

**2013 HOUSE INDUSTRY, BUSINESS, AND LABOR**

**HB 1460**

# 2013 HOUSE STANDING COMMITTEE MINUTES

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

HB 1460  
January 29, 2013  
Job 17926

Conference Committee

Committee Clerk Signature

## Explanation or reason for introduction of bill/resolution:

State building code advisory committee

## Minutes:

Attachments 1 and 2

Committee called back to order.

Hearing called to order.

**Chairman Keiser:** The primary bill sponsor is not here yet. Is there anyone here to give testimony on HB 1460? We'll let you introduce the bill.

**Ray Ziegler, North Dakota Building Officials Association:** Provided attachments 1 and 2. Provided history of the state building code by referring to attachment 1 and attachment 2. Key point is that effective in 1994, the Legislative Assembly provided the ability for a city, county, or township to amend the state building code to conform to local needs. Every three years, the state advisory committee gets together, and they take recommendations on the new code. For their meeting in 2011, about 200 amendments had been sent in by local jurisdictions and were considered by the advisory board. Larger cities do have more people at the advisory board. Representatives from local jurisdictions use these meetings to find out about the amendments. This bill would take away the right for local jurisdictions to get together and learn about the various perspectives on each amendment. If they do not attend the advisory committee, I don't know where they'd pick up that information.

**Representative Sukut:** The bill sponsor is here. I'd like to give him the opportunity to introduce the bill before we ask questions of Ray Ziegler.

6:35 **Representative Ben Koppelman:** The intent of this bill is to honor the original intent of the legislature when this statute was authored. When this was authored, they were very wise in making up who has a seat on the advisory committee and who votes. They did leave a small opportunity, which is what we're taking out in this proposed bill, which allows through administrative rule to essentially add votes to that process.

7:11 Explained who are the nine members of the state building code advisory committee, as shown in the bill on page 1, lines 11-23.

8:08 In my initial interpretation of the language in statute, and in talking with Legislative Council, my understanding was that those nine members were intended to vote by this statute originally. If this is not your understanding or proves not to be the case, I do have a potential amendment. It is not my intention not to allow building officials who represent the regulation in local jurisdictions to have a vote. I intend to let them have two votes in relation to just one vote from each of the other stakeholders.

8:50 to 14:00 To continue on, notice Section 3 of the bill where Letter F has been struck. (Page 2, line 14.) It had provided for representatives of eligible jurisdictions as established by administrative rule. Here I have the administrative rules which apply to this section of code, and here I have the eligible votes by jurisdiction. Proceeded to detail information from the North Dakota State Building Code, section 108-01-01-08, section 108-01-01-01 about voting, and section 108-01-01-11 about voting procedures. Emphasized large number of votes in the event of a tie or when there is less than a two-thirds majority. Emphasized the imbalance in numbers between industry people compared to regulators and enforcing agencies.

14:00 The point here is not to exclude any of those people from giving their input into the process. Administrative rule would still stand. The bottom line is that they have a say. If the state code is not strict enough, they still have the power to go back to their local jurisdiction and ask their city commission or council to add ordinances. And there is still home rule after that. The purpose of this bill is to restrict it back to the defined pieces.

15:52 **Representative Kasper:** How many people would you like to have the decision-making authority? What number, and in which categories?

16:48 **Representative Ben Koppelman:** I'd recommend fewer than a dozen. I'd be fine if it were the nine members listed on the first page of the bill; I'd be fine if it were the five members listed on the second page and add in the two building officials, one of a city smaller than ten thousand. That was one of the amendments I am prepared to do.

17:32 **Representative Kasper:** There's a duplication. Aren't the people on page two the same as on page one?

**Representative Ben Koppelman:** That is true, and that's where it gets confusing in the original statute. My original interpretation was of the nine members, a simple majority would be five. Of those five, at least three of the five on the second page had to be a portion of those five in the majority. Gave example. It protected the regulator or the enforcing side of it from the side that represents the people who work in the business. Others have told me that in practice, the electrical board member and the fire marshal do not get to vote. The building inspectors two votes do not get to vote, either. But the one hundred seventy-two is obviously a majority of building inspectors, so they get their say over there. That's how I understand the practice. I am flexible as to how we get back to the intent of this language, but I want to make sure we do not have one group dominating.

