

Chairman Klein: Closed the hearing.

11.0694.03002
Title.04000

Adopted by the Industry, Business and Labor Committee

March 9, 2011

3-9-11

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1425

Page 1, line 18, replace "state agencies" with "governmental entities"

Renumber accordingly

Date: 3/9/11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1425

Senate Industry, Business and Labor Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 11.0694.03002

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☑ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Andrist Seconded By Senator Larsen

Senators	Yes	No	Senators	Yes	No
Chairman Jerry Klein	✓		Senator Mac Schneider	✓	
VC George L. Nodland	✓		Senator Philip Murphy	✓	
Senator John Andrist	✓				
Senator Lonnie J. Laffen	✓				
Senator Oley Larsen	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment

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

Date: 3/9/11
Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1425

Senate Industry, Business and Labor Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Larsen Seconded By Senator Andrist

Senators	Yes	No	Senators	Yes	No
Chairman Jerry Klein	✓		Senator Mac Schneider	✓	
VC George L. Nodland	✓		Senator Philip Murphy	✓	
Senator John Andrist	✓				
Senator Lonnie J. Laffen		✓			
Senator Oley Larsen	✓				

Total (Yes) 6 No 1

Absent 0

Floor Assignment Senator Larsen

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

REPORT OF STANDING COMMITTEE

HB 1425, as reengrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1425 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "state agencies" with "governmental entities"

Renumber accordingly

2011 HOUSE INDUSTRY, BUSINESS AND LABOR

CONFERENCE COMMITTEE

HB 1425

2011 HOUSE STANDING COMMITTEE MINUTES

House Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1425
April 4, 2011
16299

☒ Conference Committee

Committee Clerk Signature Ellen LeTang

Explanation or reason for introduction of bill/resolution:

Relating to the state building code

Conference Minutes:

Chairman Representative Clark: Opened the Conference committee on HB 1425.

Chairman Representative Clark: I see that the senate made a major change to this bill and I would like the senate to explain their actions.

Senator Larsen: Our major change of to the bill, the amendment .04000, down on line 18, it used to say state agencies. What that did is the state agencies would be the state building inspector. What we decided to do with the information we received from testimony, was to change that to governmental entities because that would allow a building inspector in a city where it takes longer for the state inspector to inspect that building. It also allowed the plumbing, electrical and other people to inspect than just that one entity. It broadens the scope of who could come and do the inspections on those movable classrooms.

Representative Clark: Did someone come in and offer testimony to make this change or was it a senate amendment?

Senator Larsen: We did have some testimony. I will defer that to my colleagues.

Senator Nodland: I think one may have been the bill sponsor and some other agencies just thought that it would broaden the scope. A few cities can make building codes stronger than the state, but not less than the state. We felt that if that accommodated, then we thought that would be ok. It wasn't loosening the codes, it was making it more palatable to fit their request.

Chairman Clark: I've looked at the bill and amendment.

Senator Larsen: We have in these portable classrooms that the foundations are not level, air circulation and moisture and there was a big concern about mold issues. The State Building Inspector probably isn't the most qualified to inspect the mold issues to where the

health department would do a better job. We didn't individually put them on there, but one of the individual on our committee knew that mold was a big issues and it wasn't addressed.

Chairman Clark: I've look at the bill and the amendment, I'm not going to resist the Senate's amendments to this bill. Is there any further discussion?

Representative Frantsvog: Makes a motion to accede to the Senate's amendments.

Senator Nodland: Second.

Roll call was taken to accede to the Senate's Amendments on HB 1425 with 6 yeas, 0 nays, 0 absent.

2011 HOUSE CONFERENCE COMMITTEE ROLL CALL VOTES

Committee: House Industry, Business and Labor

Bill/Resolution No. 1425 as (re) engrossed

Date: April 4, 2011

Roll Call Vote #: 1

Action Taken

- [X] HOUSE accede to Senate amendments
- [ ] HOUSE accede to Senate amendments and further amend
- [ ] SENATE recede from Senate amendments
- [ ] SENATE recede from Senate amendments and amend as follows

House/Senate Amendments on HJ/SJ page(s) --

- [ ] Unable to agree, recommends that the committee be discharged and a new committee be appointed

((Re) Engrossed) HB 1425 was placed on the Seventh order of business on the calendar

Motion Made by: Rep Frantsvog Seconded by: Rep Nodland

Representatives				Yes	No	Senators				Yes	No
Chairman Clark	✓			✓		Sen Larsen	✓			✓	
Rep Frantsvog	✓			✓		Sen Nodland	✓			✓	
Rep M Nelson	✓			✓		Sen Murphy	✓			✓	

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier Rep Clark Senate Carrier Rep Larsen

LC Number 11.0694.03002 . 04000 of amendment

LC Number _____ . _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Broaden the scope of who can do inspections

REPORT OF CONFERENCE COMMITTEE

HB 1425, as reengrossed: Your conference committee (Sens. Larsen, Nodland, Murphy and Reps. Clark, Frantsvog, M. Nelson) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1029 and place HB 1425 on the Seventh order.

Reengrossed HB 1425 was placed on the Seventh order of business on the calendar.

2011 TESTIMONY

HB 1425

Explanation of HB 1425 and its proposed amendment.

This bill is intended to relieve some of the onerous restrictions on the temporary placement of portable school classrooms near school buildings. The recently-adopted building code requires permanent type foundations and other installations that make it both costly to install portable classrooms on a site as well as non- cost effective to remove such structures when the need is no longer there. With many districts across the state growing rapidly and the uncertainty of sustaining such student populations, it is important that we put the option of using affordable portable classrooms back in the "tool box" of our school districts.

Most portable classrooms across the state do not conform to the current building code requirements as they were installed prior to such requirements, and therefore the existing ones are "grandfathered in". Since such requirements have been in place, there has been a severe reduction in numbers of new portable classrooms used. This in not indicative of school needs, but rather the absence of an affordable option.

With the amendment, this bill accomplishes the need to maintain safety in school facilities. The requirements for occupancy and other safety standards typically set by the local fire marshal still apply. All codes and rules still have to be followed during the construction of such classrooms at off-site modular construction facilities. The requirements of the state building, plumbing, and electrical codes still apply at the time of placement, other than those relating to "permanent installations". In addition, it also has been clarified within the amendment that local building inspectors still have the authority to verify that a safe, temporary foundation is present.

This amendment has been prepared with the input of local building, plumbing, and electrical officials, and seems to affectively speak to nearly all concerns.