

2017 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1201

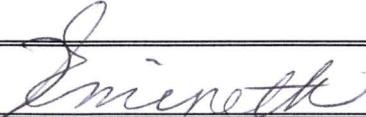
2017 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1201
2/7/2017
27985

- Subcommittee
 Conference Committee

Committee Clerk Signature



Relating to the installation of carbon monoxide alarms and smoke detection devices and to provide an effective date:

Minutes:

Attachments 1-7

Chairman Keiser: Opens the hearing of HB 1201.

Vice Chairman Sukut: I am here from district 1. (Attachment 1) 6:00 I am here to introduce HB1201. This bill deal with the installation of carbon monoxide devices and smoke detection devices.

Rep Laning: My experiences with CO2 monitors is not very good I am wondering. Have they been upgraded to having a better dependability?

Vice Chairman Sukut: I will defer that question to the state fire marshal.

Chairman Keiser: Was there any discussion about increased liability for landlords?

Vice Chairman Sukut: We didn't discuss that issue; I will defer that question to Don Johnson because he has worked in other states. We did discuss the additional cost that might be involved which is minor.

Jeff Huber: I am Jeff Huber the State Fire Marshal of North Dakota (Attachment 2) 13:45 HB 1201 provides a measure to fill the gap between the IBC, IRC, and IFC.

Rep Bosch: How did the testing requirements change?

Jeff Huber: Most of these is stand-alone devices that they are installing If you see the way of the future the manufacture has now reduced the number of separate units the smoke detectors and carbon monoxide detectors are now combined. They have a 10-year battery and the battery will disengage both of them.

Rep Bosch: In a commercial building where are putting in fire alarms as part of the construction are those devices being tested?

Jeff Huber: Most will be hardwired system and then have a battery backup.

Rep Bosch: The portable school section those will those be stand alone?

Jeff Huber: I assume so.

Rep Laning: Have you developed a sense of dependability? I don't want to see put into law something that is a maintenance nightmare.

Jeff Huber: A lot of the smoke detectors verses the carbon monoxide detectors are fairly accurate.

Rep Louser: In the 1st section, it says all residential rental property must be equipped and then in section 3 it says the landlord of a residential dwelling unit may and in sub- section c and section 4 it says or may have an attached garage, If the garage if the structure is a single family dwelling on a multiple unit building that is transferred after December 31st2017. I'm not sure what we are saying.

Jeff Huber: I would like to defer that question to Don Johnson. I didn't design the bill.

Rep Ruby: Carbon monoxide, does it drift up?

Jeff Huber: CO is slightly lighter than air, so as it builds up, it rises it is similar to smoke.

Rep Ruby: Having the dual units is ok for the purposes for this bill but sometimes they have these plug in devices would that be more effective?

Jeff Huber: I haven't seen any data on that.

Rep Becker: It strikes me that it has the sensitivity is so low that it would go off when you have your whole family over and are cooking which raises the question that there is nothing to worry about and you can shut it off and that is it.

Jeff Huber: That's not the way we should look at it. They should ventilate better on that day.

Rep Bosch: The Thanksgiving scenario does that contact the fire department and they will show up?

Jeff Huber: Yes if that is the process they are set low; we want it to be a warning to check what's going on.

Rep Bosch: The fire department won't call to see what is happening is it

Jeff Huber: Yes, if they are called they will respond just like a smoke detector.

Rep Lefor: A utility company red tagged a rental property that I had what the utility did was send a certified letter to me the tenant and I as a landlord had no information. 3 weeks later MDU called us very upset that we were putting people lives in danger and the tenant said they informed us which they did not. That is the bases for page 2 line 19 it says "receiving written notification" and having rental properties for many years I can tell you that I have had many less than credible tenants. Written notification, what form would that take?

Jeff Huber: I would like to defer that question.

Chairman Keiser: We are adding carbon monoxide to the current fire notification do we have any data on what percent of rental properties are out of code?

Jeff Huber: No, I don't.

Chairman Keiser: What would you guess?

Jeff Huber: I have no idea.

Chairman Keiser: My guess is that there are a lot more people in violation than there are in performance.

Jeff Huber: That could be very possible.

Chairman Keiser: The class B misdemeanor \$1,500 or jail time as much as I would like to see Rep. Lefor serve some jail time it seems that this is a lack of communication, we are creating a legal liability that is pretty significant. Do you have any thoughts on the class B?

Jeff Huber: I don't know what the process is.

Joel Boespflug: North Dakota Fire Chief's Association: (Attachment 3). 31:40The panel that we are seeing are intelligent enough to inform us on a commercial setting if it is a carbon monoxide or fire that would determine what types of resources. In a residential setting we very much welcome the calls from the citizens.

Matt Markworth: Citizen from Williston: (Attachment 4) 37:15 Told story of how the carbon monoxide detector saved the family's life.

Mark Larson: Citizen: Attachment 5. Told story of how the carbon monoxide detector saved the family's life. 58:00

Kari Newman Ness: Citizen from Jamestown: (Attachment 6) 1:01:50 Story of her father who died from carbon monoxide poisoning. I encourage a strong do pass on this bill.

Don Johnson: Citizen from Colorado: (Attachment 7) I have traveled to 3 different states that changed the CO2 law. I have traveled to 3 states to testify and I am proud to say they all have passed carbon monoxide laws to save life's this is your opportunity. Testifies about his daughter that died from CO2 poisoning and about the bill that he testified to help pass.

The Lockrin-Johnson Family Safety Act and what it required is that it requires carbon monoxide alarms being installed in new housing in homes when they are sold and in apartments.

Colorado Senator Cadman: told by Don. Dear Don I told the 4th grade class today that your bill was perhaps one of the most practical bills of the 16 years of the legislature. So reasonable, so inexpensive so lifesaving. This bill before you is not a republican bill it's not a democratic bill it is a common sense bill. There is already legislation that exists in North Dakota for new and existing housing now in all honesty that is not very well known and part of the challenge I think and hope after this bill gets passed is that the public information campaign will simply alert people to the fact that this is a real danger, and that is can kill people before you know what hit you.

Upon talking to Mr. Huber & Mr. Beosflug, that there is code but it's not known. But this bill will add the rental units. It doesn't over legislate. We have smoke alarms but not CO2 which is odorless. Carbon monoxide can affect you so quickly you can't even call for help.

It's a simple, easy, inexpensive solution. There is significant increase in ND of carbon monoxide poisoning. This bill will positively effect that, Landlords will be protected, because they will have alarms in their apartments. In North Dakota we have had an average of 4 deaths a year between 2011-2015.

LORAN Project 1:19:30

Rep Louser: Section 1, All rental property must be equipped, then at the end of the bill it says a date of December31st. what are we asking?

Don Johnson: The first section is intended for rental that is basic and the last section 4 C is intended to talk about a means of enforcement for existing housing.

Rep Louser: Who enforces upon sale that the carbon monoxide was installed?

Don Johnson: I've seen it work in Colorado, when you go to sell a rental property, in the disclosure form on this form add CO2 to the list. The other place in Colorado, is the building inspectors. I know it is not required in North Dakota but a lot of people request inspection and that inspection should include all those things and the carbon monoxide alarms.

Rep Louser: If there is no mandatory disclosure in North Dakota being enforced by anybody it is simply a document given from the seller to the buyer but there is no entity of requirement of discloser.

Don Johnson: The title company would be a good avenue to use for review.

Chairman Keiser: Anyone in support of HB 1201? Opposition?

Doug Lalim: 1:28:50 NABOA The North Dakota Building Officials Association. We are concerned about the last paragraph saying the state building code and the building code adopted by the city township or county, you are doing there is you are referencing the state department building code which they don't have an enforcement agency which would carry down to the local agencies so it would be the local building departments for the city. That is a home inspection agency that would go and look at existing houses for sale and give those inspections to the closure. The bill itself is a great thing. If we could tweak the language in the last paragraph because they don't have the time or energy to do those properly.

Chairman Keiser: Do you have any recommendation?

Doug Lalim: Try to get the regulation to where the people that get the sales to get those things done upon the sale.

Rep Louser: Are you reading in section 4, subsection C to be for all residential transactions regardless if it is a rental property or not?

Doug Lalim: Yes.

Chairman Keiser: The renter is responsible to change the battery do you see that as a problem?

Doug Lalim: I'm not a landlord, I can't answer to that.

Don Johnson: One of the complaints was this helps preserve landlord's rights. Technology is changing & there is the lithium batteries you asked the standard 90 to 95 % landlords like to comply. 60-70% of the homes have CO alarms.

Chairman Keiser: Anyone here to testify in opposition, neutral?

Rocky Gordon: North Dakota Apartment Association: We are in a neutral position. One thing I heard today, when I hear about response for the Title Companies, I'm concerned about that.

Rep C Johnson: What about having an awareness?

RockyGordon: I see this bill is needing a lot of education.

Rep Louser: Given the option as a property manager of providing a disclosure and threats of carbon monoxide and suggest that they get a carbon monoxide detector verses the requirement of installing one in every unit of those 2 options is more onerous for the landlord?

RockyGordon: Putting the responsibility on the landlord would be more onerous. The tenant is responsible and it is spelt out.

Rep Louser: If that's the case, is that the same language carbon monoxide detectors as for smoke detectors?

Rocky Gordon: Yes.

Chairman Keiser: Closes the hearing. Rep. Suket is carrying this bill to the floor. Rep. Suket, Rep. Louser, and Rep. Boschee to work as a sub group to get the amendments as soon as possible.

Rep Louser: I'm not ready to act on this.

Rep Ruby: It reminded me back in 2001, the responsibility for the smoke detectors and who had the responsibilities of putting the batteries in place, I don't remember in the end, who's responsibility it is.

2017 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1201
2/8/2017
28062

- Subcommittee
 Conference Committee

Ellen Stang

Explanation or reason for introduction of bill/resolution:

Installation of carbon monoxide alarms and smoke detection devices.

Minutes:

[Empty box for minutes]

Vice Chairman Sukut: Reopens the hearing of HB 1201.

Meeting location: Peace Garden Room

Date of Meeting: February 8, 2017.

Time: 3:00pm.

Members present: Vice Chairman Sukut, Rep Boschee, Rep Louser.

Others present: Doug Lalim, Bruce Hagen, Rocky Gordon, Nancy Willis.

Topics discussed:

Remove subsection C & further move a misdemeanor to an infraction.

Appropriate an effective date, lines 11-12. December 31, 2017.

Everywhere there is systems, should consider devices that covers both areas of smoke & CO2.

Rep Louser: Moves the amendments stated above.

Rep Boschee: Second.

Vice Chairman Sukut: Closes the subcommittee on HB 1201.

2017 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1201
2/14/2017
28325

- Subcommittee
 Conference Committee



Explanation or reason for introduction of bill/resolution:

Installation of carbon monoxide alarms and smoke detection devices.

Minutes:

Attachment 1

Chairman Keiser: Reopens the hearing of HB 1201.

Vice Chairman Sukut: Attachment 1. When you talk about systems, hard wired & battery operated. Several places it talks about systems, which is hard wired & smoke is battery, so we replaced systems with devices it covers various devices. Also, took the Class B misdemeanor I made it an infraction. The last thing we did was removed that four C section. The realtors are coming up with a standard disclosure to be included in that document of sale.

Chairman Keiser: Further discussion.

Vice Chairman Sukut: Moves the amendments.

Rep Louser: Second.

Voice vote – Motion carried.

Chairman Keiser: Further discussion, what are the wishes of the committee?

Vice Chairman Sukut: Moves a Do Pass as Amendment.

Rep Boschee: Second.

Chairman Keiser: Further discussion?

Roll call was taken for a Do Pass as Amended on HB 1201 with 12 yes, 2 no, 0 absent & Vice Chairman Sukut is the carrier.

February 14, 2017

2/14/17 DP

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1201

- Page 1, line 2, replace "alarms" with "detection devices"
- Page 1, line 5, remove "alarms"
- Page 1, line 5, after the semicolon insert "to provide a penalty;"
- Page 1, line 9, overstrike "**systems**" and insert immediately thereafter "**devices**"
- Page 1, line 12, overstrike "systems" and insert immediately thereafter "devices"
- Page 1, line 13, overstrike "systems" and insert immediately thereafter "devices"
- Page 1, line 13, overstrike "Systems" and insert immediately thereafter "Devices"
- Page 1, line 17, overstrike "systems" and insert immediately thereafter "devices"
- Page 1, line 18, replace "Systems" with "Devices"
- Page 1, line 21, replace "systems" with "devices"
- Page 1, line 22, replace "systems" with "devices"
- Page 1, line 24, overstrike the first "system" and insert immediately thereafter "device"
- Page 1, line 24, overstrike the second "system" and insert immediately thereafter "device"
- Page 2, line 5, overstrike "systems or alarm systems" and insert immediately thereafter "detection devices"
- Page 2, line 7, overstrike "system" and insert immediately thereafter "device"
- Page 2, line 8, overstrike "a class B misdemeanor" and insert immediately thereafter "an infraction"
- Page 2, line 18, replace "alarm or system" with "device"
- Page 2, line 22, replace "alarm or system" with "device"
- Page 2, line 23, replace "alarm" with "detection device"
- Page 2, line 26, replace "alarm" with "detection device"
- Page 3, remove lines 15 through 22
- Re-number accordingly

Date: Feb 14, 2017

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1201

House _____ Industry, Business and Labor _____ Committee

Subcommittee

Amendment LC# or Description: 17.0343.02001

Recommendation

- Adopt Amendment
- Do Pass Do Not Pass Without Committee Recommendation
- As Amended Rerefer to Appropriations
- Place on Consent Calendar
- Other Actions Reconsider _____

Motion Made By Rep Sukut Seconded By Rep Louser

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser			Rep Laning		
Vice Chairman Sukut			Rep Lefor		
Rep Beadle			Rep Louser		
Rep R Becker			Rep O'Brien		
Rep Bosch			Rep Ruby		
Rep C Johnson			Rep Boschee		
Rep Kasper			Rep Dobervich		

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____ Voice vote ~ Motion carried

Date: Feb 14, 2017

Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1201

House _____ Industry, Business and Labor _____ Committee

Subcommittee

Amendment LC# or
Description: _____

Recommendation

- Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions

- Reconsider _____

Motion Made By Rep Sukut

Seconded By Rep Boschee

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Rep Laning	X	
Vice Chairman Sukut	X		Rep Lefor	X	
Rep Beadle	X		Rep Louser	X	
Rep R Becker		X	Rep O'Brien	X	
Rep Bosch		X	Rep Ruby	X	
Rep C Johnson	X		Rep Boschee	X	
Rep Kasper	X		Rep Doberovich	X	

Total (Yes) 12 No 2

Absent 0

Floor Assignment Rep Sukut

REPORT OF STANDING COMMITTEE

HB 1201: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1201 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "alarms" with "detection devices"

Page 1, line 5, remove "alarms"

Page 1, line 5, after the semicolon insert "to provide a penalty;"

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Page 3, remove lines 15 through 22

Re-number accordingly

2017 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1201

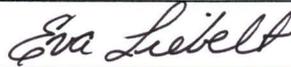
2017 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

HB 1201
3/8/2017
Job Number 28880

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to landlord responsibilities regarding carbon monoxide detection devices

Minutes:

7 Attachments

Chairman Klein: Called the committee back to order.

Representative Sukut: Introduced the bill. Written testimony, see attachment #1. Also attached letters; Jonathan Stewart, Government Relations for the National Electrical Manufacturers Association, see attachment #2, Kelly B. Larson, Associate Professor at Missouri Southern State University, see attachment #3, Kim Schneider, Executive Officer of the North Dakota Association of Builders, see attachment #4. (:40-6:00)

Senator Casper: Was there any discussion on the House side or do you have any information on what this would do as far as the cost for tenants for their units?

Representative Sukut: The cost would be for the Landlords who would have to be installing the carbon monoxide units into their units and the units cost between forty and fifty dollars. That is for units with a lithium battery in them and they are good for ten years.

Senator Casper: Does this apply to current properties as well? By July 1 of 2018 you would be required to go through every unit and have them installed and maintain them henceforth?

Representative Sukut: Correct.

Senator Casper: There is no Grandfather Clause, every unit in the state will have to go through and do this. We have 400,000 apartment units in North Dakota and 400,000 of these will get them installed?

Representative Sukut: You are looking at a cost of less than four dollars per unit.

Senator Casper: You mentioned the individual that was pushing this legislation throughout several states, do you know how many deaths or other medical injuries have been caused on an annual basis over the last five or ten years in North Dakota because of this?

Representative Sukut: Here in North Dakota? I think there are some folks here to testify that can answer that question.

Senator Roers: This language under section 2d indicates that carbon monoxide and smoke detectors are added to this section, isn't carbon monoxide already a requirement?

Representative Sukut: It is a requirement in your residential home. It is currently in the billing code and in the North Dakota law but it is not required in any of the rental properties.

Senator Roers: As a standard practice people are already putting smoke detectors in. Are the new devices on the market a compo device, so they are both smoke detector and carbon monoxide? So the additional cost probably wouldn't be as much as forty dollars but the retro units it's a whole forty-dollar increase.

Representative Sukut: There are units like that on the market at this point and time. Correct.

Senator Burckhard: The landlord is responsible for making sure the apartment has the unit and the tenant is responsible for maintaining the device, batteries?

Representative Sukut: That is correct.

Senator Casper: I just want to make sure I am absolutely right on that. I thought I read that as the landlord is required for maintaining the unit in a multi-family dwelling but in an individual home that is for rent then the tenant is responsible. Which would make sense and be typical in the industry.

Representative Sukut: The landlord is responsible for making sure that the rental unit has a functional carbon monoxide units and after that point and time that the tenant comes in, the tenant is responsible for making sure it is functional and stays functional. I would like to come back at the end and make some closing comments.

Kari Newman Ness: In support. Shared her personal story of her father's death due to carbon monoxide poisoning (12:20-16:29)

Joel Boespflug, North Dakota Fire Chief's Association: In Support. Written testimony, see attachment # 5. (16:50-19:30)

Chairman Klein: Do you recall when we first required smoke detectors?

Joel Boespflug: Yes, it was in the seventies.

Chairman Klein: Did we make it retroactive and force all the landlords to go into every unit throughout the state and provide that smoke alarm at a given point?

Joel Boespflug: I wasn't a part of that but it's my understanding that any rental whether existing or going backwards it was that type of requirement.

Senator Burckhard: They don't have to be wired in, it's not like you have to hire an electrician, they are battery operated?

Joel Boespflug: There are a number of options. One could be plugged into the wall with a battery backup. There are other advancements that are a combination units or they can have a detection system tied into a dispatch center where they are intelligent enough to tell the emergency dispatcher is it a fire alarm or carbon monoxide release.

Chairman Klein: They are available at any hardware store, are there a level that the Fire Chief's Association promotes?

Joel Boespflug: With the increasing technology we have found locally and I think it is statewide those devices that are not more than ten years old have very few false alarms and those that have the digital readout have been helpful for the residents. I am not here to advocate what type of unit but those that are on the low dollar end we have been having good success with.

Senator Roers: This bill says that every unit needs one. The reason I ask that is just to follow up on your comment is that many of the units that are built are total electric and there is no combustion chamber in the unit. Is that what you are implying that those units necessarily wouldn't require one?

Joel Boespflug: I believe I am in agreement with you if I understand your question. If it is not a device that isn't going to produce carbon monoxide, there is not a requirement for the detection. In addition, the way that I read the bill, it is saying that the property. If it is a fuel burning and if carbon monoxide detection is required there are different ways to apply that detection. One would be in the unit itself and one would be in the path between the appliance and the unit or in the room of the heating unit and that is what breaks down in the fire and building code. Those specifics are laid out and that is how I read the bill.

Senator Roers: Anything that is going to generate carbon monoxide must have a combustion chamber, it must have a flame. Many of the units being built today are totally electrical and have no flame, have no potential. Is that unit still required under your estimation to have a carbon monoxide detector?

Joel Boespflug: My understanding is it would not and that is where the verbiage in the bill where it talks about in the code, in those codes that is where it makes those rulings or definitions.

Senator Poolman: I have a question relating to your comment. You said that they would be able to have one detector in the main area where the furnace or the heater is located but here in the bill it says, on lines 22-23 that the landlord is responsible for installation and ensuring the proper operation of the devices upon the occupancy of each new tenant. The language in the bill keeps using the word unit and each tenant. It makes it sound to me like it has to be in every single apartment not just in the main mechanical area. If you could clarify that.

Joel Boespflug: I am not sure I am able to. I come from the world of the fire code and the building code and the residential code. When I see this language I correlate back to the code and there it is defining where the detection devices are required. I see what you are seeing here and you may very well be correct but as I interpret it back to the fire code, I would say that in my opinion, if the detection device is not required within that unit but it is within the property in accordance with the building code, then I would think that is sufficient. Maybe there needs to be better clarification to that, that would tie closer to the codes.

Senator Marcellais: Would I call the local fire chief to come in and inspect my units and to get something in writing that it doesn't require this carbon monoxide device, so that I am covered by the fire chief? What would you recommend?

Joel Boespflug: The fire departments I am sure would provide you that type of service. The building official typically would be in a position to determine under the mechanical code, a lot of the heating criteria. So there is another resource for you. Some of the cities that may not have a fire marshal or fire inspector would probably rely back on that building official. I would hope that all of those public safety officials would be willing to assist you.

Senator Marcellais: Who is doing the inspection if there is an infraction, it says on the second page if there is a violation you are guilty of an infraction? Is it the fire chief or the building inspector, who does the inspections?

Joel Boespflug: I don't believe I am in a position to address the enforcement of it.

Chairman Klein: Do you go into existing facilities to look at various apartment buildings, not just new but old? I suppose you have to be invited in.

Joel Boespflug: We do and there are I believe thirteen to fifteen communities that have adopted the international fire code and have a fire prevention program that conducts these inspections. For Bismarck, we do and we are typically in the common area and the heating room area. We are looking for exiting lighting and emergency lighting etc., do we get into the individual units we do not it is a privacy issue.

Chairman Klein: Going to Kari Newman's example even if that unit was totally electric, the car was obviously nearby or in the same building. So we would require that to somehow be in that area?

Joel Boespflug: Within the code there is a reference to an attached garage. Even if it wasn't a fuel fired appliance, if there were certain criteria where the garage could transmit product into the living area, there would be a required detection device.

Carmen Bryhn MSN, BSN, RN, Executive Director of the North Dakota Nurses Association: In support. Written testimony, see attachment #6. (30:00-31:14)

Ken Sisk, Chief Deputy, North Dakota State Fire Marshal: In support. Regarding the stats of CO deaths in North Dakota. The information that was given to me states that between 2011 and 2015 North Dakota had 20 CO deaths. Nine of those were in 2014 and seven in 2015.

Senator Casper: Do you have a breakdown on that in residential versus multi-family or rental property?

Ken Sisk: Unfortunately, I don't.

Rockie Gordon, Property Management Business and Property Owner: I am not so opposed to this bill but there is confusion about what it says. We want to comply with the law but it needs clarification. (33:00-35:34)

Chairman Klein: To make it clear and as a member of the apartment association have you worked on this and could you see some language that would clarify what we heard from Joel?

Rockie Gordon: There is confusion as Senator Poolman pointed out, are we requiring it in all units or are we not? I think that needs to be clarified and I would like to understand what we are doing here but I don't have language.

Senator Casper: You attended the hearing on the House side. I was wondering, did anybody testify from the insurance industry at all? We would also be creating unintended consequences and a new liability for all owners. We would be creating a new standard across the state so if someone did not comply with that standard than that liability could potentially be the pool of all apartment owners or rental property owners in the state. You could open litigation into all these cases into the cause of deaths.

Rockie Gordon: We didn't have anyone from the insurance industry. What if the tenant disables the unit? We don't have any enforcement here and we don't know who is going to enforce it.

Senator Roers: Your concern is exactly where I was going. I totally agree with you.

Rockie Gordon: One of the things I asked for is clarification from the Fire Marshal's office, so we can get it out to our members, that would simply say what they had to do. (39:05-39:30)

Senator Casper: You brought up tenants disabling the units.

Rockie Gordon: The difference was we got it reduced to an infraction but we are talking about something criminal here and my understanding is that is not included in the smoke detector section.

Chairman Klein: What I hear you say, is that it is an infraction on a carbon monoxide detector but not on a smoke detector?

Rockie Gordon: It is not currently as I understand it.

Chairman Klein: There seems to be some questions and I see the insurance department is here. Do you see any issue with insurance, we talked about folks disabling this thing? Are we creating additional liability?

