

2013 HOUSE POLITICAL SUBDIVISIONS

HCR 3001

2013 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee Prairie Room, State Capitol

HCR 3001
January 17, 2013
Job # 17333

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Directing Legislative Management to study issues related to development of group housing and crew camps, including infrastructure demands, health and safety requirements, regulation, and enforcement of regulatory violations.

Minutes:

Testimony #1

Chairman N. Johnson: Opened the hearing on HCR 3001.

John Bjornson, Legislative Counsel: I was on the advisory committee for intergovernmental relations during the last intern and I am here to give you the background for the resolution. I am not for or against it. Rep. Klemin who was on the committee has more information than I but I will be willing to answer any questions you have. The intergovernmental relations is a statutory commission consists of members of the legislative assembly, citizen members; representatives of cities, counties, townships, school boards and park districts and a representative from the governor's office. The purpose is simply to provide a forum for local governmental entities to interact with the state and the legislative assembly with issues the effect local governments. The ACIR has the ability to establish its own studies. It can take studies referred to it by the Legislative Management or initiate its own studies that are within this board scope of authority. During this last intern the commission sat down and brainstorm new ideas that need further discussion and one of the issues that came forward was group housing; crew camp situations and the regulation at the local level and some issues where counties were facing issues on facilities that were being proposed or built at the time. The commission invited people in to testify and the chairman took on a mission to ask local governments; partially in the western part of the state where this is an issue, to submit their ordinances that they already drafted because it seemed to be a waste of time for everyone to redo what is already available. The commission found there were a number of cities and counties that have enacted ordinances to address zoning or other issues related to group housing in their jurisdictions. The information is on a web page under the ACIR does have a link to all the ordinances that we received and we will continue to keep them there. This resolution came to you as a result of that discussion.

Rep. Klemin: (See testimony #1). This is an ongoing process and we think it needs to be studied and that is the whole purpose of this HCR.

Rep. L. Meier: During the intern did your committee have an opportunity to visit those crew camps?

Rep. Klemin: We did not.

Rep. Kretschmar: Did your commission determine how many of these camps exist?

Rep. Klemin: We don't have a number of how many exist, but we did take testimony from a number of city and county local officials that came in and told us about the crew camps that were being planned or constructed in their various areas so we did get the impression that there were quite a few; thousands of residences of those crew camps.

Rep. Hatlestad: The second the last paragraph you say that you are going to set up a central repository and you didn't think there was a need for a model ordinance. Why do we need an additional study?

Rep. Klemin: The study would not look at the ordinances; the study would look at what kind of needs are being created by the development of these crew camps such as for other related services like water, sewer, police and emergency services. If they get a 911 call from a crew camp with 7,000 people in it; how are they going to find that person? There were a variety of issues we found that had not been resolved. We are not intending to do a model ordinance as I mentioned. There are already a number of ordinances out there and they are copying each other somewhat but they don't address what is being done to service those crew camps.

Opposition: None

Neutral:

Kenan Bullinger with ND Department of Health: The man camps that are out in the oil patch are licensed or inspected either by our office or local health units. We have a number of them that are licensed with large or small. Some of the man camps also include a lot of RV parks and mobile home parks that are being constructed throughout the oil patch. Some are termed man camps. Man camp is not defined in statute, but we are able to regulate those under both Chapter 2309 of the Century Code and Chapter 2210. 2309 deals with lodging establishments; 2310 deals with mobile home parks and RV parks so it is not that they are unregulated. There is a real need at the local level with building code enforcement. Some counties do not have local building inspectors and there are some issues with that. Another issue has been local planning and zoning which has been mentioned. McKenzie County is a perfect example when this whole activity started some years ago they did not have a county planning and zoning board. They are working hard to get one put together now. They do have a planning and zoning board now which is helpful to get a handle on those issues. We work closely with a number of other agencies when we get a request from somebody wanting to know what they need to do in the construction of a man camp. We tell them the first thing they need to do is going to your county and

make sure you get local planning, zoning and siting approval first. Then we tell them they need to send plans to us on the establishment of that camp. We contact all the people who would be involved whether it would be municipal facilities waste water in our department or the local health unit if it is a smaller waste water system that needs to be designed or the potable water source. We contact the state plumbing, electrical, or Department of Commerce all get copies so they are well aware of what is going on.

Rep. Kathy Hogan: How many facilities have you actually worked with?

