

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2208

2001 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2208

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2208

Senate Industry, Business and Labor Committee

Conference Committee

Hearing Date January 23, 2001

Tape Number	Side A	Side B	Meter #
1		x	47.8 to end
2	x		0 to 12.00
(March 19/01) 1	x		0.4 to 7.3
Committee Clerk Signature <i>Dow & Perez</i>			

Minutes:

The meeting was called to order. All committee members present. Hearing was opened on SB2208 relating to the duties and liabilities of real state brokerage firms and clients.

CLAUS LEMBKE, ND Assn. of Realtors, Supports the bill. Written testimony attached.

MOINE GATES, Chairman, Realtors Political Affairs Committee, supports the bill. Written testimony attached.

SCOTT LOUSER, ND Assn. of Realtors, supports the bill. Written testimony attached.

CASEY CHAPMAN, Atty. ND Realtors Assn., in favor of the bill.

SENATOR EVERY: How do you prove "should have known"?

CASEY CHAPMAN: If consumer relies on agents expertise and knowledge client should not be liable. "Should have known" can be proven after the transaction for example, limits by zoning regulations should be known by the agent.

No testimony against.

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Senate Industry, Business and Labor Committee

Bill/Resolution Number 2208

Hearing Date January 23, 2001

SENATOR KREBSBACH: Motion: do pass on amendment : page 2, line 2, remove "actually" and remove the overstrike over "or should have known" SENATOR TOLLEFSON: Seconded.

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

SENATOR TOLLEFSON: Motion: do pass as amended. SENATOR D. MATHERN: Seconded.

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

Carrier: SENATOR ESPEGARD.

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Senate Industry, Business and Labor Committee

Bill/Resolution Number 2208

Hearing Date January 23, 2001

March 19, 2001. Tape 1-A-0.3 to 7.3.

Committee reconvened. All members, except **Senator Espegard**, present. Committee studied House amendments.

Senator Krebsbach: Motion to concur with House amendments. **Senator Klein**: Second.

Roll call votes: 6 yes; 0 no; 1 absent not voting. Floor assignment: **Senator Espegard**

Date: 1/23/01
 Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2208

Senate Industry, Business and Labor Committee

Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken

Do pass on amendment

Motion Made By

Sen. Krebsbach

Seconded

By

Sen. Tollefson

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

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Date: January 23, 2001
Roll Call Vote #. 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2208

Senate Industry, Business and Labor

Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken

Do pass as amended

Motion Made By

Sen Tollefson

Seconded

By

Sen Deb Mathern

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

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen Espegard

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

REPORT OF STANDING COMMITTEE (410)
January 23, 2001 4:02 p.m.

Module No: SR-11-1475
Carrier: Espegard
Insert LC: 10472.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2208: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2208 was placed on the Sixth order on the calendar.

Page 2, line 2, remove "actually" and remove the overstrike over "~~er should have known~~"

Renumber accordingly

Date: 3/19/01
 Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2208

Senate Industry, Business and Labor

Committee

- Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Concur with House amendments

Motion Made By Sen Krebsbach Seconded By Sen Klein

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

Total (Yes) 6 No 0

Absent 1

Floor Assignment _____

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

2001 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2208

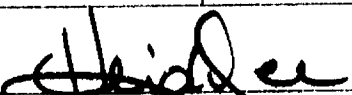
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2208

House Industry, Business and Labor Committee

Conference Committee

Hearing Date Feb. 28, 2001

Tape Number	Side A	Side B	Meter #
1	X		20.55
		X	-1.4
Committee Clerk Signature 			

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

Claus Lembke: *ND Assoc. of Realtors* **Written testimony in support of bill.**

Rep Kasper: This relieves the broker from the agency, why?

Lembke: This only works from broker to broker, not broker to agent.

Scott Louser: *Pres. Minot Board of Realtors* **Written testimony in support.**

Casey Chapman: This takes out the "or should have known" for the client. This cleans up the legislation and adds "wrongful act and omissions".

Rep Keiser: What is more difficult to prove, knowledge or should-have known's?

Chapman: actual knowledge.

Chairman Berg: We'll send this back to LC for review and amendments. Close the hearing.


2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2208(B)

House Industry, Business and Labor Committee

Conference Committee

Hearing Date March 7, 2001

Tape Number	Side A	Side B	Meter #
3	X		22.7-37.6
Committee Clerk Signature 			

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

Rep M. Klein: Explained bill and amendments.

Rep Ekstrom: I move the amendments.

Rep Severson: I second.

Vice-Chairman Keiser: I move to further amend.

Rep Lemieux: I second.

Vice-Chairman Keiser: I move a do pass as amended.

Rep M. Klein: I second.

15 yea, 0 nay, 0 absent Carrier Rep M. Klein

10472.0201
Title.

Prepared by the Legislative Council staff for
Representative Kasper
March 2, 2001

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2208

Page 1, line 24, after "agent" insert "of another real estate brokerage firm"

Page 2, line 1, replace "the" with "another"

Page 2, line 4, after "agent" insert "of another real estate brokerage firm" and after "subagent"
insert "of another real estate brokerage firm"

Renumber accordingly

Date: 3-7-01
 Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2208

House Industry, Business and Labor Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended

Motion Made By Keiser Seconded By M. Klein

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

Total (Yes) 15 No 0

Absent 0

Floor Assignment Rep M. Klein

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

REPORT OF STANDING COMMITTEE (410)
March 9, 2001 8:46 a.m.

Module No: HR-41-5162
Carrier: M. Klein
Insert LC: 10472.0202 Title: .0300

REPORT OF STANDING COMMITTEE

SB 2208, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2208 was placed on the Sixth order on the calendar.

Page 1, line 16, remove "actually" and remove the overstrike over "~~or should have known~~"

Page 1, line 24, after "agent" insert "of another real estate brokerage firm"

Page 2, line 1, replace "he" with "another"

Page 2, line 4, after "agent" insert "of another real estate brokerage firm" and after "subagent" insert "of another real estate brokerage firm"

Renumber accordingly

2001 TESTIMONY

SB 2208

