MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M

ROLL NUMBER

1071

DESCRIPTION

2003 HOUSE JUDICIARY

HB 1071

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1071

House Judiciary Committee

☐ Conference Committee

Hearing Date 1-20-03

Tape Number	Side A	Side B	Meter #
1		xx	6-9
Committee Clerk Signature	D Penrose		

Minutes: 12 members present, 1 member absent (Rep. Bernstein)

Chairman DeKrey: We will hear testimony on HB 1071.

Rep. Klemin: (see attached testimony), spoke on the bill.

Rep. Delmore: South Dakota is also not on the list. Are they planning to hear this bill, or why they haven't adopted it.

Rep. Klemin: 30 out of 50 states have adopted it.

Chairman DeKrey: Any further testimony in favor? Any testimony in opposition? What are the committees wishes in regard to HB 1071.

Rep. Kretschmar: I make a motion to Do Pass to HB 1071.

Rep. Maragos: I second the motion.

Chairman DeKrey: Any further discussion? The clerk will call the roll.

12 YES 0 NO 1 ABSENT DO PASS CARRIER: Rep. Klemin

Date: 1/20/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1071

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Kretschmar Seconded By Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	AB		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep. Klemin

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

REPORT OF STANDING COMMITTEE (410)
January 20, 2003 4:04 p.m.

Module No: HR-10-0790
Carrier: Klemin
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1071: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1071 was placed on the Eleventh order on the calendar.

2003 SENATE JUDICIARY

HB 1071

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1071

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 03/10/03

Tape Number	Side A	Side B	Meter #
1		X	30.6 - 46
Committee Clerk Signature	Moira L Solberg		

Minutes: **Senator John T. Traynor, Chairman**, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill:

Testimony Support of HB 1071

Representative Lawrence R. Klemin, Introduced Bill (meter 30.9) Read Testimony - Attachment #1

Senator Stanley W. Lyson, Vice Chairman referenced a bill that was passed in the senate. The discussion was that it would not be relevant to this bill.

Senator Carolyn Nelson (meter 34.7) In definition of this bill it does not include a judgment for taxes, a fine, a penalty or support what does this bill include. Rep Klemin responded; breach of contract, breech of warranty, product liability, accidents basically many kinds of civil litigation's where a money judgment might be entered.

Sen. Bercier asked how this bill (meter 36.4) would effect tribal nations, discussion.

Sen. Dever discussed the issue of this bill having been presented last session (meter 38.2) Yes, this bill passed the house unanimously, but died in Senate committee-did not know why.

Sen. Lyson discussed a Canadian case and reciprocity. What laws are on the books

Testimony in opposition of HB 1071

None

Testimony Neutral to HB 1071

None

Senator John T. Traynor, Chairman closed the hearing

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1071

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 03/12/03

Tape Number	Side A	Side B	Meter #
3	X		6.9 -11.9
Committee Clerk Signature	Maria L Solberg		

Minutes: **Senator John T. Traynor, Chairman**, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with committee work on the bill:

Discussion of why we did not pass this legislation last session. Discussion of Uniform Enforcement Law of the State. Foreign judgment means "out of state". Bill stated other countries as "foreign". Court judgment in state would be two "foreign" terms. If they do not recognize our law why should we recognize there law in our country?

Motion Made to DO PASS HB 1071 by Senator Thomas L. Trenbeath and seconded by Senator Stanley W. Lyson, Vice Chairman

Roll Call Vote: 6 Yes. 0 No. 0 Absent

Motion Passed

Floor Assignment: Sen. Traynor

Senator John T. Traynor, Chairman closed the hearing

Date: March 12, 2003
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1071

Senate **JUDICIARY** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken DO PASS

Motion Made By Sen. Trenbeath Seconded By Sen. Lyson

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	X	
Sen. Stanley. Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) SIX (6) No ZERO (0)

Absent ZERO (0)

Floor Assignment Sen. Lyson

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

REPORT OF STANDING COMMITTEE (410)
March 12, 2003 4:01 p.m.

Module No: SR-44-4614
Carrier: Traynor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1071: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1071 was placed on the Fourteenth order on the calendar.

2003 TESTIMONY

HB 1071

Section Title: Introductions & Adoptions Of Uniform Acts.

> A Few Facts About The...

