

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1037

2005 HOUSE JUDICIARY

HB 1037

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1037

House Judiciary Committee

Conference Committee

Hearing Date 1/5/05

Tape Number	Side A	Side B	Meter #
1	xx		0-6.2

Committee Clerk Signature



Minutes: 14 members present, 0 absent.

Chairman DeKrey: We will open the hearing on HB 1037.

John Walstad, LC: Introduced the bill. I also have an amendment for you. The technical corrections bill used to be a big, fat bill because we would find a lot more mistakes. Thanks to the advent of computers, we've gotten a lot better at cleaning things up as we go. In addition, the Legislature, a couple of years ago, gave me the authority to fix a lot of stuff that used to end up in the Technical Corrections Act; when someone repealed a section and left a cross-reference somewhere else in the Code, now I can just fix that. I don't have to put it in a bill and bring it before this committee. There are only 6 sections and the amendment would add a 7th section to the bill. The first four sections of the bill either eliminate a reference to a chapter from the 1989 session laws, that section of the 1989 session laws was subject to a sunset clause and expired in 1993; so it is a dead reference now, so that's why it is being removed. The 5th section of the bill (I think I missed this one), I rewrote the administrative agency's practice act a couple of years

ago. All of the sections in the chapter got renumbered, it's chapter 28.32, there are three section references in this section of law, and they are now being corrected to where those sections ended up in the renumbering. This section was created the same session as the renumbering bill and it referred to the numbers that were used at that time. Then the 6th section of the bill, the Attorney General issued an opinion in 2004, pointing out an irreconcilable conflict between this section, 40.57.303 and 40.57.302 and the opinion concluded that this section should be interpreted to allow expenditures for tourism, to be consistent with the 1997 amendment to the other section that did allow that. This section is already being read by the Attorney General to read the way I've changed it here to allow tourism expenditures and this is from the city revenue from hotel/motel taxes. The amendment (see copy), a copy of the section is attached, the State Engineer and the State Geologist were required by 1991 legislation to complete a review of municipal waste landfills by July 1, 1995. They did meet that deadline and Lynn Helms, from the Industrial Commission and Gas Division, who is now also going to be the State Geologist, asked me to just get rid of this section. They did complete this review nine years ago, so this is a dead section. I am for this bill.

Chairman DeKrey: Are there any questions for Mr. Walstad? If not, is there anyone else that wishes to testify on the Technical Corrections Act. If not, the chair will entertain a motion. We need to move the amendment.

Representative Maragos: I move the amendment.

Representative Delmore: I second.

Chairman DeKrey: It has been moved and seconded that we amend HB 1037, amendment .0201. Any discussion. **ALL IN FAVOR, NO DISSENT.** Amendment attaches to the bill.

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House Judiciary Committee
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We now have HB 1037 as amended before us. Rep. Maragos moves a Do Pass, seconded by Rep. Koppelman and Delmore. Any further discussion, hearing none, we will call the roll.

14 YES 0 NO 0 ABSENT

DO PASS

CARRIER: Rep. Charging

50164.0201
Title.

Prepared by the Legislative Council staff for
House Judiciary
January 5, 2005

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1037

Page 1, line 4, after "references" insert "; and to repeal section 23-29-07.7 of the North Dakota Century Code, relating to obsolete provisions"

Page 3, after line 20, insert:

"SECTION 7. REPEAL. Section 23-29-07.7 of the North Dakota Century Code is repealed."

Renumber accordingly

Date: 4/5/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1037

HOUSE JUDICIARY COMMITTEE

Check here for Conference Committee

Legislative Council Amendment Number 50164.0201 .0300

Action Taken Do Pass as amended

Motion Made By Rep Marago Seconded By Reps. Koppelman/Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	/		Representative Delmore	/	
Representative Maragos	/		Representative Meyer	/	
Representative Bernstein	/		Representative Onstad	/	
Representative Boehning	/		Representative Zaiser	/	
Representative Charging	/				
Representative Galvin	/				
Representative Kingsbury	/				
Representative Klemin	/				
Representative Koppelman	/				
Representative Kretschmar	/				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Charging

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

REPORT OF STANDING COMMITTEE

HB 1037: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1037 was placed on the Sixth order on the calendar.

Page 1, line 4, after "references" insert "; and to repeal section 23-29-07.7 of the North Dakota Century Code, relating to obsolete provisions"

Page 3, after line 20, insert:

"SECTION 7. REPEAL. Section 23-29-07.7 of the North Dakota Century Code is repealed."

Renumber accordingly

2005 SENATE HUMAN SERVICES

HB 1037

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1037

Senate Human Services Committee

Conference Committee

Hearing Date February 14, 2005

Tape Number	Side A	Side B	Meter #
1	x		00-800

Committee Clerk Signature



Minutes:

Chairman Lee opened the public hearing on HB 1037. All members were present.

Mr. Walstead, Legislative Council introduced this bill. This bill is relating to technical corrections and improper, inaccurate, redundant, missing or obsolete references. Mr. Walstead stated he was a code revisor, and as such, it is one of his duties to collect errors in the code and revise accordingly and put them all in a bill.

One thing that has helped with this progress was the result of me testifying before legislative committee and legislation was passed. That committee requested a bill drafted to allow correction of bad cross references. So when there's a reference in the code to an erroneous subsection number, or something like that, I can fix it. Unless it's been in the code for quite some time, there are still some things that come up that need to be fixed through legislation.

Mr. Walstead went on to explain the various changes and members of the committee asked questions about possible exceptions and when this bill could be used.

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Senate Human Services Committee

Bill/Resolution Number HB 1037

Hearing Date February 14, 2005

There was no further testimony on this bill.

Chairman Lee closed the public hearing on HB 1037.

Senator Lyson moved DO PASS, seconded by Senator Dever

Vote: 5 yeas, 0 nays, 0 absent Carrier: Sen. Lyson

Date: 2-14-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1037

Senate Human Services

Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *Do Pass*

Motion Made By *Sen Lyson*

Seconded By *Sen. Warner*

Senators	Yes	No
Sen. Judy Lee - Chairman	✓	
Sen. Dick Dever - Vice Chairman	✓	
Sen. Richard Brown	✓	
Sen. Stanley Lyson	✓	

Senators	Yes	No
Sen. John Warner	✓	

Total (Yes) *5* No *0*

Absent *0*

Floor Assignment *Lyson*

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

REPORT OF STANDING COMMITTEE (410)
February 14, 2005 12:58 p.m.

Module No: SR-28-2777
Carrier: Lyson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1037, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)
recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1037 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1037

23-29-07.7. Review of existing municipal waste landfills.

By July 1, 1995, the state engineer and state geologist shall complete site suitability reviews of all existing municipal waste landfills within the state. The reports of such reviews must be provided to the department for use in site improvement, site remediation, or landfill closure.

Source: S.L. 1991, ch. 277, § 14.