

MICROFILM DIVIDER

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SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1457

2001 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1457


2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1457

House Industry, Business and Labor Committee

Conference Committee

Hearing Date Feb 7, 2001

Tape Number	Side A	Side B	Meter #
1		X	23.4-31.0
Committee Clerk Signature 			

Minutes: Chairman R. Berg, Vice-Chair G. Keiser, Rep. M. Ekstrom, Rep. R. Froelich, Rep. G. Froseth, Rep. R. Jensen, Rep. N. Johnson, Rep. J. Kasper, Rep. M. Klein, Rep. Koppang, Rep. D. Lemieux, Rep. B. Pietsch, Rep. D. Ruby, Rep. D. Severson, Rep. E. Thorpe.

Rep Blair Thoreson: Sponsor **written testimony**

Chairman Berg: We'll close the hearing.

Vice-chairman Keiser: I move a do pass.

Rep M. Klein: I second.

9 yea, 1 nay, 5 absent Carrier Rep Ruby

Date: 2-7-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. ~~Click here to type Bill/Resolution No.~~ 1457

House Industry, Business and Labor Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Keiser Seconded By [Signature]

Representatives	Yes	No	Representatives	Yes	No
Chairman- Rick Berg	✓		Rep. Jim Kasper	✓	
Vice-Chairman George Keiser	✓		Rep. Matthew M. Klein	✓	
Rep. Mary Ekstorm			Rep. Myron Koppang		
Rep. Rod Froelich			Rep. Doug Lemieux	✓	
Rep. Glen Froseth	✓		Rep. Bill Pietsch	✓	
Rep. Roxanne Jensen			Rep. Dan Ruby	✓	
Rep. Nancy Johnson	✓		Rep. Dale C. Severson		
			Rep. Elwood Thorpe		✓

Klein

Total (Yes) 9 No 1

Absent 5

Floor Assignment Rep Ruby

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

REPORT OF STANDING COMMITTEE (410)
February 8, 2001 10:01 a.m.

Module No: HR-23-2695
Carrier: Ruby
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1457: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO PASS (9 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING). HB 1457 was placed on the Eleventh order on the calendar.

2001 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1457

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1457

Senate Industry, Business and Labor Committee

Conference Committee

Hearing Date March 13, 2001.

Tape Number	Side A	Side B	Meter #
1	x		12.9 to 28.8
2	x		8.6 to 10.0
(3/14/01) 1		x	0.8 to 9.5
Committee Clerk Signature <i>Dowd & Perry</i>			

Minutes:

The meeting was called to order. All committee members present. Hearing was opened on HB 1457 relating to residential rental property smoke detection systems.

Representative Blair Thoreson, District 44, cosponsor. The intent is to clarify that the tenant is responsible for maintaining the system during the tenants' occupancy. Landlord is responsible to have certificate stating system is working signed by tenant when the unit is rented out.. Written testimony attached.

Senator Mathern: Is the certificate in the lease, is it a separate document?

Tom Tupa, ND Apt. Assn., introduced Rocky Gordon.

Rocky Gordon, Property Manager, in favor. Distributed copies of ND Apt Assn. check-in/check out sheet. We support the spirit of the law. The association's attorney raised questions about the word "certificate" in page 1 line 18. Maybe the statement in the checklist is not enough. Perhaps this word should be replaced with "form" or a similar term.

Page 2
Senate Industry, Business and Labor Committee
Bill/Resolution Number HB 1457
Hearing Date March 13, 2001.

Senator Krebsbach: Maybe we can change starting on line 17 "landlord may require the tenant to have signed documentation" and remove the word "certificate"

Discussion held regarding proper language for amendment.

No opposing testimony. Hearing concluded.

March 14, 2001. Tape 1-B-0.8 to 9.5

Committee reconvened. All members present.

Senator Krebsbach submitted amendment put together with Mr. Tupa and with the approval of the sponsor. Proposed amendment discussed.

Senator Every: Except for the word "documentation" we are changing it back to the original

Senator Krebsbach: The first line of amendment stands as proposed, on line 19 remove "if that is the case", capitalize "the" and after "is" add "then". Motion: adopt amendments.

Senator Tollefson: Second.