UNIFORM FOREIGN MONEY JUDGMENTS RECOGNITION ACT

PURPOSE:
To simplify international business by recognizing money judgments obtained in other nations.

ORIGIN:
Completed by the Uniform Law Commissioners in 1962.

ENDORSED BY:
American Bar Association

STATE ADOPTIONS:

Alaska
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Georgia
Hawaii
Idaho
Illinois
Iowa
Maine
Maryland
Massachusetts
Michigan
Minnesota
Missouri
Montana
Nevada
New Jersey
New Mexico
New York
North Carolina
Ohio
Oklahoma
Oregon
Pennsylvania
Texas
U.S. Virgin Islands
Virginia
Washington

2002

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UNIFORM FOREIGN MONEY-JUDGMENTS RECOGNITION ACT

Drafted by the

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

and by it

APPROVED AND RECOMMENDED FOR ENACTMENT IN ALL THE STATES

at its

ANNUAL CONFERENCE
MEETING IN ITS SEVENTY-FIRST YEAR
MONTEREY, CALIFORNIA
JULY 30 - AUGUST 4, 1962

WITH PREFATORY NOTE AND COMMENTS

Approved by the American Bar Association

February 4, 1963

UNIFORM FOREIGN MONEY-JUDGMENTS RECOGNITION ACT

The Committee which acted for the National Conference of Commissioners on Uniform State Laws in preparing the Uniform Foreign Money-Judgments Recognition Act was as follows:

JAMES C. DEZENDORF, Pacific Bldg., Portland, Ore., *Chairman.*

JOE C. BARRETT, McAdams Trust Bldg., Jonesboro, Ark.

STANLEY E. DADISMAN, College of Law, West Virginia University, Morgantown,

W. Va.

HARRY GUTTERMAN, Legislative Council, 324 Capitol Bldg., Phoenix, Arix.

LEONARD C. HARDWICK, 12 South Main St., Rochester, N. H.

ALFRED HARSCH, University of Washington Law School, Seattle, Wash.

LAWRENCE C. JONES, Rutland, Vt.

WALTER D. MALCOLM, 1 Federal St., Boston, Mass.

WILLIAM A. McKENZIE, Fifth Third Bank Bldg., Cincinnati, Ohio.

JAMES K. NORTHAM, 500 Ista Bldg., Indianapolis, Ind.

WILLIAM J. PIERCE, University of Michigan Law School, Ann Arbor, Mich.

MILTON S. SELIGMAN, First National Bank Bldg., Albuquerque, N. Mex.

J. COLVIN WRIGHT, Superior Court, Bedford, Pa.

KURT H. NADELMANN, Harvard Law School, Cambridge, Mass.,
Draftsman

Assisted by

WILLIS L. M. REESE, Columbia University School of Law, New York, N. Y.

Copies of all Uniform Acts and other printed matter issued by the Conference may be obtained from

NATIONAL CONFERENCE OF COMMISSIONERS

ON UNIFORM STATE LAWS

1155 East Sixtieth Street

Chicago 37, Illinois

UNIFORM FOREIGN MONEY-JUDGMENTS RECOGNITION ACT

PREFATORY NOTE

In most states of the Union, the law on recognition of judgments from foreign

countries is not codified. In a large number of civil law countries, grant of conclusive effect to money-judgments from foreign courts is made dependent upon reciprocity. Judgments rendered in the United States have in many instances been refused recognition abroad either because the foreign court was not satisfied that local judgments would be recognized in the American jurisdiction involved or because no certification of existence of reciprocity could be obtained from the foreign government in countries where existence of reciprocity must be certified to the courts by the government. Codification by a state of its rules on the recognition of money-judgments rendered in a foreign court will make it more likely that judgments rendered in the state will be recognized abroad.

The Act states rules that have long been applied by the majority of courts in this country. In some respects the Act may not go as far as the decisions. The Act makes clear that a court is privileged to give the judgment of the court of a foreign country greater effect than it is required to do by the provisions of the Act. In codifying what bases for assumption of personal jurisdiction will be recognized, which is an area of the law still in evolution, the Act adopts the policy of listing bases accepted generally today and preserving for the courts the right to recognize still other bases. Because the Act is not selective and applies to judgments from any foreign court, the Act states that judgments rendered under a system which does not provide impartial tribunals or procedures compatible with the requirements of due process of law shall neither be recognized nor enforced.