19:25 **Representative Kasper:** Let's look on page 2 line 14 where letter F is struck. If Letter F were kept but with the wording along the lines of, "Representatives of eligible

jurisdictions as established by administrative rule, not to exceed blank number," what would that number be?

**Representative B. Koppelman:** Between three and five to keep the balance on that board.

20:00 **Representative Louser:** Are we referring to a vote at the state committee level that does not meet the two-thirds threshold and then it goes back and opens up more votes? Am I reading that properly?

**Representative B. Koppelman:** I believe it creates a weighting. Example. Referred to administrative rules.

**Representative Louser:** How often has that happened?

**Representative B. Koppelman:** In speaking with the Commerce Department, they did not readily know if the tie or the two-thirds majority issue had happened. They said it may have happened once or twice. The weighted piece is not a big problem. The problem originates with the 102.

22:10 **Representative Frantsvog:** Are you the one pursuing this change, or is the building code advisory committee?

22:28 **Representative B. Koppelman:** I am proposing this. I had two different bill drafts. I ran both by the Department of Commerce and voiced my concern about how this works and how I do not think the balance of power is correct. They seemed to think that both of the versions I had achieved my goal. As far as the associations pushing this, none of the associations are pushing this currently, and I don't know their positions. One of the amendments I am prepared to offer is to something recommended by the mechanical contractors so that the name of their association is correctly identified.

23:50 **Representative Frantsvog:** My question is that the advisory committee has not had a chance to address this issue because they are not aware of what you are doing.

24:06 **Representative B. Koppelman:** I have talked to representatives of many of the associations. They are aware. As to their preferences, that would be a good question. I've talked to a sampling of the building officials and a representative from almost all of these other associations.

**Representative Frantsvog:** Would it be advisable to talk to all the 109 on this matter?

**Representative B. Koppelman:** Possibly. But my assumption would be that the cities tend to defer to their building inspectors on these issues. If I had to ask one hundred nine building inspectors from individual cities if they'd like a vote so that collectively one hundred seventy-some votes can win the day every time, or would you prefer that I limit you to two building inspectors out of seven or nine votes, my assumption is that they will not want to give up their power.

**Chairman Keiser:** Did you have information in writing for us?

**Representative B. Koppelman:** I can provide a copy of administrative rules and the number of the votes as tallied, as well as the amendments I am ready to propose.

**Support:**

**Opposition:**

26:26 Side conversation to inform Chairman Keiser that the committee members did not have a chance to ask questions of Ray Ziegler.

26:32 **Representative Kasper:** I'd like to get into the process of what Representative Koppelman is talking about. Looking at page 2, line 14. When the people come together to meet and vote, how many gather?

**Ray Ziegler:** It can range from twenty to fifty as representatives. A lot of these people are hometown inspectors, a one-person team. We're not here to be against the contractor; we're here to help them, to put valuation and compliance to projects. When you talk about representatives of eligible jurisdictions, many times I have contractors and people come to me to ask about proposals or amendments, and we work through it locally.

28:04 **Representative Kasper:** In your meetings, do you typically have representation from the architects, the engineers, mechanical contractors, and general contractors at your meeting?

**Ray Ziegler:** Quite often, that is the case. Named other types of positions represented.

**Representative Kasper:** How many years of these meetings have you attended?

**Ray Ziegler:** We typically meet every two to three years, with a few meetings in between. So maybe I've attended five or six.

**Representative Kasper:** The law says you're supposed to be meeting once yearly. In the votes you've seen, what percentage of the time does the final vote differ from what the architects, the engineers, the mechanical contractors would like to see compared to the final vote and the final rule established? How often do the builders differ from what the final vote is? Half?

