

2021 HOUSE HUMAN SERVICES

HB 1103

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1103
1/6/2021

Relating to mobile home park, recreational vehicle park, & campground license renewals & transfers

Chairman Weisz opened the hearing at 10:01 a.m.

Representatives	Roll Call
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	P
Representative Mary Schneider	P
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

Discussion Topics:

- Update definitions
- Update license renewal procedure

Julie Wagendorf, ND Dept of Health Director of Food & Lodging (10:02) testified in favor and submitted testimony #31.

Chairman Weisz closed the hearing at 10:30 am

Tamara Krause, Committee Clerk

Good morning Chairman Weisz and members of the Human Services Committee. My name is Julie Wagendorf and I serve as the Director of Food and Lodging for the North Dakota Department of Health. I am here to provide testimony in support of HB1103 which updates definitions and license renewal procedures, and resolves inconsistencies with other sections of North Dakota Century Code.

Regarding changes to definitions in Section 23-10-01, HB1103 provides updated language for previously named "trailer park" to "recreational vehicle park" and "travel trailer" to "recreational vehicle". These language changes provide a better description for how this type of licensed park operates and will help avoid confusion with the terms "mobile home park" and "mobile home". Additional definition updates include details on the term "mobile home" and "recreational vehicle" in order to provide clarification on the difference between these structures and units.

Proposed changes to Sections 23-10-03 and 23-10-04 are intended to reduce duplication of effort by allowing the Department to accept state or federal agency enforcement of sanitation, safety, and inspection requirements in addition to city or county as well as reduce frequency of inspection and regulatory burden for parks operating in compliance with state laws and regulations.

Ammendments to Sections 23-10-06 and the addition of a new section 23-10-06.1 remove redundancies and offer clear and standard language for license issuance and renewal procedure.

Proposed changes, if enacted, would not increase burden of regulation through inspections or result in more resources needed for conducting inspections.

This concludes my testimony. I am happy to answer any questions you may have.

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1103
1/18/2021

Campground and mobile home park license renewals and transfers
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Chairman Weisz opened the committee meeting at 3:17 p.m.

Representatives	Roll Call
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	P
Representative Mary Schneider	P
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

Discussion Topics:

- Campground approval
- Animal agriculture
- Campground requirements
- Approved source of drinking water

Chairman Weisz adjourned at 3:21 p.m.

Tamara Krause, Committee Clerk

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1103
1/20/2021

Campground and mobile home park license renewals and transfers
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Chairman Weisz opened the committee meeting at 10:45 a.m.

Representatives	Attendance
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	P
Representative Mary Schneider	P
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

Discussion Topics:

- Redefining campgrounds
- Landowners, farmers, and agriculture interest implementation

Rep. Bill Devlin, District 23 (10:50) presented **Amendment 21.8121.01001** - #5526.

Rep. Karen Rohr moved to adopt Amendment **21.8121.01001**.

Rep. Bill Devlin seconded the motion.

Voice vote – Motion Carried to adopt **Amendment 21.8121.01001**

Rep. Matthew Ruby made a motion for a **Do Pass As Amended**.

Rep. Bill Tveit seconded the motion.

Representatives	Vote
Representative Robin Weisz	Y
Representative Karen M. Rohr	Y
Representative Mike Beltz	Y
Representative Chuck Damschen	Y

Representative Bill Devlin	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Dwight Kiefert	Y
Representative Todd Porter	A
Representative Matthew Ruby	Y
Representative Mary Schneider	Y
Representative Kathy Skroch	Y
Representative Bill Tveit	Y
Representative Greg Westlind	Y

Motion carried Do Pass As Amended 13-0-1

Bill Carrier: Rep. Dwight Kiefert

Chairman Weisz adjourned at 10:57 a.m.

Tamara Krause, Committee Clerk

21.8121.01001
Title.02000

Prepared by the Legislative Council staff for
Representative Devlin
January 19, 2021

95
1/20/21

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1103

Page 3, after line 14 insert:

"1."

Page 3, line 17, after the period insert:

"2."

Page 3, line 21, after the period insert:

"3. The department may not issue a license under this section if the proposed mobile home park, recreational vehicle park, or campground would prevent, interfere, or restrict proposed private development that is actively being pursued.

4."

Page 5, after line 17, insert:

"7. The department may not renew a license if the mobile home park, recreational vehicle park, or campground is not actively conducting business at the site, and the applicant shall apply and meet the requirements for licensure to be granted a license."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1103: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1103 was placed on the Sixth order on the calendar.

Page 3, after line 14 insert:

"1."

Page 3, line 17, after the period insert:

"2."

Page 3, line 21, after the period insert:

"3. The department may not issue a license under this section if the proposed mobile home park, recreational vehicle park, or campground would prevent, interfere, or restrict proposed private development that is actively being pursued.