The Act does not prescribe a uniform enforcement procedure. Instead, the Act provides that a judgment entitled to recogni[illegible] will be enforceable in the same manner as the judgment of a court of a [illegible]tate which is entitled to full faith and credit.

In the preparation of the Act codification efforts made elsewhere have been taken into consideration, in particular, the [British] Foreign Judgments (Reciprocal Enforcement) Act of 1933 and a Model Act produced in 1960 by

the International Law Association. The Canadian Commissioners on Uniformity of Legislation, engaged in a similar endeavor, have been kept informed of the progress of the work. Enactment by the states of the Union of modern uniform rules on recognition of foreign money-judgments will support efforts toward improvement of the law on recognition everywhere.

UNIFORM FOREIGN MONEY-JUDGMENTS

RECOGNITION ACT

[Be it enacted . . . .]

SECTION 1. [*Definitions.*] As used in this Act:

(1) "foreign state" means any governmental unit other than the United States, or any state, district, commonwealth, territory, insular possession thereof, or the Panama Canal Zone, the Trust Territory of the Pacific Islands, or the Ryukyu Islands;

(2) "foreign judgment" means any judgment of a foreign state granting or denying recovery of a sum of money, other than a judgment for taxes, a fine or other penalty, or a judgment for support in matrimonial or family matters.

SECTION 2. [*Applicability.*] This Act applies to any foreign judgment that is final and conclusive and enforceable where rendered even though an appeal therefrom is pending or it is subject to appeal.

Comment

Where an appeal is pending or the defendant intends to appeal, the court of the enacting state has power to stay proceedings in accordance with section 6 of the Act.

SECTION 3. [*Recognition and Enforcement.*] Except as provided in section 4, a foreign judgment meeting the requirements of section 2 is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. The foreign judgment is enforceable in the same manner as the judgment of a sister state which is entitled to full faith and credit.

Comment

The method of enforcement will be that of the Uniform Enforcement of Foreign Judgments Act of 1948 in a state having enacted that Act.

SECTION 4. [*Grounds for Non-Recognition.*]

(a) A foreign judgment is not conclusive if

(1) the judgment was rendered under a system which does not provide impartial tribunals or procedures compatible with the requirements of due process of law;

(2) the foreign court did not have personal jurisdiction over the defendant; or

(3) the foreign court did not have jurisdiction over the subject matter.

(b) A foreign judgment need not be recognized if

(1) the defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him to defend;

(2) the judgment was obtained by fraud;

(3) the [cause of action] [claim for relief] on which the judgment is based is repugnant to the public policy of this state;

(4) the judgment conflicts with another final and conclusive judgment;

(5) the proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be settled otherwise than by proceedings in that court; or

(6) in the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action.

Comment

The first ground for non-recognition under subsection (a) has been stated authoritatively by the Supreme Court of the United States in *Hilton v. Guyot*, 159 U.S. 113, 205 (1895). As indicated in that decision, a mere difference in the procedural system is not a sufficient basis for non-recognition. A case of serious injustice must be involved.

The last ground for non-recognition under subsection (b) authorizes a court to refuse recognition and enforcement of a judgment rendered in a foreign country on the basis only of personal service when it believes the original action should have been dismissed by the court in the foreign country on grounds of *forum non conveniens*.

SECTION 5. [*Personal Jurisdiction*.]

(a) The foreign judgment shall not be refused recognition for lack of personal jurisdiction if

(1) the defendant was served personally in the foreign state;

(2) the defendant voluntarily appeared in the proceedings, other than for the purpose of protecting property seized or threatened with seizure in the proceedings or of contesting the jurisdiction of the court over him;

(3) the defendant prior to the commencement of the proceedings had agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;

(4) the defendant was domiciled in the foreign state when the proceedings were instituted, or, being a body corporate had its principal place of business, was incorporated, or had otherwise acquired corporate status, in the foreign state;

(5) the defendant had a business office in the foreign state and the proceedings in the foreign court involved a [cause of action] [claim for relief] arising out of business done by the defendant through that office in the foreign state; or

(6) the defendant operated a motor vehicle or airplane in the foreign state and the proceedings involved a [cause of action] [claim for relief] arising out of such operation.

(b) The courts of this state may recognize other bases of jurisdiction.