**Ray Ziegler:** My recollection is that it usually does not get down to that point or a tie vote. We're all very open and voice our concerns and comments. As far as the how often it differs, it's far less than half.

**Chairman Keiser:** So what is the problem?

30:31 **Ray Ziegler:** I don't see a problem. We typically work things out in our local jurisdictions before we go to the vote. We're all about safety and health and protecting

property, utilities, and everything else that goes along with it. We do more to keep that field even than anyone else.

**31:27 Representative Louser:** I'm still a little confused about the first vote. When there are 20-50 people at the meeting, how many votes are cast on the first vote?

**Ray Ziegler:** We get score cards on all the codes. When it comes to the first vote, perhaps the Department of Commerce could answer that better.

**Chairman Keiser:** Anyone else here to testify in support?

**Richard Barta from the city of Mandan and on the advisory committee of the North Dakota Building Officials:** I am on the advisory committee. To summarize the way the voting goes... The advisory committee receives code amendments and reviews them. We turn around and vote on the ones we want. After that, it goes to the building officials. They decide which they want to put into code. We restrict the code changes by the advisory community. They only get to vote on the ones we decide can be modified.

**33:54 Representative Kasper:** I hear you referring to two committees, but the way I read the statute, there is only one committee.

**Richard Barta:** I probably shouldn't call it a committee. Jurisdictions get to vote after the committee decides which amendments should be taken care of in the building code. Municipalities turn in amendments to the advisory committee. The advisory committee votes on the ones we want, and then the cities can vote on which of the selected amendments they want.

**35:17 Representative Kasper:** Page 2, representatives of eligible jurisdictions as established by administrative rule, these are city officials, the building inspectors, the 172 . When there are going to be items considered by the advisory board, do these people meet and send some items to the advisory board for consideration, or do you look at items and send them back to the jurisdiction to consider? I'm trying to see how the process of information and decision making goes.

**Richard Barta:** Everyone sends it into the state. They then turn around and give them to the advisory board. Then the advisory board has a meeting all by themselves.

**Representative Kasper:** So that's not the people on first page?

**36:20 Richard Barta:** Correct. Outlined steps of decision-making process.

**37:18 Representative Kasper:** From what I heard you say, the nine-member committee does not have the final say in the decision. It's the jurisdiction people who look at what the nine-member committee recommends. Other people have the final say, not the committee that is in statue.

**Richard Barta:** Correct.

**Representative Kasper:** So there sort of are two committees, two meetings. They are operating independently but together. It appears to me the code says these nine people are to have the final decision. From what I heard you say, these advisory members do not have the final say. The jurisdictional people have the final say.

38:09 **Chairman Keiser:** Read page 1, section 2. Read page 2, lines 3-14. It comes in to the first group, they select the ones they want. A majority of the second group has to approve it. That's where the authority for approval lies, not in the first group.

**Richard Barta:** That's what's happening.

**Opposition:**

**Ray Ziegler, North Dakota Building Officials Association:** We are in opposition to HB 1460.

40:20 **Representative Becker:** Your primary opposition to the bill is what? I understand that the intent of the bill is to decrease the overwhelming number of votes that go to the jurisdictions and to give the original representatives and the advisory committee a bigger say. So you feel that that is a bad idea, why?

**Ray Ziegler:** We've always felt that there is good representation for jurisdictions of all sizes. This gives us a process to get together and hammer out these amendments. This has been a good system, and we don't see a reason to change it.

41:50 **Representative Louser:** At what point does the 2/3 majority kick in? Is that on the first advisory committee vote, or is that on the second vote with the eligible jurisdictions?

**Ray Ziegler:** Someone will clarify that.

42:35 **Chairman Keiser:** Would it be safe to say that contractors do not love building inspectors?

**Ray Ziegler:** We have worked very hard to establish that relationship with them. I want to be on the contractor's side and verify that they are in compliance with what the legislature and city commissions have approved.

44:00 **John Olson, speaking on behalf of the city of Fargo:** On the bill's face, they believe it eliminates the state jurisdictions from this process. They believe they are charged with understanding, interpreting, administering, and enforcing the state building code. They are in a good position to know what is good and not good.

