

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1240

2005 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1240

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1240

House Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date 1-31-05

Tape Number
3

Side A

Side B
x

Meter #
6.-22.2

Committee Clerk Signature



Minutes:

Chairman Keiser: Opened the hearing on HB 1240. All committee members were present.

Representative Dietrich: Appeared in support of HB 1240 and also was a sponsor, and provided a written statement (SEE ATTACHED TESTIMONY).

Dave Lampher, REALTOR, Park Co/GMAC Real Estate, Fargo, ND: Appeared in support of bill and provided a written statement (SEE ATTACHED STATEMENT)

Stephanie Sarabakhsh, Coldwell Banker 1st Realty Encore, Fargo, ND: Appeared in support of bill and provided a written statement (SEE ATTACHED TESTIMONY).

Doris Hoff, REALTOR, Home and Land Company, Dickinson, ND: Appeared in support of HB 1240 and provided a written statement (SEE ATTACHED TESTIMONY).

Representative Kasper: I move a DO PASS on HB 1240.

Representative Vigasaa: SECOND the DO PASS MOTION on HB 1240.

Motion carried. VOTE: 10-YES 3-NO 1-Absent (EKSTROM).

Page 2

House Industry, Business and Labor Committee

Bill/Resolution Number HB 1240

Hearing Date 1-31-05

Representative Amerman will carry the bill on the floor.

Date: 1-31-05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1240

House

INDUSTRY, BUSINESS AND LABOR

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

DO PASS

Motion Made By

Rep. Kasper

Seconded By

Rep. Vigasaa

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

Total (Yes)

10

No

3

Absent

(1) Rep. EKstrom

Floor Assignment

Rep. Amerman.

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

REPORT OF STANDING COMMITTEE (410)
January 31, 2005 12:50 p.m.

Module No: HR-20-1422
Carrier: Amerman
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1240: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING).
HB 1240 was placed on the Eleventh order on the calendar.

2005 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1240

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1240**

Senate Industry, Business and Labor

☐ Conference Committee

Hearing Date February 14, 2005

Tape Number	Side A	Side B	Meter #
1	x		1200-end
1		x	0-1055

Committee Clerk Signature *Lisa VanBerkom*

Senator Klein opens hearing on **HB 1240**

(meter #1200)

Don Dietrich - submitted written testimony

Tate Cymbaluk - Basin Brokers - See written testimony.

Senator Espegard - Asked if this is before you get licensed and in addition to the test.

Cymbaluk - Yes

Senator Nething - Asked if these 45 hours are in addition to something.

Senator Klein - Said, you want them to certify a certain amount of hours before you take the test.

Cymbaluk - Stated that is right.

Senator Heitkamp - Asked if he could give examples of where things have gotten a little messy.

Cymbaluk - Said Dave Lampher could answer that.

Senator Fairfield - Asked if the course taken are university, will they have to change the curriculum or will that stay the same.

Cymbaluk - Referred question to Claus Lembke.

Dave Lampher - President of the Fargo Board of Realtors - See written testimony.

(meter #1750)

Senator Nething - Asked him to explain where they get the hours.

Lampher - Stated the first 30 hours are easy to get either online with UND or courses offered in Fargo or Minnesota.

Senator Fairfield - She said it looks to her they are eliminating the classroom component.

Asked if that will change or are they adding classes, how will this be impacted by removing the classroom designation.

Lampher - They are saying you can take the 30 hours to pass the test but in addition to passing the test they would like an additional 15 hours of contracts to do business.

Senator Klein - Asked if they were doubling hours in addition to continuing ed.

Lampher - Replied no.

Senator Heitkamp - Said he is struggling with the bill because why should they be concerned over the qualifications of someone even if they don't have any hours but can pass the test.

Lampher - He said you can take the test with no hours of study, currently you would need 30 hours of training after you pass the test. It would be a rare individual that could walk in and pass the test. He said even though they want to double the hours of education it is still less than half of what Minnesota has to half.

Senator Heitkamp - Said that is a relative thing because what if Minnesota double dares.

Then would we have to match that too.

Lampher - Said it isn't just Minnesota but also neighbors to south of us have standards much higher than ours.

Senator Espegard - Explains the bill and the hours expected over the years.

Senator Klein - Said what they are saying is that they have grandfathered everyone else in, your just trying to make it more difficult for the new guys coming in.