Comment

New bases of jurisdiction have been recognized by courts in recent years. The Act does not codify all these new bases. Subsection (b) makes clear that the Act does not prevent the courts in the enacting state from recognizing foreign judgments rendered on the bases of jurisdiction not mentioned in the Act.

SECTION 6. [*Stay in Case of Appeal.*] If the defendant satisfies the court either that an appeal is pending or that he is entitled and intends to appeal from the foreign judgment, the court may stay the proceedings until the appeal has been determined or until the expiration of a period of time sufficient to enable the defendant to prosecute the appeal.

SECTION 7. [*Saving Clause.*] This Act does not prevent the recognition of a foreign judgment in situations not covered by this Act.

SECTION 8. [*Uniformity of Interpretation.*] This Act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SECTION 9. [*Short Title.*] This Act may be cited as the Uniform Foreign Money-Judgments Recognition Act.

SECTION 10. [*Repeal.*] [The following Acts are repealed:

(1)

(2)

(3) .]

SECTION 11. [*Time of Taking Effect.*] This Act shall take effect . . . .

AH #1

TESTIMONY OF REP. LAWRENCE R. KLEMIN
BEFORE THE SENATE JUDICIARY COMMITTEE
HOUSE BILL NO 1071
MARCH 10, 2003

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. I AM LAWRENCE R. KLEMIN, REPRESENTATIVE FROM DISTRICT 47 IN BISMARCK. I AM ALSO A MEMBER OF THE UNIFORM LAWS COMMISSION. THIS BILL WAS INTRODUCED AT THE REQUEST OF THE COMMISSION AND ADOPTS THE UNIFORM FOREIGN MONEY-JUDGMENTS RECOGNITION ACT.

THE PURPOSE OF THIS ACT IS TO SIMPLIFY INTERNATIONAL BUSINESS BY RECOGNIZING MONEY JUDGMENTS THAT ARE OBTAINED IN OTHER NATIONS. THIS ACT IS PRESENTLY IN EFFECT IN 30 OTHER STATES, PLUS THE DISTRICT OF COLUMBIA AND THE U.S. VIRGIN ISLANDS. THE BILL IS PARTICULARLY IMPORTANT TO NORTHERN TIER STATES DUE TO THEIR PROXIMITY TO CANADA AND IS CURRENTLY IN EFFECT IN MOST OF THESE STATES, INCLUDING THE STATES OF WASHINGTON, MONTANA, MINNESOTA, MICHIGAN, OHIO, PENNSYLVANIA, AND NEW YORK, AMONG OTHERS.

JUDGMENTS ENTERED IN THE UNITED STATES AGAINST FOREIGN COMPANIES AND INDIVIDUALS HAVE MANY TIMES BEEN REFUSED RECOGNITION IN OTHER COUNTRIES BECAUSE OF A LACK OF RECIPROCITY. IN A LARGE NUMBER OF FOREIGN COUNTRIES, THE ENFORCEMENT OF FOREIGN JUDGMENTS IS MADE DEPENDENT UPON RECIPROCITY. THE PASSAGE OF THIS ACT IN NORTH DAKOTA WILL PROVIDE FOR THAT RECIPROCITY. IT WILL THEN BE MORE LIKELY THAT A JUDGMENT ENTERED IN NORTH DAKOTA WILL BE RECOGNIZED IN A FOREIGN COUNTRY.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. I ENCOURAGE YOUR SUPPORT FOR HOUSE BILL 1071.

2001

41-02-17, 41-02-43, and 41-02-50, subsection 3 of section 41-02-95, subsection 3 of section 41-02.1-03, sections 41-02.1-33 and 41-02.1-37, subdivision b of subsection 1 of section 41-02.1-39, subdivision a of subsection 3 of section 41-04-22, subdivision a of subsection 1 of section 41-07-32, subsection 6 of section 41-08-03, section 41-08-06, subsection 5 of section 41-08-10, subdivision c of subsection 1 of section 41-08-27, subsection 1 of section 41-08-28, section 41-08-50, subsection 12 of section 47-19-02, subdivision a of subsection 2 of section 49-04-19, and section 54-09-08 of the North Dakota Century Code, relating to the Uniform Commercial Code; and to repeal present chapter 41-09 of the North Dakota Century Code, relating to secured transactions.

