

2021 HOUSE JUDICIARY

HB 1364

2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary
Room JW327B, State Capitol

HB 1364
2/1/2021

| |
|---|
| Relating to the duties of a personal representative and actions against a trustee |
|---|

Chairman Klemin called the hearing to order at 9:00 AM.

Present: Representatives Klemin, Karls, Becker, Buffalo, Christensen, Cory, K Hanson, Jones, Magrum, Paulson, Paur, Roers Jones, Satrom, and Vetter.

Discussion Topics:

- Attorney fees to cover the estate.
- Add personal property

Rep. Kading: Introduced the bill.

Rodney Hogen: Attorney in Fargo: oral testimony 9:07

Rep. Paur: Moved to remove Section 2 from the bill LC # 21.0910.01001 **Rep. Roers Jones:** seconded.

Voice vote: Motion carried.

Rep. Roers Jones: Motion for a Do Not Pass as Amended. **Rep. Karls:** Seconded.

Roll call vote:

| Representatives | Vote |
|---------------------|------|
| Chairman Klemin | Y |
| Vice Chairman Karls | Y |
| Rep Becker | N |
| Rep. Christensen | N |
| Rep. Cory | Y |
| Rep T. Jones | N |
| Rep Magrum | N |
| Rep Paulson | N |
| Rep Paur | Y |
| Rep Roers Jones | Y |
| Rep B. Satrom | N |
| Rep Vetter | N |
| Rep Buffalo | Y |
| Rep K. Hanson | Y |

Motion tied. 7-7-0

Rep. Magrum: Motion for a Do Pass as amended. **Rep. Christensen** seconded.

Roll call vote:

| Representatives | Vote |
|------------------------|-------------|
| Chairman Klemin | N |
| Vice Chairman Karls | N |
| Rep Becker | Y |
| Rep. Christensen | Y |
| Rep. Cory | Y |
| Rep T. Jones | Y |
| Rep Magrum | Y |
| Rep Paulson | Y |
| Rep Paur | N |
| Rep Roers Jones | N |
| Rep B. Satrom | Y |
| Rep Vetter | Y |
| Rep Buffalo | N |
| Rep K. Hanson | N |

Motion Carried. 8-6-0

Rep. Christensen: Will carry the bill.

Chairman Klemin closed the hearing at 9:23.

DeLores D. Shimek
Committee Clerk

95
2/1/21

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1364

- Page 1, line 1, replace "sections" with "section"
- Page 1, line 1, remove "and 59-18-05"
- Page 1, line 2, remove "and actions against a trustee"
- Page 1, remove lines 21 and 22
- Page 2, remove lines 1 through 15
- Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1364: Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1364 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section"

Page 1, line 1, remove "and 59-18-05"

Page 1, line 2, remove "and actions against a trustee"

Page 1, remove lines 21 and 22

Page 2, remove lines 1 through 15

Renumber accordingly

2021 SENATE JUDICIARY

HB 1364

2021 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

HB 1364
3/22/2021

A BILL for an Act to amend and reenact section 30.1-18-09 of the North Dakota Century Code, relating to the duties of a personal representative.

Chair Larson called the hearing to order, [3:00] all senators are present: **Myrdal, Luick, Dwyer, Bakke, Heitkamp, Fors, and Larson.**

Discussion Topics:

- Estate Administration
- Uniform Probate Code

Representative Kading [3:00] introduced and testified in favor HB 1364 #10347

Rodney Hogen [3:09] Red Trail Vineyard provided Oral testimony in favor HB 1364

Rick Clayburgh [3:24] President CEO of ND Bankers Association testified in opposition to HB 1364 #10393

Blaine Johnson [3:39] Chair of Real Property Probate Trusts and Estates State Bar Association of ND testified in opposition #10308

Hearing adjourned [3:51]

Additional written testimony:
#10394

Jamal Omar, Committee Clerk

Thank you chair. My name is Tom Kading and I am a Representative in District 45. This bill today concerns Trusts and Estates.

For those of you who are family farmers or have real estate that you may inherit or will to someone. – this bill may affect you

The idea behind this bill was brought to me by a constituent. He had gone through an ordeal following the passing of his parents in which it took over 10 years to settle the estate and almost a million in legal fees. His attorney stated to me that given the simplicity of the estate it should have been settled in a very short time period and have taken about \$2,000 in legal fees total.

