

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SEN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1448

2001 HOUSE HUMAN SERVICES

HB 1448

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1448

House Human Services Committee

Conference Committee

Hearing Date January 31, 2001

Tape Number	Side A	Side B	Meter #
Tape 1	X		0 to 2350
Committee Clerk Signature <i>Corinne Easton</i>			

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosch, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig

Chairman Price: Open hearing on HB 1448.

Rep. Kasper: Presented Bill. (See written testimony.) This bill will clarify the potential conflict in North Dakota law between North Dakota Century Code relating to housing discrimination with respect to marital status and North Dakota's unlawful cohabitation statute. I urge you to support HB 1448.

Rep. Koppelman: Cosponsor of Bill. We are asked to preserve the rights as stated in the law. We are not here to make a moral judgment. I urge your favorable consideration of this bill.

Rep. Devlin: Is it totally within the jurisdiction of the state, and there are no federal requirements?

Rep. Koppelman: It is not a federally protected area - only state protected.

David Peterson: Property Owner. (See support of HB 1448 in written testimony.) I was sued by North Dakota Housing because we do not rent to illegal cohabiting couples because it is against the law and it violates my religious rights. I ask that you pass this bill.

Arthur Bayley: (See support of HB 1448 in written testimony.) I believe the core issue addressed in this bill is discrimination. Therefore, if a couple chooses not to marry, it is not discrimination for a landlord not to rent to them. Both have a choice.

Carol Two Eagles: In opposition of HB 1448. This bill makes an assumption of morality. I am against this bill.

Rep. Devlin: You think landlords have the right to rent to who they want. It is my understanding that this is essentially the purpose of this bill.

Carol Two Eagles: I'm just cautious because of the assumption of morality.

Rep. Metcalf: You said you had to rent to people with children or people on welfare. Why was that required?

Carol Two Eagles: I was served with papers that said I had to rent to these people.

Rep. Weisz: The situation you just presented, isn't that exactly what you're now denying the ability for someone else to do?

Carol Two Eagles: Nothing to do with morals, it has to do with behavior.

Rep. Galvin: You make assumptions, but the landlord could also have the other assumption. If it is something a landlord feels is morally wrong, then don't you think he should have the right to make that choice?

Carol Two Eagles: You cannot mandate morals.

Page 3  
House Human Services Committee  
Bill/Resolution Number HB 1448  
Hearing Date January 31, 2001

Bob Kippen: Voice opposition. Discussed what will happen in the case where a couple is living together, they want to get married, but they will lose their benefits if they do. Bill can prevent or postpone a marriage due to the financial aspect of their situation.

Chairman Price: Close hearing on HB 1448.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1448 A

House Human Services Committee

Conference Committee

Hearing Date February 6, 2001

Tape Number	Side A	Side B	Meter #
Tape 2	X		500 to 2170
Committee Clerk Signature <i>Corinne Easton</i>			

Minutes:

**COMMITTEE WORK:**

CHAIRMAN PRICE: 1448. (Committee discussion.)

VICE CHAIRMAN DEVLIN: I can understand someone just not wanting an unmarried couple living in their house, but that is about all I understand about this bill.

REP. GALVIN: This bill doesn't really mandate anything. Isn't there already a law in North Dakota that prevents cohabitation?

CHAIRMAN PRICE: Because they don't want to rent to them in the first place instead of turning them in afterwards.

REP. CLEARY: If a brother and sister are living together, or an elderly couple that live together to save money but if they get married they lose their benefits - those are just two examples.

VICE CHAIRMAN DEVLIN: I'm going to move amendment to change the word to "unrelated".

REP. PORTER: Second.

REP. SANDVIG: There really are a lot of people who want to be married, but can't because of losing their benefits. It really is a situation out there and it is really scary. After thoughts told me I can't support this bill.

REP. METCALF: There is nothing in this bill that says you can't rent. It is just basically saying that if I so desire, I don't have to rent to unmarried couples.

REP. NIEMEIER: A lot of people share housing to cut the rent - a boy and girl in college or young workers. It can be a purely platonic relationship.

CHAIRMAN PRICE: We have an amendment in front of us to put in "unrelated". No opposition. What are your wishes on an amended bill?

REP. CLEARY: I move a DO NOT PASS.

REP. NIEMEIER: Second.

CHAIRMAN PRICE: Discussion?

REP. WEILER: If I own an apartment building, I should have total say as to who I can and cannot rent to. I don't think there are very many individuals that rent property who have a problem.

