

1999 SENATE POLITICAL SUBDIVISIONS

SB 2280

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2280

Senate Political Subdivisions Committee

Conference Committee

Hearing Date JANUARY 28, 1999

Tape Number	Side A	Side B	Meter #
1	X		0 TO 1690
Committee Clerk Signature 			

Minutes:

OPEN COMMITTEE MEETING

ROLL CALL: ALL SENATORS PRESENT

SENATOR FREEBORG: Represent SB2280 and sponsor of the bill

DEWY OSTER: SEE TESTIMONY

SENATOR LEE: historical society requirements electronically

DEWY OSTER: never heard anything

SENATOR LEE: electronic filing of this historical data and updating to make sure that all this data is filed electronically

DEWY OSTER: micro film still only achievable medium and electronic medium standards that are coming forward for storing data

SENATOR LEE: didn't end up being part of discussion

Page 2

Senate Political Subdivisions Committee

Bill/Resolution Number Sb2280

Hearing Date January 28, 1999

SENATOR LYSON: types of bottle brands and the brands imbedded directly into the bottle

SENATOR LEE: directly into the bottle

SENATOR WATNE: century code addressing this issue

SENATOR LEE: read the century code

DEWY OSTER: amendments to the bill

SENATOR LEE: any questions

SENATOR WATNE: see testimony

SENATOR LYSON: history of bottle brands and when drug stores had their own brands

DISCUSSION

JIM HORNER: registered lobbyist, support SB2280 and uses same language that we already use

and newer technology might someday come into use

SENATOR LEE: any questions

MOTION: CLOSE HEARING ON 2280

DISCUSSION

SENATOR NELSON: DO PASS MOVE

SENATOR FLAKOLL: SECOND

DO PASS AS AMENDED

DO PASS ON SB2280

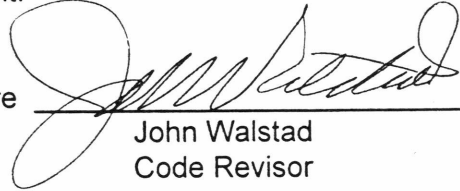
SENATOR KELSH STILL ABSENT

## FISCAL NOTE STATEMENT

Senate Bill or Resolution No. 2280

This bill or resolution appears to affect revenues, expenditures, or fiscal liability of counties, cities, or school districts. However, no state agency has primary responsibility for compiling and maintaining the information necessary for the proper preparation of a fiscal note regarding this bill or resolution. Pursuant to Joint Rule 502, this statement meets the fiscal note requirement.

Signature



John Walstad  
Code Revisor



PROPOSED AMENDMENTS TO SENATE BILL 2280

Page 3, line 8, under each "Vol. Page" insert "and/or Document No."

Page 4, line 2, under each "Vol. Page" insert "and/or Document No."

Date: 1-28-99  
Roll Call Vote #: 2280

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

Senate Political Subdivisions Committee Committee

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

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

Action Taken Do pass

Motion Made By SW Seconded By SN

Senators	Yes	No	Senators	Yes	No
Senator Lee (Chairman)	/				
Senator Lyson (Vice-Chaiman)	/				
Senator Flakoll	/				
Senator Watne	/				
Senator Kelsh					
Senator Nelson	/				

Total (Yes) 5 No 0

Absent senator kelsh

Floor Assignment Sen. Watne

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

Date: 1-28-99  
Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2280 Amend.

Senate Political Subdivisions Committee Committee

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

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

Action Taken Do pass amend

Motion Made By SN Seconded By SN SF  
SW

Senators	Yes	No	Senators	Yes	No
Senator Lee (Chairman)	/				
Senator Lyson (Vice-Chaiman)	/				
Senator Flakoll	/				
Senator Watne	/				
Senator Kelsh					
Senator Nelson	/				

Total (Yes) 5 No 0

Absent Kelsh

Floor Assignment Sen. Watne

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

1999 HOUSE POLITICAL SUBDIVISIONS

SB 2280

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2280

House Political Subdivisions Committee

Conference Committee

Hearing Date 2-25-99

Tape Number	Side A	Side B	Meter #
1		x	0.2-24.0
Committee Clerk Signature <i>Pam Dewey</i>			

Minutes: BILL SUMMARY: Relating to the recording of documents by the register of deeds; and to repeal section of code relating to recording of bottle brands. Chairman Froseth called the hearing to order with all committee members present except Rep. Gunter.

