

2009 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1332

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1332

House Industry, Business and Labor Committee

☐ Check here for Conference Committee

Hearing Date: January 20, 2009

Recorder Job Number: 7359

Committee Clerk Signature

Ellen H. Tang

Chairman Keiser: Opened the hearing on HB 1332 relating to state building codes.

Scot Kelsh~Representative from District 11. The purpose is to take the exemption for a building that are not heated or cooled.

Chairman Keiser: Has the board taken a position on this?

Kelsh: Yes they have in support.

Representative Thorpe: Would this apply to home charter?

Kelsh: Inaudible. I should point out that farm structures remain exempt.

Bonnie Staiger~Executive Vice President of AIA of North Dakota. See testimony attachment.

Representative Vigesaa: Can each city adopt their own rules?

Staiger: I'm not sure about that.

Chairman Keiser: What are we doing with this bill in your own words?

Staiger: To provide mechanism to seek permits on this type of building. Currently, this type of building can be built without a permit and it's a fire hazard.

Chairman Keiser: So, we are not exempting, we are taking away the exemption.

Representative Nottestad: Outside of agricultural buildings, that every building build, there has to be a permit?

Staiger: Inaudible.

Ray Ziegler~President of the North Dakota Building Official Association and Building Official for the city of Bismarck & Burleigh County. Building codes are living document. That means every three years they get up dated.

Representative Schneider: Would you be in favor of an amend?

Ziegler: It's already in the building code.

Chairman Keiser: Relative to local control.

Ziegler: The way it's written now, if you going to adopt and enforce a building code, you have to adopt and enforce the state building code.

Chairman Keiser: Do those changes be more restrictive or less restrictive.

Ziegler: No they don't have to be more restrictive but they do have to have the same standards.

Representative Vigesaa: Does a permit automatically go with building to code, is a permit necessary?

Ziegler: Yes, it the best method to protect the public, knowingly or unknowingly.

Anyone here in opposition, neutral?

Closes the hearing on HB 1332.

What are the wishes of the committee?

Vice Chairman Kasper: Moves a Do Pass.

Representative Schneider: Second.

Roll call was taken on HB 1332 with a Do Pass 11 yea's, 2 nay's, 0 absent and

Representative Ruby is the carrier.

Date: Jan 20 - 2009
Roll Call Vote # _____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1332

House House, Business & Labor Committee _____

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ As Amended

Motion Made By Kasper Seconded By Schneider

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	x		Representative Amerman	x	
Vice Chairman <u>Kasper</u>	x		Representative Boe	x	
Representative Clark	x		Representative Gruchalla	x	
Representative N Johnson	x		Representative Schneider	x	
Representative Nottestad		x	Representative Thorpe	x	
Representative Ruby	x				
Representative Sukut	x				
Representative Vigasaa		x			

Total (Yes) 11 No 2

Absent 0

Floor Assignment Rep Ruby

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

REPORT OF STANDING COMMITTEE (410)
January 21, 2009 12:17 p.m.

Module No: HR-12-0643
Carrier: Ruby
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1332: Industry, Business and Labor Committee (Rep. Kelser, Chairman)
recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).
HB 1332 was placed on the Eleventh order on the calendar.

2009 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1332

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1332

Senate Industry, Business and Labor Committee

☐ Check here for Conference Committee

Hearing Date: March 16, 2009

Recorder Job Number: 10994

Committee Clerk Signature

Erin Luket

Minutes:

Representative Kelsh: This bill exempts the steel buildings that are neither heated nor cooled from the building code. It leaves the exemption in for the farm buildings and historic buildings. It takes the exemption away from the oversized buildings that are detached from the house.

Chairman Klein: People, who have built sort of a shop where they are storing their boats or whatever, have been falling outside of the guidelines and this would bring them in?

Rep. Kelsh: The guidelines now they are exempt only if they have not been heating or cooling the building. Ray Ziegler, President of ND Building Officials Association: Written testimony in favor of the bill.