What happened appeared to have occurred as a result in a string of seemingly unjust applications of existing law. Now I am no expert in legal matters related to Trusts and Estates, but what I can tell is that how his parents' estate was ultimately settled is just wrong. What happened to him, could very well happen to any of us. The person who experienced the injustice is here today to tell his story, so I am going to leave those details to him. What I will say is that the estate was simple, there was two brothers who were supposed to each inherit one half of the land and assets, valued at around \$3.5 million. There was a very minor dispute over the status of 2 checks under \$100. The Personal Representative was mad about the checks and did not let it go and would not settle, the court heard the matter and said there was no wrongdoing regarding the \$100. It would make sense that estate could be simply settled from there, but it took 13 years for the attorneys to figure out the attorney's fees and figuring out the attorney's fees ultimately caused almost a million in attorney's fees to be taken against one of the two brothers. On its face it is a ridiculous story. What is even more shocking to me is that the Personal Representative, who was one of the brothers, was able to use the other brother's inheritance to pay all the legal fees.

Again, the individual affected will tell his story. His estate attorney is the individual who helped draft the language of this bill. Unfortunately, he could not make it to testify at this time. Otherwise he had planned to testify.

What this bill does is clarify that property passes at the exact time of death. A recent court case shed some confusion on this, and I believe it is important to clarify. This bill provides that real property is transferred to the person presumptively entitled unless a court order determines otherwise. For about 300 years of common law - even before the formation of the state, this was the understood law.

So where this is important is in this example, lets say child rents a quarter of land from his parents and pays discounted rent. If the will indicates the child is to inherit the land, upon the exact time of death the parent, the child effectively takes ownership as long as it is not encumbered by liens or needed for payment of debt in the estate. What this legal theory ensures is that a personal representative who does not get along with the person inheriting cannot arbitrarily hold up the inheritance and force payment of a modified rent, as in my constituents case.

As I stated the long-standing rule is nothing new and I urge the committee to give this a do pass recommendation.

HOUSE BILL 1364
AMENDMENT TO 30.1-18-09 AND 59-18-05, N.D.C.C.
DUTIES OF PERSONAL REPRESENTATIVE AND ACTIONS AGAINST A TRUSTEE

Chairperson Larson and members of the Senate Judiciary Committee, I, Rick Clayburgh, President and CEO of the North Dakota Bankers Association, submit the following testimony in opposition to HB 1364.

The current North Dakota law governing probating of an estate says that real property or tangible personal property can be left with or surrendered to the person presumptively entitled thereto unless or until, in the judgment of the personal representative, possession of the property by the personal representative is necessary for the purpose of administering the estate.

HB1364 would completely change current law by requiring real property to be left or surrendered to the person presumptively entitled thereto *unless* the personal representative secures a court order determining it is necessary that the personal representative retain possession of the real property for purposes of administration.

This change, while small, has an enormous negative impact on the trust and estate laws in North Dakota as follows:

1. Creates an unnecessary and troublesome deviation in state law from the Uniform Probate Code;
2. Contradicts the testator's intentions to have the personal representative administer his or her estate in accordance with the testator's will;
3. Neutral third parties appointed personal representative (such as banks and trust companies) would be forced to immediately file a petition with the court to get control of any real estate that is part of the estate and requires a court order for the personal representative to sell real property in order to pay estate expenses;
4. Creates unnecessary issues and tax consequences concerning rental income real property;
5. Creates issues with North Dakota real property law which requires a personal representative deed to document chain of title from decedent to heirs;
6. Will deter professional trust companies from accepting appointments to act as personal representatives because of lack of control of the property of the estate.

For these reasons, NDBA respectfully ask you give this bill a Do Not Pass recommendation.

Thank you - I would be happy to try to answer any questions.

Blaine T. Johnson
100 West Broadway, Suite 250
PO Box 2798
Bismarck, ND 58502-2798
701.223.6585

March 22, 2021

Chairperson Diane Larson
Senate Judiciary Committee

TESTIMONY OF BLAINE T. JOHNSON
IN OPPOSITION TO HB 1364

Chairperson Larson, Vice-Chair Dwyer, and members of the Senate Judiciary Committee, I submit the following testimony in opposition to House Bill 1364 seeking to restrict the powers of the personal representative in estate administration and create unnecessary procedural burdens upon the court system. I am a partner with the law firm of Crowley Fleck in Bismarck, North Dakota and have served as the chair of the Real Property, Probate, Trusts and Estates Section of the State Bar Association of North Dakota for the last five years.