Dwayne "Dewey" Oster, McLean County ROD and Pres. of ROD (Register of Deeds) : .3-3.6

Testified in support of SB 2280. (See attached testimony) In 25 years, I have never updated or done an abstract. In our business we help people, but we don't certify. In 25 years I have never recorded a bottle brand. I don't know where they record this. We could leave the bottle brands in, if you want.

Chairman Froseth : 3.7 Probably with the micro breweries springing up, we may want to leave it in.

Dewey : Legislative Council cleaned up some old fashioned language.

Rep. Koppelman : Item #6, page 2, is deleted which is the "continuation of the abstract". Is this not something that you do?

Dewey : In that context, a license abstractor needs to do that. If they took that abstract to a licensed attorney to have a title opinion done, I don't think a signature of a register of deeds will be a valid continuation of that abstract. We can do it, but it is not valid.

Rep. Koppelman : 5.3 If we delete this, are we getting into more of a policy issue than we think. Are we building a fence around licensed abstract companies saying only you can do this. Maybe we should leave this in.

Dewey : We talked about that section. But down the road, we thought with the age of computers, maybe the register of deeds can get into that area of making abstracts. Now there is a legality issue, too. We are not bonded to do the same thing abstract companies do. We try to help a constituent that comes in, but what's our liability in this. I guess you could say I am giving a verbal abstract, because I am confident of my ability to serve the public. I just don't certify.

Rep. Koppelman : 9.5 I think a bank or mortgage company is smart enough to put their own requirements on a property transaction. They may require a title opinion from an attorney or certification from an abstract company, etc.

Rep. Delmore : 10.00 I think leaving that language in might hurt people not as qualified as you. You have a lot of experience as register of deeds. But there may be people who don't have the same training or as confident as you in there job.

Dewey : That could be true. The worst thing we handle, as registers, is mineral ownership. We try to determine who owns the mineral rights. We really stick out our necks. It's hard to turn down a constituent You tell them you are not fully licensed to do this up front.

Chairman Froseth : If you found an error in a previous register of deeds filing many years ago, what recourse is there to correct that error? Who is liable, especially if there is a lot of money involved?

Dewey : We do have a bond with the county. Maybe an indexing error might occur. Haven't had errors in all my years.

Chairman Froseth : Any further testimony in support; any in opposition? Hearing none, the hearing was closed.

At 11:00 a.m. the bill was brought up for discussion.

Rep. Koppelman : 15.5 I propose we amend to remove the overstrikes 6-8 on page 2.

Rep. Delmore : 16.5 Is there any reason for us wanting to remove the overstrike on lines 9-15. Your point with the micro brewery, Mr. Chair, might be something to take a look at. We may want to have that left in.

Rep. Koppelman : I don't have a problem with that. I talked to the Sec. of State in the hall just now and he said they record the label now. Lines 6,7, and 8 should have the overstrike removed, because Mr. Oster didn't have a problem with removing the overstrike. It is just continuing the abstract and we should not take that away from the register of deeds. They are serving the public. I fear if we take this out of law, there may be register of deeds that say the law says they don't have to update an abstract for the public anymore. It has been there all of these years.

ACTION: Rep. Koppelman made a motion to DO PASS on the proposed amendments and Vice Chair Maragos seconded the motion. VOICE VOTE : 12 YES, Rep. Glassheim was NO. Vice Chair Maragos made a motion DO PASS AS AMENDED and Rep. Delmore second.

VOTE: 13 YES and 0 NO and 2 ABSENT. PASSED. Rep. Delmore will carry the bill.

90492.0301  
Title.0400

Adopted by the Political Subdivisions  
Committee

February 25, 1999

VR  
2/25/99

**HOUSE** AMENDMENTS TO ENGROSSED SENATE BILL NO. 2280 2-25-99 PS

Page 2, line 6, after "~~6.~~" insert "5." and remove the overstrike over "~~Continue an abstract of title to real property prepared by the register of deeds~~"

Page 2, remove the overstrike over lines 7 and 8

Page 2, line 16, replace "5" with "6"

Renumber accordingly



Please type or use  
black pen to complete

Date 2-25-99

Roll call vote # 1

### 1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2280

House POLITICAL SUBDIVISIONS Committee

- Subcommittee on \_\_\_\_\_
  - Conference Committee
- } Identify or check where appropriate