Roll call vote: 7 yes; 0 no. Motion carried.

Senator Krebsbach: Motion: do pass as amended. **Senator Tollefson:** Second.

Roll call vote: 7 yes; 0 no. Motion carried. Floor assignment: **Senator Krebsbach.**

March 14, 2001

[Handwritten signature]
3/14/01

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1457

Page 1, line 18, overstrike "a certificate" and insert immediately thereafter "documentation"

Page 1, line 19, remove of, overstrike "that is the case", remove the overstrike over The,
remove "the", and after "tenant" insert "then"

Renumber accordingly

Date: 3/14/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1457

Senate Industry, Business and Labor Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Adopt amendments

Motion Made By Sen Krebsbach Seconded By Sen Tollefson

Senators	Yes	No	Senators	Yes	No
Senator Mutch - Chairman	✓		Senator Every	✓	
Senator Klein - Vice Chairman	✓		Senator Mathern	✓	
Senator Espegard	✓				
Senator Krebsbach	✓				
Senator Tollefson	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Date: 3/14/01
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1457

Senate Industry, Business and Labor Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass as amended

Motion Made By Sen Krebsbach Seconded By Sen Tollefson

Senators	Yes	No	Senators	Yes	No
Senator Mutch - Chairman	✓		Senator Every	✓	
Senator Klein - Vice Chairman	✓		Senator Mathern	✓	
Senator Espegard	✓				
Senator Krebsbach	✓				
Senator Tollefson	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen Krebsbach

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

REPORT OF STANDING COMMITTEE (410)
March 15, 2001 8:17 a.m.

Module No: SR-45-5642
Carrier: Krebsbach
Insert LC: 10690.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1457: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1457 was placed on the Sixth order on the calendar.

Page 1, line 18, overstrike "a certificate" and insert immediately thereafter "documentation"

Page 1, line 19, remove "if", overstrike "that is the case", remove the overstrike over "~~The~~", remove "the", and after "tenant" insert "then"

Renumber accordingly

2001 HOUSE INDUSTRY, BUSINESS AND LABOR
CONFERENCE COMMITTEE

HB 1457

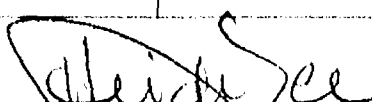
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1457 (CC)

House Industry, Business and Labor Committee

Conference Committee

Hearing Date April 2, 2001

Tape Number	Side A	Side B	Meter #
1	X		0-31.57
Committee Clerk Signature 			

Minutes: Rep. Ruby, Rep. Severson, Rep. Lemieux, Sen. Krebsbach, Sen. Tollefson, Sen. Every

Chairman Ruby: I notice the changes the Senate has made and I question the intent.

Sen. Krebsbach: We just wanted to clarify any doubt left after interpreting the bill.

Chairman Ruby: Tim Dawson provided the other language using "if". Both sentences imply that the tenant has the right to refuse to sign. What happens next?

Sen. Krebsbach: The landlord 'may require', then the landlord is liable.

Rep. Severson: How pertinent is that sentence?

Tom Tupa: I have no disagreement with the amendment. It's clear if a document is signed.

Page one lines fifteen through seventeen.

Rep. Severson: What if we take out the sentence on line 17?

Sen. Krebsbach: We don't really need "then."

Tupa: That would be all right.

Sen. Every: What happens if the system is wired?

Page 2

House Industry, Business and Labor Committee

Bill/Resolution Number HB 1457(C'C)

Hearing Date April 2, 2001

Rep. Severson: They still have a battery back-up that needs to be checked periodically.

Sen. Krebsbach: It was the City of Fargo that asked for the bill.

Chairman Ruby: The wiring is part of the structure.

Rep. Lemieux: We should add something saying that the tenant needs to maintain the backup.

Chairman Ruby: Would that include if it is the main system?

Rep. Severson: We don't have that in current law.

Sen. Krebsbach: The landlord needs to be sure that the system is operating when the tenant moves in.

Chairman Ruby: Then should we remove the sentence starting on line 17?

Sen. Krebsbach: That would clear up everything without changing the liability.

Sen. Tollefson: (11.2) "maintaining the system" seems to be too broad.