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Page 5, after line 17, insert:

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Renumber accordingly

21.8121.01001
Title.

Prepared by the Legislative Council staff for
Representative Devlin
January 19, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1103

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Renumber accordingly

2021 SENATE POLITICAL SUBDIVISIONS

HB 1103

2021 SENATE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Sakakawea, State Capitol

HB 1103
2/19/2021

A BILL for an Act to create and enact sections 23-10-06.1 and 23-10-06.2 of the North Dakota Century Code, relating to mobile home park, recreational vehicle park, and campground license renewals and transfers; to amend and reenact sections 23-10-01, 23-10-02, 23-10-02.1, 23-10-03, 23-10-04, 23-10-06, 23-10-07, 23-10-07.1, 23-10-09, 23-10-10, 23-10-10.1, 23-10-11, and 23-10-12 of the North Dakota Century Code, relating to mobile home parks, recreational vehicle parks, and campgrounds; and to provide a penalty

Chairman Burckhard opened the hearing on HB 1103 at 9:25 a.m. Members present: Burckhard, Anderson, Lee, Larson, Kannianen, Oban, Heitkamp.

Discussion Topics:

- Time limit on plans
- Costly mandates
- Lot drainage
- Tenant rights

[9:25] Julie Wagendorf, Director, Food and Lodging, North Dakota Department of Health. Introduced HB 1103 and provided testimony #6979 in favor.

[9:36] Ken Dale, Paralegal, Impact MHC Management. Provided testimony #6869 in opposition.

Senator Anderson moved to **ADOPT AMENDMENT LC 21.8121.02001**
Senator Kannianen seconded.

Senators	Vote
Senator Randy A. Burckhard	Y
Senator Howard C. Anderson, Jr.	Y
Senator Jason G. Heitkamp	Y
Senator Jordan Kannianen	Y
Senator Diane Larson	Y
Senator Judy Lee	Y
Senator Erin Oban	Y

The motion passed 7-0-0

Senator Anderson moves **DO PASS, AS AMENDED**.
Senator Kannianen seconded.

Senators	Vote
Senator Randy A. Burckhard	Y
Senator Howard C. Anderson, Jr.	Y
Senator Jason G. Heitkamp	Y
Senator Jordan Kannianen	Y
Senator Diane Larson	Y
Senator Judy Lee	Y
Senator Erin Oban	Y

The motion passed 7-0-0

Senator Anderson will carry HB 1103.

Additional written testimony: N/A

Chairman Burckhard closed the hearing on HB 1103 at 9:42 a.m.

Patricia Lahr, Committee Clerk

February 19, 2021

CS
2/19
10x1

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1103

Page 3, remove lines 23 through 25

Page 3, line 26, replace "4." with "3."

Page 5, remove lines 23 through 25

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1103, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1103
was placed on the Sixth order on the calendar.

Page 3, remove lines 23 through 25

Page 3, line 26, replace "4." with "3."

Page 5, remove lines 23 through 25

Renumber accordingly

Good morning Chairman Burckhard and members of the Political Subdivisions Committee. My name is Julie Wagendorf and I serve as the Director of Food and Lodging for the North Dakota Department of Health. I am here to provide testimony in support of HB1103 which is primarily housekeeping in that it updates definitions and license renewal procedures, and resolves inconsistencies with other sections of North Dakota Century Code.

Regarding changes to definitions in Section 23-10-01, HB1103 provides updated language for previously named "trailer park" to "recreational vehicle park" and "travel trailer" to "recreational vehicle". These language changes provide a better description for how this type of licensed park operates and will help avoid confusion with the terms "mobile home park" and "mobile home". Additional definition updates include details on the term "mobile home" and "recreational vehicle" in order to provide clarification on the difference between these structures and units.

Proposed changes to Sections 23-10-03 and 23-10-04 are intended to reduce duplication of effort by allowing the Department to accept state or federal agency enforcement of sanitation, safety, and inspection requirements in addition to city or county as well as reduce frequency of inspection and regulatory burden for parks operating in compliance with state laws and regulations.

Amendments to Sections 23-10-06 and the addition of a new section 23-10-06.1 remove redundancies and offer clear and standard language for license issuance and renewal procedure.

Proposed changes, if enacted, would not increase burden of regulation through inspections or result in more resources needed for conducting inspections.

This concludes my testimony. I am happy to answer any questions you may have.

Impact Communities Management is the property manager for the following communities in North Dakota:

Devils Lake Estates MHP & Pitcher Park North Manufactured Home Community	Devils Lake	ND
Grafton Manufactured Home Community	Grafton	ND
Larimore Manufactured Home Community	Larimore	ND
Minot MHP Manufactured Home Community	Minot	ND

Impact Communities Management is opposed to House Bill 1103 and I am writing this letter to you to highlight the reasons for our opposition and give a few reasons for our concerns with the proposed legislation.

Impact Communities Management is opposed to House Bill 1103 and I am writing this letter to you to highlight the reasons for our opposition and give a few reasons for our concerns with the proposed legislation.