Lampher - Replied they are not trying to make it more difficult but the level of expertise that is needed in their industry is increasing and they want for the consumer better trained licensees.

Senator Espegard - Asked if the industry is ready to do this.

Lampher - Said the Real Estate Commission is going to have to determine what is in that 15 hours that will be important for new licensees.

Senator Espegard - Asked if it wouldn't be better to raise it to 30 hours for everyone.

Lampher - Said they have had those discussions but figures for new licensees it would get them up to speed quicker.

Senator Heitkamp - Can they get this in remote areas of the state?

Lampher - Said now with the ability of an on-line system they can take a variety of courses.

The Real Estate Commission would determine the courses.

Senator Heitkamp - Who makes up the Real Estate Commission?

Lampher - Explained the Real Estate Commission is a licensing group for real estate agents Their interest is protecting the consumer.

Senator Espegard - Thinks it might be better served to bring all Realtors up to these hours.

Stephanie Sarabakhsh - See written testimony.

(meter #3315)

Senator Klein - Asked if it wouldn't be better if they just got smarter in Fargo instead of making rules here.

Sarabakhsh - Said they are trying to raise the bar.

Senator Klein - Suggests the Fargo-Moorhead Association of Realtors would make themselves more knowledgeable dealing with the Minnesota issues. Where as other parts of the state does not need to know the Minnesota issues.

Sarabakhsh - Certain companies do give more in house training.

Senator Krebsbach - Asked if other states have problems with ND in reciprocity when their requirements are so different.

Sarabakhsh - Replied so far no problems but they would like to head that off and raise the bar.

Senator Espegard - Asked if in the next 4 years a new Realtor would need 16 hours.

Sarabakhsh - Replied yes.

Senator Fairfield - Asked about the difference between the ND Association of Realtors and the Commission that makes the determination.

They decide to wait for Claus Lembke to answer.

Doris Hoff - See written testimony. - In support of this bill.

Senator Espegard - Asked if Montana's education starts right away compared to ND.

Hoff - Believes so.

Senator Klein - Where did the idea come about.

Hoff - Said it originated in the education committee and has been in the making for some time.

Senator Klein - Asked if people were flocking to be Realtors.

Hoff - Said they have seen an increase. Thinks it would be a good time to initiate education.

(meter #4310)

Claus Lembke - Lobbyist for ND Association of Realtors - Said they have tried before to raise the education but it failed. He explained how agents are able to get the education hours. They also have a code of ethics training every four years. In house training they can not get education credits for. Every year they have a legislative round-table and this education issue comes up every year. He also explained that the Real Estate Commission is the regulator and the ND Association of Realtors is the trade association.

Senator Klein - Said he is concerned how it affects rural counties. Wants to make sure everyone is covered not just the larger communities.

Lembke - Said there are three places to get hours now. Plus UND at anytime.

Senator Fairfield - Asked if the Real Estate Commission is planning on testifying. Also are they planning on establishing more courses available.

Lembke - Said yes, they have. UND decides the curriculum

Senator Fairfield - Asked if you have classes through your organization.

Lembke - Said yes they do about 80% of courses.

Senator Fairfield - Do you see this as an opportunity for private entities to gain more students.

Do you foresee a cottage industry/

Senator Espegard - Asked if he (Claus Lembke) would be opposed to continuing education for those already in the business.

Lembke -Said no.

Pat Jergenson - Executive Director for the ND Real Estate Commission - In support of this bill.

(meter #6200, end of side A, tape 1)

(Side B, tape 1)

Pat Jergenson - Continued - Said there are several on line courses available now.

Senator Espegard - Asked typically what is the length of the course and the cost.

Jergenson - Replied by law they may only approve a minimum of two hours. The course cost is set by the sponsor, usually about \$25 per credit hour, on line courses run about \$50 a credit hour.

Senator Nething - Asked when did the commission become into being.

Jergenson - Replied, 1957, if you have a license from 1968 or earlier you are exempt from education forever.

Rep. Weiler - District 30 - Bismarck - He has been in real estate for 3 years and wishes this bill would have been in place then.

(meter #315, side B, tape 1)

Opposition

Leon Malberg - Real Estate Broker from Dickinson - See written testimony. Wishes a do not pass on this bill.