Johnny Palsgraaf, Legal Counsel for the North Dakota Insurance Department: Many companies are already encouraging their insurers to put these types of devices into their houses. I think it is on an inevitable path to where this device will be economical enough that everyone can afford one. I can't answer your question right now about the additional liability other than I don't think anything came of smoke detectors also being entered into houses in legislation in the same way. I don't recall any specific laws or case opinions that came up as a result of liability in those situations. (42:00-42:54)

Representative Sukut: Came up to give his closing comments. Written testimony, see attachment #7. (43:15-47:19)

Chairman Klein: Closed the hearing.

2017 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

HB 1201
3/15/2017
Job Number 29205

- Subcommittee
 Conference Committee

Committee Clerk Signature

Eva Liebelt

Explanation or reason for introduction of bill/resolution:

Relating to landlord responsibilities regarding carbon monoxide devices

Minutes:

1 Attachment

Chairman Klein: Opened the meeting.

Senator Casper: This does three things, first it changes the devices to alarms which is the language that is used in the electrical code, second it removes the infraction language, the penalty and infraction language and then third, on page one, line 12, after the first "property" insert "that includes a wood or other fuel-fired fireplace, heater, or appliance or an attached garage,". These are all the things that were talked about after the committee hearing and I talked to the builders and the realtors about and also the bill sponsor. I think this just gives it some clarity, if you are in a situation where you have an entire apartment building, which is very common, where all of the units are all electric except it has a central boiler system and that is gas powered. You would have to put a carbon monoxide detector where the boiler is. There is no point in making these people go back through all of these units and spend tens of thousands of dollars to retro fit units that don't even have gas in them. I think if you did have units that were older units that did have gas to the unit, if we add this amendment and we pass this bill those folks are going to be required to do that. If you had an apartment building with fifty units in it, with natural gas run to every unit you will have to install them. I think my apartment has a gas fireplace so the people that own my building are going to have to install these under this. Amendment attached, see attachment #1. (1:05-3:15)

Senator Roers: I used the term combustion chambers, anything that has a combustion chamber would probably be a better description than having to describe, fireplaces, heaters, appliances. You could simplify the language by just using, "any device that has a combustion chamber must have carbon monoxide detecting units". I don't know if that helps or hurts you but you could be missing something here.

Chairman Klein: Was that the bill sponsor who helped us or was that Mike Dougherty?

Senator Casper: Actually I think Dougherty was the "devices" to "alarms". I met with counsel about this and I am thinking again, that is the other way it is referred to in code. If we want to

take time, I can't answer that question right now. You may be absolutely right that may be a better way to term it Senator Roers.

Senator Roers: It would be more encompassing. You wouldn't want to miss listing anything. It's probably just a technicality and if we run into problems we can clean it up in two years.

Senator Casper: I just went with whatever counsel recommended but I can bring that up to them if the committee wants me to do that.

Chairman Klein: I think we should just move it forward as it is because I am pretty certain we will be in a conference committee. I chatted with the bill sponsor and he just wants us to get it passed and then we can negotiate as to whether or not the word "infraction" should be put back in or not. That was the only issue that he really had. I think if we put into code that it is required from the start but I am guessing this will go into conference.

Senator Casper moved to adopt the amendment, 17.0343.03002.

Senator Roers seconded the motion.

Roll Call Vote: Yes-7 No-0 Absent-0

Senator Casper moved a do pass as amended.

Senator Campbell seconded the motion.

Roll Call Vote: Yes-7 No-0 Absent-0

Senator Casper will carry the bill.

2017 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

HB 1201
3/21/2017
Job Number 29489

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to landlord responsibilities regarding carbon monoxide detection devices

Minutes:

1 Attachment

Chairman Klein: It is on the 14th order today and the bill as it currently reads is being handed out. Senator Kannianen came up to me today and he said, you got unintended consequences in here that you probably want to know about. He started explain to me and I said, if you got some shortly after nine that he can explain to us what the issues are. He thinks it may remove smoke detectors from that residential exclusion, is that a concern we have? I am not sure. He also had another issue as it related to, if we provide these hardwire alarms, how much sheet rock is going to need to be changed. He said that we had some things in here that are going to cause some problems. First Engrossment with Senate Amendments, Engrossed HB 1201, see attachment #1.

Senator Kannianen: A couple of things, first of all there was something I didn't catch on the amendment that was passed yesterday. So in section 1, line 12, page 1, line 12. Changing it to wood or fuel fired fireplace, heater or appliance and so forth. That certainly was needed for carbon monoxide but actually what this inadvertently did was it lumped in the smoke detector with that. In current statute smoke detectors are required for any dwelling residence. Now putting this language in here it actually makes it that smoke detectors wouldn't be required where there is electric heat. It got lumped in with carbon monoxide for only being needed where there is fuel fired. The biggest thing is line 16, "alarms must be installed and maintained in compliance with applicable national fire protection standards as defined by rules adopted by the state fire marshal." The state administrative rules, chapter 24.02 is a section on the electrical in regards to smoke detectors. In other words, these smoke and now carbon monoxide detection alarms would have to be installed in compliance with this and what it says is that, "all detectors shall receive their primary power from the building wiring," so it can't be the battery operated kind, it has to be the hardwire 120-volt kind, "and smoke alarms shall be interconnected." It has to have the interconnected wiring so if one goes off they all go off. That is what the code that is in NFPA standards, National Fire Protection Agency, and what is in the state administrative code. So what this entails then would be, this didn't come into being until 1993 the current standards we have with requiring smoke alarms for bedrooms, and all hallways adjacent to bedrooms. That came into the NFPA in 93, so

there are plenty of houses and apartment complexes that are older than that. That wouldn't have the interconnected wiring system. I am not saying that you can't buy a battery operated one from Menard's and stick it on the wall is a bad thing. but it doesn't meet the standards that are in state statute. My opinion is to change the statute because it is pretty onerous to expect somebody to tear out sheet rock or whatever to comply with this. I just don't think any residential properties older than 93, I doubt they are complying with this and there is a costly misdemeanor penalty on this. Which I think is kind of onerous too. Now we would be adding to it, carbon monoxide detectors. I just think we can do it differently. (2:40-6:35)

Senator Casper: I just want to be clear on this because we don't have the electrical code. We had people here who were supposed to fully understand the electrical code and we were told as a committee that we weren't going to have to hardwire these and they weren't going to have to be a part of the overall system and you were going to be able to pay forty bucks or thirty bucks and slap a battery operated one on the wall. I definitely agree with you that this needs to be completely overhauled, if not just sent home. I just want to be clear on the parts on here that are referencing that and then the parts in there that we need to understand. Does that make sense, by there for the record I mean in the North Dakota State Electrical manual?

Senator Kannianen: Yes, the state laws, rules, and wiring standards of North Dakota. As far as stated administrative laws, section 24.02 encompasses all of it.

Senator Casper: 24.02 is the code?

Senator Kannianen: Specific to smoke detectors and car alarm systems it is, 24.02-01-16.1. You can find these easily enough or it is online too.

Chairman Klein: Is that the newer revision as of last week, the rules were sort of rewritten and tweaked just slightly? That is where I picked up on the word, devices being removed and alarms being placed throughout the electrical.

Senator Kannianen: As far as the dates on when that was updated specifically and certain wordage I don't know. Specific to the NFPA adopting standards on the interconnected system in the home that was to include bedrooms and everything, that was 93. To be honest with you, I don't know when the state would have formally adopted that, it would have been 93 at the earliest and maybe after that. As far as the exact terms, I don't know exactly.

Chairman Klein: Obviously we have some issues here. Maybe we need to bring this back to the committee and have a little discussion. I don't think anyone wants to disallow smoke alarms. Which seems to be what we have done.

Senator Kannianen: Yes. You can buy a combination detector that are both smoke detector and carbon monoxide, they may be forty-five bucks or something like that. If it comes to that, you buy a battery powered one and stick it on the wall. It certainly serves the purpose. If we would simply take out language requiring it to be installed according to NFPA standard. If it is an older home prior to 93 and it doesn't have the interconnected wiring system and so forth, in my opinion if we just save that for those homes if you at least had the battery powered ones. I wouldn't have a problem with that. What I see according to the way the code is written

it is just not feasible and not workable and I don't think the compliance is realistic. You might as well have code that is realistic and going to be followed and works for everybody.

Chairman Klein: I appreciate you coming down. I know when we spoke earlier this morning, we assumed somebody is looking at this and helping us out sometimes but it is always good to have an expert in the area who understands what we are doing here.

Senator Kannianan: Even if we did fix all of this I probably still oppose it on the floor. It is just the general concept of Grandfathered in properties. Where do you stop when it comes to ground fault protection, various grounding protection, all of what has been added in the last thirty years. It all has to do with life safety. People die from shock and so forth. I just don't know where you would stop if we start getting into the Grandfathered in homes and mandating all of these things. I would probably still oppose it.

Chairman Klein: If this was all prospective you could be on board, this is all new construction and apartments?

Senator Kannianan: Yes. All of this is required for new construction already, carbon monoxide and everything.

Chairman Klein: Is already required.

Senator Poolman: You just said it is already required for new construction for apartments to have a carbon monoxide detector installed?

Senator Kannianan: Yes.

Senator Poolman: So really the purpose of this bill is only to get them into the older? I missed that important detail.

Senator Kannianan: Yes.

Senator Campbell: I guess I thought the same thing as Senator Poolman. I didn't realize that either. So all new construction has to have carbon monoxide units. Are you sure about that?

Chairman Klein: It is in there. I did see it last week.

Senator Kannianan: Yes, so on page 46, carbon monoxide alarms for new construction and approved carbon monoxide alarms shall be installed outside of each separate sleeping area and the immediate vicinity of the bedrooms and so forth and so on.

Chairman Klein: That is apartments and residential.

Senator Kannianan: Yes, that have fueled fired appliances or attached garages. This bill is just getting into the old stuff.

Chairman Klein: If it is alright with everybody we will bring it back to committee and take another look at it. We want to get it close to right. We certainly need it back.

Senator Casper: For the record, I believe maybe not those exact questions were asked but I believe the members of the committee asked questions of very relevant and very near the information that has now been provided. I don't believe we were provided any of the answers in the way we just were. I am just going to for the record state that, that the people who were here as experts as supporting this bill did not provide the information that we have just been given.

Chairman Klein: We will bring that back.

2017 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee

Roosevelt Park Room, State Capitol

HB 1201

3/22/2017

Job Number 29539

Subcommittee

Conference Committee

Committee Clerk Signature

Eva Liebelt

Explanation or reason for introduction of bill/resolution:

Relating to landlord responsibilities regarding carbon monoxide detection devices

Minutes:

No Attachments

Chairman Klein: Okay committee, let's go to 1201. The bill we brought back yesterday after Senator Kannianen kind of explained to us that we may have created some issues that we weren't aware of. I think his first concern was when we added that language that includes the wood or other fuel fired fireplace, heater or appliance. We put it in on line 12 and what we are doing here is exempting smoke alarms from those same buildings.

Senator Casper: The way you understand it is correct. Essentially what we are doing in the way it was drafted, we originally lumped the two together and we probably should have done another section or something. When we fixed the original question of why would we require a carbon monoxide detector in a unit that doesn't have gas, we just put this language in here but since they lumped carbon monoxide detectors with smoke detectors, then this applied to smoke detectors too. If we pass this the way it is, smoke detectors only would be required in places that have wood or other fuel fired heater. I don't think we want to go there, so at the very least we need to change that.

Senator Poolman: We could go through and sort of fix everything especially in relation to that first problem but by the end of Senator Kannianen's advice to us, I don't really understand really now, why we would need to pass this bill. If this is all required on new construction the only purpose of this bill is to make people go back into older homes and older rental properties and put these in, right? I am now not so thrilled with the bill actually.

Chairman Klein: I went ahead and grabbed the administrative rules for electrical that we just spoke to and just to make sure that all construction moving forward is covered, smoke alarms, heat alarms for new construction. An approved heat alarm must be installed in an attached tenants garage of a resident and interconnected with the smoke alarms within the residence. This is all under interconnected. I think Senator Kannianen said when we start doing that interconnection is when we start tearing out sheetrock and creating quite an expense and asked if we realized that is what we are doing.

Senator Roers: I just want to follow up on Senator Poolman's comment. This bill is designed to go retroactive. The problem that we have on the one hand you say do really want to go retroactive but I would caution that the major problems are with the older units. They are not with the new units. We have to ask the question do we really want to put carbon monoxide detectors in older units or not. That is where the problem is, it is only the older units that have a heat chamber that is stressed, it cracks and now carbon monoxide gets leaked into the environment.

Chairman Klein: And in the case of the daughter of Harold Newman, Harold just left his car running all night long and didn't realize that the car was running and it was right below his apartment. Whether or not that was new construction condos, I don't know what he had there but it was unfortunate that he died under those circumstances.

Senator Casper: I agree with what Senator Roers is saying as far as what it is accomplishing but I think we need to be careful and just for his knowledge because we heard testimony yesterday. The way the code is, if we are going to take a step to require carbon monoxide detectors retroactively in older properties, than I think we need to be absolutely clear in the code that it doesn't have to comply with the electrical code because then we are going to get into a situation where they have to have a full out system. Which is the exact opposite of what we heard from testimony from the bill sponsor and the fire marshal. They said this is a lot to ask. We all were sitting here thinking well it is a lot to ask to say, spend thirty bucks to stick a deal on a wall with a battery powered carbon monoxide detector or to have to stick one in one room of a building where there happens to be gas. Now to say we are to do it and require the electrical code which is a much more onerous mandate this committee would be endorsing. I wouldn't endorse that.

Senator Roers: To continue on the conversation here. You are exactly right, there is a cheap way to do it and then there is a very expensive way to do it and apparently the electrical code mandates that they do the most expensive. To go back into all these existing units and tie them back into a heat alarm, smoke alarm system would be very costly and very onerous. It seems to me that we probably need to do more research of what it is exactly we want and how are we going to accomplish it.

Senator Marcellais: This kind of hits home, I lost a brother-in-law do to carbon monoxide. After my sister-in-law passed away he was alone and didn't have anything for carbon monoxide and they found him dead in the house the next day. I think the battery operated would be sufficient. To do the wiring I think we are going to run into a lot of problems.

Chairman Klein: What the language suggests, as Senator Kannianen brought to us, the national fire protection standards as defined by the state fire marshal, that is where he says we have some problems. Senator Casper you hit on it, the onerous issue that we maybe creating here is if it would say carbon monoxide detectors will be installed in existing apartments. When it says, install the devices as per the national fire protection standards then what does that mean? Like he pointed out yesterday, currently they have to be interconnected and as he said is this going to require that in the older construction that we are going to tear out walls so that we can get them interconnected? Should we have the electrical board come before us again? Senator Kannianen is going to vote no, no matter what.

Senator Campbell: I wouldn't, they are just going to encourage us to keep that in there. The bad thing about that is if in a year there is a fire and there are fatalities and they didn't have a carbon monoxide detector on an old property it could haunt us.

Senator Marcellais: My home was built in 95 and I didn't have these in there and that is why I went out and bought the battery one.

Chairman Klein: Do we want to simmer on this?

Senator Roers: I think we should study this. It isn't any different than when the smoke detectors became a necessity. There was a lot of push back on it, nobody wanted to do it and pretty soon people started to see the value in it because of situations. It isn't that big of a cost if we take and approach it properly. I think we should study it for one more day and see if we could figure out the language that would make everybody comfortable. It is just a thirty-dollar appliance. It is not a three-hundred-dollar fix.

Chairman Klein: Okay we will do that. Nancy do you have anything to add?

Nancy Willis, Government Affairs Director for the National Association of Realtors: The woman who testified whose father passed away, said that what she would want to do is on their highway signs that aren't sold, that she would like to do some kind of campaign that educates people about the dangers of carbon monoxide. Basically the discussion on the House floor and in the House committee, there was discussion on education and how much education exists right now or not and a concern on the bill was that there wasn't anything that really addressed education.

Senator Roers: Do you think we even need a bill or can we just deal with this from an industry point?

Nancy Willis: I guess if there is no penalty, I am not sure we would need the bill. However, I know that the gentlemen who brought this and has had it passed in other states, that it was very important to him. From our standpoint and I think from the fire chief's and others, I am not sure there was a feeling that there was a need for the bill. One of things we talked about with the fire chief was that they don't go into homes to do inspections. So it would seem that what is more needed is something that would allow them if they thought there was an issue, to be able to go in and do inspections.

Senator Roers: Anytime we see a fire in an apartment complex or in a home it seems that the reporters always feel compelled to say that it did have a smoke detector or the smoke detector did go off. It is the one thing they gravitate to and I would imagine it would likewise be situation if we had carbon monoxide explosions. There were several explosions that were propane explosions, carbon monoxide usually kills it doesn't explode.

Nancy Willis: I think what we heard from the home builders and the contractors was that in new construction, since you can have the combination of carbon monoxide and smoke detectors that is what is being installed in new construction.

Senator Roers: Did you understand that this bill was to go retroactive for all of the older homes? Are the homebuilders and the realtor's association aware of that?

Nancy Willis: No and in fact we talked about it on the House side and it was not supposed to be retroactive. What we had discussed, the way it was written had to do with transfer of property. Then it would be retroactive because then anytime a property was transferred regardless of the age of the property you would have had to updated it but to our understanding after that it was taken out. It was not retroactive.

Chairman Klein: The discussion on our side was that all the current rental properties or residential rentals and single family rentals would be compelled to have one of these units in them, that is the way I heard it. Under new construction it is already in there but the rentals are where we have a lot of discussion here.

Senator Roers: You are exactly right and that is how Senator Casper was running the numbers of what this could be in dollars and cents and then we came back to the position that you really only need to do this on units that have gas fire or combustion chambers and so then the impact became much smaller. That was the thought process we have been going through.

Nancy Willis: I can talk to our members again. I know one of our concerns because we have a lot of members that have rental property was the penalty because their discussion was that a lot of times tenants do things that they are not aware of and so why should there be a penalty for the landlords and not the tenant who disabled something. Can I help the committee in anyway? Is there somebody that you would like me to contact?

Chairman Klein: We are probably going to sit on this until Monday or Tuesday. Representative Sukut would like to pass something. Do you think it will pass this way, I am not sure it will get through the Senate? My only question is, is there something we can craft that is so simple and I don't know what that is. We don't want to go retroactive and new construction is already required. We don't have any penalty. Why do we need the bill? I guess that is where we are at.

Nancy Willis: Let me go back and look. I know it passed in Colorado, Iowa and in Nebraska. I can contact those three state realtor associations and get a copy of their bills and see how those were written.

Chairman Klein: Okay, thanks for the help.

2017 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

HB 1201
3/28/2017
Job Number 29744

- Subcommittee
 Conference Committee

Committee Clerk Signature

Eva Liebelt

Explanation or reason for introduction of bill/resolution:

Relating to landlord responsibilities regarding carbon monoxide detection devices

Minutes:

2 Attachments

Chairman Klein: We will call the committee to order. Let's open up to 1201. We've had a lot of discussion on 1201 and we have had it up to the floor. We handed out a color version so everyone can see the changes that we made. Senator Kannianen spoke to me and said it removed the language for smoke alarms if it was in a structure that didn't have a fuel fired fireplace. A lot of us are lukewarm on this whole bill on this whole idea. My big concern is with the retroactivity. He went over the amendment the Christmas tree version of the amendment. Amendments attached, see attachment #1 and #2.

Senator Roers: What do we do with the retroactivity piece, wasn't that going to be a study or am I confusing that?

Chairman Klein: I don't know that it was going to be a study. Maybe that is a good idea, maybe the whole bill needs to be a study.

Senator Roers: I don't necessarily agree with that. I think this is an important thing especially for combustion chambers. I think we see these carbon monoxide instances maybe once or twice a year. It's about as important as smoke detectors. We went through that about twenty years ago and finally got that all done. The retroactivity is important because that is the majority of where our exposure is.

Chairman Klein: New construction it is already required.

Senator Roers: Yes, that is why I asked the question about what we are doing about the retroactivity. Is it a study or is it being done or not?

Chairman Klein: That language should not have changed. It's under the same language as smoke detectors.

Senator Roers: Anybody that has a combustion fired furnace whether it is new or old is going to be required to put a carbon monoxide detector that is not linked, it can be a thirty-five-dollar detector.

Chairman Klein: That was our intent by removing the “applicable national fire protection standards.”

Senator Roers: I think that is good.

Chairman Klein: That was the idea, otherwise they would have had to be hardwired.

Senator Roers: Senator Casper do you have concerns with that? I know you have a lot of rentals also.

Senator Casper: Are the old properties going to have to make the change under this, that is what we are saying.

Chairman Klein: It is my understanding that we have not changed that at all. That is old properties, we have retroactivity here.

Senator Casper: I am torn. I think that I will support the amendment, on the bill I am leaning to not supporting. I am uneasy because I don't think anybody knows this is happening. I don't think any of the people out there that are managing apartment units and that are going to have to deal with this have had any input on what is going to take place. We had some people here that were advocates, there was a national group and really only one local person that came and said this is something we should do. I think there is probably some need for it but they couldn't give us very good stats. They said they had some issues with people passing away because of carbon monoxide across the state but they couldn't say if that was in apartments or homes or what the number is there. I think it is something to be concerned about. We talked about the smoke detection and that was a pretty big change and requirement for people. There should be a little more buy in from the group that is going to have to do it. I don't think we have that here.

Senator Poolman: I was thinking about this and I of course misunderstood the first go round when I thought this was going forward and I didn't really recognize that it was going to be in all old homes and rental properties. It becomes effective on January 1, 2018. If we pass a bill like this and we have a huge number of renters who don't know this is the policy and somebody dies. There isn't a carbon monoxide detector because they don't know we passed this bill and somebody dies in their rental unit. Does their attorney come and say that the landlord is negligent? Now you are liable, somebody dies in February and I feel we are setting it up for a pretty big lawsuit. Is that true?

Senator Casper: I would say if I were representing a claim, starting August 1 if this were the law and say it was December, six months later and someone for whatever reason hadn't picked up on the law. They didn't put carbon monoxide detectors in their units and then someone passes away due to carbon monoxide, that is the best evidence you could possibly have. Here is the law and you didn't follow it and to establish negligence because the standard for negligence under the law is what a reasonable person would do under like

circumstances. So a reasonable person would follow the law so under like circumstances what would some else do that owns an apartment in a state that requires carbon monoxide detection, would they install one and the answer is yes. When you do the test for torque for negligence I think without this law it is different than with it certainly.

Senator Roers: I think we can argue that in many different cases, it is a valid point but we have insurance to cover those kind of negligent acts. I don't know if it is so different than many other bills that we pass that have ongoing and retroactive responsibilities. I would say this bill doesn't play such a huge onus on the rental market that it is over powering. If I look at ourselves, we are probably talking a thirty-five-hundred-dollar bill is going to correct everything that we got for exposure. Again, it is the older units that are the most dangerous so I would support the amendment and I would support the bill because of the fact that I think it is as important as smoke detectors are and we went through a lot of years of transition getting smoke detectors accepted and approved but now it is everyday business. You don't build a unit without a smoke detector, you don't rent a unit without a smoke detector.

Senator Poolman: Do we know who is going to provide the education when we pass this law? That is my one concern. We don't have a group here that came. We had an individual who came. I am a little bit nervous about that because it is going to easy for people not to know that this is a law. So do we have a group that is willing, interested or has expressed interest?

Chairman Klein: I don't know whether or not the Fire Marshal and the local Fire Departments will step up and go around. I know the realtors are certainly interested and they have been helping with providing information so I hoping they get out to the folks that they represent but you are correct. There is no penalty for not doing it. It is early though so who knows if that stays or doesn't stay during the conference committee.

Senator Roers: Yes, the realtor's association department in bigger cities, maybe Fargo, Grand Forks and Bismarck, I don't think Minot has an apartment association but that would be the natural way to start disseminating that information and of course the ongoing thing would be through the Fire Marshall in the code reviews you would start to educate the population of the need for those things. You are exactly right. We don't have the apartment association at the table that would probably be the quickest way to disseminate this information but I think it would get done.

Chairman Klein: Senator Campbell if you have some fuel fired apartment buildings yes you will have to install them. If yours are all electric, you do not have to go into those units. Am I correct, that is the way that I read this.

Senator Marcellais: What if you have a fireplace that is inactive, do you still have to install the carbon monoxide detector?

Chairman Klein: Probably, I would suggest who would know that you quit using it because you didn't like the smoke in the house but it would still be available to be used, so I guess in that case.

Senator Casper: This would require them to be in all of the state buildings as well. The dorms on campuses, sorority, fraternity. I don't know if that is defined as residential in the code. Is the dorm considered residential rental property?

Chairman Klein: Yes, we would want the children protected. If we are going to make the landlord put them in I would hope the kids would be covered as well.

Senator Roers: I would be willing to bet that those residential living environments, if they have a boiler, they are already protected. That would be very unreasonable for them not to have a dormitory that has three hundred kids in it and three boilers standing side by side not have a carbon monoxide detector.

Chairman Klein: Okay committee. How about the amendment?

