

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2183

2005 SENATE JUDICIARY

SB 2183

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2183

Senate Judiciary Committee

☐ Conference Committee

Hearing Date January 17, 2005

Tape Number	Side A	Side B	Meter #
1	X		4067 - End
1		X	0.0 - 1026
Committee Clerk Signature <i>Maria L. Selberg</i>			

Minutes: Relating to validity of certain conveyances by an estate trust.

**Senator John (Jack) T. Traynor**, Chairman called the Judiciary committee to order. All

Senators were present. The hearing opened with the following testimony:

**Testimony In Support of the Bill:**

**Sen Holmberg** - Dis #17 Introduced the bill. This bill is a result of the work of the real property division of the Bar Assoc. One of the segments of the bar have been studying specific issues.

We are constantly making changes in the statute. We are "up dating" this bill.

**Malcolm Brown** - Probate Attorney in Bismarck, and a member the Titles Standard Committee.

I have a short amendment Att #1. Described bill. This is a proposed amendments to an exception in the century code dealing with cities and plats. The current law requires that if a plot is accepted for approval then it must be accompanied by an attorneys opinions stating the name of the owner of record. What we see more often is title insurance policies or commitments.

Under current law has to be supported by an opinion. This amendment would provide that ether

the title insurance policy or commitment or an opinion. Any one of the three along with the plat would be acceptable. Some cities are currently doing this. **Sen. Traynor** asked if the policy becomes part of the plat? No it only accompanies it.

**Sen. Trenbeath** stated the title insurance lien act. I have concerns if the city can rely on a title insurance policy. **Mr. Brown** stated that the city has governing authority. Title insurance commitment is dated, only six months. It is unsatisfactory as evidence of title because it expires (meter 4670) If we take out the reference of commitment and leave in Title Insurance policy and an attorney's opinion are equitable. No objection. Discussion of plotting in the city and subdivisions and right of way easements.

**Testimony in Opposition of the Bill:**

**Jerry Hjemstad**, ND League of Cities (meter 542) We have issues with this bill. Before a city approves a plot they need to know that they are dealing with the owner. The title insurance does not specify sub division or the buyer? The city governing board looks at this section of the law for guidance on what should be required when they are approving a plot.

**Jim Horner** - Lobbyist for ND Title Ins Agent. (meter 730) There is little additional costs on adding a "coinsure" You can name up to three or four additional name in the planning purposes of a title. A commitment is usually 6 months but can go up to 6 years.

**Sen. Trenbeath** stated that he would like some additional time to work on an amendment.

**Senator John (Jack) T. Traynor**, Chairman closed the Hearing

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2183

Senate Judiciary Committee

☐ Conference Committee

Hearing Date January 19 , 2005

Tape Number	Side A	Side B	Meter #
1	X		3176-3828
Committee Clerk Signature <i>Maria L. Salberg</i>			

Minutes: Committee Work

**Senator John (Jack) T. Traynor**, Chairman called the Judiciary committee to order. All

Senators were present. They opened with the following:

**Sen. Trenbeath** made the motion to amend and clean up the language on line 15. The plat must be presented for approval to the governing body effected by plat together with the copy of the title insurance policy or an attorneys title of opinion title, running to the benefit of the subdivision effected by the plat, stated the name of the owner of record."

**Sen. Trenbeath** made the motion to amend as stated above and **Sen. Nelson** seconded. All were in favor. **Senator Syverson** made the motion to Do Pass as Amended and was seconded by **Senator Triplett**. All were in favor.

Carrier: **Sen. Traynor**

**Senator John (Jack) T. Traynor**, Chairman closed the Hearing

Date: 4/19/05  
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2183

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass Amendment 50403.0101

Motion Made By sen Trenbeath Seconded By Sen Nelson

Senators	Yes	No	SenatorsSen. Nelson	Yes	No
Sen. Traynor	✓		Sen. Nelson	✓	
Senator Syverson	✓		Senator Triplett	✓	
Senator Hacker	✓				
Sen. Trenbeath	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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

Date: 7/19/05  
Roll Call Vote #: (2)

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2183

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 50403. 0101

Action Taken Do Pass As Amended

Motion Made By Sen Syverson Seconded By Sen Triplett

Senators	Yes	No	Senators	Sen. Nelson	Yes	No
Sen. Traynor	✓		Sen. Nelson		✓	
Senator Syverson	✓		Senator Triplett		✓	
Senator Hacker	✓					
Sen. Trenbeath	✓					

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen Traynor

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

**REPORT OF STANDING COMMITTEE**

**SB 2183: Judiciary Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2183 was placed on the Sixth order on the calendar.

Page 1, line 16, overstrike ", if right-of-way dedication is required"

Page 1, line 17, remove "or commitment" and after "title" insert ", running to the benefit of the governing body affected by the plat,"

Renumber accordingly



2005 HOUSE POLITICAL SUBDIVISIONS

SB 2183


2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2183

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date March 10, 2005

Tape Number	Side A	Side B	Meter #
1	x		0.9 to 3.9
Committee Clerk Signature 			

Minutes: **Rep.Devlin, Chairman** opened the hearing on SB 2183, a bill for an Act to amend and reenact section 40-50.1-03 of the North Dakota Century Code, relating to certification of townsite or subdivision plats.

**Joel Gilbertson** -with the Vogel Law, Bismarck Office representing the State Bar Association of North Dakota -- the real property section of the State Bar is requesting the bill. It has to do with private plats -- subdivision plats and other plats that the cities and other political subdivisions -- right now you have to file with that a Title opinion -- an attorney's title opinion. More and more around the State Title insurance is being used - so you can file either Title insurance or an attorney's title opinion. There were some amendments added in the Senate -- we have people here who may answer questions about that but we had no problem with the amendments.

There was no additional testimony either for or against SB 2183, **Rep.Devlin, Chairman** closed the hearing. ( 2.5 ) .

Page 2

House Political Subdivisions Committee

Bill/Resolution Number SB 2183

Hearing Date March 10, 2005

**Rep. Kretschmar** moved a 'Do Pass' motion for SB 2183. **Rep. N. Johnson** seconded the motion. On a roll call vote the motion carried **10 ayes 0 nays 2 absent**. **Rep. Dietrich** was designated to carry SB 2183 on the floor.

End of record ( 3.8 )

Date: March 10, 2005  
Roll Call Vote:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2183

House POLITICAL SUBDIVISIONS

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken

D. Per

Motion Made By

Rep. Kretschmar

Seconded By

Rep. Johnson

Representatives	Yes	No	Representatives	Yes	No
Rep. Devlin, Chairman	✓		Rep. Ekstrom	✓	
Rep. Herbel, Vice Chairman	✓		Rep. Kaldor	✓	
Rep. Dietrich	✓		Rep. Zaiser	A	
Rep. Johnson	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	A				
Rep. Pietsch	✓				
Rep. Wrangham	✓				

Total (Yes)

10

No

0

Absent

2

Floor Assignment

Rep. Dietrich

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

**REPORT OF STANDING COMMITTEE (410)**  
**March 10, 2005 12:06 p.m.**

**Module No: HR-44-4619**  
**Carrier: Dietrich**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2183, as engrossed: Political Subdivisions Committee (Rep. Devlin, Chairman)**  
**recommends DO PASS (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).**  
**Engrossed SB 2183 was placed on the Fourteenth order on the calendar.**