45:03 **Steve Nardello, North Dakota Fire Chiefs Association:** The NDFCA is opposed to the bill. Our interpretation is that it would eliminate the fire service from the building code adoption process. Doing so could lead to life/safety issues in the future.

**Chairman Keiser:** When you say fire safety, those are the inspections you folks do relative to fire safety in businesses primarily?

**Steve Nardello:** The fire departments are more of a maintenance code. We make sure that the buildings are maintained to the building codes for when it was constructed. If they are not there in beginning, we can no longer enforce it.

**Doreen Riedman, North Dakota Association of Builders:** I am here to oppose this bill. We believe it would be an opportunity to talk in the interim with the parties involved and work out something that is maybe more workable and friendly for the whole group.

47:07 **Chairman Keiser:** What is the problem? What do we need to work out?

**Doreen Riedman:** I wouldn't say there is a real problem right now. In our organization, we've had conversations about the number of votes about the overwhelming number of votes the local jurisdiction have compared to the other members of the state building code advisory committee, on which we have one seat.

**Chairman Keiser:** When I read this, it appears to me that the building inspectors are always going to have a majority of votes. Whether or not they can reach the requirement of two thirds is a different question, but they are certainly going to have a simple majority in every case.

**Representative Ruby:** Do you think there is time during session to sit down and work on it?

**Doreen Riedman:** It was the decision of our governmental affairs committee that they believe it would be best served not to have this bill passed at this time and rather to work on it in the interim.

**Neutral or informational:**

48:44 **Cal Steiner, Department of Commerce:** Several years ago, I was the person who ran the advisory committee. I would like to clarify a few things. The Department of Commerce has no authority in implementing the codes or in going out and being the jurisdiction for the codes. We simply make sure that the rules are followed in coming up with the proper code. The advisory committee is only advisory. The jurisdictions each have a simple vote for the first vote, as do the committee members with the exception of the fire marshal. If that is a tie or less than two thirds, it will go to the weighted vote based on community size. At that point, it becomes the law.

**Hearing closed.**



# 2013 HOUSE STANDING COMMITTEE MINUTES

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

HB 1460  
January 29, 2013, part 2  
Job 17927, starting at 28:16  
Recording begins with HB 1455

Conference Committee

Committee Clerk Signature

## Explanation or reason for introduction of bill/resolution:

State building code advisory committee

## Minutes:

No attachments

28:16 **Chairman Keiser:** Do we need anything more on HB 1460, the state building code advisory committee? Should we hold it or take action? Despite the testimony, there is always friction between the building instructors and construction. Gave example of building with retrofitting. The codes which are passed are critical and are good for the community.

33:06 **Representative Kasper:** I visited with the folks after the hearing. When the state advisory commission passes a building code at the advisory level, the building inspectors can take it back to their city, and they can accept it or reject it. The local level can choose not to implement it. So we really do not have any state standards.

33:34 **Chairman Keiser:** The local jurisdiction, through statutes and ordinance, develop their code. The larger metro areas have really good codes. In the rural areas, those inspectors are not very tough. Guys build it themselves and may meet code or not. It is local ordinance for the building code. These are just the standards which are proposed to be adopted at the local level. Doreen is right that there may need to be some adjustment. Right now if you have thirty-five building code people to come in, that's thirty-five votes rather than five or six. Representative Kasper is right that they are going to take it back to their local level and move their commission to adopt it or not adopt it.

35:05 **Representative Kasper:** I think they were going to try to work up an amendment.

