

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1342

2001 HOUSE JUDICIARY

HB 1342

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1342

House Judiciary Committee

Conference Committee

Hearing Date 01-29-01

| Tape Number                                 | Side A | Side B | Meter #      |
|---|--------|--------|--------------|
| TAPE II                                     |        | x      | 2860 to 6244 |
|   |        |        |              |
|   |        |        |              |
| Committee Clerk Signature <i>Joan Diers</i> |        |        |              |

Minutes: Chairman DeKrey opened the hearing on HB 1342. Relating to garnishment disclosure forms.

Dave MacIver: President of the Bismarek Mandan Chamber of Commerce. (see attached testimony).

Rep. Keiser: District 47 of Bismarek .I challenge everyone on this committee to fill out this form. He gave the information necessary to fill out the form. Rep Keiser then gave several examples of how he has tried to fill out the form and the fact that they have even had to contact a lawyer to see if it was correct. This bill is designed to address the cost and the employer's liability. The part time employees is one area where the problem is.

Chairman DeKrey: When did we pass this bill?

Rep. Keiser: I don't know.

Rep. Eckre: If you contacted the attorney and you never heard from them, that is unbelievable.

Rep. Keiser: We get so anxious because of the liability.

Page 2

House Judiciary Committee

Bill/Resolution Number HB 1342

Hearing Date 01-29-01

Rep Klemin: Goes over the procedure again for filling out the paper work.

Rep Keiser: That is correct, but let me go over it again.

Brian Hill: a businessman here in Bismarck: Spoke in support of HB 1342. He gave three examples of part time employees. He also stated that the employer is liable if the form is not filled out properly.

Chairman DeKrey: Are there any questions? If not thank you for appearing. If there anyone else wishing to testify, either for or against?

Lisa Laubinger: an attorney appearing her for the North Dakota Collector Association. I wanted to let the committee know that in my five years of practice, there were only two situations where an employer was held responsible. The first one the employer willfully refused to fill out the paperwork, in the other one, the person was served but they chose to ignore the paper work. She goes on to explain the procedure.

Chairman DeKrey: Are you in agreement with the law.

Lisa Laubinger: My position is if the committee is looking at ways to change it, need the provision to enforce filling out the paper work, but if you want to make it easier to fill out the paperwork, I agree.

Rep Klemin: So you don't have a problem with the way the bill is written?

Lisa Laubinger: No, no problem.

Rep Eckre: Is it possible for a person to have two jobs, one full time and one part time, could both be garnished?

Lisa Laubinger: I asked and they said no case law to do both.

Page 3

House Judiciary Committee

Bill/Resolution Number HB 1342

Hearing Date 01-29-01

Rep Delmore: Why are there no directions given to the employers to fill out the form especially when they can be held liable?

Lisa Laubinger: I think there are directions.

Rep Delmore: In your case, you are familiar with the form, so you can do it quickly, nothing has been provided as a guide.

Lisa Laubinger: The guide is the statute. If they complete them the way the form is set up there should be no problem. The only problem is when they are sending money, or a part time employee.

Chairman DeKrey: Is there anyone else wishing to testify, thank you for appearing. We will close the hearing on HB 1342.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1342a

House Judiciary Committee

Conference Committee

Hearing Date 02-07-01

| Tape Number                                 | Side A | Side B | Meter #     |
|---|--------|--------|-------------|
| TAPE II                                     | x      |        | 716 to 1027 |
|   |        |        |             |
|   |        |        |             |
| Committee Clerk Signature <i>Joan Deere</i> |        |        |             |

Minutes: Chairman DeKrey can we take up HB 1342.? This is the bill to simplify the form of garnishment for employers. A discussion was held on the bill and then decided to make amendments on the will. The key word for the employer is willful, in the case of failure to fill out the form. The committee was given direction on how to proceed with the amendments after the committee had input into the amendments.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1342b

House Judiciary Committee

Conference Committee

Hearing Date 02-12-01

| Tape Number                                 | Side A | Side B | Meter #      |
|---|--------|--------|--------------|
| TAPE I                                      |        | x      | 5650 to 6200 |
| TAPE II                                     | x      |        | 01 to 168    |
| Committee Clerk Signature <i>Jan DeKrey</i> |        |        |              |

Minutes: Chairman DeKrey we will take up HB 1342.