01/09	House	Introduced, first reading, referred Judiciary	HJ 47
01/24	House	Committee Hearing 08:30	
01/25	House	Reported back amended, amendment poc y 013 n 000	HJ 222
01/26	House	Amendment adopted, placed on calendar	HJ 233
		Rereferred to Appropriations	HJ 245
02/05	House	Reported back amended, amendment poc y 019 n 001	HJ 255
02/06	House	Amendment adopted, placed on calendar	HJ 275
02/07	House	Second reading, passed, yeas 096 nays 002	HJ 290
02/08	Senate	Received from House	SJ 342
		Introduced, first reading, referred Judiciary	SJ 350
02/28	Senate	Committee Hearing 09:30	
03/06	Senate	Rereferred to Appropriations	SJ 719
03/19	Senate	Committee Hearing 08:30	
03/21	Senate	Reported back amended, amendment poc y 012 n 000	SJ 887
03/22	Senate	Amendment adopted, placed on calendar	SJ 898
		Second reading, passed as amended, yeas 049 nays 000	SJ 898
03/26	House	Returned to House (12)	HJ1102
03/27	House	Concurred	HJ1113
		Second reading, passed, yeas 097 nays 000	HJ1113
03/29	House	Signed by Speaker	HJ1164
04/02	Senate	Signed by President	SJ1099
04/02	House	Sent to Governor	HJ1229
04/05	House	Signed by Governor	HJ1346
04/05	House	Filed with Secretary of State	

HB 1106

Judiciary Committee

(At the request of the Commission on Uniform State Laws)
A BILL for an Act to adopt the Uniform Electronic Transactions Act, relating to electronic records and electronic signatures.

01/09	House	Introduced, first reading, referred Judiciary	HJ 47
01/17	House	Committee Hearing 02:00	
01/25	House	Reported back amended, amendment poc y 011 n 001	HJ 223
01/26	House	Amendment adopted, placed on calendar	HJ 233
01/29	House	Laid over one legislative day	HJ 245
01/30	House	Second reading, passed, yeas 095 nays 003	HJ 260
01/31	Senate	Received from House	SJ 240
		Introduced, first reading, referred Judiciary	SJ 243
03/12	Senate	Committee Hearing 11:00	
03/16	Senate	Reported back amended, amendment poc y 007 n 000	SJ 834
03/19	Senate	Amendment adopted, placed on calendar	SJ 846
		Second reading, passed as amended, yeas 047 nays 000	SJ 846
03/20	House	Returned to House (12)	HJ 999
03/22	House	Concurred	HJ1046
		Second reading, passed, yeas 098 nays 000	HJ1046
03/23	House	Signed by Speaker	HJ1074
03/28	Senate	Signed by President	SJ1002
03/29	House	Sent to Governor	HJ1170
04/03	House	Signed by Governor	HJ1277
04/03	House	Filed with Secretary of State	

HB 1107

Judiciary Committee

(At the request of the Commission on Uniform State Laws)
A BILL for an Act to provide for the adoption of the Uniform Foreign Money-Judgments Recognition Act.

01/09	House	Introduced, first reading, referred Judiciary	HJ 47
01/17	House	Committee Hearing 02:00	
01/22	House	Reported back, do pass, placed on calendar y 014 n 000	HJ 166
01/24	House	Second reading, passed, yeas 092 nays 003	HJ 208
01/25	Senate	Received from House	SJ 171
		Introduced, first reading, referred Judiciary	SJ 177
03/12	Senate	Committee Hearing 11:15	
03/13	Senate	Reported back, do not pass, placed on calendar y 005 n 000	SJ 792
03/14	Senate	Second reading, failed to pass, yeas 001 nays 047	SJ 800

HB 1108

Human Services Committee

(At the request of the Department of Human Services)
A BILL for an Act to amend and reenact subsection 2 of section 50-01.2-00.1, sections 50-09-06, 50-09-06.1, and subsection 1 of section 50-09-29 of the North Dakota Century Code, relating to the temporary assistance for needy families program; and to repeal sections 50-06-01.8 and 50-09-26 of the North Dakota Century Code, relating to transition to the temporary assistance for needy families program.