Senator Roers made a motion to adopt the amendment.

Senator Campbell seconded the motion.

Roll Call Vote: Yes-6 No-0 Absent-1

Senator Roers made a motion for a do pass as amended.

Senator Campbell seconded the motion.

Roll Call Vote: Yes-5 No-1 Absent-1

Senator Roers will carry the bill.

2017 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Roosevelt Park Room, State Capitol

HB 1201
3/29/2017
Job Number 29801

- Subcommittee
 Conference Committee

Committee Clerk Signature

Eva Lubelt

Explanation or reason for introduction of bill/resolution:

Relating to landlord responsibilities regarding carbon monoxide detection devices

Minutes:

1 Attachment

Chairman Klein: Called the committee back to order. There has been a lot of discussion on 1201 since we initially passed it. Senator Marcellais idea of a study has been heard and so there will be some discussion committee. We have gotten some notices from folks who I thought weren't very vocal at the time we were working on the bill but since have come out of the woodwork. I was in contact with Representative Louser who came to speak to us about the flaws in Ms. Willis's comments because he said there are a couple of things already handled in code. I am not aware of that.

Senator Casper: I am certainly willing to put together a draft study to bring back to the committee to reconsider that we amend this and do a study.

Chairman Klein: We will have to have that draft crafted and we'd bring it back for a final vote. Let's just have a discussion, wishes or comments.

Senator Poolman: I think a study is a fabulous idea.

Senator Roers: I concur.

Senator Burckhard: I think there is enough confusion on this bill that that is the best thing that we should do.

Chairman Klein: We know where Senator Marcellais is because it was his idea.

Senator Campbell: Did we already pass this?

Chairman Klein: We passed it but what we do tomorrow once the study is here, we would reconsider our actions where we would have passed it and then we will further amend it with the study, it would be a hog house.

Senator Casper: I would just ask that if someone wants something specific to talk to me after this. I think I have a strong idea where we should go but if there is some specific thing someone wants.

Chairman Klein: Senator Marcellais why don't you share your point from yesterday.

Senator Marcellais: After I thought about the bill, not only the study but maybe something into the DPI or Educational System. So our youngsters learn just like the smoke detectors they could learn on the carbon monoxide detectors. If there was some way to implement that into the bill.

Senator Poolman: I don't think it would be DPI but the local fire people.

Senator Marcellais: Yes, they would teach it to the education system.

Chairman Klein: We do have fire week at the school with the fire department. Are there any other ideas? We will have a formal motion to reconsider actions and then we will move with the amendment. I will figure out a time for tomorrow. Closed the meeting.

Handed out was a letter from **Nancy R. Willis, Government Affairs Director, North Dakota Association of Realtors**, see attachment #1.

2017 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

HB 1201
3/30/2017
Job Number 29847

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to landlord responsibilities regarding carbon monoxide detection devices

Minutes:

1 Attachment

Chairman Klein: Called the committee to order. We have been back and forth and back and forth on 1201 and Senator Casper has crafted some amendments to address all of our concerns and if he would like to explain his amendment.

Senator Casper: The amendment is pretty simple. It just requires if selected, it would require a study of the fire code and how existing regulations apply to carbon monoxide detectors and if they should be in residential rental property and what kind of education and outreach we have there. I would hope that coming into next session at the end of the study we would be able to say very clearly, whatever committee we will assign this, you could have a bill or at the very least have information that says here is the exact language we have in the code and how that is applied and what is taking place right now with properties that are currently being constructed and moving forward here is what is in place. Here is the information we were given for carbon monoxide protections in rental property and hopefully we will have more information from the people that believe that we need those in every apartment unit. People that believe we need it in the maintenance room where the boiler is at. People who think we don't need it at all. It is some more information about what is happening out there in regards to the carbon monoxide. Is there a great deal of instances occurring in properties or not and the various kinds of rental properties, you have multi-family, single family rental homes, you have four plexuses, eight plexuses? I just think going through this process for the last month the amount of questions we had ranging from the code to the management to the type of property to the type of carbon monoxide detector we were talking about. If it is battery operated or installed on the property, have raised a great deal of questions, all of which I think would make more sense for us to have a study then to take action right now. And the overarching information we have out there for education.

Chairman Klein: Did I hear you move the amendment?

Senator Casper moved to adopt the amendment, 17.0343.03004 to engrossed HB 1201.

Senator Roers seconded the motion.

Chairman Klein: I think we have addressed all of those concerns. Senator Marcellais concern about the education process. I know there were a lot of late to the table folks who have suggested that we had a bad bill. I don't know where they were earlier. We are still in a process and it might just happen that the House won't concur with this amendment but we will have that discussion at that point. The clerk will call the roll.

Roll Call Vote: Yes-7 No-0 Absent-0

Senator Casper moved a do pass as amended.

Senator Roers seconded the motion.

Roll Call Vote: Yes-7 No-0 Absent-0

Senator Roers will carry the bill.

March 15, 2017

CJ
3/15/2017
1 of 2

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1201

- Page 1, line 3, replace "devices" with "alarms"
- Page 1, line 5, replace "devices" with "alarms"
- Page 1, line 5, remove "to provide a penalty;"
- Page 1, line 10, replace "devices" with "alarms"
- Page 1, line 12, after the first "property" insert "that includes a wood or other fuel-fired fireplace, heater, or appliance or an attached garage."
- Page 1, line 13, after "23-09-02.1" insert an underscored comma
- Page 1, line 14, replace the first "devices" with "alarms"
- Page 1, line 14, remove the overstrike over the second "systems"
- Page 1, line 14, remove the second "devices"
- Page 1, line 15, replace "Devices" with "Alarms"
- Page 1, line 19, replace "devices" with "alarms"
- Page 1, line 19, replace "Devices" with "Alarms"
- Page 1, line 22, replace "devices" with "alarms"
- Page 1, line 24, replace "devices" with "alarms"
- Page 2, line 1, overstrike "unit"
- Page 2, line 2, replace the first "device" with "alarm"
- Page 2, line 2, remove the overstrike over the second "system"
- Page 2, line 2, remove the second "device"
- Page 2, line 5, overstrike "dwelling units" and insert immediately thereafter "dwellings"
- Page 2, line 7, remove "detection"
- Page 2, line 8, replace "devices" with "alarms"
- Page 2, line 9, overstrike "4. Any property owner who willfully fails to install a"
- Page 2, line 9, remove "device"
- Page 2, line 9, overstrike "as required by this"
- Page 2, line 10, overstrike "section is guilty of"
- Page 2, line 10, remove "an infraction"
- Page 2, line 10, overstrike the period
- Page 2, line 15, replace "devices" with "alarms"

CJ
3/15/17
2 of 3

Page 2, line 20, replace "device" with "alarm"

Page 2, line 20, remove "unit"

Page 2, line 24, replace "device" with "alarm"

Page 2, line 25, replace "device" with "alarm"

Page 2, line 28, replace "device" with "alarm"

Renumber accordingly

March 24, 2017

CK
3/28/17
1 of 2

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1201

In lieu of the amendments adopted by the Senate as printed on pages 798 and 799 of the Senate Journal, Engrossed House Bill No. 1201 is amended as follows:

Page 1, line 3, replace "devices" with "alarms"

Page 1, line 5, replace "devices" with "alarms"

Page 1, line 5, remove "to provide a penalty;"

Page 1, line 10, replace "devices" with "alarms"

Page 1, line 11, overstrike "- Penalty"

Page 1, line 12, after the first "property" insert "that includes a wood or other fuel-fired fireplace, heater, or appliance or an attached garage."

Page 1, line 13, after "23-09-02.1" insert an underscored comma

Page 1, line 13, overstrike "smoke"

Page 1, line 13, remove "and"

Page 1, line 14, replace the first "devices" with "alarms"

Page 1, line 14, remove the overstrike over the second "systems"

Page 1, line 14, remove the second "devices"

Page 1, line 15, remove "Devices"

Page 1, line 15 overstrike "must be installed and maintained in"

Page 1, overstrike line 16

Page 1, line 17, overstrike "adopted by the state fire marshal" and insert immediately thereafter "All residential rental property, with the exception of property covered by section 23-09-02.1, must be equipped with smoke detection alarms or other approved alarm systems for the protection of occupants of the property"

Page 1, line 19, replace "devices" with "alarms"

Page 1, line 19, replace "Devices" with "Alarms"

Page 1, line 22, replace "devices" with "alarms"

Page 1, line 24, replace "devices" with "alarms"

Page 2, line 1, overstrike "unit"

Page 2, line 2, replace the first "device" with "alarm"

Page 2, line 2, remove the overstrike over the second "system"

Page 2, line 2, remove the second "device"

Page 2, line 5, overstrike "dwelling units" and insert immediately thereafter "dwellings"

CA
3/28/17
2 of 2

- Page 2, line 7, remove "detection"
 - Page 2, line 8, replace "devices" with "alarms"
 - Page 2, line 9, overstrike "4. Any property owner who willfully fails to install a system"
 - Page 2, line 9, remove "device"
 - Page 2, line 9, overstrike "as required by this"
 - Page 2, line 10, overstrike "section is guilty of a class B misdemeanor"
 - Page 2, line 10, remove "an infraction"
 - Page 2, line 10, overstrike the period
 - Page 2, line 15, replace "devices" with "alarms"
 - Page 2, line 20, replace "device" with "alarm"
 - Page 2, line 20, remove "unit"
 - Page 2, line 24, replace "device" with "alarm"
 - Page 2, line 25, replace "device" with "alarm"
 - Page 2, line 28, replace "device" with "alarm"
- Renumber accordingly

March 30, 2017

CM
3/30/17

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1201

In lieu of the amendments adopted by the Senate as printed on pages 798 and 799 of the Senate Journal and in lieu of the amendments as printed on pages 955 and 956 of the Senate Journal, Engrossed House Bill No. 1201 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of carbon monoxide alarms."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CARBON MONOXIDE ALARMS. During the 2017-18 interim, the legislative management shall consider studying the fire code and how the existing regulations apply to carbon monoxide alarms, the need for residential rental property to be equipped with carbon monoxide alarms, and the costs associated with installing carbon monoxide alarms in residential rental property. The study must include the types of education and outreach being used by local fire departments to educate communities and school children about the dangers of carbon monoxide poisoning. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

**2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. Engrossed HB 1201**

Senate Industry, Business and Labor Committee

Subcommittee

Amendment LC# or Description: 17.0343.03002

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Senator Casper Seconded By Senator Roers

Senators	Yes	No	Senators	Yes	No
Chairman Klein	x		Senator Marcellais	x	
Vice Chairman Campbell	x				
Senator Roers	x				
Senator Burckhard	x				
Senator Casper	x				
Senator Poolman	x				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

**2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. Engrossed HB 1201**

Senate Industry, Business and Labor Committee

Subcommittee

Amendment LC# or Description: 17.0343.03003 – Senator Klein’s Amendment

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Senator Roers Seconded By Senator Campbell

Senators	Yes	No	Senators	Yes	No
Chairman Klein	x		Senator Marcellais	x	
Vice Chairman Campbell	x				
Senator Roers	x				
Senator Burckhard	A				
Senator Casper	x				
Senator Poolman	x				

Total (Yes) 6 No 0

Absent 1

Floor Assignment _____

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

**2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. Engrossed HB 1201**

Senate Industry, Business and Labor Committee

Subcommittee

Amendment LC# or Description: 17.0343.03003 – Senator Klein’s Amendment

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Senator Roers Seconded By Senator Campbell

Senators	Yes	No	Senators	Yes	No
Chairman Klein	x		Senator Marcellais		x
Vice Chairman Campbell	x				
Senator Roers	x				
Senator Burckhard	A				
Senator Casper	x				
Senator Poolman	x				

Total (Yes) 5 No 1

Absent 1

Floor Assignment Senator Roers

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

**2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1201**

Senate Industry, Business and Labor Committee

Subcommittee

Amendment LC# or Description: 17.0343.03004

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Senator Casper Seconded By Senator Roers

Senators	Yes	No	Senators	Yes	No
Chairman Klein	x		Senator Marcellais	x	
Vice Chairman Campbell	x				
Senator Roers	x				
Senator Burckhard	x				
Senator Casper	x				
Senator Poolman	x				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

**2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1201**

Senate Industry, Business and Labor Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Senator Casper Seconded By Senator Roers

Senators	Yes	No	Senators	Yes	No
Chairman Klein	x		Senator Marcellais	x	
Vice Chairman Campbell	x				
Senator Roers	x				
Senator Burckhard	x				
Senator Casper	x				
Senator Poolman	x				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Roers

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

REPORT OF STANDING COMMITTEE

HB 1201, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1201 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "devices" with "alarms"

Page 1, line 5, replace "devices" with "alarms"

Page 1, line 5, remove "to provide a penalty,"

Page 1, line 10, replace "devices" with "alarms"

Page 1, line 12, after the first "property" insert "that includes a wood or other fuel-fired fireplace, heater, or appliance or an attached garage."

Page 1, line 13, after "23-09-02.1" insert an underscored comma

Page 1, line 14, replace the first "devices" with "alarms"

Page 1, line 14, remove the overstrike over the second "systems"

Page 1, line 14, remove the second "devices"

Page 1, line 15, replace "Devices" with "Alarms"

Page 1, line 19, replace "devices" with "alarms"

Page 1, line 19, replace "Devices" with "Alarms"

Page 1, line 22, replace "devices" with "alarms"

Page 1, line 24, replace "devices" with "alarms"

Page 2, line 1, overstrike "unit"

Page 2, line 2, replace the first "device" with "alarm"

Page 2, line 2, remove the overstrike over the second "system"

Page 2, line 2, remove the second "device"

Page 2, line 5, overstrike "dwelling units" and insert immediately thereafter "dwellings"

Page 2, line 7, remove "detection"

Page 2, line 8, replace "devices" with "alarms"

Page 2, line 9, overstrike "4. Any property owner who willfully fails to install a"

Page 2, line 9, remove "device"

Page 2, line 9, overstrike "as required by this"

Page 2, line 10, overstrike "section is guilty of"

Page 2, line 10, remove "an infraction"

Page 2, line 10, overstrike the period

Page 2, line 15, replace "devices" with "alarms"

Page 2, line 20, replace "device" with "alarm"

Page 2, line 20, remove "unit"

Page 2, line 24, replace "device" with "alarm"

Page 2, line 25, replace "device" with "alarm"

Page 2, line 28, replace "device" with "alarm"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1201, as engrossed and amended: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1201, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 798 and 799 of the Senate Journal, Engrossed House Bill No. 1201 is amended as follows:

Page 1, line 3, replace "devices" with "alarms"

Page 1, line 5, replace "devices" with "alarms"

Page 1, line 5, remove "to provide a penalty;"

Page 1, line 10, replace "devices" with "alarms"

Page 1, line 11, overstrike "- Penalty"

Page 1, line 12, after the first "property" insert "that includes a wood or other fuel-fired fireplace, heater, or appliance or an attached garage."

Page 1, line 13, after "23-09-02.1" insert an underscored comma

Page 1, line 13, overstrike "smoke"

Page 1, line 13, remove "and"

Page 1, line 14, replace the first "devices" with "alarms"

Page 1, line 14, remove the overstrike over the second "systems"

Page 1, line 14, remove the second "devices"

Page 1, line 15, remove "Devices"

Page 1, line 15 overstrike "must be installed and maintained in"

Page 1, overstrike line 16

Page 1, line 17, overstrike "adopted by the state fire marshal" and insert immediately thereafter "All residential rental property, with the exception of property covered by section 23-09-02.1, must be equipped with smoke detection alarms or other approved alarm systems for the protection of occupants of the property"

Page 1, line 19, replace "devices" with "alarms"

Page 1, line 19, replace "Devices" with "Alarms"

Page 1, line 22, replace "devices" with "alarms"

Page 1, line 24, replace "devices" with "alarms"

Page 2, line 1, overstrike "unit"

Page 2, line 2, replace the first "device" with "alarm"

Page 2, line 2, remove the overstrike over the second "system"

Page 2, line 2, remove the second "device"

Page 2, line 5, overstrike "dwelling units" and insert immediately thereafter "dwellings"

Page 2, line 7, remove "detection"

Page 2, line 8, replace "devices" with "alarms"

Page 2, line 9, overstrike "4. Any property owner who willfully fails to install a system"

Page 2, line 9, remove "device"

Page 2, line 9, overstrike "as required by this"

Page 2, line 10, overstrike "section is guilty of a class B misdemeanor"

Page 2, line 10, remove "an infraction"

Page 2, line 10, overstrike the period

Page 2, line 15, replace "devices" with "alarms"

Page 2, line 20, replace "device" with "alarm"

Page 2, line 20, remove "unit"

Page 2, line 24, replace "device" with "alarm"

Page 2, line 25, replace "device" with "alarm"

Page 2, line 28, replace "device" with "alarm"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1201, as engrossed and amended: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1201, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 798 and 799 of the Senate Journal and in lieu of the amendments as printed on pages 955 and 956 of the Senate Journal, Engrossed House Bill No. 1201 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of carbon monoxide alarms.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CARBON MONOXIDE ALARMS. During the 2017-18 interim, the legislative management shall consider studying the fire code and how the existing regulations apply to carbon monoxide alarms, the need for residential rental property to be equipped with carbon monoxide alarms, and the costs associated with installing carbon monoxide alarms in residential rental property. The study must include the types of education and outreach being used by local fire departments to educate communities and school children about the dangers of carbon monoxide poisoning. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

2017 CONFERENCE COMMITTEE

HB 1201

2017 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1201
4/7/2017
29989

Subcommittee
 Conference Committee

Ellen Litang

Explanation or reason for introduction of bill/resolution:

Installation of carbon monoxide alarms and smoke detection devices.

Minutes:

Attachment 1

Chairman Sukut: Opens the conference committee on HB 1201.

Chairman Sukut: This went from a 7-0 pass to a study, how did you get there?

Sen Casper: There was a lot of ambivalence about the legislation. The concern was how it was going to be implemented & the affect. This will involve thousands of dwellings & companies. We viewed this as having a large impact. Though our discussions, the entities were not on the same page of what the effect it would have. We decided with the ambivalence, we would do a study. Also, there wasn't an implementation period. That is an overarching view of where we are coming from & our discomfort.

Sen Roers: I felt it's something we need, like the smoke alarms, but we started hearing conflicts of all the codes because it wasn't properly vetted out.

Chairman Sukut: All of the codes, what we heard in discussion, there were no problems with the codes when we visited with the political subs. When it went to the senate, you changed the bill so that it said "alarms" & the effort there was to make this bill so that it corresponded with most of the international & state codes. The people who worked with those codes were comfortable. I'm not so sure there is a problem there.

There are people who have supported this (Attachment 1).

Sen Casper: There is a group of people who are missing, it's the installers. The testimony we received, the way it's written now, they will have to rewire. It's not clear what they needed to do.

Chairman Sukut: I have talked with Legislative Council on these issues & there is nothing in the code that says you have to install a system. It talks about alarms as well as code. It's

an alarm as a unit which you can stick on a wall outlet. There is no big cost here & it saves lives. I'm having trouble seeing the down side to this bill.

We would like to go back to the 5000 version, your version before you turned it into a study. We would also like to add an amendment. We would like to get back to that point. If you think this is a bad idea, kill the bill.

Rep Lefor: I understand the implementation, when this would have to be done. The other thing is the cost, explain what they would have to do to the central system?

Sen Roers: In new buildings when you put in a system, the smoke detectors are hard wire & battery backed up. The electric code in that situation would require carbon monoxide detectors be connected to that. We felt that we needed to back away from that situation because that would be an undue burden, especially in older units. The older units tend to have combustion fired furnaces.

It would be interesting if the electrical association has weighed in on this. Is there something here in this language that would indicate that a stick on the wall type carbon monoxide detector be satisfactory? I don't know the codes.

Sen Roers: According to the national code it would be hardwired to the smoke detector.

Joe Boesflug ~ ND Fire Chief Association: The system & alarm, there is a difference. The system would trigger a notification & emergency responder. We can't speak for the electrical code. If the electrical code differs, there may be that possibility. The part the fire association was concerned about is that if the bill went through as worded, currently there is many exemptions for a detection devise or system that still would apply in the code process. Not required is the carbon monoxide being produced & is it possible that it will affect the occupants. We can't answer the electrical code question.

Chairman Sukut: Can you guide us to someone?

Boesflug: I would say the state electrical board director.

Chairman Sukut: Are there other issues that we should be addressing.

Jeremy Petron ~ ND Apartment Association: It being an alarm, we were ok with that language.

Rep Lefor: Page 1, line 20, the intent was alarms but not alarm system. Is that accurate if it were alarms not systems?

Petron: The systems would be problematic but alarms is ok.

Rep Boschee: The alarm would be encompassing of a system or individual plug in the wall unit versus a system near the furnace. If there isn't an individual combustibile unit in the units, the detections are going to be near the furnace, correct?

Petron: If the unit is only electric heat, then it would not need a carbon monoxide alarm would be necessary. Only fuel fired.

Sen Roers: The amendment, 03000, the word system was taken out & replaced with device. I think this was an oversight. On line 20, the word system is still there. How many apartments do you represent?

Petron: We represent the local large cities. I don't have the numbers.

Sen Roers: You know how many members but not how many units that represents in the state?

Petron: That's correct.

Sen Roers: How many members?

Petron: Approximately 500 members, small & large.

Chairman Sukut: Lines 19 & 20, that allows for a system to be installed rather than an alarm. I don't know if it presents a problem.

Sen Roers: Didn't turn on mike.

Chairman Sukut: Yes, there is a line that was not included on there. There is a group that would like that included. Line 12, their interest is to get that exemption clause intergraded into the bill. I don't know if the systems on line 20 creates a problem.

Sen Marcellais: Who is liable, the tenant or land lord if they unplug it?

Chairman Sukut: The tenant is responsibility to take care of it, the same as the smoke alarm once it's in there.

Chairman Sukut: We will get someone from the electrical board.

Rep Lefor: We need also someone from LC because we are having different interpretations.

2017 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1201
4/11/2017
30042

Subcommittee
 Conference Committee

Ellen LeTang

Explanation or reason for introduction of bill/resolution:

Installation of carbon monoxide alarms and smoke detection devices.

Minutes:

Attachments 1, 2

Chairman Sukut: ND State Fire Marshall, Ken Sisk, could you explain your amendment, **(attachment 1)**?

Ken Sisk ~ State Fire Marshall: On line 15, we would like to see that it would state the installation & maintenance must be in accordance to state & local fire codes. There are fire departments in the state that have adopted the fire codes but exempted certain chapter that pertains to carbon monoxide for their local municipality. If we were to word it in a way to allow the local jurisdiction to enact it based on the amendment.

Rep Lefor: Moves the amendment presented by the fire marshal that on line 15 (insert after property), "The installation & maintenance must be in accordance with the state & local building & fire codes".

Rep Boschee: Second.

Sen Casper: My understanding of this of the state & local fire codes, so the local municipality were to adopt part of the fire code requiring carbon monoxide detectors installed in every unit in a multi-family dwelling. That would then become a requirement?

Sisk: Yes. There are local departments within the state that have adopts the international fire code but exempted certain chapters within fire code. Case in point, chapter 11 of the international fire code.

Sen Casper: So the international fire code requires the installation of carbon monoxide detectors in each multi-family dwelling?

Sisk: Yes.

Sen Casper: Right now, doesn't someone need to comply with their local & state building & fire codes now? Why does the state need to say that?

Sisk: Some of the cities that have exempted that chapter are ?? rule cities. They can adopt their own codes as long as they are more stringent than what is the ?? code. Previous verbiage, there was talk about exemptions base on state & local building fire codes. With that verbiage that would have taken away & follow the state code. These municipalities already have their code adopted.

Sen Casper: How many codes are there?

Sisk: There is the international fire code. The city of Bismarck has adopted the international fire code with exempted to adopt certain chapters within the international fire code.

Sen Casper: They have adopted the international code with exemptions. You are saying that we are giving the locals the power to make decisions as they would wish. How is adopting this amendment any different than what we have now?

Sisk: I'm going to have Joe answer those questions.

Joe Boesflug ~ ND Fire Chief's Association: There are 13 cities in ND that have a fire prevention fire code program. All of those utilize the international fire code & adopt & exempt some parts of it that fits local needs. The state fire code is also that code, so it's one but there are some local parameters. This language is referring to the units that was fueled by electric heat. That's an exemption in the building code that wouldn't require that type of detection. If the bill would go through, that would override that exemption.

Chairman Sukut: Any other questions regarding the amendment?

Roll call was taken on the amendment with 6 yes, 0 no, 0 absent, amendment passes.

Chairman Sukut: There is another set of amendments that are Sen Casper's to discuss.