Kenan Bullinger: I don't know how many. The largest one that comes to mind is Target Logistics. They have camps all over in McKenzie, Williams Stark and Dunn County. If I had to guess on man camps we probably have at least 20-25 serving 3,000 people per man camp. They are like small cities. It is probably easily 30,000 possibly.

Rep. J. Kelsh: Have you inspected every work camp that there are out there including the RV parks.

Kenan Bullinger: From my office we do most of those that are open to transient guests. If a company comes in and only wants to establish housing whether it is an RV park or lodging to house 20 workers. No transient guests are allowed there; it is only for their company it is not regulated by my division; however that doesn't preclude them from having to meet all the water and waste water issues or the local planning or zoning requirements. When we do issue a license the plans are sent to our office first; that is a code requirement. We do plan reviews first and prior to licensing we will do an onsite to be sure they meet our requirements and then we will unannounced inspections after they are licensed.

Hearing closed.

Do Pass Motion Made by Rep. Beadle: Seconded by Rep. Klein

Rep. Beadle: I would just like to commend Rep. Klemin on his presentation as well as the work he did with the advisory commission on intergovernmental relations. I had the honor of serving on that committee along with Rep. Heller and Rep. Goosenberg and some other individuals as well as they various cities and subdivisions regarding this issue was thorough and we did really see a need to have that repository for the information. I think this is a good vehicle to do that.

Vote: 15 Yes 0 No 0 Absent Carrier: Rep. Beadle

Hearing closed.

Date: 1-17-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 3001

House Political Subdivisions 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 Rep. Beadle Seconded By Rep. Klein

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson	✓		Rep. Ben Hanson	✓	
Vice Chairman Patrick Hatlestad	✓		Rep. Kathy Hogan	✓	
Rep. Thomas Beadle	✓		Rep. Jerry Kelsh	✓	
Rep. Matthew Klein	✓		Rep. Naomi Muscha	✓	
Rep. Lawrence Klemin	✓				
Rep. Kim Koppelman	✓				
Rep. William Kretschmar	✓				
Rep. Alex Loosten	✓				
Rep. Andrew Maragos	✓				
Rep. Lisa Meier	✓				
Rep. Nathan Toman	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment Rep. Beadle

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

REPORT OF STANDING COMMITTEE

HCR 3001: Political Subdivisions Committee (Rep. N. Johnson, Chairman)
recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HCR 3001 was placed on the Eleventh order on the calendar.

2013 SENATE POLITICAL SUBDIVISIONS

HCR 3001

2013 SENATE STANDING COMMITTEE MINUTES

Senate Political Subdivisions Committee Red River Room, State Capitol

HCR 3001
February 21, 2013
19339

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A concurrent resolution directing the Legislative Management to study issues related to development of group housing and crew camps, including infrastructure demands, health and safety requirements, regulation and enforcement of regulatory violations.

Minutes:

You may make reference to "attached testimony."

Chairman Andrist opened the hearing on HCR 3001. Chairman Andrist, VC Sorvaag, Senator Judy Lee, Senator Howard Anderson were present. Senator Jim Dotzenrod and Senator John Grabinger were absent.

John Bjornson from Legislative Council I was the council during the interim for the Advisory Commission on Intergovernmental Relations which is an interim committee set by statute that consists of legislators and actual majority of non-legislators, representatives of cities, counties, townships, park districts, school boards and political subdivisions. The whole purpose of the ACIR is to foster early governmental discussion and find solutions to the governmental issues. The ACIR can set its own agenda and make its own studies and it also can receive studies that are directed by Legislative Management. During the soft interim in studying some of its study directives the Commission decided to take a look at group housing or man-camps as is commonly referred to because there were a lot of issues going on with cities and counties in deciding how they should appropriately regulate these group housing complexes. As part of that study the commission received solicited ordinances from cities and counties so that they could set or establish a data base to provide information to other cities and counties as to what is going on with respect to regulation of crew camps and group housing. So, if you look on line under rock interim under the ACIR you would find a link to a number of county and city ordinances that do regulate these types of housing units. But, as part of its discussion that we had a lot of, there is a lot of testimony indicating that cities and counties are struggling with infrastructure demands, waters at appropriate level of regulation. I think you probably saw in the news last week the one county was having a significant fee per bed fee so there's a lot of different repertory, local repertory schemes and methods out there. What this resolution will do is just ask that during this next interim that Legislative Management take a look at issues related to the development of group housing and crew camps. Look at the infrastructure demands on local governments and the state obviously, health and safety requirements, regulation of enforcement of those regulatory violations and the idea is just to

kind of keep the discussion going. It will be a forum for local governments that are addressing this issue and state agencies also that are having some regulatory responsibilities. So it is a rather simple resolution, basically just requests Legislative Management to continue studying this issue.