01/09	House	Introduced, first reading, referred Human Services	HJ 47
01/15	House	Committee Hearing 08:30	
02/21	House	Reported back amended, amendment poc y 014 n 000	HJ 705
02/22	House	Amendment adopted, placed on calendar	HJ 719

10032.0100

Fifty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1107

Introduced by

Judiciary Committee

(At the request of the Commission on Uniform State Laws)

A BILL for an Act to provide for the adoption of the Uniform Foreign Money-Judgments Recognition Act.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Definitions. As used in this Act:

1. "Foreign judgment" means any judgment of a foreign state granting or denying recovery of a sum of money, other than a judgment for taxes, a fine or other penalty, or a judgment for support in matrimonial or family matters.
2. "Foreign state" means any governmental unit other than the United States or any state, district, commonwealth, territory, or insular possession of the United States.

SECTION 2. Applicability. This Act applies to any foreign judgment that is final and conclusive and enforceable where rendered even though an appeal is pending or the judgment is subject to appeal.

SECTION 3. Recognition and enforcement. Except as provided in section 4 of this Act, a foreign judgment meeting the requirements of section 2 of this Act is conclusive between the parties to the extent that the judgment grants or denies recovery of a sum of money. The foreign judgment is enforceable in the same manner as the judgment of a sister state which is entitled to full faith and credit.

SECTION 4. Grounds for nonrecognition.

1. A foreign judgment is not conclusive if:
   a. The judgment was rendered under a system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law;
   b. The foreign court did not have personal jurisdiction over the defendant; or
   c. The foreign court did not have jurisdiction over the subject matter.

2. A foreign judgment need not be recognized if:
   a. The defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable the defendant to defend;
   b. The judgment was obtained by fraud;
   c. The claim for relief on which the judgment is based is repugnant to the public policy of this state;
   d. The judgment conflicts with another final and conclusive judgment;
   e. The proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be settled otherwise than by proceedings in that court; or
   f. In the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action.

SECTION 5. Personal jurisdiction.

1. The foreign judgment may not be refused recognition for lack of personal jurisdiction if:
   a. The defendant was served personally in the foreign state;
   b. The defendant voluntarily appeared in the proceedings, other than for the purpose of protecting property seized or threatened with seizure in the proceedings or of contesting the jurisdiction of the court over the defendant;
   c. Before commencement of the proceedings, the defendant had agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;
   d. The defendant was domiciled in the foreign state when the proceedings were instituted, or, being a body corporate had its principal place of business, was incorporated, or had otherwise acquired corporate status, in the foreign state;
   e. The defendant had a business office in the foreign state and the proceedings in the foreign court involved a claim for relief arising out of business done by the defendant through that office in the foreign state; or
   f. The defendant operated a motor vehicle or airplane in the foreign state and the proceedings involved a claim for relief arising out of the operation.
2. The courts of this state may recognize other bases of jurisdiction.

SECTION 6. Stay in case of appeal. If the defendant satisfies the court either that an appeal is pending or that the defendant is entitled and intends to appeal from the foreign judgment, the court may stay the proceedings until the appeal has been determined or until the expiration of a period of time sufficient to enable the defendant to prosecute the appeal.

2001 HOUSE JUDICIARY

HB 1107

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1107

House Judiciary Committee

☐ Conference Committee

Hearing Date 01-17-01

Tape Number	Side A	Side B	Meter #
Tape II	x		4183 to 5050
Committee Clerk Signature	Joan Davis		

Minutes: Chr DeKrey opened the hearing on HB 1107. A bill for an act to provide for the adoption of the Uniform Foreign Money-Judgement Recognition Acts.

Jay Buringrud: Assistant Director of the Legislative Council see page 285 Uniform Money-Judgement Recognition Act.

Chr DeKrey: Does anyone have any questions for Jay?

Rep Kretschmar: How many states have adopted this one?

Jay Buringrud: 31 states.

Rep Grande: Does this help if the state has an issue or an individual?

Jay Buringrud: It doesn't matter if it is a state or individual.

Rep Klemin: What procedure one would follow to collect on a judgment.

Jay Buringrud: That is covered under the Foreign Money Claims Act.

Rep Klemin: Do Canada and Mexico have such a bill?

Jay Buringrud: I don't know.

Chr DeKrey: Any other questions for Jay? Does anyone else wish to appear on HB 1107? If not we will close the hearing on HB 1107. What are the wishes of the committee? Does someone have a motion for me? Rep Maragos made a DO PASS motion on HB 1107. Rep Delmore seconded the motion. Discussion. The clerk will take the roll on HB 1107. The motion passes with 14 YES, 0 No, and 1 Absent. Floor Assignment - Rep Klemin.