Senator Klein - Asked if it is too much to ask to have 45 hours education in real estate.

Malberg - Believes the ultimate responsibility for fine tuning (education) should be with the controlling broker. He is the one who will be in the law suit if there is one.

Senator Espegard - Said he hears Mr. Malberg as saying he is not opposed to the hours but there is no curriculum.

Malberg - no curriculum at all.

Page 7

Senate Industry, Business and Labor

Bill/Resolution Number **HB 1240**

Hearing Date February 14, 2005

Senator Nething - Said there is currently 30 hours, you have a curriculum set by the Real Estate Commission. So for the next 15 hours would that not be the same?

Malberg - He has never agreed establishing hours as the criteria, there should be some curriculum but there never has been.

Senator Nething - Said his point is that the system is functioning.

Closed the hearing on HB1240.

(meter #1055)

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1240

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date 3-01-05

Tape Number	Side A	Side B	Meter #
3	xxx		390

Committee Clerk Signature *Lisa VanBerkom*

Minutes: **Chairman Mutch** allowed discussion during committee work. All Senators were present. HB 1240 relates to real estate salesperson education requirements for licenser.

Senator Espgaard: We talked about this and I think maybe an amendment to have a little more training once they have their license. That is just as important.

Senator Nething: I say we run this one out the way it came over. And then we will deal with the next problem on another day.

Senator Klein: With this bill you will need sixty hours to be a fully licensed agent in North Dakota.

Senator Heitkamp: The issue here was whether or not Minnesota would honor a license from North Dakota with the reciprocity if we don't do enough continuing education. The contention I have is that if I'm doing real estate in North Dakota and want to do it in Minnesota too, and I prove to them that I did the continuing education, I don't think they will have a problem. It does come back to an individual case. I think it's a bit of wall-building for some of the rural agents.

Page 2

Senate Industry, Business and Labor Committee

Bill/Resolution Number HB 1240

Hearing Date 3-01-05

Senator Klein: I don't think it's continuing education. I think it's part of those hours you need up front to have a license.

Senator Espegard: This bill looks like it is making it harder to get a license, but isn't requiring those that have a license to improve themselves. Minnesota is twice as high in requirements for licensed Realtors. Maybe it would be good to have continuing education for those that are already in the business.

Senator Nething moved a DO PASS. Senator Klein seconded.

Roll Call Vote: 3 yes. 4 no. 0 absent.

Motion Failed.

Senator Heitkamp moved a DO NOT PASS. Senator Espegard seconded.

Roll Call Vote: 3 yes. 4 no. 0 absent.

Motion failed.

Senator Heitkamp moved a Without committee recommendation. Senator Klein seconded.

Roll Call Vote: 3 yes. 4 no. 0 absent.

Motion Failed.

The committee looked at the bill again on 3-08-05.

Senator Espegard moved a DO PASS. Senator Nething seconded.

Roll Call Vote: 4 yes. 1 no. 2 absent.

Carrier: Senator Espegard

Date: 3-1-05
Roll Call Vote #:)

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1240

Senate Industry, Business, and Labor

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass

Motion Made By Nothing

Seconded By Klein

Senators
Chairman Mutch
Senator Klein
Senator Krebsbach
Senator Espegard
Senator Nething

Yes	No
	X
X	
X	
	X
X	

Senators
Senator Fairfield
Senator Heitkamp

Yes	No
	X
	X

Total (Yes) 3 No 4

Absent 0

Floor Assignment Motion fails

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

Date: 3-1-05
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1240

Senate Industry, Business, and Labor

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

DNP
Heitkamp

Seconded By

Espgaard

Senators	Yes	No	Senators	Yes	No
Chairman Mutch	X		Senator Fairfield	X	
Senator Klein		X	Senator Heitkamp	X	
Senator Krebsbach		X			
Senator Espgaard		X			
Senator Nething		X			

Total

(Yes)

3

No

4

Absent

0

Floor Assignment

motion fails

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

Date: 3-1-05
Roll Call Vote #: 3

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1240

Senate Industry, Business, and Labor Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken WCR

Motion Made By Heitkamp Seconded By Klein

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

Total (Yes) 3 No 4

Absent 0

Floor Assignment motion failed

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

Date: 3-8-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1240

Senate Industry, Business, and Labor

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass

Motion Made By

Espegard

Seconded By

Nothing

Senators	Yes	No	Senators	Yes	No
Chairman Mutch		X	Senator Fairfield	A	
Senator Klein	X		Senator Heitkamp	A	
Senator Krebsbach	X				
Senator Espegard	X				
Senator Nothing	X				

Total (Yes)

4

No

1

Absent

2

Floor Assignment

Espegard

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

REPORT OF STANDING COMMITTEE (410)
March 8, 2005 3:57 p.m.