**Chairman Keiser:** We will hold this one.

# 2013 HOUSE STANDING COMMITTEE MINUTES

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

HB 1460

February 4, 2013

Job 18248, Minute 1:21:42 to end of recording

Recording job contains committee action on other bills

Conference Committee

Committee Clerk Signature

## Explanation or reason for introduction of bill/resolution:

State building code advisory committee

## Minutes:

Attachment 1

Begins at 1:21:42 of recording job

**Rep. Ben Koppelman:** I spoke with the state fire marshal, individuals from the Department of Commerce, as well as the other stakeholders after preparing these proposed amendments. Representative Kasper was present for part of the conversation. Reviewed proposed amendment 13.0708.01001, attachment 1. These changes would essentially make it read that the amendment is approved by a majority vote of the state building code advisory committee. By virtue of that, it would allow for a simple majority of the people listed on page 1 of the bill, the original stakeholders from the statute. One suggestion of the state fire marshal not shown on the proposed amendment I distributed would be for page 1, line 22, labeled G. He suggested that we should strike the first use of *marshal* and replace it with *official*. Summarized conversations he's had with various impacted parties, including Ray Ziegler who provided testimony during the hearing.

# 2013 HOUSE STANDING COMMITTEE MINUTES

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

HB 1460

February 5, 2013, afternoon

Job 18324, minute 12:23 to 27:20

Recording contains committee action on various bills

Conference Committee

Committee Clerk Signature

## Explanation or reason for introduction of bill/resolution:

State building code advisory committee

## Minutes:

No attachments

12:23 Chairman Keiser asks committee members to open to HB 1460

**Chairman Keiser:** Reviewed the general concept of bill and reminded committee members that Rep. Ben Koppelman had brought in an proposed amendment.

**Representative Kreun:** I had a couple of phone calls with home building inspectors and home building advisory group in Grand Forks. Both spoke of the situation that they felt that the ability for each community to adjust the law of building codes at the last juncture was the necessary check and balance. Each council or commission or alderman gets to pick and choose what to put in their own building code, and the felt that that was sufficient.

14:27 **Representative Frantsvog:** I got exactly the same thing. The feedback I received was to leave it like it is.

14:44 **Representative Ruby:** I was wondering if any of the parties with which you talked had seen the amendment and whether that had changed their position.

**Representative Kreun:** I did not ask them if they had seen it.

**Chairman Keiser:** We can hold this if needed if you want to take it back and check with people. I did talk with Rep. Koppelman and asked him what the problem is with the current method, at what part the issue is occurring. His response was that the international building code, where they begin, occasionally has a part that is not generally acceptable in North Dakota. Provided an example. It is not a rubber stamp at all, and those with concerns can share them during the process. I am not sure what the problem is. If we pass the bill as it came in or with the amendment, the prediction is that the committees will become nonfunctional. The city inspectors in the major cities will circumvent this approach.

19:25 **Representative Vigesaa:** Based on what you said and what Rep. Kreun said, it does not matter if we pass the bill or not in any form. In the end, the city is still going to make the decision as to what codes they are going to follow. Is that true?

19:39 **Chairman Keiser:** That is the current situation. Ultimately, the final approval on any update on any building code goes before the city commission or the council or whatever the authority is. Do they adopt what the advisory committee is doing? Yes because all of the regulators, the inspectors, have already weighed in on it. You take them out of there, what will they do? They'll just take it straight to the city. I mentioned to Rep. Koppelman that there could be an unintended consequence here, but I don't know that.

**Representative Kreun:** I chaired the safety and service for twelve years. Every one of these came before our committee. The same thing with fire codes. They all came before our committee, and everyone had the opportunity to add, subtract, or change. There were not too many changes. The contractors were there that had the concerns. I'd assume that some of these are a little overbearing as they come into play, and if they are, they'll bring them back before the committee for review, and they can be removed from the code. After our committee votes on it, it goes to the full city council, and those with concerns have the opportunity to speak again to the full city council. Then the full city council votes on it.

**Chairman Keiser:** I will say that Rep. Koppelman had checked with many of the different groups. A couple of groups said they were not opposed to his amendments.

22:06 **Representative Beadle:** Knowing that ultimately the decision would end up riding with the local jurisdiction on whether to adopt or not, a lot of small communities would just adopt state building code because they do not have the manpower to do it themselves. Would it be to the benefit of the bill or the committee to adopt the amendments put forward by the bill sponsor?