DISCUSSION

Chairman DeKrey: what are the wishes of the committee? Rep Klemin moved a DO PASS, seconded by Rep Grande.

DISCUSSION

TAPE II SIDE A

DISCUSSION CONTINUES

COMMITTEE ACTION

Chairman DeKrey: the clerk will call the roll on a DO PASS. The motion passes with a vote of 11 YES, 2 NO and 2 ABSENT. Carrier Rep Klemin

Date: 02-12-01  
Roll Call Vote #: /

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB-1342

House JUDICIARY Committee

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

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

Action Taken Do Pass

Motion Made By Rep Klemm Seconded By Rep Grande

| Representatives             | Yes | No | Representatives | Yes | No |
|-----------------------------|-----|----|-----------------|-----|----|
| CHR - Duane DeKrey          | ✓   |    |                 |     |    |
| VICE CHR -- Wm E Kretschmar | ✓   |    |                 |     |    |
| Rep Curtis E Brekke         | ✓   |    |                 |     |    |
| Rep Lois Delmore            | ✓   |    |                 |     |    |
| Rep Rachael Disrud          |     |    |                 |     |    |
| Rep Bruce Eckre             | ✓   |    |                 |     |    |
| Rep April Fairfield         |     | ✓  |                 |     |    |
| Rep Bette Grande            | ✓   |    |                 |     |    |
| Rep G. Jane Gunter          | ✓   |    |                 |     |    |
| Rep Joyce Kingsbury         | ✓   |    |                 |     |    |
| Rep Lawrence R. Klemm       | ✓   |    |                 |     |    |
| Rep John Mahoney            |     | ✓  |                 |     |    |
| Rep Andrew G Maragos        |     |    |                 |     |    |
| Rep Kenton Onstad           | ✓   |    |                 |     |    |
| Rep Dwight Wrangham         | ✓   |    |                 |     |    |

Total (Yes) 11 No 2

Absent 2

Floor Assignment Rep Klemm

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



REPORT OF STANDING COMMITTEE (410)  
February 12, 2001 12:05 p.m.

Module No: HR-25-3036  
Carrier: Klemin  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

HB 1342: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS**  
(11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1342 was placed on the  
Eleventh order on the calendar.

2001 SENATE JUDICIARY

HB 1342

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1342

Senate Judiciary Committee

Conference Committee

Hearing Date March 13th, 2001

| Tape Number               | Side A | Side B | Meter # |
|---------------------------|--------|--------|---------|
| 1                         | x      |        | 15,4-36 |
|                           |        |        |         |
| Committee Clerk Signature |        |        |         |

Minutes: **Senator Traynor**, opened the hearing on HB 1342.

**Rep. Keiser**, district 47, testifies in support of the bill. This deals with the garnishment laws. The form presented before you is the simplified version. Area of liability. Currently as an employer I received a letter from an attorney garnishing an employees wage. In all three cases the attorneys said, "we're not sure but it looks all right." When you do the calculations you're still obligated by law to recalculate. You need to document. For employers who are using an accounting firm, they are charged 50 dollars. The second thing is on page five, changes the default of the employer. Put in the notion that employer is willfully to disclose. This maybe the only way to settle depts.

**Senator Traynor**, customarily after the first garnishment the parties get together and agree on a wage assignment, is that your experience?

**Rep. Keiser**, yes. We send in a fixed amount. You run into a problem with people who work part time.

Page 2  
Senate Judiciary Committee  
Bill/Resolution Number 1342  
Hearing Date March 13th, 2001

**Senator Traynor**, when arrangement is made to pay out, do you notify the employee?

**Rep. Keiser**, yes, we tell them.

**Dave MacIver**, President of the Bismarck Mandan Chamber of Commerce, supports the bill.

(testimony attached)

**Senator Trenbeath**, wonderful bill. If you have members that hire CPAs, why don't you just look within your own ranks. One of my employees who only has a high school diploma can fill out one these. Both of you and Rep. Keiser speak out on judgment creditors. This is the only way you can collect.