Date: 01-17-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB-1107

House JUDICIARY Committee

☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DO Pass

Motion Made By Rep Maragos Seconded By Rep Delmore

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. Klemin	✓				
Rep John Mahoney	✓				
Rep Andrew G Maragos	✓				
Rep Kenton Onstad	✓				
Rep Dwight Wrangham	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep Klemin

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

REPORT OF STANDING COMMITTEE (410)
January 19, 2001 11:14 a.m.

Module No: HR-09-1280
Carrier: Klemin
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1107: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1107 was placed on the Eleventh order on the calendar.

2001 SENATE JUDICIARY

HB 1107

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1107

Senate Judiciary Committee

☐ Conference Committee

Hearing Date March 12th, 2001

Tape Number	Side A	Side B	Meter #
2	x		22.1-51.4
Committee Clerk Signature			

Minutes: **Senator Traynor,** opened the hearing on HB 1107.

Jay Buringurd, from the legislative council, this has been adopted by 29 states. North Dakota is a void in the 29 states. To provide for the adoption of the Uniform Foreign Money-Judgments Recognition Act.

Senator Trenbeath, Section 4 Line 23- By whose procedural law?

Jay Buringurd, I would assume by the foreign court.

(Discussion)

Senator Trenbeath, on the second page, line 12., what is a seriously inconvenient form?

Jay Buringurd, probably Sri Lanka. I don't practice law. If Canada or the US had something in their laws saying this would be settled by Tibet say.

Senator Trenbeath, I think this is entirely subjective.

Senator Traynor, How many states have adopted this?

Jay Buringurd, 29.

Senator Traynor, was this drawn by international lawyers?

Jay Buringurd, I assume so.

Senator Lyson, on line 31, page 2, can you explain that to me?

Jay Buringurd, this is very broad. Up to the court to determine judification. Does not say they have to do it.

Senator Bercier, how do tribes fit into this? We predate statehood.

Jay Buringurd, it looks like tribes could fit. You are a governmental unit. As long as the requirements of 4 and 5 are met.

Senator Bercier, I think this is a long time coming. Who is responsible? I think it is good. I would like to have tribe people look at it. We need to start working together.

Jay Buringurd, Alaska, California, Oklahoma and Minnesota have adopted and they have a large Indian populations.

Senator Bercier, one of these states is as large as our whole state. In Alaska they have 21 tribal people in their legislature.

Senator Nelson, why is this on the shelf for 39 yeas. What would be wrong if it stayed another 39 years.

Rep. Kutchman, I am not an expert on these acts. Whether it passes or stays on shelf.

Senator Bercier, who is the expert? Why are we continually changing our code? Put some tribal language to it.

Jay Buringurd, it would be the general council in regard to uniform acts. That is being considered more and more.

Senator Traynor, I am aware of auto accidents started in Tribal Court. The tribal court does not have jurisdiction.

Jay Buringurd, I believe the tribe would be considered a foreign state. I would assume if it went to district court, personal jurisdiction would still be easiest.

Senator Traynor, there was personal jurisdiction.

Senator Bercier, I would like to get this to the tribal counsel ASAP.

Jay Buringurd, I will contact the national office to see what the tribal involvement has been in other states.

Senator Lyson, from personal experience in Norway, a family death. (explains)

Senator Bercier, would like to get to the four tribal chairmen. I can get some info from Native American Relief Fund.

Senator Traynor, closed the hearing on HB 1107.

SENATOR LYSON MOTIONED TO DO NOT PASS, SECONDED BY SENATOR WATNE. VOTE INDICATED 5 YEAS, 0 NAYS AND 2 ABSENT AND NOT VOTING. SENATOR LYSON VOLUNTEERED TO CARRY THE BILL.

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

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

Senate Judiciary Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number HB 1107

Action Taken Do Not Pass

Motion Made By Lyson Seconded By Watne

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman	✓		Bercier, D.		
Watne, D. Vice Chairman	✓		Nelson, C.		
Dever, D.	✓				
Lyson, S.	✓				
Trenbeath, T.	✓				

Total (Yes) _____ No _____

Absent _____

Floor Assignment Lyson

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

REPORT OF STANDING COMMITTEE (410)
March 13, 2001 3:04 p.m.

Module No: SR-43-5505
Carrier: Lyson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1107: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1107 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

SR-43-5505