**Representative Beadle moves to adopt the amendments that were brought forward,** including the verbal one regarding the word marshal and official. Seconded by Representative Ruby. 13.0708.01002

**Representative Vigesaa:** Would that include the verbal amendment Rep. Koppelman made about changing the first use of *marshal* with *official*?

Chairman Keiser: Yes.

**Representative Louser:** As I understand, this eliminates the 107 or whatever and takes the two-thirds vote out of the equation? That is what we were getting e-mail on from our constituents.

Chairman Keiser: That is correct.

**Voice vote on adoption of amendment. Motion carried.** The amendment is on the bill.

24:00 **Representative Becker:** I had a comment I didn't get in during the earlier discussion. When I look at the original wording and I look at Subsection 3, I am trying to

figure out the original intent. I am looking that you need a majority, and then they list out five individuals, and then letter f is the representatives of eligible jurisdictions. Not having known anything about this, I would have assumed that letter f would have meant one to five people. As I find out, it really means 120 people. If that is the case, it would silly to even write Section 3 the way it is. So to me, it seems that somehow we got away from the original intent of the bill, and maybe this new bill rectifies the situation.

Representative Gruchalla **moves a do not pass as amended**. Representative Frantsvog seconds the motion.

Roll call vote on **do not pass as amended**. **Motion on a do not pass as amended carries**.

**Yes = 10**

**No = 4**

**Absent = 1**

**Carrier:** Representative Boschee

13.0708.01002  
Title.02000

Prepared by the Legislative Council staff for  
Representative B. Koppelman  
January 29, 2013

VR  
2/5/13

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1460

Page 1, line 19, after "of" insert "plumbing, heating, and"

Page 1, line 22, overstrike "marshal" and insert immediately thereafter "official"

Page 2, line 5, overstrike the colon

Page 2, overstrike lines 6 through 11

Page 2, line 12, overstrike "contractors;"

Page 2, line 12, remove "and"

Page 2, line 13, overstrike "e. One representative appointed by the associated general contractors"

Page 2, line 14, after "~~rule~~" insert "the state building code advisory committee"

Renumber accordingly

Date: 2-5-2013 pm

Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1460**

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

Legislative Council Amendment Number 13.0708.01002

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider  Consent Calendar

Motion Made By Beadle Seconded By Ruby

Representatives	Yes	No	Representatives	Yes	No
Chairman George Keiser			Rep. Bill Amerman		
Vice Chairman Gary Sukut			Rep. Joshua Boschee		
Rep. Thomas Beadle			Rep. Edmund Gruchalla		
Rep. Rick Becker			Rep. Marvin Nelson		
Rep. Robert Frantsvog					
Rep. Nancy Johnson					
Rep. Jim Kasper					
Rep. Curtiss Kreun					
Rep. Scott Louser					
Rep. Dan Ruby					
Rep. Don Vigasaa					

Total Yes No \_\_\_\_\_  
Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

- 13.0708.01001  
- plus first use of marshal  
being replaced with official

Date: 2-5-2013

Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1460**

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

Legislative Council Amendment Number B.0708.01002

Action Taken:  Do Pass  Do Not Pass  Amended <sup>AS</sup>  Adopt Amendment  
 Rerefer to Appropriations  Reconsider  Consent Calendar

Motion Made By Gruchalla Seconded By Frantsvog

Representatives	Yes	No	Representatives	Yes	No
Chairman George Keiser	✓		Rep. Bill Amerman	✓	
Vice Chairman Gary Sukut	✓		Rep. Joshua Boschee	✓	
Rep. Thomas Beadle	✓		Rep. Edmund Gruchalla	✓	
Rep. Rick Becker		✓	Rep. Marvin Nelson		abs
Rep. Robert Frantsvog	✓				
Rep. Nancy Johnson	✓				
Rep. Jim Kasper		✓			
Rep. Curtiss Kreun	✓				
Rep. Scott Louser	✓				
Rep. Dan Ruby		✓			
Rep. Don Vigesaa		✓			