Module No: SR-42-4455
Carrier: Espegard
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1240: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (4 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1240 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1240

SOLD on North Dakota



NDAR

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Moni Krantz

January 31, 2005

Testimony on HB 1240

To: House Industry, Business and Labor Committee

From: Claus Lembke, CAE, Executive Vice President

North Dakota Association of REALTORS®

Mr. Chairman and members of the House Industry, Business and Labor Committee:

My name is Claus Lembke and I represent the North Dakota Association of Realtors®. We are a state-wide trade Association with over 1,200 members and 8 local Boards and Associations of Realtors.

I would like to explain what HB 1240 will change and then we have 3 Realtors® from our Leadership team here to explain why we are seeking this legislation.

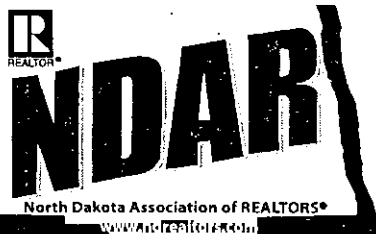
Section 1 of the bill, page 1 lines 7 through 13 changes the pre-licensing hours for applicants from 30 to 45 hours of education. It further requires the broker to furnish to the commission evidence of the salesperson's successful completion of 15 post-licensure hours within one year after initial licensure.

All other overstrikes and underlined changes to this bill are of house keeping nature or needed to be done do to the newly crated provisions on lines 7 through 13.

Mr. Chairman, we appreciate the opportunity to appear before your committee.



SOLD on North Dakota



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January 31, 2005

Testimony on HB 1240

To: House IBL Committee

From: Dave Lanpher, REALTOR®
Park Co/GMAC Real Estate, Fargo, ND

Representative Kaiser and Committee members:

My name is Dave Lanpher. I am a REALTOR with Park Co./GMAC Real Estate in Fargo. I am the current President of the Fargo Moorhead Area Association of REALTORS®, current chair of the ND Association of REALTORS® Education committee and member on several other state committees including Political Affairs committee.

Over half of NDAR members have Minnesota real estate licenses under reciprocity. There are about 600 of us. Most states have reciprocity agreements that allow the Real Estate Commissions or Department of Commerce, as is the case in Minnesota, to enter into reciprocity agreements for licensing with other states having similar education standards or requirements. The State of Minnesota requires 90 hours of pre-license education before a person can get a real estate license. In addition Minnesota requires an additional 30 hours of continuing education in the first year and from then on, 15 hours every year.

We believe that our current 30 hours in North Dakota are not substantially equal to Minnesota. There have not been any moves to cancel the reciprocity, but we'd like to be proactive. It would be devastating if over half of our members had to satisfy both Minnesota and North Dakota's requirements.

Mr. Chairman and members of the committee, please give this bill a Do Pass.



SOLD on North Dakota



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Moni Krantz

January 31, 2005

Testimony on HB 1240

To: House IBL Committee

From: Doris Hoff, REALTOR®
Home and Land Company, Dickinson, ND
North Dakota Association of REALTORS® (NDAR)

Representative Kaiser and Committee members:

My name is Doris Hoff. I am the broker/owner of Home and Land Company in Dickinson. I am the immediate Past President of the Badlands Board of REALTORS®, and a member of the Political Affairs Committee of the North Dakota Association of REALTORS®.

As you have heard, we want to avoid reciprocity problems with Minnesota. To a lesser degree, we may face the same issue with South Dakota and Montana. We estimate that over 100 North Dakota REALTORS® also carry a South Dakota license and nearly that many carry a Montana license - another reason to get our North Dakota Education requirements closer to par with our neighboring states.

Most of all, I support this legislation because it requires a higher entry level standard for licensees. Our business today requires a high level of skill and 60 hours for these new licensees should be the very minimum. It is what we expect from new REALTORS® entering the real estate business and it is what the consumer deserves.