The Uniform Probate Code has been the basis of estate administration in North Dakota since its adoption in 1973. Notably, drafting of the UPC began in 1964 by the National Conference of Commissioners on Uniform State Laws in conjunction with the Real Property, Probate and Trust Law Section of the American Bar Association. Legal scholars and experienced attorneys in the estate field spent over five years drafting the model legislation and have continued to update and amend the act as necessary when changes in law occur. The UPC seeks to provide flexibility in administration in order to effectively and expeditiously accommodate the testamentary wishes of decedents. It is intentionally designed to accommodate the broadest range of circumstances possible. HB 1364 if passed will impinge upon that flexibility and efficiency as well as create a myriad of problems when administering estate property.

The UPC provides the personal representative with wide latitude over control and possession of the decedent's estate. HB 1364 is contrary to this philosophy and directly contradicts other provisions of the UPC. North Dakota Century Code § 30.1-18-11 provides that the personal representative "has the same power over the title to property of the estate than an absolute owner would have, in trust however, for the benefit of the creditors and others interested in the estate. This power may be exercised without notice, hearing or order of court." The UPC further places responsibilities and duties on the personal representative to preserve and safeguard the estate assets as a fiduciary for the heirs and devisees of the decedent. HB 1364 does not consider the liabilities that a personal representative may be held accountable for when real property is in the possession of a presumptively entitled person.

The drafters of the UPC generally sought to make probate proceedings more administrative in nature with the court's role passive until some interested person invokes its power to secure resolution of a matter. Generally, an informal probate application does not provide the ability for court oversight. This will likely mean that practitioners will need to file formally rather than informal when the estate holds real property. This greatly increases the cost of a probate as well as the time necessary to complete the probate.

- With increasing use of probate avoidance techniques such as beneficiary designations, transfer on death designations, and pay on death designations, estates are becoming less liquid and often real estate is the primary asset. In order to create liquidity and provide for the payment of debts, such as medical bills and nursing home expenses, it is often the case that real property must be sold. Seeking a court order to sell real property will add unnecessary time and expense to the administration of the estate and ultimately further reduce the value that is passed on to the heirs or devisees.
- N.D.C.C. § 30.1-18-09 currently permits the personal representative to leave real property or personal property with the person presumptively entitled to it. In other words, when circumstances exist where it makes sense for the property to be possessed by the individual who will ultimately receive it, the personal representative has the power and authority to do so. The statute intentionally uses the singular “person” rather than persons. It is common for a decedent to leave property to a class or group of people, such as his or her children, or in cases where there is no will the heirs of the decedent. In situations where there are multiple individuals presumptively entitled to real property, it rarely is beneficial for a personal representative to leave real property in the possession of all. Multi-party ownership of real property becomes a logistical nightmare with no one individual responsible for the upkeep and maintenance of the property.
- It is common to have circumstances where the person presumptively entitled to the real property does not desire to have the property but would prefer it to be sold. In order to accomplish this wish, despite the fact that the personal representative is likely cooperative, a court order would be required. If the individual presumptively entitled to the real property is given possession of the real property by the personal representative, it may also impinge upon that person's ability to disclaim any interest in it. N.D.C.C. § 30.1-10.1-10 permits disclaimer only when the beneficiary has not acted in any way to indicate acceptance or ownership of the interest – which would include possession.
- Assume that the real property is left with a presumptive person. Who is ultimately responsible for maintaining insurance coverage, payment of property taxes, and payment of any encumbrances during the course of the probate administration? Is a presumptive person entitled to reimbursement of those expenses if he or she pays them? HB 1364 provides that the personal representative is responsible for those expenses while in the possession of the personal representative. It does not address expenses while in the possession of the presumptively entitled person.

