2011 SENATE JUDICIARY

SB 2288

2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

SB2288
2/1/11
Job #13786

☐ Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

Relating to summary real estate disposition judgments

Minutes: There is attached testimony

Senator Nething – Chairman

Malcolm Brown – Real Property and Probate Section of the Bar Association – In support of the bill. See written testimony.

Senator Nething – Asks Brown what procedure should be followed.

Brown – Responds they would create a form if the bill passes. If the bill passes he suspects that the family law lawyers would in fact use this because you can record a document affecting real estate that does not have in it all the other portions of a divorce decree.

Senator Olafson – Asks if both parties sign a quit claim deed it protects both parties involved.

Senator Lyson – Asks about the mineral rights.

Brown – Replies this form could be used to divide those minerals or direct the division of those minerals just as well as surface.

Senator Sitte – Asks if this will divorces end more quickly.

Brown – He said it would make it more certain for title examiners and family law lawyers to have an order disposing of real estate that can be recorded.

Senator Nething – Asks if the intent isn't to make sure there is something in the record that shows the transfer.

Close the hearing on 2288

Senator Olafson moves the amendment
Senator Nelson seconds
Verbal vote – all yes

Senator Olafson moves do pass as amended
Senator Lyson seconds

Discussion
Committee discusses what this bill will do

Roll call vote – 6 yes, 0 no

Senator Nething will carry

Date: 2/1/11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2288

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By S Olafson Seconded By S Nelson

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman			Carolyn Nelson		
Curtis Olafson – V. Chairman					
Stanley Lyson					
Margaret Sitte					
Ronald Sorvaag					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Verbal yes

Date: 2/1/11
Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2288

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By S. Olafson Seconded By S. Lyson

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman	X		Carolyn Nelson	X	
Curtis Olafson – V. Chairman	X				
Stanley Lyson	X				
Margaret Sitte	X				
Ronald Sorvaag	X				

Total (Yes) 6 No 0

Absent _____

Floor Assignment S. Nething

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

REPORT OF STANDING COMMITTEE

SB 2288: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2288 was placed on the Sixth order on the calendar.

Page 1, line 11, replace the first "court administrator" with "clerk of court"

Page 1, line 11, replace the second "court administrator" with "clerk of court"

Page 2, line 19, replace "court administrator" with "clerk of court"

Page 3, line 15, replace "court administrator" with "clerk of court"

Renumber accordingly

2011 HOUSE JUDICIARY

SB 2288

2011 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

SB 2288
March 16, 2011
15494

☐ Conference Committee

Committee Clerk Signature D Penrose

Minutes:

Chairman DeKrey: We will open the hearing on SB 2288.

Malcolm Brown, Real Property & Probate Section of ND State Bar Association: Support (see attached 1). Explained the bill.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing.

Rep. Klemin: I move a Do Pass.

Rep. Kretschmar: Second the motion.

12 YES 0 NO 2 ABSENT DO PASS CARRIER: Rep. Klemin

Date: 3/16/11
Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2288

House JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☑ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Klemin Seconded By Rep. Kretschmar

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Guggisberg	✓	
Rep. Beadle			Rep. Hogan	✓	
Rep. Boehning	✓		Rep. Onstad	✓	
Rep. Brabandt	✓				
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos					
Rep. Steiner	✓				

Total (Yes) 12 No 9

Absent 2

Floor Assignment Rep. Klemin

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

REPORT OF STANDING COMMITTEE

SB 2288, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2288 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

SB 2288

Senate Judiciary Committee:
Senate Bill 2288

My name is Malcolm H. Brown and I am appearing on behalf of the Real Property and Probate Section of the Bar Association in support of 2288.

Senate Bill 2288 was drafted by our Section at the request of several members of the Bar Association that deal with Family Law issues as well as other members that deal in real estate title examinations.

The primary purpose of 2288 is to create a form and a procedure for the recording of real estate dispositions upon a divorce. Often a title examiner will note the presence of a recorded divorce judgment that, besides stating who will get the family jewels, also mentions that Jane will quit claim the farm to John. Yet no deed from Jane to John appears of record. Or, often common, a judgment will direct John to sign a quit claim deed for the lake cabin to Jane; yet no such document appears of record. The procedure will enable the family law lawyers to fill out the form, have this judgment entered as to the real estate at issue in the divorce, without recording all the dirty laundry from the rest of the divorce.

You will note that a form is to be "prescribed by the court", to be used in this procedure. It is the intention of our Section that, if this Bill becomes law, we will create such a form and have approved by the Court Services Committee of the Supreme Court.

I apologize about having to suggest an amendment at this early stage, but our drafter used the term "court administrator", when the correct term should be "clerk of court".
Thus at line 11, page 1, line19, page 2 and line 15, page 3, the term "court administrator" should be deleted and the term "clerk of court" substituted.

House Judiciary Committee:
Senate Bill 2288

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