Please support this legislation.



SOLD on North Dakota



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January 31, 2005

Testimony on HB 1240

TO: House Industry, Business and Labor Committee

FROM: Stephanie Sarabakhsh
Coldwell Banker 1st Realty Encore, Fargo, ND

Representative Kaiser and Committee members:

My name is Stephanie Sarabakhsh. I am a REALTOR® with Coldwell Banker 1st Realty Encore in Fargo. I am the Chair of the Fargo Moorhead Area Association of REALTORS® Government Affairs Committee, and member of the North Dakota Association of REALTORS® Political Affairs Committee.

Virtually every REALTOR® in Fargo, Grand Forks, and Wahpeton carry both a North Dakota and Minnesota real estate license.

We constantly observe a distinct difference between North Dakota and Minnesota on new licensees. Minnesota residents take the test and get a Minnesota license and then apply for a reciprocity license in North Dakota. The vice versa is true for North Dakota residents.

What we have noticed over the years is that newly licensed Minnesota residents are far better educated compared to North Dakota members. It takes quite a bit more in-house training to get up to par with the Minnesota residents.

Please support this bill.

House Bill 1240

31 January, 2005

Good Morning, Chairman Keiser and members of the Industry, Business and Labor Committee.

For the record, my name is Don Dietrich, Representative from District #42 in Grand Forks. District 42 includes the University of North Dakota and its surrounding business and residential area.

It is indeed a pleasure to appear before you today to introduce HB1240 for your consideration. HB1240 is a bill that will amend and reenact subsection 4 of section 43-23-08 of the North Dakota Century Code, relating to real estate salesperson education requirements for licensure; and to provide an effective date.

I am a member of the North Dakota Association of Realtors, and was involved with the leadership team that adopted this plan of action to seek higher entry level education for those entering the real estate industry.

HB1240 will expand the present pre-licensing requirements for a real estate salesperson entering the real estate business from 30 hours to 45 hours as well as require an additional 15 hours of post licensure education requirements within 1 year after initial licensure.

Real Estate Professionals in North Dakota presently enjoy reciprocity with our neighboring states of Minnesota, South Dakota and Montana. Licensing requirements in Minnesota are 90 hours, South Dakota at 100 hours, and Montana at 60 hours. By expanding the pre-license requirements for new licensees in North Dakota, reciprocity will not be jeopardized.

The most significant result of additional pre-licensing education will be improved knowledge for new licensees in the real estate industry positively affecting their level of service to clients and customers. The increase in education will also give new licensees a more competitive level of knowledge in the industry as well as improved preparedness in which to compete in the market place.

HB1240 is truly a winner. New real estate licensees that are more knowledgeable and better trained in which to serve the public as well as a pro-active bill in regards to reciprocity will be the end result upon passage of this bill.

Mr. Chairman, there are many other reasons to support this bill, and there are several real estate professionals attending today who will speak to these reasons.

Mr. Chairman, and members of the Industry, Business and Labor Committee, I urge you consider a "DO PASS RECOMMENDATION".

Thank you again for the opportunity to appear before you today, and I will stand for any questions.



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February 14, 2005

Testimony on HB 1240

To: Senate IBL Committee

From: Doris Hoff, REALTOR®
Home and Land Company, Dickinson, ND
North Dakota Association of REALTORS® (NDAR)

Vice Chair Klein and Committee members:

My name is Doris Hoff. I am an associate broker/owner of Home and Land Company in Dickinson. I am the immediate Past President of the Badlands Board of REALTORS®, and a member of the Political Affairs Committee of the North Dakota Association of REALTORS®.

As you have heard, we want to avoid reciprocity problems with Minnesota. To a lesser degree, we may face the same issue with South Dakota and Montana. We estimate that over 100 North Dakota REALTORS® also carry a South Dakota license and nearly that many carry a Montana license - another reason to get our North Dakota Education requirements closer to par with our neighboring states.

Most of all, I support this legislation because it requires a higher entry level standard for licensees. Our business today requires a high level of skill and 60 hours for these new licensees should be the very minimum. It is what we expect from new REALTORS® entering the real estate business and it is what the consumer deserves.

Please support this legislation.