- Will the presumptively entitled person be responsible for any damage or waste caused to the real property while in his or her possession? In the event that the estate must take possession of the real property in order to raise funds to cover the decedent's debts, will the presumptively entitled person be financially responsible for any diminution in the property value while in his or her possession?
- Will the personal representative be absolved from any liability in the event the real property is in the possession of a presumptively entitled person and the property is catastrophically damaged by fire, flood, or other act and the presumptively entitled person has not maintained insurance coverage? Will an insurance company even permit a personal representative to maintain insurance coverage on a property possessed by a presumptively entitled person?
- HB 1364 will impede the ability of the personal representative in preserving and administering other assets of the estate. For instance, personal property located or stored on the decedent's real property. A personal representative will be required to obtain a court order to enter into real property of the decedent in order to remove the decedent's personal property without the permission of the presumptively entitled person. Even to obtain innocuous items such as the decedent's last will and testament stored in the safe in the decedent's home will be affected.

For these reasons and the many other reasons identified by those testifying today, I respectfully ask this committee to resolve to **DO NOT PASS HB 1364**.

**Testimony of Timothy G. Richard, JD, AEP
Serkland Law Firm
And
Mary Locken, JD
Senior Vice President
Wealth & Fiduciary Division Manager
Bell Bank**

March 22, 2021

Chairperson Larson and members of the Senate Judiciary Committee, we, Timothy Richard and Mary Locken, submit the following testimony in opposition to House Bill 1364. Timothy Richard is a shareholder with the Serkland Law Firm who practices primarily in the area of trusts and estates. He is an Accredited Estate Planner (AEP) certified by the National Association of Estate Planners & Councils and a Fellow in the American College of Trust & Estate Counsel, a peer-nominated professional association of trust and estate attorneys. Mary Locken is the Manager of Bell Bank's Wealth & Fiduciary Division, one of the largest providers of professional fiduciary services in North Dakota.

Based on our combined 50+ years of working with probate and estate matters in North Dakota, we believe HB 1364 will have significant, unintended consequences and unnecessarily increase probate costs for families in North Dakota. Although the amendments proposed in HB 1364 may appear minor on their face, taking away control from the Personal Representative/executor over all real estate that is part of an estate will complicate the probate process and unnecessarily increase expenses, even if there is no dispute. Some of these issues are outlined below:

- First and foremost, North Dakota has adopted the Uniform Probate Code to keep its estate laws consistent with the vast majority of other states in the country and because it was developed after extensive research and input from trust and estate professionals to create a set of rules to ensure the most efficient and fair process to handle decedents' estates. Any changes to the North Dakota Uniform Probate Code should come from the proper sources so such changes are properly vetted and do not conflict with this overall intent and other specific Probate Code provisions. Specifically, with respect to the purpose and intent of N.D.C.C. § 30.1-18-09, which HB 1364 seeks to amend, the official Comments state as follows:

This section deals with the personal representative's duty and right to possess assets. It proceeds from the assumption that it is desirable whenever possible to avoid disruption of possession of the decedent's assets by his devisees or heirs. But, if the personal representative decides that possession of an asset is necessary or desirable for purposes of administration, his judgment is made conclusive in any action for possession that he may need to institute against an heir or devisee. It may be possible for an heir or devisee to question

the judgment of the personal representative in later action for surcharge for breach of fiduciary duty, but this possibility should not interfere with the personal representative's administrative authority as it relates to possession of the estate.

Thus, § 30.1-18-09 as currently written, already tries to balance the right of the heirs and the control needed by the Personal Representative to properly manage an estate. HB 1364 will remove this balance and effectively take control away from North Dakota citizens in determining how a person's estate is managed.

Consistent with the above official Comment, one of the primary purposes for doing a Last Will and Testament is to designate the person that the testator believes is the most qualified and able to properly administer his/her estate. With respect to real property, it is very common for testators to intend to leave their land equally to their children or heirs, but at the same time make sure that their designated Personal Representative has control over their estate. Often families have certain heirs who are qualified to administer the estate, and other heirs who the testator definitely does not wish to have in control, even though he/she still wants such heirs to be included in the ultimate inheritance. This may be simply because certain heirs do not have the requisite knowledge or skills to properly administer an estate, or because there is a potential family conflict. Under the current language of N.D.C.C. § 30.1-18-09, which states "[e]xcept as otherwise provided by a testator's will," a testator already has the power to do what HB 1364 is seeking to accomplish, i.e., direct that specific real property be left under the control of the presumptive heirs rather than the Personal Representative. However, if the testator intends to have his/her designated Personal Representative in control of the estate, HB 1364 completely contradicts and overrides such specific directive by mandating that the Personal Representative does not have control, regardless of the terms of the Will, unless a court order is obtained. The overarching intent of the North Dakota Uniform Probate Code is to enforce the testator's stated wishes with court involvement, not contradict them and force a Personal Representative to go to court to enforce them.