Sen Casper: These amendments would make 3 changes. **(Attachment 2)**

1. Page 2, line 13, trouble damages for replacement charges.
2. Line 17, putting a plug in the wall. For the landlords it's hard to install & maintain. Are we opening us to a liability that affects our insurance rates?
3. Ongoing maintenance requirements. Landlords can't continually be going in to maintain them.

Rep Boschee: Page 2, lines 17 & 18, by deleting section 2 & 3, there is nowhere else where it strictly says whose responsibility to maintain this device. Obviously, check in & check out. There are standards that say, check it once a year. The nice thing about section 3 was, if the landlord didn't act, then the tenant goes ahead & does that. My concern is the small bad actors to hold them accountable. I think it will be stronger if we keep sections 2 & 3 for the process of whose responsible.

Sen Casper: I see your point. The rational of section 3 was the liability limitation. I could get around making that change.

Rep Lefor: First thing we want is the safety of tenants. I like Sen Casper's amendment. I also agree with Rep Boschee about leaving section 2 & 3. We need somewhere in statute what the ramifications are. I like the fact that the landlords are not liable. Tenants needs to know that they have some obligations too. There has to be a balance.

Sen Casper: Are we talking about 2 & 3 or just 3?

Rep Boschee: I want to be clear, lines 19-24, if we didn't include that, are we striking it from code or from the bill?

Samantha Kramer ~ Legislative Council: It's taking it out of the bill.

Chairman Sukut: Everything is back in code with the exception of the carbon monoxide/smoke detections devices.

Kramer: Correct.

Vice Chairman Sukut: Other than that, it's the way it is right now.

Sen Casper: I prefer that doesn't go in there, it's counterintuitive.

Rep Lefor: Moves Sen Casper's amendment other than adding section 3 back into the bill.

Rep Boschee: Second.

Chairman Sukut: Further discussion?

Roll call was taken on the amendment with 6 yes, 0 no, 0 absent, amendment passes.

Doug Gernde ~ Director of Inspections for the State Electrical Board:
We would like to see a listed carbon monoxide detector, UL listed.

Rep Lefor: We are going to need a definition in code?

Sen Casper: Is there a cost differential?

Gernde: I don't have any idea.

Vice Chairman Sukut: When you produce the list, could you provide the cost also?

Gernde: Yes.

Sen Casper: What we are currently at is we've taken the 3,600 version amendment that I proposed & put back section 3. Then we added line after lines 15-16.

Jeremy Petron ~ Representing the ND Apartment Association: Regarding the code issues is the time frame, we would like time to comply. We would like an implantation date because it may take a while for our members.

Chairman Sukut: What time frame would work for you?

Petron: I would think one year from the time it would become law.

Vice Chairman Sukut: August of 2018.

Petron: Yes.

Sen Casper: Is it 12 months or 18 months?

Petron: I guess Jan 1, 2019 would help more.

Vice Chairman Sukut: Would someone make that a motion?

Rep Boschee: Moves for the date for Jan 1, 2019.

Sen Casper: Second.

**Roll call was taken on the amendment with 6 yes, 0 no, 0 absent,
amendment passes**

Chairman Sukut: Closes the conference committee.

2017 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Peace Garden Room, State Capitol

HB 1201
4/12/2017
30089

- Subcommittee
 Conference Committee

Ellen Letang

Explanation or reason for introduction of bill/resolution:

Installation of carbon monoxide alarms and smoke detection devices.

Minutes:

Attachment 1, 2

Chairman Sukut:

Chairman Sukut: The copy of 3007 before you. **(Attachment 1 & 2).** Goes over the changes made from the last conference committee held Apr 11, 2017.

I understand we have one more amendment.

Ken Sisk ~ State Fire Marshal's Office: Page 1, line 13, after the word garage "unless exempted from local & state building & fire codes".

Chairman Sukut: Can you give an explanation why you want it in there.

Joel Boesflug ~ ND Fire Chief's Association: We contacted the international code council to get some clarification. We were trying to have this bill correlate with the fire & building codes so that we don't have differing legislation & regulatory agencies.

The code had allowed for us in a retroactive application, if there was a room with a boiler or water heater outside of that room, one alarm could suffice.

2015 code caused confusion. We got clarification from the international code council that it was their intent to leave it the same was.

The language you are inserting allows for the fire & building exceptions.

Rep Boschee: Moves the amendment on page 1, line 13, after the word garage "unless exempted from local & state building & fire codes".

Sen Casper: Second.

Chairman Sukut: Further discussion?

Rocky Gordon ~ ND Apartment Association: We have done a 180 degree turn & we are in full agreement. It might fit better on line 14, today's amendment.

Sen Casper: I agree with Rocky. It makes more sense.

Gordon: It gets a little confusing.

Chairman Sukut: I think we can leave it up to Legislative Council to put it where it fits best.

Sen Casper: I'm fine with that.

Chairman Sukut: Further discussion?

Roll call was taken on the amendment with 6 yes, 0 no, 0 no, amendment passes.

Sen Casper: My understanding of what we adopted. We would be requiring that when in the presence of fuel fired heater or appliance that would produce carbon monoxide that owner's property would have to retroactively place an alarm within the vicinity where every that heater is located, in multi-family units.

However, if a local jurisdiction were to adopt the international codes that would require carbon monoxide detectors be installed as a system throughout the building, potentially local jurisdictions could do that because of whatever code they adopted.

Chairman Sukut: I believe we are doing that.

Sen Casper: There is nothing that we are putting in here that supersedes the adoption of a local code. However, the local codes that have been adopted, have had an exemption before carbon monoxide detectors & an exemption for where they are placed that limits the need for a system & in every unit. Just where the carbon monoxide is produced.

Joel Boespflug ~ ND Fire Chief's Association: Everything you have said is accurate. Boiler or water heater would only require one detector. Most of the cities are close to the application.

Sen Casper: Can you be more clear about an attached garage if I had a twin home. We are putting one in regardless?

Boespflug: If there is an attached garage, that same concept of the boiler. If it has a door to the living area, there should be detection right at that location. Not all the way through the sleeping area. If the garage is below or above, then there is not detection needed.

Chairman Sukut: Further questions. Are we ready for a motion?

House Industry, Business and Labor Committee

HB 1201

Apr 12, 2017

Page 3

Rep Lefor: Moves that the Senate recede amendments & amends.

Sen Casper: Second.

Chairman Sukut: Further discussion?

Roll call was take for the Senate to recede amendments & amends, with 6 yes, 0 no, 0 absent.

2017 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1201
4/14/2017
30147

Subcommittee

--

Explanation or reason for introduction of bill/resolution:

Installation of carbon monoxide alarms and smoke detection devices.

Minutes:

--

Please see recording # 30147.

2017 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1201
4/18/2017
30171

Subcommittee

Ellen Letang

Explanation or reason for introduction of bill/resolution:

Installation of carbon monoxide alarms and smoke detection devices.

Minutes:

Attachment 1

Chairman Sukut: Reopens the conference committee on HB 1201.

Sen Casper: Moves that the senate recede from its amendments & adopt 17.0343.03009. (attachment 1).

Sen Roers: Second.

Chairman Sukut: Further discussion?

Sen Casper: I appreciate the person who caught this. It wasn't the intention to move backwards from where it was at. I think we should adopt the amendment.

Chairman Sukut: Further discussion?

Roll call was taken on HB 1201 for the Senate to recede from Senate amendments & amend with 6 yes, 0 no, 0 absent.

Proposed Amendments HB 1201

Line 15- (Insert after Property)

The installation and maintenance must be in accordance with state and local building and fire codes

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1201

Introduced by

Representatives Sukut, Guggisberg, Hatlestad, Trottier

Senators Bekkedahl, Kreun

1 A BILL for an Act ~~to create and enact a new subsection to section 47-16-13.1 of the North~~
2 ~~Dakota Century Code, relating to landlord responsibilities regarding carbon monoxide detection~~
3 ~~devices~~; to amend and reenact section 23-13-15, ~~subdivision d of subsection 1 of section~~
4 ~~47-16-13.1~~, and subsection 4 of section 54-21.3-03 of the North Dakota Century Code, relating
5 to the installation of carbon monoxide and smoke detection ~~devices~~ alarms; ~~to provide a penalty~~;
6 and to provide an effective date.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. AMENDMENT.** Section 23-13-15 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **23-13-15. Smoke and carbon monoxide detection systems** devices alarms **for**
11 **residential rental property** ~~--Penalty.~~

12 1. All residential rental property that includes a wood or other fuel-fired fireplace, heater,
13 or appliance or an attached garage, with the exception of property covered by section
14 23-09-02.1, must be equipped with ~~smoke and~~ carbon monoxide detection
15 systems devices alarms or other approved alarm systems devices for the protection of
16 occupants of the property. ~~Systems~~ Devices ~~must be installed and maintained in~~
17 ~~compliance with applicable national fire protection standards as defined by rules~~
18 ~~adopted by the state fire marshal~~ All residential rental property, with the exception of
19 property covered by section 23-09-02.1, must be equipped with smoke detection
20 alarms or other approved alarm systems for the protection of occupants of the
21 property. The state fire marshal and local fire departments shall provide information
22 concerning the installation of smoke and carbon monoxide detection
23 systems devices alarms to owners of residential rental properties. A
24 system Devices Alarms installed in a single-family rental dwelling must be maintained

- 1 and inspected by the tenant occupying the single-family rental dwelling. In other
2 dwellings, the landlord is responsible for installation and ensuring the proper operation
3 of the ~~system devices alarms~~ upon the occupancy of each new tenant. The tenant is
4 responsible for maintaining the ~~system devices alarms~~ during the tenant's occupancy.
- 5 2. The landlord of a residential dwelling ~~unit~~ shall provide an approved visual smoke and
6 carbon monoxide detection ~~system device alarm~~ or other visual alarm ~~system device~~ for
7 fire and carbon monoxide if requested in writing by a tenant who is deaf. A landlord is
8 not subject to this subsection if the rental property of that landlord does not exceed
9 one building and that building does not exceed four residential ~~dwelling units~~ dwellings.
- 10 3. Nothing in this section may be construed to alter the provisions of chapter 54-21.3
11 regarding smoke detection and carbon monoxide ~~systems or alarm systems~~ detection
12 devices alarms for newly constructed residences.
- 13 4. ~~Any property owner who willfully fails to install a system device as required by this~~
14 ~~section is guilty of a class B misdemeanor~~ an infraction A landlord may charge a tenant
15 for damages equivalent to three times the cost associated with replacing an alarm that
16 was damaged during the time the tenant occupied the property.
- 17 5. A landlord may not be held liable for injury or damages caused as the result of an
18 inoperable carbon monoxide alarm.

19 ~~SECTION 2. AMENDMENT. Subdivision d of subsection 1 of section 47-16-13.1 of the~~
20 ~~North Dakota Century Code is amended and reenacted as follows:~~

- 21 ~~d. Maintain in good and safe working order and condition all electrical, plumbing,~~
22 ~~sanitary, heating, ventilating, air conditioning, carbon monoxide and smoke~~
23 ~~detection devices, and other facilities and appliances, including elevators,~~
24 ~~supplied or required to be supplied by the landlord.~~

25 ~~SECTION 3. A new subsection to section 47-16-13.1 of the North Dakota Century Code is~~
26 ~~created and enacted as follows:~~

- 27 ~~Notwithstanding subsection 2 and section 47-16-13, if a carbon monoxide detection~~
28 ~~device is found to be inoperable, the landlord of a residential dwelling unit shall correct~~
29 ~~the situation within thirty days after receiving written notification from the tenant, state~~
30 ~~fire marshal, fire chief, building inspector, or other fire, building, or safety official. If the~~
31 ~~landlord fails to correct the situation within the thirty days, the tenant may repair the~~

1 ~~carbon monoxide detection device or purchase and install a carbon monoxide~~
2 ~~detection device and may deduct the repair cost or purchase price from the next rental~~
3 ~~payment made by the tenant. A landlord may require a tenant who has a residency of~~
4 ~~longer than thirty days to provide the battery for a battery-operated carbon monoxide~~
5 ~~detection device.~~

6 **SECTION 2. AMENDMENT.** Subsection 4 of section 54-21.3-03 of the North Dakota
7 Century Code is amended and reenacted as follows:

- 8 4. a. The state building code or a building code adopted by a city, township, or county
9 may not include a requirement that fire sprinklers be installed in a ~~single-~~
10 ~~family~~single-family dwelling or a residential building that contains no more than
11 two dwelling units.
- 12 b. The state building code, plumbing code, electrical code, or an equivalent code
13 adopted by a ~~political subdivision~~city, township, or county must provide that a
14 building designed for and used as a school portable classroom may be
15 constructed and inspected as a temporary structure as defined by the state
16 building code or may be permitted as a permanent school portable classroom.
17 The foundation system of such a structure must comply with the
18 recommendations of the manufacturer's engineering report for a pre-engineered
19 unit or a structural engineer's report. Frost-free footings may not be required for a
20 temporary structure that meets the requirements of the state building code unless
21 required by an engineering report. Temporary electrical and plumbing installations
22 may be allowed for any structure by the governmental entities governing those
23 areas of construction or the applicable codes.

24 **SECTION 3. EFFECTIVE DATE.** This Act becomes effective on January 1, 2018.

April 12, 2017

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1201

That the Senate recede from its amendments as printed on page 1277 of the House Journal and page 1064 of the Senate Journal and that Engrossed House Bill No. 1201 be amended as follows:

Page 1, line 3, remove ", subdivision d of subsection 1 of section"

Page 1, line 4, remove "47-16-13.1,"

Page 1, line 5, replace "devices" with "alarms"

Page 1, line 5, remove "to provide a penalty;"

Page 1, line 10, replace "devices" with "alarms"

Page 1, line 11, overstrike " - **Penalty**"

Page 1, line 12, after the first "property" insert "that includes a wood or other fuel-fired fireplace, heater, or appliance or an attached garage,"

Page 1, line 13, after "23-09-02.1" insert "or unless exempted by state and local building and fire codes,"

Page 1, line 13, overstrike "smoke"

Page 1, line 13, remove "and"

Page 1, line 14, replace the first "devices" with "alarms"

Page 1, line 14, remove the overstrike over "systems"

Page 1, line 14, remove the second "devices"

Page 1, line 15, remove "Devices"

Page 1, line 15, overstrike "must be installed and maintained in"

Page 1, overstrike line 16

Page 1, line 17, overstrike "adopted by the state fire marshal" and insert immediately thereafter "The installation and maintenance must be in accordance with state and local building and fire codes. All residential rental property, with the exception of property covered by section 23-09-02.1, must be equipped with smoke detection alarms or other approved alarm systems for the protection of occupants of the property"

Page 1, line 19, replace "devices" with "alarms"

Page 1, line 19, replace "Devices" with "Alarms"

Page 1, line 22, replace "devices" with "alarms"

Page 1, line 24, replace "devices" with "alarms"

Page 2, line 1, overstrike "unit"

Page 2, line 2, replace the first "device" with "alarm"

9/12/17 DF
2 of 2

Page 2, line 2, remove the overstrike over the second "system"

Page 2, line 2, remove the second "device"

Page 2, line 5, overstrike "dwelling units" and insert immediately thereafter "dwellings"

Page 2, line 7, remove "detection"

Page 2, line 8, replace "devices" with "alarms"

Page 2, line 9, overstrike "Any property owner who willfully fails to install a"

Page 2, line 9, remove "device"

Page 2, line 9, overstrike "as required by this"

Page 2, line 10, overstrike "section is guilty of"

Page 2, line 10, replace "an infraction" with "A landlord may charge a tenant for damages equivalent to three times the cost associated with replacing an alarm that was damaged during the time the tenant occupied the property."

5. A landlord may not be held liable for injury or damages caused as the result of an inoperable carbon monoxide alarm"

Page 2, remove lines 11 through 16

Page 3, line 17, replace "2018" with "2019"

Renumber accordingly

April 18, 2017

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1201

That the Senate recede from its amendments as printed on page 1277 of the House Journal and page 1064 of the Senate Journal and that Engrossed House Bill No. 1201 be amended as follows:

Page 1, line 3, remove ", subdivision d of subsection 1 of section"

Page 1, line 4, remove "47-16-13.1,"

Page 1, line 5, replace "devices" with "alarms"

Page 1, line 10, replace "devices" with "alarms"

Page 1, line 12, after the first "property" insert "that includes a wood or other fuel-fired fireplace, heater, or appliance or an attached garage."

Page 1, line 13, after "23-09-02.1" insert "or unless exempted by state and local building and fire codes."

Page 1, line 13, overstrike "smoke"

Page 1, line 13, remove "and"

Page 1, line 14, replace the first "devices" with "alarms"

Page 1, line 14, remove the overstrike over "systems"

Page 1, line 14, remove the second "devices"

Page 1, line 15, remove "Devices"

Page 1, line 15, overstrike "must be installed and maintained in"

Page 1, overstrike line 16

Page 1, line 17, overstrike "adopted by the state fire marshal" and insert immediately thereafter "The installation and maintenance must be in accordance with state and local building and fire codes. All residential rental property, with the exception of property covered by section 23-09-02.1, must be equipped with smoke detection alarms or other approved alarm systems for the protection of occupants of the property"

Page 1, line 19, replace "devices" with "alarms"

Page 1, line 19, replace "Devices" with "Alarms"

Page 1, line 22, replace "devices" with "alarms"

Page 1, line 24, replace "devices" with "alarms"

Page 2, line 1, overstrike "unit"

Page 2, line 2, replace the first "device" with "alarm"

Page 2, line 2, remove the overstrike over the second "system"

Page 2, line 2, remove the second "device"

4/18/17 DPO
2 of 2

Page 2, line 5, overstrike "dwelling units" and insert immediately thereafter "dwellings"

Page 2, line 7, remove "detection"

Page 2, line 8, replace "devices" with "alarms"

Page 2, line 9, replace "device" with "smoke detection alarm"

Page 2, line 10, remove the overstrike over "a class B misdemeanor"

Page 2, line 10, replace "an infraction" with " .

5. A landlord may charge a tenant for damages equivalent to three times the cost associated with replacing an alarm that was damaged during the time the tenant occupied the property.

6. A landlord may not be held liable for injury or damages caused as the result of an inoperable carbon monoxide alarm"

Page 2, remove lines 11 through 16

Page 3, line 17, replace "2018" with "2019"

Renumber accordingly

**2017 HOUSE CONFERENCE COMMITTEE
 ROLL CALL VOTES**

BILL/RESOLUTION NO. 1201 as (re) engrossed

House Industry, Business & Labor 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: Rep Lefor Seconded by: Rep Boschee

Representatives	4/7	4/11		Yes	No	Senators	4/7	4/11		Yes	No
Rep Sukut	X	X		X		Sen Casper	X	X		X	
Rep Lefor	X	X		X		Sen Roers	X	X		X	
Rep Boschee	X	X		X		Sen Marcellais	X	X		X	
Total Rep. Vote				3		Total Senate Vote				3	

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier _____ Senate Carrier _____

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Sen Casper's amendment (attachment 2) other than adding section 3 back into the bill.

**2017 HOUSE CONFERENCE COMMITTEE
 ROLL CALL VOTES**

BILL/RESOLUTION NO. 1201 as (re) engrossed

House Industry, Business & Labor 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: Rep Boschee Seconded by: Sen Casper

Representatives			Yes	No				Yes	No	
	4/7	4/11				4/7	4/11			
Rep Sukut	X	X	X			Sen Casper	X	X	X	
Rep Lefor	X	X	X			Sen Roers	X	X	X	
Rep Boschee	X	X	X			Sen Marcellais	X	X	X	
Total Rep. Vote			3			Total Senate Vote			3	

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier _____ Senate Carrier _____

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Add date for Jan 1, 2019.

**2017 HOUSE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. 1201 as (re) engrossed

House Industry, Business & Labor 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: Rep Boschee Seconded by: Sen Casper

Representatives	4/7	4/11	4/12	Yes	No	Senators	4/7	4/11	4/12	Yes	No
Rep Sukut	X	X	X	X		Sen Casper	X	X	X	X	
Rep Lefor	X	X	X	X		Sen Roers	X	X	X	X	
Rep Boschee	X	X	X	X		Sen Marcellais	X	X	X	X	
Total Rep. Vote				3		Total Senate Vote				3	

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier _____ Senate Carrier _____

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Page 1, line 13, after the word garage "unless exempted from local & state building & fire codes".

**2017 HOUSE CONFERENCE COMMITTEE
 ROLL CALL VOTES**

BILL/RESOLUTION NO. 1201 as (re) engrossed

House Industry, Business & Labor 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: Rep Lefor Seconded by: Sen Casper

Representatives	4/7	4/11	4/12	Yes	No	Senators	4/7	4/11	4/12	Yes	No
Rep Sukut	X	X	X	X		Sen Casper	X	X	X	X	
Rep Lefor	X	X	X	X		Sen Roers	X	X	X	X	
Rep Boschee	X	X	X	X		Sen Marcellais	X	X	X	X	
Total Rep. Vote				3		Total Senate Vote				3	

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier _____ Senate Carrier _____

LC Number 17.0343 . 03008 of amendment

LC Number _____ . 07000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

**2017 HOUSE CONFERENCE COMMITTEE
 ROLL CALL VOTES**

BILL/RESOLUTION NO. 1201 as (re) engrossed

House Industry, Business & Labor 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 Casper Seconded by: Sen Roers

Representatives	4/18		Yes	No		Senators	4/18		Yes	No
Rep Sukut	X		X			Sen Casper	X		X	
Rep Lefor	X		X			Sen Roers	X		X	
Rep Boschee	X		X			Sen Marcellais	X		X	
Total Rep. Vote			3			Total Senate Vote			3	

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier _____ Senate Carrier _____

LC Number 17.0343 . 03009 of amendment

LC Number _____ . 08000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Motion to accept amendment 17.0343.03009, title 08000.

REPORT OF CONFERENCE COMMITTEE

HB 1201, as engrossed: Your conference committee (Sens. Casper, Roers, Marcellais and Reps. Sukut, Lefor, Boschee) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1277, adopt amendments as follows, and place HB 1201 on the Seventh order:

That the Senate recede from its amendments as printed on page 1277 of the House Journal and page 1064 of the Senate Journal and that Engrossed House Bill No. 1201 be amended as follows:

Page 1, line 3, remove ", subdivision d of subsection 1 of section"

Page 1, line 4, remove "47-16-13.1,"

Page 1, line 5, replace "devices" with "alarms"

Page 1, line 5, remove "to provide a penalty;"

Page 1, line 10, replace "**devices**" with "**alarms**"

Page 1, line 11, overstrike " - **Penalty**"

Page 1, line 12, after the first "property" insert "that includes a wood or other fuel-fired fireplace, heater, or appliance or an attached garage."

Page 1, line 13, after "23-09-02.1" insert "or unless exempted by state and local building and fire codes."

Page 1, line 13, overstrike "smoke"

Page 1, line 13, remove "and"

Page 1, line 14, replace the first "devices" with "alarms"

Page 1, line 14, remove the overstrike over "systems"

Page 1, line 14, remove the second "devices"

Page 1, line 15, remove "Devices"

Page 1, line 15, overstrike "must be installed and maintained in"

Page 1, overstrike line 16

Page 1, line 17, overstrike "adopted by the state fire marshal" and insert immediately thereafter "The installation and maintenance must be in accordance with state and local building and fire codes. All residential rental property, with the exception of property covered by section 23-09-02.1, must be equipped with smoke detection alarms or other approved alarm systems for the protection of occupants of the property"

Page 1, line 19, replace "devices" with "alarms"

Page 1, line 19, replace "Devices" with "Alarms"

Page 1, line 22, replace "devices" with "alarms"

Page 1, line 24, replace "devices" with "alarms"

Page 2, line 1, overstrike "unit"

Page 2, line 2, replace the first "device" with "alarm"

Page 2, line 2, remove the overstrike over the second "~~system~~"

Page 2, line 2, remove the second "device"

Page 2, line 5, overstrike "dwelling units" and insert immediately thereafter "dwellings"

Page 2, line 7, remove "detection"

Page 2, line 8, replace "devices" with "alarms"

Page 2, line 9, overstrike "Any property owner who willfully fails to install a"

Page 2, line 9, remove "device"

Page 2, line 9, overstrike "as required by this"

Page 2, line 10, overstrike "section is guilty of"

Page 2, line 10, replace "an infraction" with "A landlord may charge a tenant for damages equivalent to three times the cost associated with replacing an alarm that was damaged during the time the tenant occupied the property."