Chairman Klein: How does this apply to the extra territory buildings, how far out does it go?

Ray: Twelve townships.

Chairman Klein: So if someone bought five acres four miles out, how does this fit into that? Are they grandfathered in?

Ray: We would require them to have a building permit.

Senator Horne: are we trying to change the code to include some buildings into the code that are included now?

Ray: Right now if you we're going to put up a cold storage building you would not need a permit for it. If your intent is not to heat it. If you're in the jurisdiction that requires permits you would have to get one.

Senator Potter: After I get this permit are there certain things I am required to do?

Ray: The normal person putting up 30x40 we can accommodate those in our codes and charts. The building permits are designed to protect the public and the first preventers.

Senator Potter: These state wide codes are all exempt from these exemptions?

Ray: We're talking about the building itself. Not the wiring or plumbing codes. We still require that.

Chairman Klein: I want to build a 20x40 building and I can put this up if I don't cool or heat it?

Ray: That's correct, it doesn't include lawn sheds.

Senator Andrist: I am feeling this is too pervasive. I am hearing they can't do it. They can't build it unless they get a permit.

Ray: We already require it in the city.

Senator Andrist: I am looking at the smaller cities.

Ray: The ones that are out in the country, it would depend what they decided their own code for that area. It's getting to be a more complicated issue.

Senator Wanzek: Would this allow buildings that did not meet code or are they grandfathered in?

Ray: They would be grandfathered in.

Senator Wanzek: How do you deem that they are agricultural?

Ray: If you get more than fifty percent of your income.

Continued discussion on what would be included and who has to follow these guidelines.

Doreen Redman: In favor of the bill. She state this is happening in the bigger cities already.

Certain cities adopt the state building codes others do not.

Bonnie Staiger, American Institute of Architects: Written testimony.

Comment made by Ray was that the main push is to get all the cities to adopt the state code.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1332

Senate Industry, Business and Labor Committee

☐ Check here for Conference Committee

Hearing Date: March 16, 2009

Recorder Job Number: 10999

Committee Clerk Signature

Eva Lebelt

Minutes:

Chairman Klein: This doesn't change anything from what Bismarck is already doing. Can't the communities make their own decisions?

Senator Nodland: their trying to tell the smaller towns what to do.

Senator Andrist: It's obviously an issue the locals can solve themselves. I am afraid of the consequences.

Senator Wanzek: Are these providing exemptions state wide for zoning authority. Do they have permission from the state to regulate these buildings that are not cooled now or by removing the exemption are we allowing them to do that?

Senator Andrist: I don't know what the bill does and doesn't do.

Chairman Klein: I asked if this changes anything we do in Burleigh County now and he said no.

Senator Potter: My question is about the state building code, it's about exemptions from the state building code, who falls under the state building code? This makes no sense to me. It seems to me it is very restrictive in its application because it only applies to those who already want to follow the state building code. You still don't have to follow it.

Senator Andrist: Maybe they want to adopt the state building code but for what reason?

Senator Wanzek: What I here is the local jurisdiction just not have to follow, does somewhere else in the law they either adopt the state building code or their own code. I assuming that we are giving local authorities additional opportunities to regulate more buildings.

Chairman Klein: Are code says this is how we do it and they want the rest to do it their way.

Senator Wanzek: It does puzzle me if we are in the two miles zones. Why does one place get regulated, but not if you are a farmstead. If we are doing it for safety reasons why aren't we regulating every one?

Chairman Klein: Closed hearing on 1332.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1332

Senate Industry, Business and Labor Committee

☐ Check here for Conference Committee

Hearing Date: March 17, 2009

Recorder Job Number: 11071

Committee Clerk Signature

Eva Luckett

Minutes:

Chairman Klein: Committee I felt I asked a number of times how this change affects Bismarck and he said it doesn't change anything in Bismarck.

Senator Andrist: Moved a do not pass.

Senator Wanzek: Seconded.