Rep. Severson: Anything that is attached to the wiring is the landlords duty.

Sen. Tollefson: What if the alarm itself went out?

Rep. Lemieux: That's true. If the system is failing, the tenant needs to assure its maintenance. They should be responsible for the system working on a monthly basis.

Chairman Ruby: The tenant needs to check with the landlord to see about fixing the problem.

Rep. Severson: (16.7) A power surge creates a noise reaction. The only maintenance is the battery.

Sen. Tollefson: Maybe it's the word 'system' that's the problem.

Rep. Severson: It's the landlords job to make sure that the system works before the new tenant moves in.

Tupa: I do not anticipate a problem with that.

Page 3

House Industry, Business and Labor Committee

Bill/Resolution Number HB 1457(C'C)

Hearing Date April 2, 2001

Sen. Tollefson: The document says alarm not system?

Tupa: Correct.

Sen. Krebsbach: Do all renters use this form?

Tupa: All members of our association use this form and we suggest usage by nonmembers as well.

Rep. Lemieux: We could add "monthly testing and yearly replacement".

Rep. Severson: You don't always need to do monthly checks.

Sen. Krebsbach: We could move the sentence in lines 19 and 20.

Rep. Severson: This is just a mute point.

Chairman Ruby: What if they don't sign the form?

Sen. Krebsbach: What about using the word "shall"?

Rep. Severson: That would cause too many problems.

Sen. Tollefson: I think that that sentence is pointless.

Rep. Lemieux: If we remove the sentence then no matter what the tenant is responsible.

Sen. Krebsbach: That is the intent of the bill.

Rep. Severson: Further above in the bill, it defines the landlords duties.

Rep. Severson: I move to recede and to further amend.

Sen. Every: I second.

6 yea, 0 nay, 0 absent Carrier Rep Ruby

April 2, 2001

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1457

That the Senate recede from its amendments as printed on page 1001 of the House Journal and page 838 of the Senate Journal and that House Bill No. 1457 be amended as follows:

Page 1, line 17, overstrike "The landlord"

Page 1, overstrike line 18

Page 1, line 19, overstrike "working condition, on taking occupancy", remove "l", overstrike "that is the case", remove the overstrike over "~~The~~", and remove "the"

Renumber accordingly

Date: 4-2-01
Roll Call Vote # 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1457

House IBL Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Senate recede & further amends.

Motion Made By Severson Seconded By Every

Representatives	Yes	No	SENATORS	Yes	No
Rep Ruby	✓		Sen. Krebsbach	✓	
Rep Severson	✓		Sen. Tolleson	✓	
Rep Lemieux	✓		Sen. Every	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Rep Ruby

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

Bill Number) HB 1457 (, as (re)engrossed):

Your Conference Committee

For the Senate:

Sen. Krebsbach
Sen. Tolleson
Sen. Every

For the House:

Rep Ruby
Rep Swenson
Rep Lemieux

recommends that the SENATE (ACCEDE to) (RECEDE from) the Senate (House) amendments on (SJ/HJ) page(s) 838 - _____

and place _____ on the Seventh order.

, adopt (further) amendments as follows, and place

HB 1457 on the Seventh order:

having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: 4/21/01

CARRIER: Rep Ruby

LC NO. 10690 . 0102 of amendment

LC NO. _____ . _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

(1) LC (2) LC (3) DESK (4) COMM.

Rep. Dan J. Ruby

2001 TESTIMONY

HB 1457

TESTIMONY ON HB 1457
HOUSE INDUSTRY, BUSINESS AND LABOR COMMITTEE
REP. RICK BERG, CHAIR
PEACE GARDEN ROOM
WEDNESDAY, FEBRUARY 7, 2001

Mr. Chairman and members of the committee:

I am Rep. Blair Thoreson, from District 44 in Fargo.

I have introduced HB 1457 at the request of the City of Fargo. This bill would make a slight change in section 23-13-15 of the North Dakota Century Code.

A brief history: in 1985, Senate Bill No. 2303 led to the enactment of NDCC 23-13-15. As initially enacted, this legislation required smoke detectors to be installed in all rental properties. Except for single family dwellings, the landlord was responsible for maintaining the smoke detector.