Legislative Council Amendment Number 90492.0301 .0400 Title

Action Taken Do Pass as Amended

Motion Made By Rep. Maragos Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Froseth	/		Rep. Wikenheiser	/	
Vice Chair Maragos	/				
Rep. Delmore	/				
Rep. Disrud	/				
Rep. Eckre	/				
Rep. Ekstrom	/				
Rep. Glasheim	/				
Rep. Gunter	/				
Rep. Johnson, N	/				
Rep. Koppelman	/				
Rep. Niemeier	/				
Rep. Rose	/				
Rep. Severson	/				
Rep. Thoreson, B	/				

Total 13 0  
(Yes) (No)

Absent -2-

Floor Assignment Rep. Delmore

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

DO NOT USE HIGHLIGHTER ON ANY FORMS

**REPORT OF STANDING COMMITTEE**

**SB 2280, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2280 was placed on the Sixth order on the calendar.

Page 2, line 6, after "~~6-~~" insert "5." and remove the overstrike over "~~Continue an abstract of title to real property prepared by the register of deeds~~"

Page 2, remove the overstrike over lines 7 and 8

Page 2, line 16, replace "5" with "6"

Renumber accordingly

1999 SENATE POLITICAL SUBDIVISIONS

SB 2280

CONFERENCE COMMITTEE


1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SENATE BILL 2280

Senate Political Subdivisions Committee

Conference Committee

Hearing Date MARCH 12, 1999

Tape Number	Side A	Side B	Meter #
1	x		0 to 475
Committee Clerk Signature 			

Minutes:

SENATORS PRESENT : SENATOR WATNE, SENATOR FLAKOLL, SENATOR NELSON

REPRESENTATIVE PRESENT: REPRESENTATIVE MARAGOS, REPRESENTATIVE

DELMORE, REPRESENTATIVE THORESON

SENATOR WATNE: open the hearing on SENATE BILL 2280 and options for the house to consider

REPRESENTATIVE DELMORE: reason why this was left in the bill was on occasions we had a clerk of deeds has to work with outdated deeds (blurry recording)

SENATOR WATNE: comments or motions

REPRESENTATIVE MARAGOS: vote that the house recedes from it's amendments to

SENATE BILL 2280

SENATOR WATNE: voice vote on motion

Page 2

Senate Political Subdivisions Committee

Bill/Resolution Number SB2280 CONFERENCE COMM

Hearing Date MARCH 12, 1999

MOTION: ALL IN FAVOR OF THE HOUSE RECEDING FROM IT'S AMENDMENTS

MOTION: NO ONE WAS OPPOSED

DISCUSSION ON VOTING PROCEDURES

REPRESENTATIVE MARAGOS: YES

REPRESENTATIVE DELMORE: YES

REPRESENTATIVE THORESON: YES

SENATOR NELSON: YES

SENATOR FLAKOLL: YES

SENATOR WATNE: YES

MAJORITY VOTE TO RECEDE HOUSE AMENDMENTS

MOTION CARRIED:

Date: 3-12-99  
 Roll Call Vote #: 7

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO.

Senate Political Subdivisions Committee Committee

Subcommittee on HB 2280  
 or  
 Conference Committee

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

Action Taken House Recedes amendments

Motion Made By Maragos Seconded By Thoreson

Senators	Yes	No	Senators	Yes	No
Senator Lee (Chairman)			Andy Maragos /		
Senator Lyson (Vice-Chaiman)			Louis Delucore /		
Senator Flakoll	/		Bob Thoreson /		
Senator Watne	/				
Senator Kelsh					
Senator Nelson	/				

R  
D  
R

Total (Yes) 6 No 0

Absent \_\_\_\_\_

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

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

Insert LC: .

**REPORT OF CONFERENCE COMMITTEE**

**SB 2280, as engrossed:** Your conference committee (Sens. Watne, Flakoll, C. Nelson and Reps. Maragos, B. Thoreson, Delmore ) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 9049 and place SB 2280 on the Seventh order.

Engrossed SB 2280 was placed on the Seventh order of business on the calendar.

