

2013 SENATE JUDICIARY


SB 2164

2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

SB2164
1/23/2013
Job #17643

Conference Committee

Committee Clerk Signature 

Minutes:

Relating to presentation of claims to the personal representative

Senator David Hogue - Chairman

Grant Shaft - ND Bar Association - Explains the intent of the bill and how it transpired. He ends with saying the ND Bar Association supports this legislation.

Senator Hogue - Says that basically this is asking the claimant to check with the clerk of court and see if there is an attorney of record and also serve a copy on that attorney.

Close the hearing on 2164

2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2164
1/23/2013
Job #17575

Conference Committee

Committee Clerk Signature



Minutes:

Vote

Senator David Hogue - Chairman

Committee discusses the policy choice and the attorney of record. They discuss the burden being on the claimant to provide the attorney additional notice. Senator Hogue says in many areas of the law the burden is put on the person who is making the claim.

Senator Armstrong motions do pass
Senator Berry seconds

Vote - 7 yes, 0 no
Motion passes

Senator Berry will carry

Date: 1-23-13
 Roll Call Vote #: 1

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2164**

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 Armstrong Seconded By S Berry

Senators	Yes	No	Senator	Yes	No
Chairman David Hogue	X		Senator Carolyn Nelson	X	
Vice Chairman Margaret Sitte	X		Senator John Grabinger	X	
Senator Stanley Lyson	X				
Senator Spencer Berry	X				
Senator Kelly Armstrong	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment S Berry

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

REPORT OF STANDING COMMITTEE

SB 2164: Judiciary Committee (Sen. Hogue, Chairman) recommends DO PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2164 was placed on the
Eleventh order on the calendar.

2013 HOUSE EDUCATION

SB 2164

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

SB 2164
March 26, 2013
Job # 20491

Conference Committee

Mark Kienzle

Explanation or reason for introduction of bill/resolution:

Relating to presentation of claims to the personal representative.

Minutes:

Testimony

Chairman Kim Koppelman: Opens the hearing on SB 2164.

Senator. Holmberg: (1:56 to 2:43) introduced the bill.

Grand Shaft, Bar Association of ND and Real Property: (4:12 to 5:55) If there is a claim against the estate a written statement of the claim would be presented with the Clerk of Court where the matter is being probated. We have found a number of situations that have been brought to the attention that the property section is being probated through an attorney's office and through that filing of the court it does not get the attention of the attorney who is probating the estate. So language would be presented to the attorney of record for that probate.

Vice Chairman Larry Klemin: The language on line 11 in the written place? I think it might be better to have that language on line 8

Grand Shaft: I agree with that.

Vice Chairman Larry Klemin: We are to serve people with electronic filing starting April 1; do we need something in here regarding that?

Grand Shaft: It is my understanding which regard this bill, we did discuss this. My understanding is that probates are being held aside from that electronic filing requirement.

Vice Chairman Larry Klemin: Normally when a person is represented by an attorney you don't send the client anything, you send it only to the attorney. Why would this be different?

Grand Shaft: This is when someone self-probates.

Chairman Kim Koppelman: closed the hearing

Vice Chairman Larry Klemin: Moved to amend by removing Line 11 and inserting it on line 8 ("and any attorney of record for the estate") after the word representative.

Rep Maragos: Seconded the motion

Vice Chairman Larry Klemin: Moved do pass as amended

Rep Delmore: Seconded the motion.

Do Pass as amended Yes 13 No 0 Absent 1 Rep Maragos is the carrier.

March 26, 2013

VK
3/26/13

PROPOSED AMENDMENTS TO SENATE BILL NO. 2164

Page 1, line 8, after "representative" insert "and any attorney of record for the estate"

Page 1, line 11, remove "and any attorney of record for the estate"

Renumber accordingly

Date: 3-26-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB2164

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. Klemm Seconded By Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman			Rep. Lois Delmore		
Vice Chairman Lawrence Klemm			Rep. Ben Hanson		
Rep. Randy Boehning			Rep. Kathy Hogan		
Rep. Roger Brabandt					
Rep. Karen Karls					
Rep. William Kretschmar					
Rep. Diane Larson					
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner					
Rep. Nathan Toman					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

VOICE Vote Carried
Remove Line 11 and insert it on
Line 8
and any attorney of record for the estate

Date: 3-26-13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2164**

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 Klemin Seconded By Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman	/		Rep. Lois Delmore	/	
Vice Chairman Lawrence Klemin	/		Rep. Ben Hanson		
Rep. Randy Boehning	/		Rep. Kathy Hogan	/	
Rep. Roger Brabandt	/				
Rep. Karen Karls	/				
Rep. William Kretschmar	/				
Rep. Diane Larson	/				
Rep. Andrew Maragos	/				
Rep. Gary Paur	/				
Rep. Vicky Steiner	/				
Rep. Nathan Toman	/				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Maragos

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

REPORT OF STANDING COMMITTEE

SB 2164: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2164 was placed on the Sixth order on the calendar.

Page 1, line 8, after "representative" insert "and any attorney of record for the estate"

Page 1, line 11, remove "and any attorney of record for the estate"

Renumber accordingly