In 1987, Senate Bill No. 2394 was introduced to shift the responsibility for maintaining smoke detectors to the tenant. The punctuation in the following sentences makes enforcement of this provision difficult. It currently reads:

"The landlord may require the tenant to sign a certificate stating that the system is in working condition, on taking occupancy, if that is the case. The tenant is responsible for maintaining the system during the tenant's occupancy."

HB 1457 requests the following change: On Page 1, line 19: remove the comma after the word "occupancy" and replace it with a period; and after the word "case" remove the period and replace it with a comma. This section would then read:

"The landlord may require the tenant to sign a certificate stating that the system is in working condition, on taking occupancy. If that is the case, the tenant is responsible for maintaining the system during the tenant's occupancy."

From the perception of the City of Fargo, the benefits of the change are:

- It affords the landlord a measure of protection because the sentence in NDCC prior to the requested change states that it is the landlord's responsibility to ensure the proper operation of the system before the tenant takes possession. By requiring the tenant to sign a statement that the system is functional, the tenant is acknowledging that the system is functional and cannot make claims as to the condition of the system when they took occupancy.
- It insures that the tenant is aware of his/her responsibility to maintain the smoke detector. This is an important consideration in multiple-family dwellings as the failure of a smoke

detector in one unit not only provides early warning for tenants of that unit, but can impact the survivability of the other tenants of other apartments in the building as well.

This change would help provide the tool necessary to ensure these properties are protected with operational smoke detectors.

Usually when early warning of a fire is provided, the fire can be put out in the room of origin. This may also help insure that the damage to the building would be kept at a minimum and would not require the displacement of other building tenants during repairs.

Thank you, Mr. Chairman and members of the committee. I would be happy to answer any questions the committee may have at this time.

Testimony on HB 1457
Senate Industry, Business and Labor Committee
Sen. Duane Mutch, Chair
Roosevelt Park Room
Tuesday, March 13, 2001

Mr. Chairman and members of the committee:

Good morning. I am Rep. Blair Thoreson, from District 44 in Fargo. I appear before you to testify in support of HB 1457.

This bill was introduced at the request of the City of Fargo. This bill would make a slight change in section 23-13-15 of the North Dakota Century Code, however that change would impact how current language in the Code is interpreted. While slight, this is a change that the Fargo Fire Department and the mayor's office believe is quite important.

First, a brief history of the law as it stands now. In 1985, Senate Bill No. 2303 led to the enactment of NDCC 23-13-15. As initially enacted, this legislation required smoke detectors to be installed in all rental properties. Except for the case of a single family dwelling, the landlord was responsible for maintaining the smoke detector in each unit.

In 1987, Senate Bill No. 2394 was enacted by the Legislature. That bill shifted the responsibility for maintaining smoke detectors from the landlord to the tenant. However, the punctuation in that bill, which eventually became law, makes enforcement difficult. It currently reads:

"The landlord may require the tenant to sign a certificate stating that the system is in working condition, on taking occupancy, if that is the case. The tenant is responsible for maintaining the system during the tenant's occupancy."

HB 1457 requests the following change: On Page 1, line 19: remove the comma after the word "occupancy" and replace it with a period; and after the word "case" remove the period and replace it with a comma. This section would then read:

"The landlord may require the tenant to sign a certificate stating that the system is in working condition, on taking occupancy. If that is the case, the tenant is responsible for maintaining the system during the tenant's occupancy."

From the perception of the City of Fargo, the benefits of the change are:

- It affords the landlord a measure of protection, because the sentence as it is now written states that it is the landlord's responsibility to ensure the proper operation of the system before the tenant takes possession. By requiring the tenant to sign a statement that the system is functional, the tenant is acknowledging that the system is functional and cannot make claims as to the condition of the system when they took occupancy.

- It insures that the tenant is aware of his/her responsibility to maintain the smoke detector. This is an important consideration in multiple-family dwellings as the failure of a smoke detector in one unit not only provides early warning for tenants of that unit, but can impact the survivability of the other tenants of other apartments in the building as well.

This change would help provide the tool necessary to ensure these properties are protected with operational smoke detectors.