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February 14, 2005

Testimony on HB 1240

To: Senate IBL Committee

From: Dave Lanpher, REALTOR®
Park Co/GMAC Real Estate, Fargo, ND

Senator Klein and Committee members:

My name is Dave Lanpher. I am a REALTOR with Park Co./GMAC Real Estate in Fargo. I am the current President of the Fargo Moorhead Area Association of REALTORS®, current chair of the ND Association of REALTORS® Education committee and member on several other state committees including Political Affairs committee.

Over half of NDAR members have Minnesota real estate licenses under reciprocity. There are about 600 of us. Most states have reciprocity agreements that allow the Real Estate Commissions or Department of Commerce, as is the case in Minnesota, to enter into reciprocity agreements for licensing with other states having similar education standards or requirements. The State of Minnesota requires 90 hours of pre-license education before a person can get a real estate license. In addition Minnesota requires an additional 30 hours of continuing education in the first year and from then on, 15 hours every year.

We believe that our current 30 hours in North Dakota are not substantially equal to Minnesota. There have not been any moves to cancel the reciprocity, but we'd like to be proactive. It would be devastating if over half of our members had to satisfy both Minnesota and North Dakota's requirements.

Mr. Chairman and members of the committee, please give this bill a Do Pass.



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February 14, 2005

Testimony on HB 1240

TO: Senate Industry, Business and Labor Committee

FROM: Stephanie Sarabakhsh
Coldwell Banker 1st Realty Encore, Fargo, ND

Senator Klein and Committee members:

My name is Stephanie Sarabakhsh. I am a REALTOR® with Coldwell Banker 1st Realty Encore in Fargo. I am the Chair of the Fargo Moorhead Area Association of REALTORS® Government Affairs Committee, and member of the North Dakota Association of REALTORS® Political Affairs Committee.

Virtually every REALTOR® in Fargo, Grand Forks, and Wahpeton carry both a North Dakota and Minnesota real estate license.

We constantly observe a distinct difference between North Dakota and Minnesota on new licensees. Minnesota residents take the test and get a Minnesota license and then apply for a reciprocity license in North Dakota. The vice versa is true for North Dakota residents.

What we have noticed over the years is that newly licensed Minnesota residents are far better educated compared to North Dakota members. It takes quite a bit more in-house training to get up to par with the Minnesota residents.

Please support this bill.

SOLD on North Dakota



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February 14, 2005

Testimony on HB 1240

To: Senate Industry, Business and Labor Committee
From: Tate Cymbaluk, Basin Brokers
Williston

Mr. Vice Chair and Members of the Senate Industry, Business and Labor Committee:

My name is Tate Cymbaluk. I represent the North Dakota Association of REALTORS® (NDAR) as the Chairman of our Political Affairs Committee. We are a state-wide Trade Association with over 1200 members represented by eight local boards of REALTORS®.

I would like to explain what HB 1240 will change and then we have 3 Realtors® from our Leadership team here to explain why we are seeking this legislation.

Section 1 of the bill, page 1 lines 7 through 13 changes the pre-licensing hours for applicants from 30 to 45 hours of education. It further requires the broker to furnish to the commission evidence of the salesperson's successful completion of 15 post-licensure hours within one year after initial licensure.

All other overstrikes and underlined changes to this bill are of house keeping nature or needed to be done do to the newly crated provisions on lines 7 through 13.

Mr. Vice Chairman, we appreciate the opportunity to appear before your committee.