1999 TESTIMONY

SB 2280



North Dakota



Register of Deeds Association

Dwayne J. Oster  
McLean County  
President

Vicki Kubat  
Cavalier County  
1st Vice President

Karen Samek  
Stutsman County  
2nd Vice President

Ann Johnsrud  
McKenzie County  
Secretary-Treasurer

TO: Senator Lee and Members-Political Subdivisions

FR: Dwayne "Dewey" Oster, McLean County ROD and Current ROD Assn. President

RE: SB 2280 - Relating to the recording of documents by the register of deeds

I am present this morning to introduce and testify in support of SB 2280. I'm sure you all have had a chance to peruse this bill draft and I would guess that you have found it somewhat boring.

I would agree with that assessment. This nine page bill is a "housekeeping" venture by the state's RODs to clear up and improve some of the outdated, archaic language of our job description and also to eliminate certain items which do not apply to our office function.

Rather than utilizing valuable time discussing each line of change in the bill I simply want to touch on four points.

1) Throughout the bill the most common change is to replace or add to the word "book" by using the word "document number" or "storage media". Books are being replaced with computer technology and the reports generated by such equipment. No longer do books and pages have an exclusive hold on our record keeping function.

2) RODs are not licensed abstractors; therefore item 6 was deleted from 11-18-01.

3) RODs no longer perform the function of recording bottle brands; therefore item 7 was also eliminated from 11-18-01.

4) Some other minor word changes were also made by the Legislative Council as they drafted the bill's language.

If possible I would like to submit a couple of small amendments to the bill relating to adding the words "Document Number". *(make presentation here)*

With that, I ask this committee for a "do pass" on SB 2280 and I am ready to answer any questions that you may have.

Thank you.

*SW.  
Testimony*

NDCC, 19-08-07

TEXT

NORTH DAKOTA CENTURY CODE  
TITLE 19. FOODS, DRUGS, OILS, AND COMPOUNDS  
CHAPTER 19-08. BEVERAGES

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Current through End of 1997 Reg. Sess.

19-08-07 Penalty for sale, use, or purchase of bottles when brand recorded.

Every person who without the written consent of the owner, sells, disposes of, purchases, or traffics in, any bottle bearing a name, brand, trademark, or label which has been recorded as provided in section 11-18-01, and every person who, without the written consent of the owner, refills any such bottle with any beverage, whether genuine or not, or keeps such bottle with intent to refill, use, or sell the same, is punishable for the first offense by a fine of fifty cents for each bottle so filled, sold, bought, disposed of, or trafficked

TEXT

in, and for each subsequent offense, by a fine of five dollars for each bottle so filled, bought, disposed of, or trafficked in.

CREDIT

Source: Pen. C. 1877, §§ 418, 419; R.C. 1895, §§ 7264, 7265; R.C. 1899, §§ 7264, 7265; S.L. 1901, ch. 184, § 1; R.C. 1905, §§ 9004, 9005; C.L. 1913, §§ 9719, 9720; R.C. 1943, § 19-0807.

NDCC 19-08-07  
ND ST 19-08-07  
END OF DOCUMENT

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North Dakota



Register of Deeds Association

Dwayne J. Oster  
McLean County  
President

Vicki Kubat  
Cavalier County  
1st Vice President

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Stutsman County  
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TO: Chairman Froseth and Members-Political Subdivisions Committee

FR: Dwayne "Dewey" Oster, McLean County ROD and Current ROD Assn. President

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4) Some other minor word changes were also made by the Legislative Council as they drafted the bill's language.

With that, I ask this committee for a "do pass" on SB 2280 and I am ready to answer any questions that you may have.

Thank you.

From: Deanna J. Kensrud/ISD/NoDak@Hub on 03/08/99 02:19 PM  
To: Judy E. Lee/NDLC/NoDak@NoDak  
cc:  
Subject: Senate Bill 2280

Dear Senator Lee:

Senate Bill No. 2280 is a "housekeeping bill" for the Register of Deeds office. This office is open to the public and any individual or company has access to the records.

We have never prepared or continued abstracts of title to real property. This work is done by various abstract companies. The language on page 2, lines 6, 7, & 8 of the Engrossed Senate Bill No. 2280, referring to the continuation of an abstract of title to real property by the register of deeds, is obsolete and should be removed from the statute.

Thank you for your consideration.

Sincerely,

Deanna Kensrud  
Cass County Register of Deeds

*Darlene -  
this may be helpful  
to you in your conference  
committee.*

*Judy*