5. A landlord may not be held liable for injury or damages caused as the result of an inoperable carbon monoxide alarm"

Page 2, remove lines 11 through 16

Page 3, line 17, replace "2018" with "2019"

Renumber accordingly

Engrossed HB 1201 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1201, as engrossed: Your conference committee (Sens. Casper, Roers, Marcellais and Reps. Sukut, Lefor, Boschee) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1277, adopt amendments as follows, and place HB 1201 on the Seventh order:

That the Senate recede from its amendments as printed on page 1277 of the House Journal and page 1064 of the Senate Journal and that Engrossed House Bill No. 1201 be amended as follows:

Page 1, line 3, remove ", subdivision d of subsection 1 of section"

Page 1, line 4, remove "47-16-13.1,"

Page 1, line 5, replace "devices" with "alarms"

Page 1, line 10, replace "**devices**" with "**alarms**"

Page 1, line 12, after the first "property" insert "that includes a wood or other fuel-fired fireplace, heater, or appliance or an attached garage,"

Page 1, line 13, after "23-09-02.1" insert "or unless exempted by state and local building and fire codes,"

Page 1, line 13, overstrike "smoke"

Page 1, line 13, remove "and"

Page 1, line 14, replace the first "devices" with "alarms"

Page 1, line 14, remove the overstrike over "systems"

Page 1, line 14, remove the second "devices"

Page 1, line 15, remove "Devices"

Page 1, line 15, overstrike "must be installed and maintained in"

Page 1, overstrike line 16

Page 1, line 17, overstrike "adopted by the state fire marshal" and insert immediately thereafter "The installation and maintenance must be in accordance with state and local building and fire codes. All residential rental property, with the exception of property covered by section 23-09-02.1, must be equipped with smoke detection alarms or other approved alarm systems for the protection of occupants of the property"

Page 1, line 19, replace "devices" with "alarms"

Page 1, line 19, replace "Devices" with "Alarms"

Page 1, line 22, replace "devices" with "alarms"

Page 1, line 24, replace "devices" with "alarms"

Page 2, line 1, overstrike "unit"

Page 2, line 2, replace the first "device" with "alarm"

Page 2, line 2, remove the overstrike over the second "system"

Page 2, line 2, remove the second "device"

Page 2, line 5, overstrike "dwelling units" and insert immediately thereafter "dwellings"

Page 2, line 7, remove "detection"

Page 2, line 8, replace "devices" with "alarms"

Page 2, line 9, replace "device" with "smoke detection alarm"

Page 2, line 10, remove the overstrike over "a class B misdemeanor"

Page 2, line 10, replace "an infraction" with "."

5. A landlord may charge a tenant for damages equivalent to three times the cost associated with replacing an alarm that was damaged during the time the tenant occupied the property.

6. A landlord may not be held liable for injury or damages caused as the result of an inoperable carbon monoxide alarm"

Page 2, remove lines 11 through 16

Page 3, line 17, replace "2018" with "2019"

Renumber accordingly

Engrossed HB 1201 was placed on the Seventh order of business on the calendar.

2017 TESTIMONY

HB 1201

Feb 7 201

HB1201

1

HOUSE IBL COMMITTEE

HB1201

REPRESENTATIVE GARY R. SUKUT

DISTRICT 1

MISTER CHAIRMAN AND MEMBERS OF THE COMMITTEE

FOR THE RECORD, I AM GARY SUKUT, REPRESENTATIVE FROM DISTRICT 1 AND I AM HERE THIS MORNING TO INTRODUCE HB1201.

THIS BILL DEALS WITH THE INSTALLATION OF CARBON MONOXIDE DEVICES AND SMOKE DETECTION DEVICES. I WAS APPROACHED BY A LOCAL CONSTITUENT WHOSE COLLEGE ROOMMATE (DON JOHNSON) HAS A DAUGHTER WHO LOST HER LIFE TO CARBON MONOXIDE POISONING. DON HAS BEEN SUCCESSFUL GETTING LEGISLATION PASSED IN COLORADO AND IOWA UPDATING THEIR CARBON MONOXIDE LAWS AND IS ON A MISSION TO SAVE OTHERS THE UNFORTUNATE EXPERIENCE OF LOSING A LOVED ONE TO CARBON MONOXIDE POISONING. AFTER CHECKING OUT OUR NORTH DAKOTA LAWS WITH RESPECT TO CARBON MONOXIDE ALARMS, VISITING WITH STATE AND LOCAL FOLKS DIRECTLY INVOLVED WITH THIS ISSUE, IT WAS APPARENT THAT NORTH DAKOTA LAWS NEEDED TO BE UPDATED. SO HERE WE ARE TODAY, STATE FIRE MARSHALL, FIRE DEPARTMENT CHIEF AND FOLKS WHO HAVE LOST LOVED ONES BY CARBON MONOXIDE POISONING.

I WILL GO THROUGH THE BILL SECTION BY SECTION.

SUBSECTION 1, PAGE 1 DEALS WITH CARBON DETECTION DEVICES FOR RESIDENTIAL RENTAL PROPERTY. THIS SECTION ADDS CARBON MONOXIDE DETECTION DEVICES TO THE EXISTING CODE FOR SMOKE DETECTION DEVICES. THE TENANT OCCUPYING A SINGLE-FAMILY RENTAL DWELLING IS RESPONSIBLE FOR MAINTAINING AND INSPECTING THE CARBON MONOXIDE DEVICES. IN OTHER DWELLINGS, THE LANDLORD IS RESPONSIBLE TO MAKE SURE THE DEVICES ARE IN PROPER OPERATION UPON OCCUPANCY OF EACH NEW TENANT. THE

STATE FIRE MARSHAL SHALL ADOPT RULES THAT ARE COMPLIANT WITH APPLICABLE NATIONAL FIRE PROTECTION STANDARDS.

SUBSECTION 2, PAGE 1 REQUIRES THE LANDLORD TO PROVIDE AN APPROVED VISUAL SMOKE AND CARBON MONOXIDE DETECTION DEVICE IF REQUESTED IN WRITING BY A TENANT WHO IS DEAF.

SUBSECTION 3, PAGE 2 NOTHING IN THIS SECTION 1 CAN ALTER THE PROVISIONS OF THE STATE BUILDING CODE

SUBSECTION 4, PAGE 2, ANY PROPERTY OWNER WHO WILLFULLY FAILS TO INSTALL A DEVICE AS REQUIRED BY THIS SECTION 1 IS GUILTY OF A CLASS B MISDEMEANOR.

SECTION 2, PAGE 2 - INSERTS CARBON MONOXIDE AND SMOKE DETECTION DEVICES INTO THE LANDLORD OBLIGATIONS

SECTION 3, PAGE 2 - IF A CARBON MONOXIDE DEVICE IS FOUND INOPERABLE, THE LANDLORD SHALL CORRECT THE SITUATION WITHIN 30 DAYS. IF THE LANDLORD FAILS TO CORRECT THE SITUATION WITHIN 30 DAYS, THE TENANT MAY CORRECT THE PROBLEM AND DEDUCT THE REPAIR COST FROM THE NEXT RENTAL PAYMENT. THE LANDLORD MAY REQUIRE THE TENANT TO PROVIDE THE BATTERY FOR A BATTERY OPERATED CARBON MONOXIDE ALARM IF THE TENANT HAS BEEN A RESIDENT FOR LONGER THAN 30 DAYS.

SECTION 4, SUBSECTION 4A, PAGE 2 - DEALS WITH FIRE SPRINKLERS. LEGISLATIVE COUNCIL TOOK ADVANTAGE TO CORRECT A PUNCTUATION ERROR. A HYPHEN WAS MISSING BETWEEN SINGLE AND FAMILY.

SUBSECTION 4b - DEALS WITH SCHOOL PORTABLE CLASSROOMS. LEGISLATIVE COUNCIL AGAIN TOOK ADVANTAGE OF AN OPPORTUNITY TO UPDATE THIS SUBSECTION - POLITICAL SUBDIVISION IS REPLACED WITH CITY, TOWNSHIP OR COUNTY TO BE CONSISTENT WITH CURRENT CODE.

SUBSECTION 4c - REQUIRES ANY SINGLE-FAMILY DWELLING OR A MULTIPLE-UNIT DWELLING THAT INCLUDES A RESIDENTIAL DWELLING OR INCLUDES A RESIDENTIAL DWELLING UNIT THAT IS LEASED OR RENTED THAT IS SOLD OR FOR

WHICH OWNERSHIP OF THE PROPERTY IS OTHERWISE TRANSFERRED AFTER DECEMBER 31, 2017 TO HAVE CARBON MONOXIDE DETECTION DEVICES AND SMOKE DETECTION DEVICES INSTALLED IF THE STRUCTURE INCLUDES A WOOD OR OTHER FUEL-FIRED FIREPLACE, HEATER, OR APPLIANCE OR AN ATTACHED GARAGE.

THIS ACT BECOMES EFFECTIVE ON JANUARY 1, 2018

MISTER CHAIRMAN AND COMMITTEE MEMBERS I THANK YOU FOR THIS OPPORTUNITY TO PRESENT HB1201 AND I ASK YOU FOR YOUR FAVORABLE SUPPORT.

I STAND FOR QUESTIONS.

Feb 7, 2017

HB 1201

2

Testimony for Landlord Responsibilities - Carbon Monoxide Alarms

- I. Introduction
 - a. I am Jeff Huber the State Fire Marshal for North Dakota.

- II. The purpose of my presence here today is to inform the committee of the gap that exists between the International Building Code (IBC), International Fire Code (IFC), and the International Residential Code (IRC). In addition, I wish to inform you of the dangers of Carbon Monoxide.
 - a. The International Building Code (IBC) applies to construction, alteration, relocation, enlargement, replacement, repair, equipment, use, occupancy, location, maintenance, removal, demolition of every building or structure. In addition, any appurtenances connected or attached to such buildings or structures.
 - i. Exception to this code is one and two family dwellings and multiple single family dwellings not more than three stories above the grade plane in height with separate means of egress and accessory structures not more than three stories above the grade plane in height. This is covered by the International Residential Code (IRC).
 - b. The IFC regulates structures, processes, premises, and safeguards. 1. Fire hazards and explosions arising from storage, handling or use of structures, materials, or devices. 2. Conditions hazardous to life, property, or public welfare in the occupancy of structures or premises. 3. Fire hazards in the structures on the premises from occupancy or operation. 4. Matters related to the construction, extension, repair, alteration, removal, or fire suppression or alarm systems. 5. Conditions affecting the safety of firefighters and emergency responders during operations. This code covers new and existing structures, except, one and two family dwellings and multiple single family dwellings not more than three stories above grade plane in height with separate means of egress. The IRC covers these structures.
 - c. The IRC covers new construction of one and two family dwellings and multiple single family dwellings. When the building is to be built, altered, added, or repaired to a structure. If these conditions exist the structures must comply with the new or current IRC code.

- III. House Bill 1201 provides a measure to fill the gap between the IBC, IRC, and IFC. This gap would normally be filled by the International Property Maintenance Code

(IPMC). This code would be enforced by an ordinance administrator or code enforcement officer. This individual sometimes works with the housing authority to inspect all rental living units. However, since the IPMC is not available, HB 1201 attempts to fill this gap.

- a. Rental units not having renovations or remodeling conducted on the buildings have no code or standard to maintain safety. Appliances or heat devices that use fossil fuels wear out or break down over time, which can allow Carbon Monoxide (CO) to escape into the properties.
- b. In the US, an average of 72,000 CO incidents occur annually. In 2010, there were over 80,100 CO incidents. 94% of these CO incidents occurred in residential properties with 73% of the CO incidents occurring in one and two family homes. The most common time for these occurrences was 8PM. 14% of these incidents occurred in January and 15% occurred in December. Mondays had the greatest occurrences at 16% and Sundays had 15% of the incidents.
- c. Between 1999 and 2009, 49% of these occurrences were caused by generators and 35% were caused by home heating systems.
- d. During 1999-2010 5,149 deaths occurred from unintentional CO poisoning. This is an average of 430 deaths per year. The highest number of individuals susceptible to these occurrences were males 65 years or older and the lowest number of occurrences were males less than 25 years old.
- e. Between 2011 and 2015, North Dakota had 20 CO deaths with 9 in 2014 and 7 in 2015.
- f. The UK examined this problem a little more in depth. They had 32,000 homes that were at risk for CO poisoning during 2014. They inspected 2,500 privately owned rental units and found 1 out five of these homes were unsafe due to CO poisoning. This is a common yet dangerous problem in many countries.

IV. I hope I was able to better inform you of the gap that exists between codes and the lethality of Carbon Monoxide. Thank you for your time.

V. Questions

Feb 7, 2017 HB 1201

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NORTH DAKOTA FIRE CHIEFS' ASSOCIATION
"NORTH DAKOTA FIRE CHIEF" A SEMI ANNUAL PUBLICATION

Testimony on House Bill 1201

House Industry, Business and Labor Committee

By Joel Boespflug

February 7, 2017

Mr. Chairman and members of the committee, my name is Joel Boespflug and I am representing the North Dakota Fire Chief's Association.

We support the advancement of carbon monoxide detection. The potential of carbon monoxide poisoning is a reality that is recognized by fire and building life safety codes. According to the National Fire Protection Association, in 2010 fire departments responded to over 80,000 non-fire incidents in which carbon monoxide was found.

Over recent years the international safety codes have continued to promote and increase the requirement for carbon monoxide detection. Section one of this bill appears to correlate well with state and local codes currently being enforced while extending further into rental properties.

The North Dakota Fire Chief's Association supports advancement of carbon monoxide detection as intended in House Bill 1201. Thank you for the opportunity to appear today and I will answer any questions that you may have.

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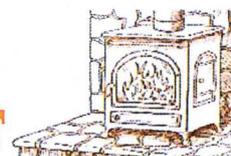
Carbon Monoxide Safety



Often called the invisible killer, carbon monoxide is an invisible, odorless, colorless gas created when fuels (such as gasoline, wood, coal, natural gas, propane, oil, and methane) burn incompletely. In the home, heating and cooking equipment that burn fuel can be sources of carbon monoxide.

- » CO alarms should be installed in a central location outside each sleeping area and on every level of the home and in other locations where required by applicable laws, codes or standards. For the best protection, interconnect all CO alarms throughout the home. When one sounds, they all sound.
- » Follow the manufacturer's instructions for placement and mounting height.
- » Choose a CO alarm that is listed by a qualified testing laboratory.
- » Call your local fire department's non-emergency number to find out what number to call if the CO alarm sounds.
- » Test CO alarms at least once a month; replace them according to the manufacturer's instructions.
- » If the audible trouble signal sounds, check for low batteries. If the battery is low, replace it. If it still sounds, call the fire department.
- » If the CO alarm sounds, immediately move to a fresh air location outdoors or by an open window or door. Make sure everyone inside the home is accounted for. Call for help from a fresh air location and stay there until emergency personnel.
- » If you need to warm a vehicle, remove it from the garage immediately after starting it. Do not run a vehicle or other fueled engine or motor indoors, even if garage doors are open. Make sure the exhaust pipe of a running vehicle is not covered with snow.
- » During and after a snowstorm, make sure vents for the dryer, furnace, stove, and fireplace are clear of snow build-up.
- » A generator should be used in a well-ventilated location outdoors away from windows, doors and vent openings.
- » Gas or charcoal grills can produce CO — only use outside.

HOME HEATING EQUIPMENT



Have fuel-burning heating equipment and chimneys inspected by a professional every year before cold weather sets in. When using a fireplace, open the flue for adequate ventilation. Never use your oven to heat your home.

FACTS

- ! A person can be poisoned by a small amount of CO over a longer period of time or by a large amount of CO over a shorter amount of time.
- ! In 2010, U.S. fire departments responded to an estimated 80,100 non-fire CO incidents in which carbon monoxide was found, or an average of nine calls per hour.

North Dakota

Fire Chief's Association



Your Source for SAFETY Information

NFPA Public Education Division • 1 Batterymarch Park, Quincy, MA 02169

Feb 7, 2017

Attachment 4
HB 1201

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

My Name is Matt Markworth and Williston has been home to my wife, 3 girls, a dog and myself for the past 3 years' full time. I would like to thank you for this opportunity to share with you my thoughts, and experience on how important Carbon Monoxide detectors really are.

I moved my family into a rental home in late August of 2016. We we're very happy to be able to move from an apartment into a house (even though it is a rental). When we got all settled into the new house, I started to double check a few items in the house, such as water heater, furnace, appliances, etc. The furnace had the original purchase date of October 1987, making the furnace 30 years old. I was a bit nervous with the age of furnace so I made a few calls to come and do a preventative maintenance check up on the furnace. The checkup went well and I was told that furnace was in surprisingly good shape for being that old.

As a member of Williston Area Builders Association, I have been involved with a few seminars and discussions about the proposed House Bill 1201 and how important CO detectors are. After hearing a couple horrible stories, I started to think about my own residence. I went home and did a check of all areas of the house checking smoke detectors and came to the conclusion that I only had 1 Carbon Monoxide Detector in the house and the battery was no longer good. I went to Menards in Williston the 2nd week of November 2016 and bought new CO and Smoke detectors for the entire house. All bedrooms now have a combination smoke/CO detector and in main living room on 1st and basement levels I added CO detectors.

On December 28, 2016 I went back to work after the Christmas break. Kendra, my wife, called me at 6:45 am and said that the CO detectors were going off in the house and that she had already called the Williston Fire Department. I told her that I was on my way back to the house and for her and the kids to get out of the house. I got home a few minutes after the phone call and when I entered the house the CO detectors were still going off. I opened the front and back doors of the house and opened the screen doors so air was moving on the main level of the house. I went out to the garage to talk to my wife and kids to make sure everyone was ok. At that time the Fire Department was pulling up to our house and a fire fighter started to check on the health of all individuals and the other Fire fighter started to investigate the house. I went with that gentlemen and the hand held detector he had started reading 28 parts per million at the back door with the screen door open and getting fresh air. We walked through main level of house as the detector continued to stay steady around 28 ppm. He then asked where the furnace and water heater were located, so I showed him both. At the furnace he started getting readings of 56 ppm. He adjusted the thermostat to lower temperature to keep heat on to prevent any freezing and called MDU to come help investigate. The fire department made sure all were ok and recommended we stay out of house until the problem can be solved.

An MDU representative arrived shortly later, and he went through the same procedures. He increased the temperature on thermostat and started checking vents throughout the house and directly at the furnace. He then turned the thermostat back down and directed me to get an HVAC Contractor to come look at the furnace as that was defiantly the cause.

I called a local HVAC contractor that dealt with the particular brand furnace that was in the house. He came around 10:30 am that morning and started to inspect the furnace. After about a 40-minute inspection it was determined that the exhaust manifold was split/cracked and the exhaust fan was not

able to pull all the unburned CO and exhaust it properly. Being a 30-year-old furnace the replacement parts were no longer available and a new furnace was needed to be installed.

I returned to work that day knowing that I needed a new furnace and that is when reality really started to set in. If I had not installed those new CO Detectors, what the results could have been! I still have a wonderful healthy wife and 3 girls because I spent about 88 dollars and installed CO Detectors throughout my home.

Williston, like many areas of North Dakota, have a higher percentage of rental properties. Many individuals do not realize the importance of CO Detectors. Things can change so quickly, like my furnace that went bad less than 2 months of having it checked. CO detectors are a serious Life Safety tool that should not be taken lightly. I cannot put a price tag on my wife and 3 girls, but I can say that the 88 dollars that saved my family's life, is invaluable to me. If I was told that CO was going to affect my family at some point like this, I would have spent who knows how much to make sure I was doing the right thing and protecting my family. Please think about this issue with the mind set of Life Safety and saving lives! The discussion that Williston Area Builders Association has had and continues to have supporting House Bill 1201, has helped save my family. I respectfully ask for a Do Pass recommendation from the Industry, Business and Labor Committee.

Again, thank you for allowing me to share my thoughts and story with you all.

Sincerely

Matt Markworth

616 18th Street West

Williston, ND 58801

(701)809-5728

HB 1201

Attachment
Feb 7, 2017 5

My wife has told me that I tend to ramble and get very emotional, so that being said, please bear with me... Thank you in advance for your time and patience.

I don't want to be here, I would give anything to not be standing in front of you here today. I, like you, often would see or hear about family tragedies on the news or in papers and think to myself, "Those poor people. I am so glad nothing like that has ever happened to me. I don't know how you get through such a terrible accident. "

My parents, Rod & Jan Larson (ma & dad to me,) lived in a farm house in Spiritwood ND. The farm house was where my dad grew up and my parents moved back there 20 years ago when Grandpa Larson passed away and Grandma moved to town.

I remember the day, and days after, like it was just yesterday. I had spoken to ma the Thursday before they passed; just chatted late at night like we did. She was certainly a night owl. She told me about her sister's 50th wedding anniversary party that they were going to Sat night, and how they had started packing for the trip to NY for their first Thanksgiving on the East coast. The last thing I said to her was, "I Love You". The weekend came and went. Sunday I would normally have called Dad to talk about the Vikings' game, but since they were flying to our house on Tuesday, I thought, "We can talk then. " Monday night, my wife and I were watching TV and the phone rang. It was a gentleman from my grandmother's church. He said grandma was worried because she always hears from ma every Monday and Jan hadn't called her or answered the phone at the farm. I told him I would give them a call. The phone just rang. I called my cousin in Fargo, thinking that if my parents were flying out early on Tuesday they might be spending the night with her. She tells me no, they were not at her house. She also says that ma's other sister was staying at the farm because she was in town for the anniversary party. I called both of my brothers, but neither had heard from our parents. I called Uncle

/

bustle; ma was trying to give her coat to a homeless man. My wife, Mary Louise, loved when dad came to visit because unlike ma he was not a 'sitter around, book reader'. Dad had to be fixing something all the time. We would make a list before they came to visit of things around the house that we needed done. There were new outlets to put in, light fixtures to change, wood to stack, grass to mow. Most of the time I would just give him the problem and I would come home from work and the problem would be solved. One time I told him we were having problems with water coming in the basement. My wife and I came home after work and dad had broken a hole in the cement floor, installed a drain and a sump pump and we have never had water since.

My parents would have been 73 this year and been celebrating a 55th wedding anniversary. Ma & dad had so much more life left in them. Ma had finally retired from her job working for the state social services office, a job she loved because she loved to help others, and dad had given up the horse shoeing, working at John Deere and even began to cut back on auction sales, although he still did some for no fee if it meant helping someone who needed it. They had begun to spend the winters in Houston with my older brother Jeff and his family, loving the warmth and being able to spend time with Dylan, their grandson. Dad used to say if he won the lottery there was a huge house on the Houston shoreline that they would buy so that everyone of their family and friends could visit anytime and not worry about having a place to stay. That is all gone now.

Grandma Larson, who just turned 95 and who still lives in Jamestown, is probably the most affected by ma & dad's passing on a daily basis because they either saw or talked to her almost every day and as I can still see the pain in her face every time we fly back to visit. In August my brothers and our families visited Jamestown and when we went to Grandma's apartment we noticed the small white board that you could write notes on that hung outside of her door since the day she moved in, was missing. I asked her about it

and she said she took it down because it was too painful to look at because every time ma would come to visit, she would write a note to her.

Ma & dad belonged to Victory Lutheran Brethren Church in Jamestown and they spent hours and hours volunteering and helping out. They loved that church and the congregation probably as much as anything else in this world. You only had to talk with the hundreds of folks at their funeral to realize what an impact they made on everyone they had met. I remember Pastor Shawn telling me how ma & dad had collected money all year in a big jar at home and when they found out that a young couple at Victory church was really hurting during the Christmas season, they would drop the jar of money off on their front step, helping them to buy Christmas presents for their kids. Victory has broken ground on a new addition to their church and a special fund has been set up that will provide for a small chapel to be built that will have Rod & Jan Larson's name on it.

Dad & Ma were elected into the ND Auctioneer hall of fame this past year.

Auctioneering was dad's great love and passion. He was great at it. As a kid growing up I would love to spend a weekend at a sale with him. We would often travel from Minot to Jamestown on the weekends to see ma and dad's folks and dad would pretend to start selling things along the way to entertain us and practice his skills. The following is a letter I wrote to be read at their hall of fame induction ceremony last year:

A little over a year ago, my cousin, Shelly K, sent me a video of dad doing an auction sale at the Peterson farm years ago. Until just last week I couldn't watch it. The DVD has been in the player for months. In Dec., before the holidays, I finally pushed play but before I got to the auction I shut it off; I was just too afraid of my reaction to hearing my dad's voice.

back as he continues to grieve. It makes life hard to see him like this. I know because of their faith in God they are spending eternity in heaven-a much better place. Make sure you know Jesus, as they would want all their family and friends to join them there some day. Thanks so much for doing this Mark. I know it isn't easy. Love you.

Ashley a granddaughter, "There are certain moments that I wished they could have been there or that I could've shared and this is how I felt:

Knowing that the day I walked across the stage with my 4.0 and psychology degree in hand that neither she nor grandpa would be there. Grandma loved and celebrated education as an honor and I was heartbroken. If you look at my pictures I had tears in my eyes.

Knowing that my brother would have to feel that same pain as he said the prayer at his college graduation, something that both my grandparents would be proud of.