Tate's Handout

State	Prelicense Requirements	CE Requirements	Prelicense Distance	CE Distance	Accepts ARELLO Certification	Exam Provider
Alabama	60 hrs	30 hrs the 1st 6 months, 15 hrs every 2 yrs	Yes	Yes	Yes	AMP
Alaska	20 hrs	20 hrs every 2 yrs	Yes	Yes	Yes	Promissor
Arizona	90 hrs	24 hrs every 2 yrs	No	Yes	Yes	Exporior
Arkansas	60 hrs	18 hrs the 1st yr, then 6 hrs every yr	Yes	Yes	Yes	Promissor
California	45 hrs	12 hrs the 1st renewal, then 45 hrs every 4 yrs	Yes	Yes	No	Dept. of RE
Colorado (Broker's license only)	168 hrs	24 hrs every 3 yrs	Yes	Yes	Yes	Promissor
Connecticut	60 hrs	12 hrs every yr	No	Yes	Yes	PSI
Delaware	99 hrs	15 hrs every 2 yrs	No	Yes	Yes	Promissor
District of Columbia	60 hrs	15 hrs every 2 yrs	No	Yes	Yes	Promissor
Florida	63 hrs	45 hrs the 1st renewal, then 14 hrs every 2yrs	Yes	Yes	No	Promissor/ RE Commission
Georgia	75 hrs	25 hrs the 1st yr, then 24 hrs every 4 yrs	Yes	Yes	Yes	AMP
Hawaii	45 hrs	10 hrs every 2 yrs	Yes	Yes	Yes	Promissor
Idaho	90 hrs	20 hrs every 2 yrs	Yes	Yes	Yes	Promissor
Illinois	45 hrs	12 hrs every 2 yrs	Yes	Yes	No	AMP
Indiana	54 hrs	16 hrs every 2 yrs	No	No	No	Promissor
Iowa	60 hrs	36 hrs every 3 yrs	Yes	Yes	Yes	PSI
Kansas	30 hrs	30 hrs the 1st 6 months, 12 hrs every yr after	Yes	Yes	Yes	Promissor
Kentucky	96 hrs	6 hrs per yr	No	Yes	Yes	Promissor
Louisiana	90 hrs	30 hrs the 1st yr, 8 hrs every yr after	No	Yes	Yes	PSI
Maine (Broker's license only)	84 hrs	15 hrs every 2 yrs	Yes	Yes	Yes	Promissor
Maryland	60 hrs	15 hrs every 2 yrs	No	Yes	Yes	PSI
Massachusetts	24 hrs	12 hrs every 2 yrs	No	No	No	Promissor
Michigan	40 hrs	6 hrs every yr	Yes	Yes	Yes	AMP
Minnesota	90 hrs	30 hrs the 1st yr, 15 hrs every yr after	No	Yes	No	Exporior
Mississippi	60 hrs	16 hrs every 2 yrs	Yes	Yes	Yes	RE Commission
Missouri	60 hrs	12 hrs every 2 yrs	Yes	Yes	Yes	AMP
Montana	60 hrs	12 hrs per yr	Yes	Yes	Yes	AMP
Nebraska	60 hrs	12 hrs every 2 yrs	Yes	Yes	Yes	AMP
Nevada	90 hrs	30 hrs renewal term the 1st yr, 15 hrs every 2 yrs	Yes	Yes	No	PSI
New Hampshire	40 hrs	9 hrs every 2 yrs	No	Yes	Yes	AMP
New Jersey	75 hrs	none	No	No	No	Promissor
New Mexico	60 hrs	30 hrs every 3 yrs	Yes	Yes	Yes	Exporior
New York	45 hrs	22.5 hrs every 2 yrs	No	Yes	Yes	NY Dept. of State
North Carolina	67 hrs	8 hrs per yr	No	Yes	Yes	PSI/RE Commission
North Dakota	30 hrs	16 hrs every 2 yrs	Yes	Yes	Yes	AMP
Ohio	120 hrs	10 hrs the 1st yr, then 30 hrs every 3 yrs	No	Yes	Yes	Exporior
Oklahoma	45 hrs	45 hrs 1st renewal term, 21 hrs every 3 yrs after	Yes	Yes	Yes	RE Commission
Oregon (Broker's license only)	150 hrs	30 hrs every 2 yrs	Yes	Yes	Yes	RE Commission
Pennsylvania	60 hrs	14 hrs every 2 yrs	No	No	No	PSI
Rhode Island	45 hrs	18 hrs every 2 yrs	No	Yes	No	Promissor
South Carolina	60 hrs	30 hrs the 1st yr, 8 hrs every 2 yrs after	No	Yes	Yes	PSI
South Dakota (Broker's license only)	100 hrs	24 hrs every 2 yrs	Yes	Yes	Yes	AMP
Tennessee (Broker's license only)	60 hrs	30 hrs the 1st renewal, 16 hrs every 2 yrs	No	Yes	Yes	PSI
Texas	180 hrs	30 hrs the 1st 3 renewals (annual), 15 every 2 yrs after	Yes	Yes	Yes	PSI
Utah	90 hrs	12 hrs every 2 yrs	No	Yes	Yes	Promissor
Vermont	none	8 hrs every 2 yrs	No	Yes	Yes	PSI
Virginia	60 hrs	30 hrs the 1st renewal term, 16 hrs every 2 yrs	Yes	Yes	No	PSI
Washington	60 hrs	60 hrs the 1st renewal term, 30 hrs every 2 yrs after	Yes	Yes	Yes	Promissor
West Virginia	90 hrs	7 hrs per yr	Yes	Yes	Yes	RE Commission
Wisconsin	72 hrs	12 hrs every 2 yrs	Yes	Yes	No	Promissor
Wyoming	54 hrs	45 hrs every 3 yrs	Yes	Yes	Yes	AMP

