

**MICROFILM DIVIDER**

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1081

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CR

2003 HOUSE JUDICIARY

HB 1081

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1081

House Judiciary Committee

Conference Committee

Hearing Date 1-15-03

Tape Number	Side A	Side B	Meter #
1	x		0-13
1	x		20-21
Committee Clerk Signature <i>Alonso</i>			

**Minutes:** All members present.

**Chairman DeKrey:** We will start taking testimony on HB 1081.

**Mark Bachmeier, Labor Commissioner:** (see testimony) In favor of HB 1081.

**Rep. Delmore:** Can you tell me if we are still having the number of complaints filed with such advertising?

**Ms. Bachmeier:** No complaints filed against a publisher or a paper, we have had several complaints that involved discriminatory advertising, but they were allegations about statements made by an individual housing provider or landlord.

**Rep. Grande:** Can you advertise, "a good place for those over 55 years of age", is that discriminatory?

**Mr. Bachmeier:** There is a particular exemption for properties that are designated as housing for older persons. There are a whole set of exemptions both in our law and in federal law that relates specifically to people, whose intent it is to provide that housing for persons over 55 or 65.

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House Judiciary Committee  
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If the property is designated as such, then it is not discriminatory in that case. If the property is not specifically designated for housing for older persons, age is one of the protected categories, under state law, but not federal law. Familial is protected. Familial is the second highest category of complaints, against the law to advertise or refuse to rent to "no children".

**Rep. Grande:** I guess I would rather up front if my neighbors were going to complain every time my child comes up and down the stairwell. It's not a management issue, it's a neighbor issue. Can I discuss that as a possible tenant?

**Mr. Bachmeier:** As a prospective housing tenant, you're not the housing provider, so you're not at risk for being liable for a housing discrimination complaint, you can inquire, but the housing provider can't say to you, this technically could be a problem or violation. The provider can't say "we discourage children", that would be discriminatory advertising, that would be expressing preference, and that's something that's not allowed in the Fair Housing laws.

**Rep. Klemin:** Section 3 dealing with publication does apply even if owner does occupy one of the units.

**Mr. Bachmeier:** Yes.

**Rep. Klemin:** So the reason we have to change this, is to make it consistent with federal law.

**Mr. Bachmeier:** And to also in our laws, it applies to areas where other properties are exempt too. It's just this one limited circumstance where it doesn't. It is also inconsistent with our law in that respect.

**Rep. Klemin:** I can see what you're doing here, but you can't advertise that there is some limitation, but when somebody calls and talks about it, you can tell him that.

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**Mr. Bachmeyer:** I think the intent here is to say that having the advertising provisions apply even to exempt properties, say that there's potentially harm created by making statements, particularly public statements about certain people not being welcome or need not apply, that are separate from the actual transaction itself.

**Rep. Klemin:** Just so I understand, it is okay to discriminate as long as you don't advertise that you are doing it in this exempt class.

**Mr. Bachmeyer:** That would be an accurate way to state it. You can sell the house to anyone you want, just can't make statements about preferences for a certain type of person, even for exempt properties, that's in place.

**Chairman DeKrey:** Thank you. Anyone else in support of HB 1081, opposition? Then HB 1081 is closed.

(The hearing was closed but reopened later that same session)

**Chairman DeKrey:** What are the committee's wishes in regard to HB 1081.

**Rep. Maragos:** I recommend Do Pass.

**Rep. Grande:** I second the motion.

**Chairman DeKrey:** Any committee discussion? We'll take the vote.

13 Yes    0 No    0 Absent    DO PASS    Carrier: Rep. Galvin

Date: 1/15/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1081

House Judiciary Committee

Check here for Conference Committee

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

Action Taken Do Pass

Motion Made By Rep. Maragos Seconded By Rep. Grande

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Galvin

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

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Yalosta Rickford 10/2/03  
Operator's Signature Date

**REPORT OF STANDING COMMITTEE (410)**  
January 15, 2003 10:02 a.m.

Module No: HR-07-0566  
Carrier: Galvin  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
**HB 1081: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS**  
**(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1081 was placed on the**  
**Eleventh order on the calendar.**

(2) DESK, (3) COMM

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HR-07-0566

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Operator's Signature

*10/2/03*  
Date