- Related to the above point, when there is already a potential family conflict, testators will often designate a neutral third-party to control his/her estate to minimize and avoid conflict between the heirs, usually a bank or trust company. HB 1364 contradicts that choice by the testator and actually invites conflict among the heirs in those family situations by putting those heirs in direct control of any real estate initially. Furthermore, when a person names a bank or other neutral third-party as their Personal Representative to avoid family conflict, that professional Personal Representative will generally only accept that role if it has control over the assets. If HB 1364 is enacted, it will force such professional Personal Representatives to immediately file a petition with the court to get control of any real estate that is part of the estate, unnecessarily increasing the cost of the probate by a minimum of \$500-\$1,000 and delaying the probate by 30 – 60 days, even if there is no conflict. Or worst case is that such professional Personal Representatives will not be willing to take on the appointment in the first place, making it more likely there will be a dispute among the heirs as to who should be appointed as Personal Representative and be in control of the land. Even individual Personal Representatives may be reluctant to take on this role if it means they will need to file a petition against their family members to get control over the real estate. Again,

HB 1364 would have the effect of contradicting a testator's stated wishes regarding his/her estate and likely causing more conflict among heirs, not less.

- HB 1364 also is in direct conflict with N.D.C.C. § 30.1-18-11, which provides that:

[A] personal representative has the same power over the title to property of the estate that an absolute owner would have, in trust however, for the benefit of the creditors and others interested in the estate. **This power may be exercised without notice, hearing, or order of court.** (emphasis added)

HB 1364 is also in conflict with N.D.C.C. § 30.1-18-15, which authorizes the Personal Representative to "execute or deliver a deed," "dispose of an asset, including land," make repairs to buildings or to even demolish buildings, and "sell, mortgage, or lease any real or personal property of the estate." Consistent with its overall intent, there are numerous provisions in the Probate Code that give the Personal Representative control over the property of the estate, and thus there are likely numerous additional conflicts with HB 1364. This further illustrates why any changes to the North Dakota Uniform Probate Code need to be properly reviewed and vetted against the other provisions of the Probate Code and its overall intent before being enacted.

- Additionally, HB 1364 potentially creates conflict with the management and control of personal property that is part of the estate. If the real property is left under the control of the presumptive heirs, how is the Personal Representative to protect and administer personal property that may be distributed to different heirs? If the heirs controlling the real property do not give the Personal Representative permission to enter the real property to take possession of the personal property that is part of the estate, the Personal Representative will be forced to either commit trespass to recover the personal property or go to court and incur additional cost simply to get permission to enter the real property.
- If HB 1364 is enacted, it will create issues as to who has management control over any rental real property, whether farmland, commercial or residential rental property. If the Personal Representative does not have possession or control of such property, who is to execute or renew any leases on that property while the estate is being settled? Further, does the tenant pay rent directly to the "presumptive heirs" of that property, and is the income to be reported directly to the heirs receiving the rent checks? Under the Tax Code, such rental income would still need to be reported to the estate on the estate's income tax return (Form 1041) until such property is actually deeded to the heirs. If the rent is paid directly to the presumptive heirs, is that to be reported as a distribution from the estate on Schedule K-1 to Form 1041, or is the estate potentially obligated to pay the income tax liability on such rental income without having control of the actual payment itself? Again, the Personal Representative will likely be forced to file a petition with the court in order to address these issues, causing unnecessary delay and additional expense, even if there is no dispute among the heirs.
- The most obvious issue created by HB 1364 is when the estate needs to sell real property in order to pay estate expenses. Often real estate is the primary asset available to pay expenses. For example, it is very common for the decedent's house, which the adult children generally

have no interest in keeping, to be sold by the estate in order to pay necessary expenses. The heirs simply wish to sell it in the most efficient way, which is generally by the Personal Representative through the estate, rather than getting all the heirs to agree and sign off on the sale documents. Under HB 1364, even if all of the heirs agree that the property should be sold by the estate to pay expenses, the Personal Representative would be required to petition the court, again causing unnecessary delay and expense to the heirs.

