



North Dakota House of Representatives

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TESTIMONY OF REP. LAWRENCE R. KLEMIN HOUSE JUDICIARY COMMITTEE HOUSE BILL NO. 1175 JANUARY 14, 2025

Members of the House Judiciary Committee. I am Lawrence R. Klemin, Representative for District 47 in Bismarck. I am also Chairman of the North Dakota Commission on Uniform State Laws. I am here to testify in support of HB1175, relating to the North Dakota Commission on Uniform State Laws.

The North Dakota Commission on Uniform State Laws is established in Chapter 54-55 of the North Dakota Century Code. This chapter sets out the membership of the North Dakota Commission, its duties, qualifications, and responsibilities. Members of the North Dakota Commission are also appointed as Commissioners on the National Conference of Commissioners on Uniform State Laws, also known as the Uniform Law Commission (ULC).

ULC commissioners are practicing lawyers, judges, legislators and legislative staff, and law professors, who have been appointed by state governments as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands. There are more than 350 ULC Commissioners. ULC commissioners donate thousands of hours of legal work, without compensation, to research, draft and promote enactment of uniform state laws in areas of state law where uniformity is desirable and practical.

The ULC was first established in 1892. North Dakota became a member in 1893. Since that time, North Dakota has enacted 183 uniform and model Acts, of which 80 are still currently in effect. The Acts have been subject to revision over time and some Acts have been repealed as outdated. I have attached a list of the 80 Acts currently in effect in North Dakota so that you can see what we still have on the books.

HB1175 is a rewrite of Chapter 54-55. Section 54-55-01 sets out the membership of the North Dakota Commission. Subsections 1 through 7 are a reorganization of existing law into subsections and subdivisions in accordance with current drafting requirements.

Subsection 1 specifies who the members are and who appoints them. The Governor appoints an individual licensed to practice law in this State (Jacob Rodenbiker, currently

an Assistant U.S Attorney); the Dean or a faculty member at the UND School of law (Brad Myers, a professor of law); and a judge (Supreme Court Justice Jerad E. Tufte). These individuals have 4-year terms. Legislative Management appoints a member of the House of Representatives (Lawrence R. Klemin, also a Life Member of the ULC), a member of the Senate (David Hogue, also a Life Member of the ULC), and a member of the Legislative Council (Dustin A. Richard) to 2-year terms. The Attorney General appoints a member (Parrell Grossman, who recently retired as Director of the AG's Consumer Protection Division). Commissioners also include members elected as Life Members of the ULC after they have served 20 years or more. The Life Members include Owen Anderson, a retired former UND law professor; Gail Hagerty, a retired District Judge; Jay Buringrud, a retired former employee of the Legislative Council; and Candace Zierdt, a retired former UND law professor. The Governor can also appoint any residents of this State who have previously been appointed to at least 5 years on the North Dakota Commission. There are no appointees at this time in this category.

Subsection 8 provides that all Commissioners must be licensed attorneys in good standing with the State Bar Association of North Dakota at the time of first appointment. This is a ULC requirement which is restated here. All North Dakota commissioners have been appointed in compliance with this requirement.

Subsection 9 is new and provides that if there are no members of the House or Senate who are eligible for appointment (i.e. licensed lawyer), then the Legislative Management may appoint some other lawyer who is eligible. This is included in recognition that there are few lawyers in the Legislature at the present time and may be none in the future. Legislative Management should still be able to appoint a commissioner to represent the Legislature if there are no lawyers in the Legislature. This may never occur, but the subsection provides for the possibility. There are currently only 3 licensed lawyers in the House and 3 in the Senate.

Section 54-55-03 adds a Vice Chairman to the officers of the North Dakota Commission. Justice Jerad Tufte currently serves as Vice Chairman, so this amendment is consistent with current practice. I am the Chairman and Dustin Richard of the Legislative Council is the Secretary.

Section 54-55-04 only adds a reference to the National Uniform Law Commission.

Section 54-55-05, relating to compensation and expense reimbursement, updates subsection 1 to state that legislators do get paid a per diem when attending Commission meetings, as provided in Section 54-03-20. A reference to the ULC is included in subsection 2. This subsection also removes obsolete language relating to expense reimbursement payable for legislators who have been appointed under the 5-year provision who have served at least 20 years in the Legislature. There are no such members now and will never be in the future due to term limits. If any other members do get appointed in the future who are not 20-year legislators, then they will get their expenses reimbursed the same as other Commissioners.

Members of the Committee, I urge a "Do Pass" recommendation on HB1175. I would be happy to answer any questions. Thank you.

Rep. Lawrence R. Klemin