Knowing that one of the best days of my life was also bittersweet because there were two people who wouldn't be at my wedding. The moment that I had my dance with my dad when the picture of me as a little girl popped up with grandma and I broke into tears. Or when I walked into the reception and saw the memory table set up in their honor. Or even when I couldn't speak as I dedicated a song in their honor.

Knowing that when I got accepted into graduate school I couldn't call and share how excited I was or how all that hard work had paid off. Or even the fact that I would never exchange another phone call with either of them.

Knowing that I would never receive another hand-made card for my birthday with various pictures of me, something that I always found thoughtful and cherished.

Knowing that when I adopted my first cat I was so emotional and for a moment I forgot. Then I realized I couldn't share this with them either.

Knowing that moment when I heard "Grandma Got Run Over by a Reindeer" come across my playlist when I was walking across campus and I tried to hold back the tears. There are days when memories will pop into my head or I will see something that will remind me of them and I can't hold back tears. It's not unusual with grief, but I wouldn't wish this on anyone and if something can be done to prevent this, I urge people to take action.

I will always miss them, but I am so thankful that I know where they are. ☺:)

Karen Tabor, one of ma's best friends and her husband, Darwin who was dad's auctioneer partner and great friend says: The devastating loss of our dear friends will haunt us forever. It was a tragedy that affected more people than we can imagine-their love & concern touched everyone who was blessed to know them.

Joan Strandlien a longtime friend: "Met you mom and dad about 1968. There were 5 of us that we're very close girlfriends. We played cards, celebrated birthdays and many other occasions. I remember coming to your home one afternoon and your dad found out I had never been on a horse, he insisted he give me a ride to experience what I had been missing out on. Well to say the least, I almost wet my pants!! A ride of a lifetime!!!! Your parents were great and so missed! I have so many memories of the good times....."

Laurie Greaves one of our neighbors, who had met my parents only twice, "I had met your parents at gatherings at your and Mary Louise's home. When I showed up, broken hearted with my deceased dog, Dyna, they couldn't have been kinder. Your Mom was a great hugger and had such a consoling voice.

subsequent carbon monoxide- poisoning in their rural Spritwood farmstead. It was a needless end to their lives.

My parents were true blue North Dakota natives. They lived most of their lives in the rural Minot area; mom worked for the state of North Dakota 38 years while my dad sold irrigation equipment with Butler I & I through the first oil boom in Western North Dakota . In the late 1980's my dad went to horseshoeing school and my parents moved to the family farm in 1993. They loved the state and their place.

I cannot express the total shock when that call came late on Monday night. It was totally preventable. Indeed, in my mom's daily bible journal her entry for Sunday morning was something around the notion that it sure is warm in here tonight, smell some gas, but the alarm isn't going off so it must be okay. They thought I guess, that the smoke alarm would detect carbon monoxide. As the furnace spewed the gas, the nozzles failed, and my parents were unnecessarily killed. It really is that simple.

You know, my parents worked their whole life to enjoy their retirement. They were married 50 plus years at the time of their deaths, and had hoped to be around to see great grandkids. A day does not go by when I do not think about the loss of my dad's counsel or my mom's empathetic ear. You survive and go on but you never get over it. As I started to counsel others on loss at my church, I am reminded how much I actually lost. Preventable and sad.

In closing, you got a little bit of my heart in what was supposed to official correspondence, I am sorry for that occurrence. Please consider my appeal as your sponsored HB1201 bill hopefully becomes codified in North Dakota law.

Tammy Larson, my little brother Kelly's wife, writes, "Our lives will forever be changed by their loss. They loved and treated me like a daughter. I miss them. But what's most difficult is that with their passing, I also lost a part of my husband that I'll never get

6

Darlene Abel, one of my parents' oldest friends from Minot came to the funeral and then a day later emailed this story to me:

“The day we saw you at the funeral home, we drove back to Fargo where we were taking watch of Justin's children. We stopped at Menards and I told Abe I was going to look at CO detectors. I picked one out and we went to their home and I plugged it in and never really thought of it again. I did mention we got it to Leslie, Justin's wife.

Day before yesterday, she sent me a text to tell me that the alarm had gone off in the middle of the night while they were asleep about 12:30 am. It was a crack in the furnace. It had overheated a few times and caused the thing to crack. She said they would have not woken up and it saved their lives. It was Justin, Leslie and three children plus pets all asleep in the house. So, so, so glad I followed my instincts that day.

I know it is of little consolation to you but I am forever grateful for the silver lining in the horrible black cloud that stuck your family. Hope you are doing ok. I know it is tough going and will be for some time; Hugs and blessings...”

I know in my heart that ma & dad were smiling down from heaven and if their passing allowed a family with three children to live they gladly would pay that price over and over again.

When a tragedy like this occurs we look to rationalize and at the same time ask why such an accident took place. We have spent many nights just asking God, Why? My son and granddaughter have now moved into the farm; they lived in CT but were having a terrible go of it. They would come to visit my wife and me in New York and at times my son looked like a beaten man. They are happier now than they have ever been. He has found a

great woman with two small kids who have moved into the farm house as well. When we visited in August and I saw those small kids running around the farm it helped in a small way to ease my pain because I know in my heart that ma & dad were smiling down from heaven. I ask you, I implore you to please pass this bill; because every CO detector that is installed because of this bill will bring a smile to my ma & dads face. If just one family can be saved the grief , loss, and heartache that we all still feel today with the passing of ma & dad, it will put my family and friends one step closer to....helping our hearts heal...

Thank you

Feb 7, 2017

HB 1201

Attachment

6

Good Morning Chairman Keiser and Committee

My name is Kari Newman Ness and I live in Jamestown, ND

My father died of Carbon Monoxide poisoning in February of 2014. To type that sentence and even more so to speak it is difficult even three years after his death.

My dad was 80 years old when he died. He was a lifelong North Dakotan, born and raised in Mayville, spent his entire adulthood in Jamestown.

He came to work every day until the day he died. He was very fortunate in his work-life, loved his work and the many friends he made while building his business here in North Dakota, whether they were customers, landowners, employees or policy makers like yourselves. He did what I am doing right this minute many times in his almost 60 years at Newman Signs. He very much enjoyed his time here at the Capitol with you all.

The night my Dad passed he went to a Jimmie Basketball game, stopped after the game to get something to eat, drove himself home, parked in his attached garage, got ready for bed and went to sleep. What he failed to do was properly shut his car off. The combination of a very quiet vehicle, some hearing loss and the lack of a CO2 monitor resulted in his death.

Dad lived in a townhome that he had owned for just over a year. The CO2 levels in his home were over 500ppm. The measuring tool the Jamestown Fire had at the time measure only to 500 ppm so we will never accurately know the levels. As I mentioned, he did NOT have a CO2 monitor in his home.

I am here to tell you my family's CO2 story, but as difficult as it is for me to tell, my story is about the passing of an 80 year old man who had a very good and long life. He went to sleep one night and did not wake up. ~~I was the one to find him the next morning and I know his death was peaceful.~~ I'm guessing many of you have lost your parents in ways that make my Dad's passing almost enviable. But, please, keep in mind he was NOT a young person with his or her entire life ahead of them. This bill protects those people, all people.

Your jobs are to listen to both sides of every bill brought before you and I know there are many. It is a weighty and serious responsibility as sometimes, like now, the recommendation this committee makes to the full House has life and death implications.

This bill will save lives. I encourage a strong DO PASS.

1



National Electrical Manufacturers Association

Representative Gary R. Sukut
1603 Fourth Avenue East
Williston, ND 58801-4324

February 6, 2017

Via email: gsukut@nd.gov

Representative Sukut,

The Fire, Life Safety, Security and Emergency Communication Section of the National Electrical Manufacturers Association (NEMA) strongly supports HB 1201 which, if enacted, would update the North Dakota Century Code (NDCC) to require that all residential rental properties within the state be equipped with carbon monoxide detection devices. Carbon monoxide (CO) poisoning is the leading cause of accidental poisoning death in the United States. High concentrations of CO—a colorless, odorless gas that is produced when fossil fuel is incompletely burned—can cause cognitive impairment, loss of consciousness, coma, and often death. In fact, the U.S. Centers for Disease Control and prevention (CDC) reports that more than 400 people die in the U.S. each year from accidental CO poisoning and estimates that approximately 20,000 Americans seek medical attention annually due to carbon monoxide.

NEMA's support for the bill notwithstanding, we do have questions regarding the meaning of "detection system" as used in Section 23-13-15 of the NDCC. NEMA understands that term to refer to a system of interconnected detectors that communicate with and are monitored through a control unit. While these products are certainly appropriate for some residential rental properties such as apartment buildings, owners and occupants of single-family dwellings may prefer to install "alarms" which are also detection devices but do not connect to a control unit and are capable of operating in a stand-alone fashion. NEMA is concerned that use of "detection systems" may inadvertently preclude the installation of alarms. Accordingly, NEMA recommends replacing any reference in the statutory language to "detection systems" with "detection devices."

Lastly, NEMA has noted that the statutory language does not reference the appropriate product standards for either smoke or carbon monoxide detection devices. These standards are as follows:

- UL 217 Standard for Smoke Alarms
- UL 268 Smoke Detectors for Fire Alarm Systems
- UL 2034 Standard for Single and Multiple Station Carbon Monoxide Alarms
- UL 2075 Standard for Gas and Vapor Detectors and Sensors

Compliance with any of the above standards ensures that the detection device will function properly and safely. Product standards are updated regularly by members of stakeholder industries and manufacturers of these products routinely retain third-party nationally recognized testing laboratories to test and certify that the product complies with the standard requirements. Requiring that detection devices be listed (e.g. tested and certified) ensures the highest degree of life safety protection of residents of North Dakota.

NEMA stands ready to work with you to advance this critical legislation. We hope that you will consider our industry as one of your best technical resources for carbon monoxide and life safety product information. We are available at any time to consult with you on these matters.

Please do not hesitate to contact me at (703) 841-3245 or via email at jonathan.stewart@nema.org if you have any questions regarding NEMA's support for HB 1201 or recommendations for technical amendments.

Respectfully,



Jonathan Stewart
Manager, Government Relations

NEMA is the association of electrical equipment manufacturers, founded in 1926 and headquartered in Rosslyn, Virginia. Its member companies manufacture a diverse set of products including power transmission and distribution equipment, lighting systems, factory automation and control systems, and medical diagnostic imaging systems. Worldwide annual sales of NEMA-scope products exceed \$100 billion. NEMA Fire, Life Safety, Security and Emergency Communication members manufacture fire, smoke, and carbon monoxide detection and warning equipment.

MISSOURI SOUTHERN

STATE UNIVERSITY

DEPARTMENT OF COMMUNICATION

Representative Gary R. Sukut
1603 Fourth Avenue East
Williston, ND 58801-4324
gsukut@nd.gov

Dear Sir:

I am writing this letter to offer my support for HB1201. As you are probably aware, both of my parents, Rod and Janet, were killed November 17, 2014 due to a furnace leak and subsequent carbon monoxide poisoning in their rural Spritwood farmstead. It was a needless end to their lives.

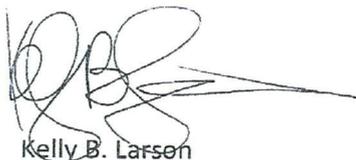
My parents were true blue North Dakota natives. They lived most of their lives in the rural Minot area; mom worked for the state of North Dakota 38 years while my dad sold irrigation equipment with Butler I & I through the first oil boom in Western North Dakota. In the late 1980's my dad went to horseshoeing school and my parents moved to the family farm in 1993. They loved the state and their place.

I cannot express the total shock when that call came late on Monday night. It was totally preventable. Indeed, in my mom's daily bible journal her entry for Sunday morning was something around the notion that it sure is warm in here tonight, smell some gas, but the alarm isn't going off so it must be okay. They thought, I guess, that the smoke alarm would detect carbon monoxide. As the Rheem furnace spewed the gas, the nozzles failed, and my parents were unnecessarily killed. It really is that simple.

You know, my parents worked their whole life to enjoy their retirement. They were married 50 plus years at the time of their deaths, and had hoped to be around to see great grandkids. A day does not go by when I do not think about the loss of my dad's counsel or my mom's empathetic ear. You survive and go on but you never get over it. As I started to counsel others on loss at my church, I am reminded how much I actually lost. Preventable and sad.

In closing, you got a little bit of my heart in what was supposed to official correspondence, I am sorry for that occurrence. Please consider my appeal as your sponsored HB1201 bill hopefully becomes codified in North Dakota law.

Respectfully,



Kelly B. Larson
Associate Professor, Communication
358 Webster Hall
Joplin, Missouri 64801
Larson-k@mssu.edu



To Don Johnson:

Regarding Bill for changes in carbon monoxide alarms and smoke detection devices:

The proposed bill for changes to installation of carbon monoxide alarms and smoke detection devices has been reviewed by the North Dakota Nurse Practitioner Association and we support this bill.

Cheryl Rising, FNP Legislative Liaison

crisingnp@gmail.com

701-527-2573



✧ 1912-2017 ✧
1515 Burnt Boat Drive
Suite C #325
Bismarck, ND 58503
701-335-6376

January 14, 2017

Dear Representative Sukut

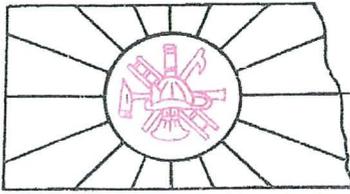
I am writing on behalf of the North Dakota Nurses Association in support of House Bill 1201.

The North Dakota Nurses Association supports population health focused legislation including safety measures for North Dakota citizens. Carbon monoxide is a colorless, odorless, poisonous gas undetectable to human senses. Carbon monoxide can be produced from cars running while warming up in a garage or a water heater that has malfunctioned or even a blocked chimney. These are all possibilities in a North Dakota home or apartment. Carbon monoxide detectors are a first line of defense to this silent killer.

This bill provides a life saving measure for all people of North Dakota. Over time many lives will be saved from this preventative measure and the cost does not compare to the price of one's life. Carbon Monoxide does not discriminate on race or income; you, your family or friend could be the next victim. Take action now to prevent the tragic loss of human life.

Thank you for your consideration in supporting HB 1201.

Carmen Bryhn MSN, BSN, RN
director@ndna.org
Executive Director
North Dakota Nurses Association



*North Dakota
Firefighter's Association*

P.O. Box 6127 • Bismarck, ND 58506-6127

Phone: 701-222-2799

Fax: 701-222-2899

February 2, 2017

Representative Gary R. Sukut
1603 Fourth Avenue East
Williston, ND 58801-4324

Dear Representative Sukut,

The North Dakota Firefighter's Association would like to support House Bill 1201 relating to the landlord responsibilities regarding carbon monoxide alarms; to amend and reenact section 23-13-15, subdivision d of subsection 1 of section 47-16-13.1, and subsection 4 of section 54-21.3-03 of the North Dakota Century Code, relating to the installation of carbon monoxide alarms and smoke detection devices; and to provide an effective date.

This bill would require C.O. alarms in apartments which are not covered by existing laws and would add provisions for existing homeowners to certify that they have C.O. alarms (and smoke detection devices) when the property is transferred to a different owner.

Respectfully,

Jonathan Hildremyr
President

especially Rep Sukut
Thank them
for allowing me to testify

Testimony before N.D. Legislature

Lauren, my daughter, was only 15 when she learned a very important lesson in life. One of her H.S. teachers challenged the class to do something for someone else and report back in a month. Lauren, and 2 of her friends, learned about a young mother, who was undergoing treatment for cancer. Her husband was laid off from his job and insurance was lost. The 3 girls decided to do a fundraiser. I won't go into all the details and hard work they did over the next 3 wks to solicit items for a silent auction and benefit dinner. I will tell you that they raised \$28,000 to help a family in need. What Lauren learned from that experience is that she didn't have to wait to make a difference and in her short life she aggressively and persistently lived out that passion to make the world a better place. During her years at the University of Portland, this academically gifted young woman, spent many hours in activities that benefited others. All 4 years she was there, every month she could be found at the battered woman's shelter on a Saturday, playing with the kids so moms could have some time of their own. She recruited volunteers for the annual Oregon State Beach cleanup. The last 2 years she was there she organized the clothing drive at the Univ. at the end of each semester and then instead of rushing off as most students did, would spend 2 or 3 days, sorting and distributing the clothes to local agencies. She worked for 2 different agencies that served the homeless in downtown Portland, the same neighborhood her grandmother worked in for over 20 years helping the poor. Somehow, she still managed to graduate in 4 years with a double major and a 3.7 gpa. The day after graduation, she left for 6 wks in Nicaragua, living with a poor family there to understand better the issues of 3rd world poverty and politics. She was thrilled to be accepted into the prestigious Joseph Korb School of International Studies in Denver, Co, named for the former Secretary of State, Madeline Albright, father and the alma mater of Condolisa Rice. There she began her pursuit of a graduate degree in International Human Rights. She had found her niche and had one goal which she was very passionate about—to make the world a better place. One of her professors, would later tell me that he loved having her in class because she took the discussion from "what you know to what you believe". She was chosen to lead and be the spokesperson for a group of graduate students who would be going to Israel for 11 weeks to work with various human rights organizations. She didn't get to make that trip. Just 5 days before

they were to leave, Lauren was in her apartment. She had gone back early from her Christmas break, to do some extra reading for the trip she was so excited to go on. Just the day before, she and I had a rather intense conversation about the safety of this trip. At the time, the Palestinians were shooting several missiles a day at Israel. She said, Dad that's a long ways from where I'll be in Jerusalem. I got the atlas out and showed her that it was 150 miles, not so far after all. That was when she said, Dad, I've chosen a career that won't always be safe." That was where the discussion ended. Little did I know, the real danger, was much closer to home, in her apartment, just 60 miles away. She left that afternoon, and I can still remember her last wave and her beautiful smiling face. The next day, January 5th, 2009, she was reading in her apartment and she started to feel sick, nauseous, headachy, and went to her bedroom to lie down. That was where they found her, dead. A roof vent had blown off the 3 story apartment building and a painter was working there that day and the manager asked him to put the roof vent back on, which he did, not knowing it was damaged. It would no longer allow the exhaust out, and instead it was forced down and into Lauren's apartment that was directly below the vent. A woman in the adjoining apartment was unconscious, but survived. Had it not been Christmas break, the tragedy could have easily been multiplied. At the age of 23, a beautiful human being lost her life. As I'm sure you've figured out by now, Lauren was killed by carbon monoxide. There was no alarm in her apartment to warn her nor was there any law in Colorado requiring one. Just 1 week later, a bill that had been defeated a year earlier came before a legislative committee just like this one. Just 5 weeks earlier, the Lofgren family of 4, Caroline, Parker, and their children, Sophie and Owen, ages 8 and 10, died in a multi-million dollar home in Aspen, CO., a home they had purchased for the week at a charity auction. That bill became law in Colorado and is named the Lofgren Johnson Families Carbon Monoxide Safety Act. It requires C.O. alarms in new homes, in homes when they are sold, and in apartments whenever there is exposure to fossil fuel burning devices.

* I want to read to you a quote from Senator Bill Cadman. He was the president of the Colorado Senate last year and has a reputation for being one of the most conservative legislators in the state. He was going to vote against the bill originally, but changed his mind, when during a hearing just like this, he realized his own family wasn't protected from the dangers of the silent killer, carbon monoxide. (By the way, I sit here and wonder, how many of you in this

room are also unprotected, not only you, but your children and grandchildren, in the homes and apartments where they live. Do you know?) Here is what Senator Cadman wrote to me in an email last year, 7 years after the bill became law.

“Dear Don, I actually just told a fourth grade class today that your bill was perhaps one of the most impactful bills of my 16 years in the legislature. So reasonable, so inexpensive, so life-saving.”

My friends, what I want you to realize today is that this bill is not a Republican bill or a democratic bill, in fact, it has nothing to do with politics. It is a **common sense bill**. Legislation of the best kind as Senator Cadman so well described, “so reasonable, so inexpensive, so life-saving”.

Thankfully, in North Dakota, as State Fire Marshal Huber has indicated there is already legislation in place through the North Dakota Century Code that requires C.O. alarms in new and existing housing. We both agree that this needs to become better known and in fact, this bill before you will help with that because it will require C.O. alarms and smoke detection devices when home ownership is transferred. However, this bill brings into the fold, rental units, whether single or multiple units, whenever there is exposure to carbon monoxide. Let’s think about that for a moment. When any of us goes out to rent an apartment, we make certain assumptions: the water works when you turn on the faucet, the toilet flushes, lights come on when you flip the switch, heat and air conditioning work. These are all assumptions we make. But there is one other assumption that is so obvious we don’t even think about it—we expect to be **safe** when we rent an apartment. Or if there is a danger, we expect to have a reasonable notice so we can escape—that’s why smoke alarms have been installed for years and laws require that. But think about this: you can see smoke, smell smoke, and feel heat but yet, we all assume that smoke detection devices are a good idea and laws require them. But what about the silent killer, carbon monoxide? You can’t see it, you can’t smell it, and it can disorient you so quickly, that you can’t even call for help. Does it not make sense, that we require landlords to give this inexpensive safety measure to tenants? Oh, and by the way, this bill will also protect landlords from being sued for death and injury caused by C.O. because tenants can escape before they are killed or injured if a C.O. alarms is present.

You have heard that North Dakota has average 4 deaths per year from accidental carbon monoxide poisoning between 2011 and 2015. And you might say, does that really warrant a law? I suppose some would argue not, unless one of those 4 happened to be someone you loved—a son, a daughter, beloved parents or grandparents—like Rodney and Janet Larson or Harold Newman or the 4 family members, including a 6 yr old, killed by carbon monoxide in tiny Blanchard, N.D. in 2015. Yes, 4 is too many when there is such an easy inexpensive solution which is all this bill is asking for. If North Dakota had the same population as Colorado, then at your current rate you would have had 30 deaths per year. Colorado has been averaging less than 10. Your more severe winters are no doubt part of the reason. Whatever the cause, an easy solution is before you. It will not cost your state government ^{virtually nothing} anything. Pass this bill not just for others, but for the people you love, that they might be safe in their own homes and apartments from the scourge of carbon monoxide, the silent killer. Thanks for your attention.

Don Johnson
306 Poudre Bay
Windsor, Co 80550

Feb 14, 2017

Bill LC# 17.0343.02000

Prepared by Legislative Intern 8
February 8, 2017

PROPOSED AMENDMENT TO HOUSE BILL NO. 1201

Page 1, line 2, replace "alarms" with "devices"

Page 1, line 5, remove "alarms"

Page 1, line 9, replace "systems" with "devices"

Page 1, line 12, replace "systems" with "devices"

Page 1, line 13, after "alarm" replace "systems" with "devices"

Page 1, line 13, after the period replace "Systems" with "Devices"

Page 1, line 17, replace "systems" with "devices"

Page 1, line 18, replace "Systems" with "Devices"

Page 1, line 21, replace "systems" with "devices"

Page 1, line 22, replace "systems" with "devices"

Page 1, line 24, after "detection" replace "system" with "device"

Page 1, line 24, after "alarm" replace "system" with "device"

Page 2, line 5, replace "systems or alarm systems" with "devices"

Page 2, line 7, replace "system" with "device"

Page 2, line 8, replace "a class B misdemeanor" with "an infraction"

Page 2, line 18, replace "alarm or system" with "device"

Page 2, line 22, replace "alarm or system" with "device"

Page 2, line 23, replace "alarm" with "device"

Page 2, line 26, replace "alarm" with "device"

Page 3, remove lines 15 through 22

Renumber accordingly

SENATE IBL COMMITTEE

HB1201

REPRESENTATIVE GARY R. SUKUT

DISTRICT 1

MISTER CHAIRMAN AND MEMBERS OF THE COMMITTEE

FOR THE RECORD, I AM GARY SUKUT, REPRESENTATIVE FROM DISTRICT 1 AND I AM HERE THIS MORNING TO INTRODUCE ENGROSSED HB1201.

THIS BILL DEALS WITH THE INSTALLATION OF CARBON MONOXIDE DEVICES AND SMOKE DETECTION DEVICES. I WAS APPROACHED BY A LOCAL CONSTITUENT WHOSE COLLEGE ROOMMATE (DON JOHNSON) HAS A DAUGHTER WHO LOST HER LIFE TO CARBON MONOXIDE POISONING. DON HAS BEEN SUCCESSFUL GETTING LEGISLATION PASSED IN COLORADO AND IOWA UPDATING THEIR CARBON MONOXIDE LAWS AND IS ON A MISSION TO SAVE OTHERS THE UNFORTUNATE EXPERIENCE OF LOSING A LOVED ONE TO CARBON MONOXIDE POISONING. AFTER CHECKING OUT OUR NORTH DAKOTA LAWS WITH RESPECT TO CARBON MONOXIDE ALARMS, VISITING WITH STATE AND LOCAL FOLKS DIRECTLY INVOLVED WITH THIS ISSUE, IT WAS APPARENT THAT NORTH DAKOTA LAWS NEEDED TO BE UPDATED. SO HERE WE ARE TODAY, STATE FIRE MARSHALL, FIRE DEPARTMENT CHIEF AND FOLKS WHO HAVE LOST LOVED ONES BY CARBON MONOXIDE POISONING.