Chairman Andrist There is at least one county Williams had for more than a year, had a moratorium on these things and doesn't appear to be inclined to lift it so that no more can be built in Williams County. Are there any other counties that your aware of that have done that?

John Bjornson replied I can't tell you off the top of my head. I believe that were one or two others that had some sort of moratorium where there was, but I believe that we did hear testimony that there were other counties that had moratoriums.

Chairman Andrist But the man-camps are really very well run. But, I think the concern that has evolved is there is a lot of single men in here, single women too I suppose. The community has to deal with their not allowed to have any drugs or alcohol on these man-camps and they even have dogs to make sure they don't. But if their inclined to want those things they go someplace else and they don't disappear and the problems are harvested someplace other than the man camp.

Senator Judy Lee I think also, we've heard a fair amount about this in talking about in Public Health, that these sewer resources are really taxed in a lot of those areas. I am sure Mr. Bjornson may have heard about that in that committee too. There just isn't any infrastructure there and there is a tremendous need to have environmental engineers and inspectors available to help with that. So I think it is an important issue.

Keenen Bollinger, State Health Department. I have no problems with this and we had no problems when it was heard on the House side. Just to answer your question. I guess more than anything, Mountrail County did put a moratorium on it soon after Williams County. Now McKenzie County has looked at it for lots of growth because they don't have a moratorium so there is lots of activity going on in McKenzie County and there feverishly working on getting a planning and zoning commission which they never had before to try to get a handle on some of that growth. There are other counties Dunn County, Stark County are all dealing with man-camp issues.

Chairman Andrist If the study is selected you will no doubt use you as a resource person on this. (Referring to Keenan Bollinger)

Keenen Bollinger replied we have a lot of people. Senator Lee referenced the septic issues, waste water issues where cities are maxed out with their waste water handling system and so forth. There is a lot people involved with this and hopefully we'll all be at the table to help try to answer some questions.

Senator Howard Anderson It seems to me and I wonder and I certainly am not opposed to continuing the study. I wonder if it is kind of after the cat is out of the bag. It seems like it's kind of late. Hopefully they've been studying it all along. I have some questions which probably can't be answered here. All these people have this economic development and

drilling and yet they say they want a moratorium and we don't want these people to live here. I wonder where they think they are supposed to live.

Chairman Andrist That's one of the elements of the study I suspect.

Chairman Andrist closed the hearing on HCR 3001.

Senator Howard Anderson moved a do pass on HCR 3001

2nd- Senator Ron Sorvaag

Role call vote 5 Yea 0 No 1 Abs

Carrier Senator Howard Anderson

Date: 2-21-13
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HCR 3001

Senate Political Subdivisions 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 Sen. Anderson Seconded By Senator Sorvaag

Senators	Yes	No	Senator	Yes	No
Chairman John Andrist	✓		Senator Jim Dotzenrod		
Vice Chairman Ronald Sorvaag	✓		Senator John Grabinger	✓	
Senator Judy Lee	✓				
Senator Howard Anderson, Jr.	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Anderson

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

REPORT OF STANDING COMMITTEE

HCR 3001: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3001 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HCR 3001

#1

TESTIMONY OF REP. LAWRENCE R. KLEMIN
HOUSE POLITICAL SUBDIVISIONS COMMITTEE
HOUSE CONCURRENT RESOLUTION 3001
JANUARY 17, 2013

Madame Chairman and members of the House Political Subdivisions Committee, I am Lawrence R. Klemin, Representative for District 47 in Bismarck. I also serve as Chairman of the State Advisory Commission on Intergovernmental Relations (ACIR).

The ACIR is a statutory commission consisting of 12 members, including 4 members of the Legislature, 2 members appointed by the ND League of Cities, 2 members appointed by the ND Association of Counties, 1 member appointed by the ND Township Officers Association, 1 member appointed by the ND Recreation and Park Association, 1 member appointed by the ND School Boards Association, and 1 member appointed by the Governor.