House Bill 1103: House bill 1103 is a costly and heavy-handed mandate overreaching the bounds of safety and compliance and we would like to voice our opposition to this legislation for the following reasons:

1. This bill allows for the North Dakota Department of Health to restrict the use of and development of lands in the State. Further, the department would not issue a license under this section if a proposed mobile home park, recreational vehicle park, or campground would prevent, interfere, or restrict proposed private development that is actively being pursued, all of which exclusively and unfairly target Manufactured Housing Community Owners and developers and thus limiting affordable housing options in the state.
2. The bill further restricts the expansion and use of the property. Under the proposed legislation, a Manufactured Housing Community Owner would not be allowed to establish, maintain, change use, mix use, or enlarge a mobile home park, RV park, or campground without obtaining a specific license to do so, a requirement not placed upon other housing sectors.
3. Under the bill, the North Dakota Department of Health will have the authority to deny the renewal of a license on basis of proposed development of private property. This would open the door to developers and competitors to use this provision in a means to unfairly force a Manufactured Housing Community out of business or to stop development of a new affordable housing community by denying them a license based solely on a proposed development that may or may not ever take place.
4. The bill also unfairly restricts the rights of Manufactured Home Community Owners by not allowing renewal of a license if the mobile home park, recreational vehicle park, or campground is not actively conducting business at the site. This does not take into account the future planning and redevelopment of the community that may take place while the community is not active.
5. The bill also has many costly mandates exclusively to Manufactured Community Owners such as, lot drainage and playground requirements, provision for service fees that are not defined that would have to be passed on to residents and further provides for the revocation of a license and penalty for operating without a license and does not currently define the guidelines.

Closing Comments: We hope that this letter provides some details that you may not have considered during your review of this bill. We also sincerely hope that you will take into consideration the business concerns we outlined, the potential unintended costs that would have be passed on to residents and how the bill unfairly targets Manufactured Housing Community Owners.

2021 CONFERENCE COMMITTEE

HB 1103

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1103
4/8/2021
Conference Committee

Campground and mobile home park license renewals and transfers
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Chairman Bill Devlin opened the conference committee at 11:29 a.m.

Representatives	Attendance	Senators	Attendance
Chairman Bill Devlin	P	Chairman Howard Anderson	P
Rep. Mike Beltz	P	Sen. Jordan Kannianen	P
Rep. Clayton Fegley	P	Sen. Erin Oban	P

Discussion Topics:

- Property right restrictions
- Engineering & legal fees
- Department of Health permitting
- Application process

Pete Hanebutt, North Dakota Farm Bureau (11:34) presented further explanation and answered committee questions.

Chairman Bill Devlin adjourned at 11:52 a.m.

Tamara Krause, Committee Clerk

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1103
4/12/2021
Conference Committee

Campground and mobile home park license renewals and transfers
--

Chairman Bill Devlin opened the conference committee at 10:59 a.m.

Representatives	Attendance	Senators	Attendance
Chairman Bill Devlin	P	Sen. Howard Anderson	P
Rep. Mike Beltz	P	Sen. Jordan Kannianen	P
Rep. Clayton Fegley	P	Sen. Erin Oban	P

Discussion Topics:

- Department of Environmental Quality compliance
- Permit violation

Sen. Howard Anderson (11:02) moved **Senate Recede from Senate Amendments**

Sen. Erin Oban (11:02) second

Roll Call Vote – Motion Carried Senate Recede from Senate Amendments 6-0-0

House Bill Carrier: Rep. Bill Devlin

Senate Bill Carrier: Sen. Howard Anderson

Chairman Bill Devlin adjourned at 11:03 a.m.

Tamara Krause, Committee Clerk

**2021 HOUSE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. HB 1103 as (re) engrossed

House Human Services Committee

- Action Taken** ☐ **HOUSE accede to Senate Amendments**
☐ **HOUSE accede to Senate Amendments and further amend**
☒ **SENATE recede from Senate amendments**
☐ **SENATE recede from Senate amendments and amend as follows**
- ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Sen. Howard Anderson Seconded by: Sen. Erin Oban

Representatives	4/8/21	4/12/21		Yes	No		Senators	4/8/21	4/12/21		Yes	No
Chairman Bill Devlin	P	P		Y			Sen. Howard Anderson	P	P		Y	
Rep. Mike Beltz	P	P		Y			Sen. Jordan Kannianen	P	P		Y	
Rep. Clayton Fegley	P	P		Y			Sen. Erin Oban	P	P		Y	
Total Rep. Vote				3			Total Senate Vote				3	

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier Rep. Bill Devlin Senate Carrier Sen. Howard Anderson

LC Number _____ . _____ of amendment

LC Number _____ . _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

HB 1103, as engrossed: Your conference committee (Sens. Anderson, Kannianen, Oban and Reps. Devlin, Beltz, Fegley) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1073 and place HB 1103 on the Seventh order.

Engrossed HB 1103 was placed on the Seventh order of business on the calendar.