I WILL GO THROUGH THE BILL SECTION BY SECTION.

SUBSECTION 1, PAGE 1 DEALS WITH CARBON DETECTION DEVICES FOR RESIDENTIAL RENTAL PROPERTY. THIS SECTION ADDS CARBON MONOXIDE DETECTION DEVICES TO THE EXISTING CODE FOR SMOKE DETECTION DEVICES. THE TENANT OCCUPYING A SINGLE-FAMILY RENTAL DWELLING IS RESPONSIBLE FOR MAINTAINING AND INSPECTING THE CARBON MONOXIDE DEVICES. IN OTHER DWELLINGS, THE LANDLORD IS RESPONSIBLE TO MAKE SURE THE DEVICES ARE IN PROPER OPERATION UPON OCCUPANCY OF EACH NEW TENANT. THE

STATE FIRE MARSHAL SHALL ADOPT RULES THAT ARE COMPLIANT WITH APPLICABLE NATIONAL FIRE PROTECTION STANDARDS.

SUBSECTION 2, PAGE 1 REQUIRES THE LANDLORD TO PROVIDE AN APPROVED VISUAL SMOKE AND CARBON MONOXIDE DETECTION DEVICE IF REQUESTED IN WRITING BY A TENANT WHO IS DEAF.

SUBSECTION 3, PAGE 2 NOTHING IN SECTION 1 CAN ALTER THE PROVISIONS OF THE STATE BUILDING CODE

SUBSECTION 4, PAGE 2, ANY PROPERTY OWNER WHO WILLFULLY FAILS TO INSTALL A DEVICE AS REQUIRED BY THIS SECTION 1 IS GUILTY OF AN INFRACTION

SECTION 2, PAGE 2 - INSERTS CARBON MONOXIDE AND SMOKE DETECTION DEVICES INTO THE LANDLORD OBLIGATIONS

SECTION 3, PAGE 2 - IF A CARBON MONOXIDE DEVICE IS FOUND INOPERABLE, THE LANDLORD SHALL CORRECT THE SITUATION WITHIN 30 DAYS. IF THE LANDLORD FAILS TO CORRECT THE SITUATION WITHIN 30 DAYS, THE TENANT MAY CORRECT THE PROBLEM AND DEDUCT THE REPAIR COST FROM THE NEXT RENTAL PAYMENT. THE LANDLORD MAY REQUIRE THE TENANT TO PROVIDE THE BATTERY FOR A BATTERY-OPERATED CARBON MONOXIDE ALARM IF THE TENANT HAS BEEN A RESIDENT FOR LONGER THAN 30 DAYS.

SECTION 4, SUBSECTION 4A, PAGE 2 - DEALS WITH FIRE SPRINKLERS. LEGISLATIVE COUNCIL TOOK ADVANTAGE TO CORRECT A PUNCTUATION ERROR. A HYPHEN WAS MISSING BETWEEN SINGLE AND FAMILY.

SUBSECTION 4b - DEALS WITH SCHOOL PORTABLE CLASSROOMS. LEGISLATIVE COUNCIL AGAIN TOOK ADVANTAGE OF AN OPPORTUNITY TO UPDATE THIS SUBSECTION - POLITICAL SUBDIVISION IS REPLACED WITH CITY, TOWNSHIP OR COUNTY TO BE CONSISTENT WITH CURRENT CODE.

THIS ACT BECOMES EFFECTIVE ON JANUARY 1, 2018

MISTER CHAIRMAN AND COMMITTEE MEMBERS, I THANK YOU FOR THIS OPPORTUNITY TO PRESENT HB1201 AND I ASK YOU FOR YOUR FAVORABLE SUPPORT.

I STAND FOR QUESTIONS.



National Electrical Manufacturers Association

The Association of Electrical Equipment
and Medical Imaging Manufacturers
www.nema.org

Senator Jerry Klein
P.O. Box 265
Fessenden, ND 58438-0265

March 7, 2017

Via email: jklein@nd.gov

Chairman Klein,

The Fire, Life Safety, Security and Emergency Communication Section of the National Electrical Manufacturers Association (NEMA) strongly supports HB 1201 which, if enacted, would update the North Dakota Century Code (NDCC) to require that all residential rental properties within the state be equipped with carbon monoxide detection devices. Your committee will hear this bill on March 8 and NEMA strongly encourages the members to report it favorably.

Carbon monoxide (CO) poisoning is the leading cause of accidental poisoning death in the United States. High concentrations of CO—a colorless, odorless gas that is produced when fossil fuel is incompletely burned—can cause cognitive impairment, loss of consciousness, coma, and often death. In fact, the U.S. Centers for Disease Control and prevention (CDC) reports that more than 400 people die in the U.S. each year from accidental CO poisoning and estimates that approximately 20,000 Americans seek medical attention annually due to carbon monoxide.

NEMA reached out to Representative Gary Sukut when the bill was first introduced in the House to ensure that the language did not inadvertently exclude the installation of carbon monoxide alarms (prior language referred to carbon monoxide "detection systems"). NEMA was pleased to see those changes in the bill reported out of the House committee.

NEMA stands ready to work with you to advance this important legislation. We hope that you will consider our industry as one of your best technical resources for carbon monoxide and life safety product information. We are available at any time to consult with you on these matters.

Please do not hesitate to contact me at (703) 841-3245 or via email at jonathan.stewart@nema.org if you have any questions regarding NEMA's support for HB 1201 or recommendations for technical amendments.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jonathan Stewart'.

Jonathan Stewart
Manager, Government Relations

NEMA is the association of electrical equipment manufacturers, founded in 1926 and headquartered in Rosslyn, Virginia. Its member companies manufacture a diverse set of products including power transmission and distribution equipment, lighting systems, factory automation and control systems, and medical diagnostic imaging systems. Worldwide annual sales of NEMA-scope products exceed \$100 billion. NEMA Fire, Life Safety, Security and Emergency Communication members manufacture fire, smoke, and carbon monoxide detection and warning equipment.

MISSOURI SOUTHERN

STATE UNIVERSITY

DEPARTMENT OF COMMUNICATION

Representative Gary R. Sukut
1603 Fourth Avenue East
Williston, ND 58801-4324
gsukut@nd.gov

Dear Sir:

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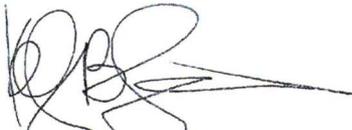
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You know, my parents worked their whole life to enjoy their retirement. They were married 50 plus years at the time of their deaths, and had hoped to be around to see great grandkids. A day does not go by when I do not think about the loss of my dad's counsel or my mom's empathetic ear. You survive and go on but you never get over it. As I started to counsel others on loss at my church, I am reminded how much I actually lost. Preventable and sad.

In closing, you got a little bit of my heart in what was supposed to official correspondence, I am sorry for that occurrence. Please consider my appeal as your sponsored HB1201 bill hopefully becomes codified in North Dakota law.

Respectfully,



Kelly B. Larson
Associate Professor, Communication
358 Webster Hall
Joplin, Missouri 64801
Larson-k@mssu.edu



OFFICERS

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Affiliated With



March 3, 2017

Representative Gary Sukut
1603 Fourth Avenue East
Williston, ND 58801

Dear Representative Sukut,

North Dakota Association of Builders have been tracking and actively supporting HB 1201, regarding carbon monoxide detection devices and we are pleased to write this letter in support. On behalf of all members of the North Dakota Association of Builders (NDAB), we applaud your efforts to provide safe environments for the people of North Dakota to grow and prosper and accomplishing this in an effective manner that is at a reasonable cost to the consumers.

We would appreciate continued communication of any changes of the bill and we do look forward to continuing with a strong working relationship with yourself and other groups in support of this bill.

Thank you for your time and efforts on this legislation,

Kim Schneider
Executive Officer, NDAB

Eric Brenden
President, NDAB



NORTH DAKOTA FIRE CHIEFS' ASSOCIATION
"NORTH DAKOTA FIRE CHIEF" A SEMI ANNUAL PUBLICATION

Testimony on House Bill 1201

Senate Industry, Business and Labor Committee

By Joel Boespflug

March 8, 2017

Mr. Chairman and members of the committee, my name is Joel Boespflug and I am representing the North Dakota Fire Chief's Association.

We support the advancement of carbon monoxide detection. The potential of carbon monoxide poisoning is a reality that is recognized by fire and building life safety codes. According to the National Fire Protection Association, in 2010 fire departments responded to over 80,000 non-fire incidents in which carbon monoxide was found.

Over recent years the international safety codes have continued to promote and increase the requirement for carbon monoxide detection. Section one of this bill appears to correlate well with state and local codes currently being enforced while extending the placement of carbon monoxide detection further into rental properties.

The North Dakota Fire Chief's Association supports House Bill 1201. Thank you for the opportunity to appear today and I will answer any questions that you may have.



◇ 1912-2017 ◇
1515 Burnt Boat Drive
Suite C #325
Bismarck, ND 58503
701-335-6376

Chairman Klein & Members of the Senate Industry, Business & Labor
Committee,

My name is Carmen Bryhn, I am the Executive Director & Lobbyist for the North Dakota Nurses Association representing over 14,000 registered nurses in North Dakota. Our mission includes support of population health focused legislation including safety measures for North Dakota citizens.

The North Dakota Nurses Association would like to express their support of House Bill 1201.

Carbon monoxide is a colorless, odorless, poisonous gas undetectable by human senses. Carbon monoxide can be produced from cars running while warming up in a garage or a water heater that has malfunctioned or even a blocked chimney. These are all possibilities in a North Dakota home or apartment. Carbon monoxide detectors are a first line of defense to this silent killer. This bill provides a life saving measure for all people of North Dakota. Over time, many lives will be saved from this preventative measure and the cost does not compare to the price of one's life. Carbon monoxide does not discriminate on race or income; you, your family or friend could be the next victim.

Take action now to prevent the tragic loss of human life by giving a "do pass" to HB 1201. Thank you for your time in this matter.

Carmen Bryhn MSN, BSN, RN
Executive Director
North Dakota Nurses Association
director@ndna.org

HB1201

REPRESENTATIVE GARY R. SUKUT

DISTRICT 1

MISTER CHAIRMAN AND COMMITTEE MEMBERS

THIS IS A COMMON SENSE BILL. NORTH DAKOTA CENTURY CODE REQUIRES C.O. DEVICES IN NEW AND EXISTING HOUSING. THIS BILL REQUIRES SINGLE OR MULTIPLE RENTAL UNITS TO HAVE C.O. DEVICES INSTALLED. WHEN ANY OF US GO OUT TO RENT AN APARTMENT, WE MAKE CERTAIN ASSUMPTIONS - THE WATER WORKS, TOILET FLUSHES, THE LIGHTS COME ON, THE HEAT AND AIR CONDITIONING WORK. THERE IS ONE OTHER ASSUMPTION THAT WE DON'T EVEN THINK ABOUT - WE EXPECT TO BE SAFE! OR IF THERE IS DANGER, WE EXPECT TO HAVE REASONABLE NOTICE SO WE CAN ESCAPE - THAT'S WHY SMOKE ALARMS HAVE BEEN INSTALLED FOR YEARS AND OUR LAWS REQUIRE THEM. YOU CAN SEE SMOKE, SMELL SMOKE AND FEEL HEAT.

BUT WHAT ABOUT THE SILENT KILLER, CARBON MONOXIDE? YOU CAN'T SEE IT, SMELL IT AND IT CAN DISORIENT YOU SO QUICKLY, THAT YOU CAN'T EVEN CALL FOR HELP. IT MAKES SENSE THAT WE REQUIRE LANDLORDS TO GIVE THIS INEXPENSIVE SAFETY MEASURE TO TENANTS. WE DO IT FOR FIRE ALARMS.

THE ND FIRE CHIEFS' ASSOCIATION, THE ND FIREFIGHTERS ASS'N, THE ND ASS'N OF BUILDERS, ND NURSES ASS'N, ND NURSES PRACTITIONER ASS'N, ND STATE FIRE MARSHALL, NATIONAL ELECTRICAL MANUFACTURERS ASS'N ALL SUPPORT HB1201 AND SEVERAL ARE HERE TODAY TO TESTIFY.

ADDITIONALLY, WE HEARD TESTIMONY FROM THE SON OF ROD AND JAN LARSON DURING THE HOUSE HEARING AND KARI NEWMAN NESS, THE DAUGHTER OF HAROLD NEWMAN IS HERE TO TESTIFY TODAY. THESE ARE (NORTH DAKOTANS) WHO DIED FROM CARBON MONOXIDE POISONING. THERE MAY BE OTHERS WITH PERSONAL CARBON MONOXIDE EXPERIENCES HERE TO TESTIFY.

THERE IS NO COST TO THE STATE. THE COST TO THE LANDLORD IS MINIMAL. IF THE MONTHLY RENT IS \$800, THAT EQUATES TO \$9,600/YEAR AND \$96,000 OVER

10 YEARS. A CARBON MONOXIDE ALARM WITH A LITHIUM BATTERY HAS A TEN YEAR LIFE AT A COST OF \$40 TO \$50. THAT'S LESS THAN \$5/YEAR TO MAKE A SAFE ENVIRONMENT FOR TENANTS, POTENTIALLY SAVING LIVES AND REDUCING THE CHANCES OF LIABILITY SUITES FOR LANDLORDS. SMALL PRICE TO PAY TO PROVIDE A SAFE ENVIRONMENT FOR TENANTS!

I ENCOURAGE YOUR UNANIMOUS SUPPORT FOR HB1201. THANK YOU!

17.0343.03002
Title.

Prepared by the Legislative Council staff for
Senator Casper
March 13, 2017

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1201

- Page 1, line 3, replace "devices" with "alarms"
- Page 1, line 5, replace "devices" with "alarms"
- Page 1, line 5, remove "to provide a penalty;"
- Page 1, line 10, replace "**devices**" with "**alarms**"
- Page 1, line 12, after the first "property" insert "that includes a wood or other fuel-fired fireplace, heater, or appliance or an attached garage."
- Page 1, line 13, after "23-09-02.1" insert an underscored comma
- Page 1, line 14, replace "devices" with "alarms"
- Page 1, line 14, remove the overstrike over "systems"
- Page 1, line 14, remove "devices"
- Page 1, line 15, replace "Devices" with "Alarms"
- Page 1, line 19, replace "devices" with "alarms"
- Page 1, line 19, replace "Devices" with "Alarms"
- Page 1, line 22, replace "devices" with "alarms"
- Page 1, line 24, replace "devices" with "alarms"
- Page 2, line 1, overstrike "unit"
- Page 2, line 2, replace the first "device" with "alarm"
- Page 2, line 2, remove the overstrike over "system"
- Page 2, line 2, remove the second "device"
- Page 2, line 5, overstrike "dwelling units" and insert immediately thereafter "dwellings"
- Page 2, line 7, remove the second "detection"
- Page 2, line 8, replace "devices" with "alarms"
- Page 2, line 9, overstrike "4. Any property owner who willfully fails to install a system"
- Page 2, line 9, remove "device"
- Page 2, line 9, overstrike "as required by this"
- Page 2, line 10, overstrike "section is guilty of a class B misdemeanor"
- Page 2, line 10, remove "an infraction"
- Page 2, line 10, overstrike the period
- Page 2, line 15, replace "devices" with "alarms"

Page 2, line 20, replace "device" with "alarm"

Page 2, line 20, remove "unit"

Page 2, line 24, replace "device" with "alarm"

Page 2, line 25, replace "device" with "alarm"

Page 2, line 28, replace "device" with "alarm"

Renumber accordingly

17.0343.04000

Sixty-fifth
Legislative Assembly
of North Dakota

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1201**

Introduced by

Representatives Sukut, Guggisberg, Hatlestad, Trottier

Senators Bekkedahl, Kreun

1 A BILL for an Act to create and enact a new subsection to section 47-16-13.1 of the North
2 Dakota Century Code, relating to landlord responsibilities regarding carbon monoxide detection
3 alarms; to amend and reenact section 23-13-15, subdivision d of subsection 1 of section
4 47-16-13.1, and subsection 4 of section 54-21.3-03 of the North Dakota Century Code, relating
5 to the installation of carbon monoxide and smoke detection alarms; and to provide an effective
6 date.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. AMENDMENT.** Section 23-13-15 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **23-13-15. Smoke and carbon monoxide detection systemsalarms for residential rental**
11 **property - Penalty.**

12 1. All residential rental property that includes a wood or other fuel-fired fireplace, heater,
13 or appliance or an attached garage, with the exception of property covered by section
14 23-09-02.1, must be equipped with smoke and carbon monoxide detection
15 systemsalarms or other approved alarm systems for the protection of occupants of the
16 property. ~~Systems~~Alarms must be installed and maintained in compliance with
17 applicable national fire protection standards as defined by rules adopted by the state
18 fire marshal. The state fire marshal and local fire departments shall provide
19 information concerning the installation of smoke and carbon monoxide detection
20 systemsalarms to owners of residential rental properties. ~~A system~~Alarms installed in a
21 single-family rental dwelling must be maintained and inspected by the tenant
22 occupying the single-family rental dwelling. In other dwellings, the landlord is
23 responsible for installation and ensuring the proper operation of the systemalarms.

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Legislative Assembly

- 1 upon the occupancy of each new tenant. The tenant is responsible for maintaining the
2 systemalarms during the tenant's occupancy.
- 3 2. The landlord of a residential dwelling ~~unit~~ shall provide an approved visual smoke and
4 carbon monoxide detection ~~systemalarm~~ or other visual alarm system for fire and
5 carbon monoxide if requested in writing by a tenant who is deaf. A landlord is not
6 subject to this subsection if the rental property of that landlord does not exceed one
7 building and that building does not exceed four residential ~~dwelling-units~~dwellings.
- 8 3. Nothing in this section may be construed to alter the provisions of chapter 54-21.3
9 regarding smoke detection and carbon monoxide ~~systems or alarm systems~~alarms for
10 newly constructed residences.
- 11 4. ~~Any property owner who willfully fails to install a system as required by this section is~~
12 ~~guilty of a class B misdemeanor.~~

13 **SECTION 2. AMENDMENT.** Subdivision d of subsection 1 of section 47-16-13.1 of the
14 North Dakota Century Code is amended and reenacted as follows:

- 15 d. Maintain in good and safe working order and condition all electrical, plumbing,
16 sanitary, heating, ventilating, air-conditioning, carbon monoxide and smoke
17 detection alarms, and other facilities and appliances, including elevators,
18 supplied or required to be supplied by the landlord.

19 **SECTION 3.** A new subsection to section 47-16-13.1 of the North Dakota Century Code is
20 created and enacted as follows:

21 Notwithstanding subsection 2 and section 47-16-13, if a carbon monoxide detection
22 alarm is found to be inoperable, the landlord of a residential dwelling shall correct the
23 situation within thirty days after receiving written notification from the tenant, state fire
24 marshal, fire chief, building inspector, or other fire, building, or safety official. If the
25 landlord fails to correct the situation within the thirty days, the tenant may repair the
26 carbon monoxide detection alarm or purchase and install a carbon monoxide detection
27 alarm and may deduct the repair cost or purchase price from the next rental payment
28 made by the tenant. A landlord may require a tenant who has a residency of longer
29 than thirty days to provide the battery for a battery-operated carbon monoxide
30 detection alarm.

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Legislative Assembly

1 **SECTION 4. AMENDMENT.** Subsection 4 of section 54-21.3-03 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 4. a. The state building code or a building code adopted by a city, township, or county
4 may not include a requirement that fire sprinklers be installed in a ~~single-~~
5 ~~family~~single-family dwelling or a residential building that contains no more than
6 two dwelling units.

7 b. The state building code, plumbing code, electrical code, or an equivalent code
8 adopted by a ~~political subdivision~~city, township, or county must provide that a
9 building designed for and used as a school portable classroom may be
10 constructed and inspected as a temporary structure as defined by the state
11 building code or may be permitted as a permanent school portable classroom.
12 The foundation system of such a structure must comply with the
13 recommendations of the manufacturer's engineering report for a pre-engineered
14 unit or a structural engineer's report. Frost-free footings may not be required for a
15 temporary structure that meets the requirements of the state building code unless
16 required by an engineering report. Temporary electrical and plumbing installations
17 may be allowed for any structure by the governmental entities governing those
18 areas of construction or the applicable codes.

19 **SECTION 5. EFFECTIVE DATE.** This Act becomes effective on January 1, 2018.

17.0343.03003

FIRST ENGROSSMENT

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1201

Introduced by

Representatives Sukut, Guggisberg, Hatlestad, Trottier

Senators Bekkedahl, Kreun

1 A BILL for an Act to create and enact a new subsection to section 47-16-13.1 of the North
2 Dakota Century Code, relating to landlord responsibilities regarding carbon monoxide detection
3 ~~devices~~alarms; to amend and reenact section 23-13-15, subdivision d of subsection 1 of section
4 47-16-13.1, and subsection 4 of section 54-21.3-03 of the North Dakota Century Code, relating
5 to the installation of carbon monoxide and smoke detection ~~devices~~alarms; ~~to provide a penalty;~~
6 and to provide an effective date.

7 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

8 SECTION 1. AMENDMENT. Section 23-13-15 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 23-13-15. Smoke and carbon monoxide detection systems~~devices~~alarms for
11 residential rental property - Penalty.

12 1. All residential rental property that includes a wood or other fuel-fired fireplace, heater,
13 or appliance or an attached garage, with the exception of property covered by section
14 23-09-02.1, must be equipped with ~~smoke and~~ carbon monoxide detection
15 systems~~devices~~alarms or other approved alarm ~~systems~~devices for the protection of
16 occupants of the property. ~~Systems~~Devices ~~must be installed and maintained in~~
17 ~~compliance with applicable national fire protection standards as defined by rules~~
18 ~~adopted by the state fire marshal~~All residential rental property, with the exception of
19 property covered by section 23-09-02.1, must be equipped with smoke detection
20 alarms or other approved alarm systems for the protection of occupants of the
21 property. The state fire marshal and local fire departments shall provide information
22 concerning the installation of smoke and carbon monoxide detection
23 systems~~devices~~alarms to owners of residential rental properties. A
24 system~~Devices~~Alarms installed in a single-family rental dwelling must be maintained

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Legislative Assembly

1 and inspected by the tenant occupying the single-family rental dwelling. In other
2 dwellings, the landlord is responsible for installation and ensuring the proper operation
3 of the ~~system~~ devicesalarms upon the occupancy of each new tenant. The tenant is
4 responsible for maintaining the ~~system~~ devicesalarms during the tenant's occupancy.

5 2. The landlord of a residential dwelling unit shall provide an approved visual smoke and
6 carbon monoxide detection ~~system~~ devicealarm or other visual alarm ~~system~~ device for
7 fire and carbon monoxide if requested in writing by a tenant who is deaf. A landlord is
8 not subject to this subsection if the rental property of that landlord does not exceed
9 one building and that building does not exceed four residential ~~dwelling-units~~ dwelling.

10 3. Nothing in this section may be construed to alter the provisions of chapter 54-21.3
11 regarding smoke detection and carbon monoxide ~~systems or alarm systems~~ detection-
12 devicesalarms for newly constructed residences.

13 ~~4. Any property owner who willfully fails to install a systemdevice as required by this~~
14 ~~section is guilty of a class B misdemeanor or an infraction.~~

15 **SECTION 2. AMENDMENT.** Subdivision d of subsection 1 of section 47-16-13.1 of the
16 North Dakota Century Code is amended and reenacted as follows:

17 d. Maintain in good and safe working order and condition all electrical, plumbing,
18 sanitary, heating, ventilating, air-conditioning, carbon monoxide and smoke
19 detection devicesalarms, and other facilities and appliances, including elevators,
20 supplied or required to be supplied by the landlord.

21 **SECTION 3.** A new subsection to section 47-16-13.1 of the North Dakota Century Code is
22 created and enacted as follows:

23 Notwithstanding subsection 2 and section 47-16-13, if a carbon monoxide detection
24 devicealarm is found to be inoperable, the landlord of a residential dwelling unit shall
25 correct the situation within thirty days after receiving written notification from the
26 tenant, state fire marshal, fire chief, building inspector, or other fire, building, or safety
27 official. If the landlord fails to correct the situation within the thirty days, the tenant may
28 repair the carbon monoxide detection devicealarm or purchase and install a carbon
29 monoxide detection devicealarm and may deduct the repair cost or purchase price
30 from the next rental payment made by the tenant. A landlord may require a tenant who

Sixty-fifth
Legislative Assembly

1 has a residency of longer than thirty days to provide the battery for a battery-operated
2 carbon monoxide detection ~~device~~ alarm.