**Senator Watne**, we had a bill dealing with garnishments. The witnesses testifying said a lot of money come out to.

**Rep. Keiser**, that's a good point, everyone gets paid except the employer.

**Senator Traynor**, some members complain about repeated garnishment, does that come from harassment?

**Senator Traynor**, closed the hearing on HB 1342.

**Discussion.**

**SENATOR WATNE MOTIONED TO DO PASS, SECONDED BY SENATOR BERCIER.  
VOTE INDICATED 7 YEAS, 0 NAYS AND 0 ABSENT AND NOT VOTING. SENATOR  
TRAYNOR VOLUNTEERED TO CARRY THE BILL.**

Date: 3/13/01  
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1342

Senate Judiciary Committee

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

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

Action Taken DP

Motion Made By Watne Seconded By Bercier

| Senators                | Yes | No | Senators    | Yes | No |
|-------------------------|-----|----|-------------|-----|----|
| Traynor, J. Chairman    | X   |    | Bercier, D. | X   |    |
| Watne, D. Vice Chairman | X   |    | Nelson, C.  | X   |    |
| Dever, D.               | X   |    |             |     |    |
| Lyson, S.               | X   |    |             |     |    |
| Trenbeath, T.           | X   |    |             |     |    |
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Total (Yes) 7 No 0

Absent 0

Floor Assignment Traynor

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

**REPORT OF STANDING COMMITTEE (410)**  
March 13, 2001 12:56 p.m.

**Module No: SR-43-5470**  
**Carrier: Traynor**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1342: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS**  
**(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1342 was placed on the**  
**Fourteenth order on the calendar.**

2001 TESTIMONY

HB 1342

Fifty-Seventh Legislative Assembly  
Of North Dakota

January 29, 2001  
House Judiciary Committee

Testimony of Dave MacIver, President/CEO  
Bismarck-Mandan Chamber of Commerce  
in SUPPORT of HB1342

Chairman DeKrey, members of the House Judiciary Committee, My name is Dave MacIver, I am the President of the Bismarck Mandan Chamber of Commerce. I am here today in support of House Bill 1342.

This legislation is an attempt to solve a problem inadvertently created by previous legislation. All business would agree that the ability to collect payment for goods or services rendered would be a good thing. However, from time to time legislation passed to accomplish these goals sometimes creates new problems. That is the reason for this bill.

The current garnishment system has three basic flaws:

1. The form that has to be filled out by the employer is long, complicated, and for some employers, requires them to spend a lot of money to hire a CPA to fill it out.
2. It creates a problem for employers that have part time employees that don't make enough money to be garnished, requiring them to fill the form out every pay period.
3. It holds the employer liable for not filling out the form.

This legislation addresses the first two. It simplifies the form and shortens it dramatically for those employers who have those part time employees who don't make enough to be garnished.

For these reasons The Bismarck-Mandan Chamber of Commerce supports HB1342 and asks for your favorable vote on the same.



Fifty-Seventh Legislative Assembly  
Of North Dakota

March 12, 2001  
Senate Judiciary Committee

Testimony of Dave MacIver, President/CEO  
Bismarck-Mandan Chamber of Commerce  
in SUPPORT of HB1342

Chairman Traynor, members of the Senate Judiciary Committee, My name is Dave MacIver, I am the President of the Bismarck Mandan Chamber of Commerce, an association of 1030 businesses in the Bismarck-Mandan area.

I am here today in support of House Bill 1342.

This legislation is an attempt to solve a problem inadvertently created by previous legislation. All businesses would agree that the ability to collect payment for goods or services rendered would be a good thing. However, from time to time legislation passed to accomplish these goals sometimes creates new problems. That is the reason for this bill.

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