Row Call Vote: YES: 4 NO: 3

Senator Andrist: To carry.

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Date: 3/17/09
Roll Call Vote #: 1**2009 SENATE STANDING COMMITTEE ROLL CALL VOTES**
BILL/RESOLUTION NO. 1332

Senate

Committee

Industry, Business and Labor☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

☐ Pass☒ Do Not Pass☐ AmendedMotion Made By Senator Andrist Seconded By Senator Wanzek

Senator	Yes	No	Senator	Yes	No
Senator Jerry Klein - Chairman	✓		Senator Arthur H. Behm		✓
Senator Terry Wanzek - V.Chair	✓		Senator Robert M. Horne		✓
Senator John M. Andrist	✓		Senator Tracy Potter		✓
Senator George Nodland	✓				

Total (Yes) 4 No 3Absent 0Floor Assignment Senator Andrist

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

REPORT OF STANDING COMMITTEE (410)
March 17, 2009 9:44 a.m.

Module No: SR-48-5039
Carrier: Andrist
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1332: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends
DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1332 was
placed on the Fourteenth order on the calendar.

2009 TESTIMONY

HB 1332

AIA North Dakota

A Chapter of The American Institute of Architects



Testimony in support of HB 1332

Chairman Keiser and members of the Committee

My name is Bonnie Staiger, Hon. AIA, and I am Executive Vice President of AIA North Dakota (American Institute of Architects). Our organization supports this bill. Jim Simpson, AIA is our AIA representative to the ND State Building Code Advisory Committee and serves as its Chair. Jim started out this morning from Fargo but the roads were terrible and he turned around at Valley City and went back.

He asked me to point out a few key elements of this bill on his behalf:

- When this law was enacted in 1979 (?), no one could have foreseen increase in number of vehicles and recreational vehicles.
- There is a proliferation of 3- and 4-car families, along with storage of large RV's, personal watercraft, and snowmobiles. As a result there is an associated increase in size of garages to accommodate them.
- Without a permit these buildings get built too close to the house creating a fire hazard. Without a permit the building official has no idea if the owner is even building a garage.
- State Building Code exempts buildings less than 120 square feet from permit requirements.
- This change DOES NOT AFFECT agricultural buildings.

HOUSE BILL NO.1332

Bullet points submitted by Ray Ziegler, President of the North Dakota Building Officials Association.

The building codes and the enforcement of them are all about prevention. We do this to protect the public and the first responders that enter these buildings.

1. The nature of these buildings is for storage and includes everything from detached garages to airplane hangars.
2. The area will range from a few hundred to well over one hundred thousand square feet.
3. Construction methods, products, and procedures can be very complicated with some manufacturers requiring installers to be certified.
4. We need to have assurances that structures are built to withstand our environment; 90 mile per hour winds, 30-60 pound snow loads.
5. As Flood Plan Administrators we need to keep structures out of the established floodways.
6. We also make every effort to require structures to be rodent proof.
7. If not built properly in the beginning, it can likely become a maintenance issue latter.
8. If these structures are built to close to the property line they can expose the neighbors to the risk of fire and whatever hazardous contents that may be stored inside them.

Sincerely



Ray Ziegler
President NDBOA
Building Official
Bismarck/Burleigh County

AIA North Dakota

A Chapter of The American Institute of Architects



Testimony in support of HB 1332

Chairman Klein and members of the Committee

My name is Bonnie Staiger, Hon. AIA, and I am here today representing Jim Simpson, AIA who is our AIA North Dakota representative to the ND State Building Code Advisory Committee and serves as its Chair.

Jim asked me to point out a few key elements of this bill on his behalf:

- When this law was enacted in 1979 (?), no one could have foreseen increase in number of vehicles and recreational vehicles.
- There is a proliferation of 3- and 4-car families, along with storage of large RV's, personal watercraft, and snowmobiles. As a result there is an associated increase in size of garages to accommodate them.
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