3 **SECTION 4. AMENDMENT.** Subsection 4 of section 54-21.3-03 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 4. a. The state building code or a building code adopted by a city, township, or county
6 may not include a requirement that fire sprinklers be installed in a ~~single-~~
7 ~~family~~ single-family dwelling or a residential building that contains no more than
8 two dwelling units.

9 b. The state building code, plumbing code, electrical code, or an equivalent code
10 adopted by a ~~political subdivision~~ city, township, or county must provide that a
11 building designed for and used as a school portable classroom may be
12 constructed and inspected as a temporary structure as defined by the state
13 building code or may be permitted as a permanent school portable classroom.
14 The foundation system of such a structure must comply with the
15 recommendations of the manufacturer's engineering report for a pre-engineered
16 unit or a structural engineer's report. Frost-free footings may not be required for a
17 temporary structure that meets the requirements of the state building code unless
18 required by an engineering report. Temporary electrical and plumbing installations
19 may be allowed for any structure by the governmental entities governing those
20 areas of construction or the applicable codes.

21 **SECTION 5. EFFECTIVE DATE.** This Act becomes effective on January 1, 2018.

17.0343.03003
Title.

Prepared by the Legislative Council staff for
Senator Klein

March 24, 2017

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1201

In lieu of the amendments adopted by the Senate as printed on pages 798 and 799 of the Senate Journal, Engrossed House Bill No. 1201 is amended as follows:

Page 1, line 3, replace "devices" with "alarms"

Page 1, line 5, replace "devices" with "alarms"

Page 1, line 5, remove "to provide a penalty;"

Page 1, line 10, replace "**devices**" with "**alarms**"

Page 1, line 12, after the first "property" insert "that includes a wood or other fuel-fired fireplace, heater, or appliance or an attached garage."

Page 1, line 13, after "23-09-02.1" insert an underscored comma

Page 1, line 13, overstrike "smoke"

Page 1, line 13, remove "and"

Page 1, line 14, replace the first "devices" with "alarms"

Page 1, line 14, remove the overstrike over the second "systems"

Page 1, line 14, remove the second "devices"

Page 1, line 15, remove "Devices"

Page 1, line 15 overstrike "must be installed and maintained in"

Page 1, overstrike line 16

Page 1, line 17, overstrike "adopted by the state fire marshal" and insert immediately thereafter "All residential rental property, with the exception of property covered by section 23-09-02.1, must be equipped with smoke detection alarms or other approved alarm systems for the protection of occupants of the property"

Page 1, line 19, replace "devices" with "alarms"

Page 1, line 19, replace "Devices" with "Alarms"

Page 1, line 22, replace "devices" with "alarms"

Page 1, line 24, replace "devices" with "alarms"

Page 2, line 1, overstrike "unit"

Page 2, line 2, replace the first "device" with "alarm"

Page 2, line 2, remove the overstrike over the second "system"

Page 2, line 2, remove the second "device"

Page 2, line 5, overstrike "dwelling units" and insert immediately thereafter "dwellings"

Page 2, line 7, remove "detection"

Page 2, line 8, replace "devices" with "alarms"

Page 2, line 9, overstrike "4. Any property owner who willfully fails to install a"

Page 2, line 9, remove "device"

Page 2, line 9, overstrike "as required by this"

Page 2, line 10, overstrike "section is guilty of"

Page 2, line 10, remove "an infraction"

Page 2, line 10, overstrike the period

Page 2, line 15, replace "devices" with "alarms"

Page 2, line 20, replace "device" with "alarm"

Page 2, line 20, remove "unit"

Page 2, line 24, replace "device" with "alarm"

Page 2, line 25, replace "device" with "alarm"

Page 2, line 28, replace "device" with "alarm"

Renumber accordingly

To all,

NDAR has concerns about HB 1201 as amended in the Senate Industry and Labor Committee. We had developed amendments with the ND Fire Chiefs Association, the Fire Marshall, Associated General Contractors of ND and the ND Apartment Association, but these were not adopted. We have shared those concerns with Sen. Meyer and he plans to raise questions about the language that is of concern to us and perhaps propose amendments if appropriate. We would appreciate your support of these amendments if offered.

These are our concerns:

On p. 1, line 1 where it says "...that includes a wood or other fuel-fired fireplace, heater or appliance or an attached garage," in addition to the exception of property covered by section 23-09-01.1 we would like to see language added after that which says "and unless exempted by state and local building and fire codes"

It is our understanding that current building and fire codes do not require a carbon monoxide alarm if there is no opening from the attached garage into the dwelling, ie. a door, window, etc., so there would be no way for the gas to enter the dwelling. The way this amendment is written, it would be in conflict with those state and local building and fire codes.

On p. 2, lines 1-4. Again, it is our understanding that per requirement of state and local building codes, there are apartment complexes which have CO2 alarms in each hallway and in the furnace room that are hardwired and connect to a fire department. For these buildings, why would the landlord need to ensure proper operation each time a tenant moves in and on the following line, how can the tenant be responsible for the maintenance if the alarm is hardwired? We would like to see those lines replaced to say, "Alarms must be installed and maintained in compliance with applicable state and local building and fire codes."

With those changes, we would be in support of HB 1201.

Thank you.

Nancy

Nancy R. Willis
Government Affairs Director
ND Association of REALTORS®
nancy@ndrealtors.com
701-355-1010

17.0343.03004
Title.

Prepared by the Legislative Council staff for
Senator Casper

March 29, 2017

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1201

In lieu of the amendments adopted by the Senate as printed on pages 798 and 799 of the Senate Journal and in lieu of the amendments as printed on pages 955 and 956 of the Senate Journal, Engrossed House Bill No. 1201 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of carbon monoxide alarms."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CARBON MONOXIDE ALARMS. During the 2017-18 interim, the legislative management shall consider studying the fire code and how the existing regulations apply to carbon monoxide alarms, the need for residential rental property to be equipped with carbon monoxide alarms, and the costs associated with installing carbon monoxide alarms in residential rental property. The study must include the types of education and outreach being used by local fire departments to educate communities and school children about the dangers of carbon monoxide poisoning. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly



NORTH DAKOTA FIRE CHIEFS' ASSOCIATION
"NORTH DAKOTA FIRE CHIEF" A SEMI ANNUAL PUBLICATION

Apr 7, 2017

HB 1201

Memorandum

To: Representative Sukut
Fr: Joel Boespflug
Re: HB 1201 Carbon Monoxide
Da: March 24, 2017

Below please find some recommended language that we believe satisfies the concerns. This amendment has been reviewed and approved by a team of groups including: Mark Dougherty, AGC of ND and ND Building Code Committee; Nancy Willis, ND Realtors; Ken Sisk, State Fire Marshal; and the ND Fire Chief's Association. Also, it has been emailed to Rocky Gordon.

In section 1, on page 1, lines 12-23 and on page 2, lines 1-2, replace with:

"All residential rental property must be equipped with a smoke detection alarm with the exception of property covered by section 23-09-02.1, or other approved alarms, for the protection of occupants of the property. All residential rental property that includes a wood or other fuel-fired fireplace, heater, or appliance or an attached garage, must be equipped with a carbon monoxide detection alarm unless exempted by state and local building and fire codes.

Alarms must be installed and maintained in compliance with applicable state and local building and fire codes."

ND ASS'N of General Contractors
ND BLDG Code Committee
Nancy Willis, ND Realtors
State Fire Marshal
ND Fire chiefs
ND ASS'N of BLDG's
ND Nurse's ASS'N
ND Nurse Practitioners ASS'N
NATIONAL ELECTRICAL MFR'S ASS'N

ND Firefighters ASS'N

Leg Council finds NO
Conflicts with BLDG Code

Put Penalty
BACK IN 1/2

Apr 11, 2017

1

Proposed Amendments HB 1201

Line 15- (Insert after Property)

The installation and maintenance must be in accordance with state and local building and fire codes

Apr 11, 2017

2

17.0343.03006

FIRST ENGROSSMENT

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1201

Introduced by

Representatives Sukut, Guggisberg, Hatlestad, Trottier

Senators Bekkedahl, Kreun

1 A BILL for an Act ~~to create and enact a new subsection to section 47-16-13.1 of the North~~
2 ~~Dakota Century Code, relating to landlord responsibilities regarding carbon monoxide detection~~
3 ~~devices;~~ to amend and reenact section 23-13-15, ~~subdivision d of subsection 1 of section~~
4 ~~47-16-13.1,~~ and subsection 4 of section 54-21.3-03 of the North Dakota Century Code, relating
5 to the installation of carbon monoxide and smoke detection ~~devices~~alarms; ~~to provide a penalty;~~
6 and to provide an effective date.

7 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

8 SECTION 1. AMENDMENT. Section 23-13-15 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 23-13-15. Smoke and carbon monoxide detection systems ~~systems~~alarms for
11 residential rental property ~~—Penalty.~~

12 1. All residential rental property that includes a wood or other fuel-fired fireplace, heater,
13 or appliance or an attached garage, with the exception of property covered by section
14 23-09-02.1, must be equipped with ~~smoke and carbon monoxide detection~~
15 ~~systems~~alarms or other approved alarm ~~systems~~devices for the protection of
16 occupants of the property. ~~Systems~~Devices ~~must be installed and maintained in~~
17 ~~compliance with applicable national fire protection standards as defined by rules~~
18 ~~adopted by the state fire marshal~~All residential rental property, with the exception of
19 property covered by section 23-09-02.1, must be equipped with smoke detection
20 alarms or other approved alarm systems for the protection of occupants of the
21 property. The state fire marshal and local fire departments shall provide information
22 concerning the installation of smoke and carbon monoxide detection
23 ~~systems~~alarms to owners of residential rental properties. A-
24 ~~system~~DevicesAlarms installed in a single-family rental dwelling must be maintained

- 1 and inspected by the tenant occupying the single-family rental dwelling. In other
2 dwellings, the landlord is responsible for installation and ensuring the proper operation
3 of the ~~system devices alarms~~ upon the occupancy of each new tenant. The tenant is
4 responsible for maintaining the ~~system devices alarms~~ during the tenant's occupancy.
- 5 2. The landlord of a residential dwelling ~~unit~~ shall provide an approved visual smoke and
6 carbon monoxide detection ~~system device alarm~~ or other visual alarm ~~system device~~ for
7 fire and carbon monoxide if requested in writing by a tenant who is deaf. A landlord is
8 not subject to this subsection if the rental property of that landlord does not exceed
9 one building and that building does not exceed four residential ~~dwelling units~~ dwellings.
- 10 3. Nothing in this section may be construed to alter the provisions of chapter 54-21.3
11 regarding smoke detection and carbon monoxide ~~systems or alarm systems~~ detection
12 devices alarms for newly constructed residences.
- 13 4. ~~Any property owner who willfully fails to install a system device as required by this~~
14 ~~section is guilty of a class B misdemeanor~~ an infraction A landlord may charge a tenant
15 for damages equivalent to three times the cost associated with replacing an alarm that
16 was damaged during the time the tenant occupied the property.
- 17 5. A landlord may not be held liable for injury or damages caused as the result of an
18 inoperable carbon monoxide alarm.

19 ~~SECTION 2. AMENDMENT. Subdivision d of subsection 1 of section 47-16-13.1 of the~~
20 ~~North Dakota Century Code is amended and reenacted as follows:~~

- 21 ~~d. Maintain in good and safe working order and condition all electrical, plumbing,~~
22 ~~sanitary, heating, ventilating, air conditioning, carbon monoxide and smoke~~
23 ~~detection devices, and other facilities and appliances, including elevators,~~
24 ~~supplied or required to be supplied by the landlord.~~

25 ~~SECTION 3. A new subsection to section 47-16-13.1 of the North Dakota Century Code is~~
26 ~~created and enacted as follows:~~

- 27 ~~Notwithstanding subsection 2 and section 47-16-13, if a carbon monoxide detection~~
28 ~~device is found to be inoperable, the landlord of a residential dwelling unit shall correct~~
29 ~~the situation within thirty days after receiving written notification from the tenant, state~~
30 ~~fire marshal, fire chief, building inspector, or other fire, building, or safety official. If the~~
31 ~~landlord fails to correct the situation within the thirty days, the tenant may repair the~~

1 ~~carbon monoxide detection device or purchase and install a carbon monoxide~~
2 ~~detection device and may deduct the repair cost or purchase price from the next rental~~
3 ~~payment made by the tenant. A landlord may require a tenant who has a residency of~~
4 ~~longer than thirty days to provide the battery for a battery-operated carbon monoxide~~
5 ~~detection device.~~

6 **SECTION 2. AMENDMENT.** Subsection 4 of section 54-21.3-03 of the North Dakota
7 Century Code is amended and reenacted as follows:

- 8 4. a. The state building code or a building code adopted by a city, township, or county
9 may not include a requirement that fire sprinklers be installed in a ~~single-~~
10 ~~family~~single-family dwelling or a residential building that contains no more than
11 two dwelling units.
- 12 b. The state building code, plumbing code, electrical code, or an equivalent code
13 adopted by a ~~political subdivision~~city, township, or county must provide that a
14 building designed for and used as a school portable classroom may be
15 constructed and inspected as a temporary structure as defined by the state
16 building code or may be permitted as a permanent school portable classroom.
17 The foundation system of such a structure must comply with the
18 recommendations of the manufacturer's engineering report for a pre-engineered
19 unit or a structural engineer's report. Frost-free footings may not be required for a
20 temporary structure that meets the requirements of the state building code unless
21 required by an engineering report. Temporary electrical and plumbing installations
22 may be allowed for any structure by the governmental entities governing those
23 areas of construction or the applicable codes.

24 **SECTION 3. EFFECTIVE DATE.** This Act becomes effective on January 1, 2018.

Apr 12, 2017

17.0343.03007

FIRST ENGROSSMENT

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1201

Introduced by

Representatives Sukut, Guggisberg, Hatlestad, Trottier

Senators Bekkedahl, Kreun

1 A BILL for an Act to create and enact a new subsection to section 47-16-13.1 of the North
2 Dakota Century Code, relating to landlord responsibilities regarding carbon monoxide detection
3 devices; to amend and reenact section 23-13-15, ~~subdivision d of subsection 1 of section~~
4 ~~47-16-13.1~~, and subsection 4 of section 54-21.3-03 of the North Dakota Century Code, relating
5 to the installation of carbon monoxide and smoke detection ~~devices~~alarms; ~~to provide a penalty;~~
6 and to provide an effective date.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. AMENDMENT.** Section 23-13-15 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **23-13-15. Smoke and carbon monoxide detection systems** ~~devices~~alarms **for**
11 **residential rental property** ~~—Penalty.~~

- 12 1. All residential rental property that includes a wood or other fuel-fired fireplace, heater,
13 or appliance or an attached garage, with the exception of property covered by section
14 23-09-02.1, must be equipped with ~~smoke and carbon monoxide~~ detection
15 systems ~~devices~~alarms or other approved alarm ~~systems~~ ~~devices~~ for the protection of
16 occupants of the property. ~~Systems~~ ~~Devices~~ ~~must be installed and maintained in~~
17 ~~compliance with applicable national fire protection standards as defined by rules~~
18 ~~adopted by the state fire marshal~~ The installation and maintenance must be in
19 accordance with state and local building and fire codes. All residential rental property,
20 with the exception of property covered by section 23-09-02.1, must be equipped with
21 smoke detection alarms or other approved alarm systems for the protection of
22 occupants of the property. The state fire marshal and local fire departments shall
23 provide information concerning the installation of smoke and carbon monoxide
24 detection systems ~~devices~~alarms to owners of residential rental properties. A

- 1 ~~system~~DevicesAlarms installed in a single-family rental dwelling must be maintained
2 and inspected by the tenant occupying the single-family rental dwelling. In other
3 dwellings, the landlord is responsible for installation and ensuring the proper operation
4 of the ~~system~~devicesalarms upon the occupancy of each new tenant. The tenant is
5 responsible for maintaining the ~~system~~devicesalarms during the tenant's occupancy.
- 6 2. The landlord of a residential dwelling ~~unit~~ shall provide an approved visual smoke and and
7 carbon monoxide detection ~~system~~devicealarm or other visual alarm ~~system~~device for
8 fire and carbon monoxide if requested in writing by a tenant who is deaf. A landlord is
9 not subject to this subsection if the rental property of that landlord does not exceed
10 one building and that building does not exceed four residential ~~dwelling units~~dwellings.
- 11 3. Nothing in this section may be construed to alter the provisions of chapter 54-21.3
12 regarding smoke detection and carbon monoxide ~~systems or alarm systems~~detection
13 devicesalarms for newly constructed residences.
- 14 4. ~~Any property owner who willfully fails to install a system device as required by this~~
15 ~~section is guilty of a class B misdemeanor or an infraction~~A landlord may charge a tenant
16 for damages equivalent to three times the cost associated with replacing an alarm that
17 was damaged during the time the tenant occupied the property.
- 18 5. A landlord may not be held liable for injury or damages caused as the result of an
19 inoperable carbon monoxide alarm.

20 ~~SECTION 2. AMENDMENT. Subdivision d of subsection 1 of section 47-16-13.1 of the~~
21 ~~North Dakota Century Code is amended and reenacted as follows:~~

22 ~~d. Maintain in good and safe working order and condition all electrical, plumbing,~~
23 ~~sanitary, heating, ventilating, air conditioning, carbon monoxide and smoke~~
24 ~~detection devices, and other facilities and appliances, including elevators,~~
25 ~~supplied or required to be supplied by the landlord.~~

26 **SECTION 2.** A new subsection to section 47-16-13.1 of the North Dakota Century Code is
27 created and enacted as follows:

28 Notwithstanding subsection 2 and section 47-16-13, if a carbon monoxide detection
29 device is found to be inoperable, the landlord of a residential dwelling unit shall correct
30 the situation within thirty days after receiving written notification from the tenant, state
31 fire marshal, fire chief, building inspector, or other fire, building, or safety official. If the

1 landlord fails to correct the situation within the thirty days, the tenant may repair the
2 carbon monoxide detection device or purchase and install a carbon monoxide
3 detection device and may deduct the repair cost or purchase price from the next rental
4 payment made by the tenant. A landlord may require a tenant who has a residency of
5 longer than thirty days to provide the battery for a battery-operated carbon monoxide
6 detection device.

7 **SECTION 3. AMENDMENT.** Subsection 4 of section 54-21.3-03 of the North Dakota
8 Century Code is amended and reenacted as follows:

- 9 4. a. The state building code or a building code adopted by a city, township, or county
10 may not include a requirement that fire sprinklers be installed in a ~~single~~
11 ~~family~~single-family dwelling or a residential building that contains no more than
12 two dwelling units.
- 13 b. The state building code, plumbing code, electrical code, or an equivalent code
14 adopted by a ~~political subdivision~~city, township, or county must provide that a
15 building designed for and used as a school portable classroom may be
16 constructed and inspected as a temporary structure as defined by the state
17 building code or may be permitted as a permanent school portable classroom.
18 The foundation system of such a structure must comply with the
19 recommendations of the manufacturer's engineering report for a pre-engineered
20 unit or a structural engineer's report. Frost-free footings may not be required for a
21 temporary structure that meets the requirements of the state building code unless
22 required by an engineering report. Temporary electrical and plumbing installations
23 may be allowed for any structure by the governmental entities governing those
24 areas of construction or the applicable codes.

25 **SECTION 4. EFFECTIVE DATE.** This Act becomes effective on January 1, ~~2018~~2019.

Apr 12, 2017

2

17.0343.03007
Title.

Prepared by the Legislative Council staff for
Conference Committee
April 11, 2017

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1201

That the Senate recede from its amendments as printed on page 1277 of the House Journal and page 1064 of the Senate Journal and that Engrossed House Bill No. 1201 be amended as follows:

Page 1, line 3, remove ", subdivision d of subsection 1 of section"

Page 1, line 4, remove "47-16-13.1,"

Page 1, line 5, replace "devices" with "alarms"

Page 1, line 5, remove "to provide a penalty;"

Page 1, line 10, replace "devices" with "alarms"

Page 1, line 11, overstrike " - Penalty"

Page 1, line 12, after the first "property" insert "that includes a wood or other fuel-fired fireplace, heater, or appliance or an attached garage."

Page 1, line 13, after "23-09-02.1" insert an underscored comma

Page 1, line 13, overstrike "smoke"

Page 1, line 13, remove "and"

Page 1, line 14, replace the first "devices" with "alarms"

Page 1, line 14, remove the overstrike over "systems"

Page 1, line 14, remove the second "devices"

Page 1, line 15, remove "Devices"

Page 1, line 15, overstrike "must be installed and maintained in"

Page 1, overstrike line 16

Page 1, line 17, overstrike "adopted by the state fire marshal" and insert immediately thereafter "The installation and maintenance must be in accordance with state and local building and fire codes. All residential rental property, with the exception of property covered by section 23-09-02.1, must be equipped with smoke detection alarms or other approved alarm systems for the protection of occupants of the property"

Page 1, line 19, replace "devices" with "alarms"

Page 1, line 19, replace "Devices" with "Alarms"

Page 1, line 22, replace "devices" with "alarms"

Page 1, line 24, replace "devices" with "alarms"

Page 2, line 1, overstrike "unit"

Page 2, line 2, replace the first "device" with "alarm"

Page 2, line 2, remove the overstrike over the second "~~system~~"

Page 2, line 2, remove the second "device"

Page 2, line 5, overstrike "dwelling units" and insert immediately thereafter "dwellings"

Page 2, line 7, remove "detection"

Page 2, line 8, replace "devices" with "alarms"

Page 2, line 9, overstrike "Any property owner who willfully fails to install a"

Page 2, line 9, remove "device"

Page 2, line 9, overstrike "as required by this"

Page 2, line 10, overstrike "section is guilty of"

Page 2, line 10, replace "an infraction" with "A landlord may charge a tenant for damages equivalent to three times the cost associated with replacing an alarm that was damaged during the time the tenant occupied the property."

5. A landlord may not be held liable for injury or damages caused as the result of an inoperable carbon monoxide alarm"

Page 2, remove lines 11 through 16

Page 3, line 17, replace "2018" with "2019"

Renumber accordingly

Apr 18, 2017

17.0343.03009
Title.

Adopted by the Conference Committee

April 14, 2017

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1201

That the Senate recede from its amendments as printed on page 1277 of the House Journal and page 1064 of the Senate Journal and that Engrossed House Bill No. 1201 be amended as follows:

Page 1, line 3, remove ", subdivision d of subsection 1 of section"

Page 1, line 4, remove "47-16-13.1,"

Page 1, line 5, replace "devices" with "alarms"

Page 1, line 10, replace "devices" with "alarms"

Page 1, line 12, after the first "property" insert "that includes a wood or other fuel-fired fireplace, heater, or appliance or an attached garage."

Page 1, line 13, after "23-09-02.1" insert "or unless exempted by state and local building and fire codes."

Page 1, line 13, overstrike "smoke"

Page 1, line 13, remove "and"

Page 1, line 14, replace the first "devices" with "alarms"

Page 1, line 14, remove the overstrike over "systems"

Page 1, line 14, remove the second "devices"

Page 1, line 15, remove "Devices"

Page 1, line 15, overstrike "must be installed and maintained in"

Page 1, overstrike line 16

Page 1, line 17, overstrike "adopted by the state fire marshal" and insert immediately thereafter "The installation and maintenance must be in accordance with state and local building and fire codes. All residential rental property, with the exception of property covered by section 23-09-02.1, must be equipped with smoke detection alarms or other approved alarm systems for the protection of occupants of the property"

Page 1, line 19, replace "devices" with "alarms"

Page 1, line 19, replace "Devices" with "Alarms"

Page 1, line 22, replace "devices" with "alarms"

Page 1, line 24, replace "devices" with "alarms"

Page 2, line 1, overstrike "unit"

Page 2, line 2, replace the first "device" with "alarm"

Page 2, line 2, remove the overstrike over the second "system"

Page 2, line 2, remove the second "device"

Page 2, line 5, overstrike "dwelling units" and insert immediately thereafter "dwellings"

Page 2, line 7, remove "detection"

Page 2, line 8, replace "devices" with "alarms"

Page 2, line 9, replace "device" with "smoke detection alarm"

Page 2, line 10, remove the overstrike over "a class B misdemeanor"

Page 2, line 10, replace "an infraction" with ".

5. A landlord may charge a tenant for damages equivalent to three times the cost associated with replacing an alarm that was damaged during the time the tenant occupied the property.

6. A landlord may not be held liable for injury or damages caused as the result of an inoperable carbon monoxide alarm"

Page 2, remove lines 11 through 16

Page 3, line 17, replace "2018" with "2019"

Renumber accordingly