

2011 HOUSE JUDICIARY

HB 1240

2011 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1240
January 19, 2011
13059

☐ Conference Committee

Committee Clerk Signature

D. Penrose

Minutes:

Chairman DeKrey: We will open the hearing on HB 1240.

Rep. Kretschmar: I'm the chair of the ND Uniform State Law Commission. This bill states that commissioners that serve on the ND Uniform Law Commission, would be required to be residents of the state of ND. I think that's logical and all persons who are commissioners right now, today, would be grandfathered or grandmothered in to stay even after the effective date of this act.

Rep. Koppelman: If I recall correctly, there are some who have served who are former North Dakotans who live elsewhere. Can you give us some background on the status of that.

Rep. Kretschmar: Under the current statute, one of the commissioners is required to be one of the members of the faculty of the law school at the Univ. Act of North Dakota. Sometimes the law professions move around the country and then a new one is appointed. Currently there is a former law professor, who I believe now lives in Florida, is no longer a resident of ND. Under the bill, her commission would stay as long as she is appointed by the Governor from time to time. Commissioners are appointed for a period of 4 years and appointed by the Governor. There are three commissioners who are appointed by the state Legislative Management Committee; one from the House, one from the Senate and one from the LC staff. This would mean that from the effective date of the act, the persons who are no longer residents of ND, would no longer be commissioners from ND.

Chairman DeKrey: We don't have any law professors at UND that live over in East Grand Forks, MN.

Rep. Kretschmar: I don't know.

Rep. Delmore: You mentioned life members. Will this have any effect on them, it looks like there is an exception for that, am I correct.

Rep. Kretschmar: One of the provisions of the National Commission is that if you have served on the National Commission as a commissioner for 20 or more years, you are entitled to become a life member of the Commission. At the present time, ND has two life members. I would have the qualification to be a life member but I haven't taken that step yet; Jay Buringrud, LC Staff and Owen Anderson, who used to be a ND professor, but he still has ties to ND are our current life members.

Rep. Delmore: This will not affect them.

Rep. Kretschmar: No, this will not affect them.

Chairman DeKrey: Thank you. Further testimony in support of HB 1240. Testimony in opposition.

Marilyn Foss, appearing on behalf of myself: The reason we have state commissioners is to have them be familiar with and represent state interests and it's my personal view that if you have not resided in ND for a number of years, your ability to do that is compromised. I support the requirement that our Uniform Law Commissioners be residents of ND.

Chairman DeKrey: Thank you. Further testimony in support; opposition; we will close the hearing. What are the committee's wishes in regard to HB 1240.

Rep. Delmore: I move a Do Pass.

Rep. Koppelman: Seconded.

12 YES 0 NO 2 ABSENT

DO PASS

CARRIER: Rep. Kretschmar

Date: 7/19/11
Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1240

House JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Delmore Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Guggisberg	✓	
Rep. Beadle	✓		Rep. Hogan	✓	
Rep. Boehning			Rep. Onstad	✓	
Rep. Brabandt	✓				
Rep. Kingsbury					
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Steiner	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Kretschmar

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

REPORT OF STANDING COMMITTEE

HB 1240: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS**
(12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1240 was placed on the
Eleventh order on the calendar.

2011 SENATE JUDICIARY

HB 1240

2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

HB1240
2/8/11
Job #14197

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the qualifications of members of the commission on uniform state laws.

Minutes:

There is no attached testimony

Senator Nething – Chairman

Representative Kretschmar – Introduces the bill – He says this bill provides that all members of the commission must be a resident of ND. This bill does not affect any of the commissioners currently on the Uniform Law Commission. Any appointed after July of 2011 would need to be residents of ND. He said the Commission is primarily appointed by the Governor. All members need to be lawyers and each house of the legislature appoints a member. Legislative management appoints one member from the Legislative Council staff and the Governor appoints a practicing lawyer, a judge and a law professor. He tells of situations that arise where people move from the state. He said if the Governor reappoints them they can continue to serve on the Commission. He believes it would be better if people that leave the state would leave the ND Commission and be appointed to positions in their new state.

Senator Nelson – She agrees up to the point except where it says the Dean of the Law School would have priority and according to this if the Dean lived in E. Grand Forks he would not be eligible.

Rep. Kretschmar – Agrees it he was living in Minnesota he would not be eligible. The Governor could then appoint a member of the faculty or ask the Dean to move to Grand Forks.

Rep. Kretschmar – Explains what Life Members are and who in ND are Life Members. He said this bill would not affect Life Members. He says each member on the National Commission has one vote.

Senator Nething – Asks him to explain how the members are paid.

Rep. Kretschmar – He explains that the Uniform Law Commission is a state agency and has its own budget in the OMB. The Legislature appropriates those funds to the OMB for

the Commission and if members attend the national meeting those expenses are paid from the ND Uniform Commission budget. Those members on the Commission who are legislative members also receive legislative per diem which comes from the legislative budget. He gives some history on the Commission.

Marilyn Foss – Representing herself – Says the one of the purposes for the Uniform Laws Commission is so we have people involved in the process of developing uniform laws who are familiar with ND practice. It seems to her that once you are not practicing law or a resident in ND for a number of years that you would lose your ability to tell the Uniform Law Commission and task forces what ND practice is. She tells of subjects they are working on that affect ND.

Opposition – 0

Neutral -0

Close the hearing on 1240

2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

HB1240
3/9/11
Job #15177

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the qualifications of members of the commission on uniform state laws

Minutes:

Senator Nething – Chairman

Senator Olafson moves a do pass
Senator Lyson seconds

Discussion

Senator Sitte brings up how vague the word residence is. The committee discusses that there are many factors dealing with residency.

Roll call vote – 6 yes, 0 no
Motion passes

Senator Nething will carry

Date: 3/9
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1240

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Olafson Seconded By Senator Lyson

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman	X		Carolyn Nelson	X	
Curtis Olafson - V. Chairman	X				
Stanley Lyson	X				
Margaret Sitte	X				
Ronald Sorvaag	X				

Total (Yes) 10 No 0

Absent _____

Floor Assignment Senator Nething

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

REPORT OF STANDING COMMITTEE

HB 1240: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1240 was placed on the
Fourteenth order on the calendar.