- HB 1364 will also create title issues and confusion. The North Dakota Title Standards currently require a Personal Representative's Deed in order to document the chain of title from the decedent to the heirs. If the Personal Representative does not have legal possession and control over estate real property, can the PR even sign a PR's Deed to have a good chain of title? If there is no PR Deed recorded, how are any third parties that are reviewing the chain of title going to determine who are the current title owners? Can the heirs take out a mortgage or encumber this real property even though his/her name does not appear in the real estate records? And if they can, what are the consequences if that land needs to be sold to pay estate expenses or if it is ultimately determined that the land should be distributed to a different heir? Does a North Dakota bank who took such a mortgage from an heir end up with a void mortgage under such circumstances? There are a number of title issues that HB 1364 creates that need to be further considered.
- Lastly, based on the very limited testimony before the House Judiciary Committee, HB 1364 apparently arises out of a very contentious estate dispute that involved multiple appeals over many years. See Matter of Curtiss A. Hogan Trust B, created under the Last Will and Testament of Curtiss A. Hogan, 2020 ND 71; Estate of Hogan, 2019 ND 141; Hogan v. Hogan, 2019 ND 17; Matter of Hogan Trust B, 2018 ND 117; Estate of Hogan, 2015 ND 125. However, based on a review of the issues raised in this case, HB 1364 would not change the result, and thus would not rectify any perceived shortcoming in the North Dakota Uniform Probate Code. First, a number of the disputed issues involved a trust and the trustee's actions in administering the trust assets. Obviously, the Probate Code and the powers granted to a Personal Representative are inapplicable to trust matters, which are governed by the North Dakota Uniform Trust Code. The issues that did involve the probate estate were related to the estate's right to a "retainer" or offset against one heir's share of the estate, which primarily consisted of land, under N.D.C.C. § 30.1-20-03 for amounts that the Personal Representative claimed were owed by one heir to the estate. Based on the facts of the case, the heir that was ultimately determined to owe money to the estate was leasing and farming the land, and therefore was already in possession and control of the land during the probate, which is what HB 1364 purports to accomplish. Thus, even if HB 1364 had been in effect, the result would have been exactly the same – the Personal Representative would have been entitled to offset what was owed against the debtor/heir's share of the land in the estate. If the real intent of HB 1364 is to make an heir essentially immune from allowing the Personal Representative to offset a valid debt against that heir's share of any real estate, HB 1364 does not accomplish that. More importantly, if that is the real intent behind HB 1364, such a result would be patently unfair to the estate and other heirs that would be harmed.

The above issues are only a partial list of the problems that we feel would be caused by House Bill 1364. Based on our discussions with other trusts and estates professionals, we believe there will

likely be other testimony in opposition to House Bill 1364 that raise additional issues. Therefore, we urge the Committee to give HB 1364 a "Do Not Pass" recommendation.

Thank you for your consideration of this testimony.

2021 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

HB 1364
3/24/2021

| |
|--|
| A BILL for an Act to amend and reenact section 30.1-18-09 of the North Dakota Century Code, relating to the duties of a personal representative. |
|--|

Hearing called to order all Senators Present: **Myrdal, Luick, Dwyer, Bakke, Fors, Heitkamp, Larson. [11:05]**

Discussion Topics:

- Rights of Disabled individuals

Senator Bakke Moved a DO NOT PASS [11:06]

Senator Myrdal Seconded the Motion

Vote Passed 7-0-0

Senator Bakke Carried the Bill

| DO NOT PASS ON HB 1364 | Vote |
|---------------------------|------|
| Senator Diane Larson | Y |
| Senator Michael Dwyer | Y |
| Senator JoNell A. Bakke | Y |
| Senator Robert O. Fors | Y |
| Senator Jason G. Heitkamp | Y |
| Senator Larry Luick | Y |
| Senator Janne Myrdal | Y |

Hearing Adjourned [11:07]

Jamal Omar, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1364, as engrossed: **Judiciary Committee (Sen. Larson, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1364 was placed on the Fourteenth order on the calendar.