Usually when early warning of a fire is provided, the fire can be put out in the room of origin. This may also help insure that the damage to the building would be kept at a minimum and would not require the displacement of other building tenants during repairs.

Finally, the City of Fargo requested an Attorney General's opinion as to how the current punctuation affects the law. The Attorney General felt that if the law is left unchanged, the tenant is always responsible, and the first sentence has no impact whatsoever on the meaning of the paragraph. Again, with the requested change, the landlord would be responsible unless they had the tenants sign a certificate.

Mr. Chairman and members of the committee, HB 1457 passed the House of Representatives overwhelmingly. I would hope that this committee and the Senate would concur with the House and give its favorable consideration to this bill.

Thank you, Mr. Chairman. I would be happy to answer any questions the committee may have at this time.

AMENDMENTS TO HB 1457

- 1) On page 1, line 18, after the word "sign" add the word "documentation" and delete the words "a certificate"
- 2) On page 1, line 19, delete the overstrike on ", if"
- 3) On page 1, line 19, delete the underscore on ". If"
- 4) On page 1, line 19, delete the overstrike on ". The"
- 5) On page 1, line 19, delete the underscore on ", the"
- 6) If necessary, renumber accordingly.



NORTH DAKOTA APARTMENT ASSOCIATION

THIS FORM IS TO BE USED BY NDAA MEMBERS ONLY



Suking Name _____

Resident Name _____

Address _____

QUALITY CONTROL CHECK LIST

ITEM	MOVE-IN		MOVE-OUT		ACTUAL REPAIR MAINTENANCE
	REMARKS		REMARKS		
Floors, Register					
Walls					
Ceiling					
Cabinets/Cubbards					
Range Top/Oven/Broiler pan					
Hoos Fiber Fan					
Refrigerator					
Dishwasher					
Curtain Rods					
Lights					
Sink, Counters Disposal					
Windows/Tracks/Screens/Doors					
Floor, Carpet, Register					
Walls					
Ceiling					
Lights					
Window Covering					
Windows/Tracks/Screens/Doors					
Air Conditioner					
Floor Register					
Walls					
Ceiling					
Sink & Vanity					
Tub Shower/Curtain Rod					
Vent. Fan/Mirror/Lights					
Toilets					
Towel bars & Accessories					
Cabinets and Doors					
Windows/Tracks/Screens					
Floor, Carpet, Register					
Walls					
Ceiling					
Lights					
Window Covering					
Windows/Tracks/Screens					
Closets and Doors					
PATIO/BALCONY					
STORAGE AREA					
APRAGE					
OTHER EXCEPTIONS & COORD					
TOTALS					

I have inspected the above apartment prior to occupancy and accept it with the conditions noted

I understand further that upon vacating the premises listed above, any cleaning or painting required, other than normal wear and tear, will be charged at current rates. Repair and replacement charges resulting from the residents' negligence will also be added.

SMOKE ALARM

The smoke alarm in this rental unit has been inspected in the presence of the resident and is in proper working condition. Resident is responsible for maintaining the system during the residents occupancy and for any damage caused by himself or herself or by any invitees. It is by North Dakota law that smoke alarms be in working condition.

Resident's Signature _____ Date _____

Manager/Assistant Manager Signature _____ Date _____

Apartment inspected at termination by _____

Resident's Signature _____ Date _____

Manager/Assistant Manager Signature _____ Date _____

FOR MANAGER'S USE ONLY

Notice to Vacate Proper _____ Improper _____

Length of Occupancy _____

Amount of Security Deposit \$ _____

Interest \$ _____

Rent Refund (if any) \$ _____

Dates from _____ to _____ \$ _____

TOTAL CREDITS \$ _____

Damage & Repair \$ _____

Total Cleaning Charges \$ _____

Keys Replaced \$5.00 each \$ _____

Door Lock Changed \$30 Mailbox \$10 \$ _____

Unpaid Rent \$ _____

Dates from _____ to _____ \$ _____

TOTAL CHARGES \$ _____

BALANCE DUE FROM RESIDENT \$ _____

REFUND DUE RESIDENT \$ _____

FORWARDING ADDRESS OF RESIDENT _____

Approved by _____ Date _____

Painting & Painting Charges to include floor and wall