NOTE: The above information is subject to change.



House Bill 1240
14 February, 2005
Testimony by Rep. Don Dietrich – District 42

Good Morning, Senator Mutch, and members of the Industry, Business and Labor Committee.

For the record, my name is Don Dietrich, Representative from District #42 in Grand Forks. District 42 includes the University of North Dakota and its surrounding business and residential area.

It is indeed a pleasure to appear before you today to introduce HB1240 for your consideration.

I am a member of the North Dakota Association of Realtors, and was involved with the leadership team that adopted this plan of action to seek higher entry level education for those entering the real estate industry.

HB1240 will expand the present pre-licensing requirements for a real estate salesperson entering the real estate business from 30 hours to 45 hours as well as require an additional 15 hours of post licensure education requirements within 1 year after initial licensure.

Real Estate Professionals in North Dakota presently enjoy reciprocity with our neighboring states of Minnesota, South Dakota and Montana. Licensing requirements in Minnesota are 90 hours, South Dakota at 100 hours, and Montana at 60 hours. By expanding the pre-license requirements for new licensees in North Dakota, reciprocity will not be jeopardized.

The most significant result of additional pre-licensing education will be improved knowledge for new licensees in the real estate industry positively affecting their level of service to clients and customers. The increase in education will also give new licensees a more competitive level of knowledge in the industry as well as improved preparedness in which to compete in the market place.

The benefits resulting from passage of this bill will be new real estate licensees that are more knowledgeable and better trained in which to serve the public as well as a pro-active bill in regards to reciprocity with our neighboring states.

Mr. Chairman, there are many other reasons to support this bill, and there are several real estate professionals attending today who will speak to these reasons.

Mr. Chairman, and members of the Industry, Business and Labor Committee, I urge you consider a "DO PASS RECOMMENDATION".

Thank you again for the opportunity to appear before you today, and I will stand for any questions.

My name is Leon L. Mallberg and I am a North Dakota Real Estate Broker. I ask that you move this bill (House Bill 1240) from this committee with a do not pass. My reasons are as follows:

- The majority of the Real Estate Brokers in the State do not know this bill is in the legislature. A full debate within the industry should be conducted before the bill is proposed to the legislature.
- The bill does not take into account the impact on the rural Real Estate Office. The added cost will turn applicants away from the industry
- No one knows what subjects or topics are to be covered in this additional 30 hours. It is just hours for the sake of hours.
- I know of no indications that present education level is inadequate.

Testimony
added by Leon Mallberg
Costs

30 Additional Hours
Real Estate Education
Pre Licensure
Subsection 4 – Section 43-23-08
North Dakota Century Code

Assumptions:

- Resident City of Bowman, Bowman County
- Classes held in Bismarck
- Number of hours in a Class – 3
- Cost per 3 hour Class - \$60.00
- Miles of travel per Class – 356
- Cost per mile – 48 cents
- Number of classes needed – 10
- Meals (Dinner, Breakfast, Lunch) per day - \$20
- Motel Room per night - \$42.00

Total Cost:

* 10 trips @ 356 miles @ 48 cents	\$1,708.80
* 10 nights room @ \$42.00 each	420.00
* 10 Classes @ \$60.00 each	600.00
* 10 days of meals @ 20.00 per day	200.00

Total: **\$2,928.80**

These costs could be reduced if the following would happen:

- a. The licensee could share a ride.
- b. The licensee could share a room.
- c. If two (2) classes could be held in one day.
- d. If some classes could be held in Dickinson
- e. If one or two classes could be taken by correspondence.

No value has been placed on the time of the Licensee and no incidental costs have been included.

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