During the 2011-2012 interim, the ACIR studied the increasing use of crew camps and other types of group housing that were being constructed in western North Dakota. HCR 3001 was introduced as a result of this study.

Due to the increased energy development in the western part of the state and the increase in population, many businesses and individuals have established crew camps or group housing facilities. Many of these facilities have been built in rural areas that lack the infrastructure to handle the increased population. Concerns were addressed to the ACIR about the need for adequate public services, such as water and sewer service, building inspection services, fire and police services, and the health and safety of the residents of the group housing and of local nearby communities.

The ACIR considered the development of a model ordinance, since that is one of the statutory functions of the ACIR. However, a survey of affected cities and counties disclosed that a number of them have developed or are in the process of developing ordinances to regulate crew camps and similar group housing. Consequently, it appeared that there was not a need for a model ordinance, but there was a need for a central repository for ordinances so that those cities and counties in the process of developing ordinances or considering ordinances could see what other cities or counties had done. Therefore, the ACIR requested the Legislative Council office to maintain a file of crew camp and group housing ordinances, which are now available online on the Legislative Council website.

The construction of crew camps and other group housing facilities is an ongoing process. HCR 3001 provides for a study during the next interim of issues related to this development and the effects on local jurisdictions. I encourage this committee to give favorable consideration to HCR 3001.

North Dakota Legislative Council

Advisory Commission on Intergovernmental Relations

Interim Committee Studies and Assignments

(12 members)

2044 § 3 Study motor vehicle permit fees, including overweight and overwidth permit fees charged by cities and counties

Study local government structure, fiscal and other powers and functions of local governments, relationships between and among local governments and the state or any other government, allocation of state and local resources, and interstate issues involving local governments (NDCC § 54-35.2-02)

Group Housing Ordinances

- [Billings County Zoning](#)
- [Billings County Zoning Amendment](#)
- [Dickinson Ordinance](#)
- [Divide County](#)
- [Dunn County Application](#)
- [Dunn County Development Code](#)
- [First Health District](#)
- [Glen Ullin](#)
- [Golden Valley County Zoning](#)
- [Golden Valley Temporary Crew Housing](#)
- [Mercer County](#)
- [Mountrail County](#)
- [Williston](#)

Chairman

- [Representative Lawrence R. Klermin \(R\)](#)

Vice Chairman

- [Representative Brenda Heller \(R\)](#)

Legislative Council Staff

- John Bjornson

Legislative Members

- [Representative Thomas Beadle \(R\)](#)
- [Representative Ron Guggisberg \(D\)](#)

Citizen Members

- Don Frye, *Mayor of Carrington*
P.O. Box 501
Carrington, ND 58421
- Shawn Kessel, *Dickinson City Administrator*
99 Second Street E
Dickinson, ND 58601
- Jon Martinson, *North Dakota School Boards Association*
P.O. Box 7128
Bismarck, ND 58507-7128
- Scott Ouradnik, *Slope County Commission*
202 West Avenue
Amidon, ND 58620
- Richard Riha, *Burleigh County State's Attorney*
514 East Thayer Avenue
Bismarck, ND 58501-4413
- Mike Schwartz, *President of the Board of Commissioners, Bismarck Parks and Recreation District*
818 North First Street
Bismarck, ND 58501
- Kenneth Yantes, *North Dakota Township Officers*
P.O. Box 104
Brocklet, ND 58321-0104

Designee

Governor's Designee
Brandi Pelham

Committee Meetings

August 16, 2012 - 9:00am

Committee Documents

- [Notice](#) (8kb)
- [Agenda](#) (8kb)
- [Minutes](#) (42kb)

February 21, 2012 - 9:00am

Committee Documents

- [Notice](#) (8kb)
- [Agenda](#) (8kb)
- [Minutes](#) (45kb)

December 8, 2011 - 9:00am

Committee Documents

- [Notice](#) (8kb)
- [Agenda](#) (8kb)
- [Minutes](#) (46kb)

September 7, 2011 - 9:00am

Committee Documents

- [Notice](#) (19kb)
- [Agenda](#) (9kb)
- [Minutes](#) (51kb)

Committee Memorandums

- [Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management](#) (17kb)
- [Advisory Commission on Intergovernmental Relations - Background Memorandum](#) (37kb)
- [Motor Vehicle Permit Fees - Background Memorandum](#) (49kb)