Total Yes 10 No 4

Absent \_\_\_\_\_

Floor Assignment Boschee

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

*Do not pass  
as amended*



**REPORT OF STANDING COMMITTEE**

**HB 1460: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1460 was placed on the Sixth order on the calendar.

Page 1, line 19, after "of" insert "plumbing, heating, and"

Page 1, line 22, overstrike "marshal" and insert immediately thereafter "official"

Page 2, line 5, overstrike the colon

Page 2, overstrike lines 6 through 11

Page 2, line 12, overstrike "contractors;"

Page 2, line 12, remove "and"

Page 2, line 13, overstrike "e. One representative appointed by the associated general contractors"

Page 2, line 14, after "~~rule~~" insert "the state building code advisory committee"

Renumber accordingly

**2013 TESTIMONY**

**HB 1460**

①  
HB 1460  
1-29-2013

# North Dakota Building Officials Association

Represented by Ray Ziegler

January 29, 2013

## HB 1460

- \*In 1979 the Uniform Building Code consisted of about 700 pages.
- \*In 1991 the Uniform Codes were relatively the same, but the need to make changes and updates was there.
- \*In 1993 & 94 the Legislature enacted a method to make the appropriate and necessary changes.
- \*In the late 90's the building industry was impacted with many, many changes regarding methods, materials and new products which also lead us into the adoption of the International Codes and now consist of about 1,900 pages.
- \* The system of updating the Codes that the Legislature put into play in the 90's is a great method to amend those International Codes to fit our local jurisdictions.
- \* During the 2011 process close to 200 amendments were submitted from local jurisdictions. The two day process of voting on those amendments gave everyone involved an opportunity to hear both sides and most importantly whether or not an International Code should be changed to accommodate our local needs.
- \* **The NDBOA is in opposition to HB1460**

② HB 1460  
1-29-2013

## **HISTORY OF THE NORTH DAKOTA STATE BUILDING CODE**

In 1979, the 46th North Dakota Legislative Assembly created the North Dakota State Building Code. At the same time, the Legislature amended N.D.C.C. Sections 11-33-01, 40-47-01, and 58-03-11 relating to the authority of cities, townships, and counties to zone to reflect compliance with the state building code. The Legislature directed that the state building code would consist of the Uniform Building Code published by the International Conference of Building Officials. In 1985, the 49th Legislative Assembly added the Uniform Mechanical Code, also published by the International Conference of Building Officials.

Until 1991, the Legislature maintained the authority to update the state building code, but this process did not permit the state to update the state building code in a timely manner as new editions of the Uniform Building Code and Uniform Mechanical Code were published. In 1991, the Legislature provided for the state building code to be updated as new editions of the codes are published. This procedure, however, was later declared unconstitutional. As a result, in 1993 the Legislative Assembly shifted the responsibility for updating the state building code to the Office of Management and Budget, which then designated the Office of Intergovernmental Assistance (now the Division of Community Services) to adopt rules to implement and periodically update and to amend the code.

The Legislative Assembly also directed in 1993, that effective August 1, 1994, any city, township, or county that elects to administer and enforce a building code shall adopt and enforce the state building code. However, the Legislative Assembly also provided for the ability for a city, county, or township to amend the state building code to conform to local needs.

In 2004 the Building Code Advisory Committee and the eligible local jurisdictions adopted the 2003 edition of the International Building Code, International Residential Code, International Mechanical Code, and International Fuel Gas Code with amendments.

13.0708.01001  
Title.

① 2-4-2013  
HB 1460

Prepared by the Legislative Council staff for  
Representative B. Koppelman  
January 29, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1460

Page 1, line 19, after "of" insert "plumbing, heating, and"

Page 2, line 5, overstrike the colon

Page 2, overstrike lines 6 through 11

Page 2, line 12, overstrike "contractors;"

Page 2, line 12, remove "and"

Page 2, line 13, overstrike "e. One representative appointed by the associated general contractors"

Page 2, line 14, after "~~rule~~" insert "the state building code advisory committee"

Renumber accordingly