CHAIRMAN PRICE: The clerk will call the roll on a DO NOT PASS. (3 Yes, 11 No.) The clerk will call the roll on a **DO PASS as amended.**

**12 YES 2 NO 0 ABSENT CARRIED BY REP. TIEMAN**

10725.0101  
Title.0200

Adopted by the Human Services Committee  
February 6, 2001

VR  
2/6/01

HOUSE AMENDMENTS TO HB 1448    HOUSE HS    2-7-01

Page 1, line 6, after "two" insert "unrelated"

Renumber accordingly



Date: 2-6-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1448

House Human Services Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken move to Amend bill <sup>change "unrelated"</sup> ~~to be unrelated~~

Motion Made By Devlin Seconded By Porter

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price, Chairman	✓		Rep. Audrey Cleary	✓	
Rep. William Devlin, V, Chairman	✓		Rep. Ralph Metcalf	✓	
Rep. Mark Dosch	✓		Rep. Carol Niemeier	✓	
Rep. Pat Galvin	✓		Rep. Sally Sandvig	✓	
Rep. Frank Klein	✓				
Rep. Chet Pollert	✓				
Rep. Todd Porter	✓				
Rep. Wayne Tieman	✓				
Rep. Dave Weiler	✓				
Rep. Robin Weisz	✓				

Total (Yes) 14 No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Date: 2-6-01  
Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1448

House Human Services Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO NOT PASS

Motion Made By Cleary Seconded By Niemeier

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price, Chairman		✓	Rep. Audrey Cleary	✓	
Rep. William Devlin, V, Chairman		✓	Rep. Ralph Metcalf		✓
Rep. Mark Dosch		✓	Rep. Carol Niemeier	✓	
Rep. Pat Galvin		✓	Rep. Sally Sandvig	✓	
Rep. Frank Klein		✓			
Rep. Chet Pollert		✓			
Rep. Todd Porter		✓			
Rep. Wayne Tieman		✓			
Rep. Dave Weiler		✓			
Rep. Robin Weisz		✓			

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Date: 2-6-01  
Roll Call Vote #: 3

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1448

House Human Services Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass As Amended

Motion Made By Rep. Porter Seconded By Rep. Weiler

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price, Chairman	✓		Rep. Audrey Cleary		✓
Rep. William Devlin, V, Chairman	✓		Rep. Ralph Metcalf	✓	
Rep. Mark Dosch	✓		Rep. Carol Niemeier	✓	
Rep. Pat Galvin	✓		Rep. Sally Sandvig		✓
Rep. Frank Klein	✓				
Rep. Chet Pollert	✓				
Rep. Todd Porter	✓				
Rep. Wayne Tieman	✓				
Rep. Dave Weiler	✓				
Rep. Robin Weisz	✓				

Total (Yes) 12 No 2

Absent \_\_\_\_\_

Floor Assignment Rep. Tieman

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

REPORT OF STANDING COMMITTEE (410)  
February 7, 2001 12:18 p.m.

Module No: HR-22-2572  
Carrier: Tieman  
Insert LC: 10725.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

HB 1448: Human Services Committee (Rep. Price, Chairman) recommends  
**AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**  
(12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1448 was placed on the  
Sixth order on the calendar.

Page 1, line 6, after "two" insert "unrelated"

Renumber accordingly

2001 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1448

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1448

Senate Industry, Business and Labor Committee

Conference Committee

Hearing Date March 13, 2001.

Tape Number	Side A	Side B	Meter #
1	x		37.5 to end
		x	0 to 7.8
(3/14/01) 1	x		43.4 to end
		x	0 to 0.7
Committee Clerk Signature <i>Delia E. Perez</i>			

Minutes:

The meeting was called to order. All committee members present. Hearing was opened on HB 1448 relating to rental property for unmarried couples.

**Representative Jim Kasper**, District 46, cosponsor. This bill will clarify the potential conflict between the ND Century Code provisions relating to housing discrimination with respect to marital status and the unlawful cohabitation statute. Written testimony attached. Distributed copies of preamble to the ND Constitution and copies of letter from the Legislative Council. Read letter from the Attorney General reaffirming constitutionality of statutes. Distributed copies of two court opinions.

**David Peterson**, landlord being sued for refusing to rent to unmarried couples. Written testimony attached.

**Representative Kim Koppelman**, District 13. The sponsor asked me to testify. This bill has nothing to do with morality but with existing laws: Fair Housing Statutes and ND cohabitation

Page 2  
Senate Industry, Business and Labor Committee  
Bill/Resolution Number HB 1448  
Hearing Date March 13, 2001.

laws. In two rulings the court ruled in favor of ND cohabitation laws. We should clarify the laws.

This bill is in keeping with the courts' decision.

Tape 1-B-0 to 7.8

**Arthur Bayley**, on his own behalf, in favor. Written testimony attached.

**Everett Herrick**, on his own behalf, in opposition. Written testimony attached.

No further testimony. Hearing closed.

March 14/01. Tape 1-A- 43.4 to end; 1-A-0 to 0.7

Committee reconvened. All members present.

**Senator Every**: I agree with morality issues, however one thing that bothers me is if the North Dakota Supreme Court has not made a decision yet, how come we can make a decision so quick. That is my only reservation.

**Senator Mathern**: I have a real dilemma, this is a moral thing, you should be able to choose but on the other hand you should not dictate to people.

**Senator Espegard**: This is a property right decision.

Discussion held.

**Senator Klein**: What we do here will not preempt what they are doing.

**Senator Espegard**: Motion: do pass. **Senator Klein**: Second.

Roll call vote: 5 yes; 2 no. Motion carried. Floor assignment: **Senator Klein**.

