

2009 HOUSE JUDICIARY

HB 1042

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1042

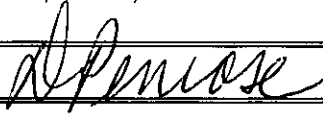
House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 1/12/09

Recorder Job Number: 6803, 6807, 6814

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will open the hearing on HB 1042.

John Walstad, Legislative Counsel: See attachment. This bill is correcting mistakes. This bill is for technical corrections. When we amend a section of law, the computer will find all the places that need to be changed as a result of the amendment. As we work through the Code and agencies and private individuals work through the Code, people come across things that need to be changed or fixed. When they do that, they let me know and that is what we have here. The bulk of this is the result of someone suggesting to me, that the eviction laws, after they moved into the property title of the NDCC and removed from 33.06 where they were, which is a title of the NDCC that has nothing else in it anymore. There is just one eviction chapter, all of the other provisions are gone and it was a judicial remedies title, so we move it, and the bill does it. It gets rid of the old chapter and creates a new chapter. I didn't change any of the content in moving it, so this is exactly what the law provides now. The headnotes for any section of the Code, is deemed not to be a part of the law; that's the bold face title that follows right behind the section numbers. That is only there to assist people in locating provisions of the law. It's the title that ends up at the beginning of each chapter and lists the sections. I, as a Code Reviser, can rewrite those captions whenever I choose to, so that they

are descriptive and serve the purpose of helping people find provisions. The information in front of a headnote, is a part of the law; the dates that are enacted by the Legislative Assembly. When you want to extend, by two years, the effectiveness of one version, all you do is change the date in that headnote. This provision says that the date preceding the headnote is part of the law. The Legislature can amend that and it matters when they do.

Rep. Delmore: On page 3, that is clean up language?

Mr. Walstad: Yes, a suggestion was made that this was a grammatical change.

Chairman DeKrey: Thank you. Further testimony in support of HB 1042. Testimony in opposition. We will close the hearing. What are the committee's wishes in regard to HB 1042.

Rep. Delmore: I move a Do Pass.

Rep. Koppelman: Second.

13 YES 0 NO 0 ABSENT

DO PASS

CARRIER: Rep. Kingsbury

Date: 1/12/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1042

HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ DP ☐ DNP ☐ DP AS AMEND ☐ DNP AS AMEND

Motion Made By Rep. Delmore Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Vig	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Hatlestad	✓		Rep. Zaiser	✓	
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 13 No 0

Absent 0

Floor Carrier: Rep. Kingsbury

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

REPORT OF STANDING COMMITTEE

HB 1042: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1042 was placed on the
Eleventh order on the calendar.

2009 SENATE JUDICIARY

HB 1042

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1042

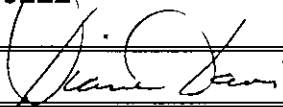
Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 3/4/09

Recorder Job Number: 10222

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

Relating to technical corrections.

John Walstad – Legislative Council – Introduces the bill and explains the changes. He gives a full tour of the bill. Language changes, underscores. He submits proposed amendments.

Senator Olafson moves the amendments

Senator Nelson seconds

Verbal yes

Senator Nelson moves a do pass as amended

Senator Schneider seconds

Vote 6-0

Senator Nething will carry

90213.0201
Title.

Prepared by the Legislative Council staff

March 3, 2009

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1042

Page 1, line 2, after "1-02-12" insert ", 12.1-12-09," and after the comma insert "subdivision j of subsection 1 of section 54-07-01.2,"

Page 1, line 5, replace "section" with "sections" and after "15.1-13-32" insert "and 32-42-04"

Page 1, after line 14, insert:

"SECTION 2. AMENDMENT. Section 12.1-12-09 of the North Dakota Century Code is amended and reenacted as follows:

12.1-12-09. Definitions for chapter. In this chapter, "thing of value" and "thing of pecuniary value" do not include (1) salary, fees, and other compensation paid by the government in consideration for which the official action or legal duty is performed; or (2) concurrence in official action in the course of legitimate compromise among public servants, except as provided in section 9 of article IV or section 44 10 of article V of the Constitution of North Dakota."

Page 7, after line 16, insert:

"SECTION 5. AMENDMENT. Subdivision j of subsection 1 of section 54-07-01.2 of the North Dakota Century Code is amended and reenacted as follows:

- j. The education standards and practices board ~~and the administrator's professional practices board.~~

Page 8, line 10, replace "Section" with "Sections" and after "15.1-13-32" insert "and 32-42-04"

Renumber accordingly

Date: 2/4
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES HB/242
BILL/RESOLUTION NO.

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended

Motion Made By Senator Nelson Seconded By Senator Schneider

[illegible]

Total (Yes) 6 (N) 0

Absent _____

Floor Assignment Senator Nothing

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

REPORT OF STANDING COMMITTEE

HB 1042: 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). HB 1042 was placed on the Fourteenth order on the calendar.

Page 1, line 2, after "1-02-12" insert ", 12.1-12-09," and after the comma insert "subdivision j of subsection 1 of section 54-07-01.2,"

Page 1, line 5, replace "section" with "sections" and after "15.1-13-32" insert "and 32-42-04"

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Renumber accordingly

2009 TESTIMONY

HB 1042

TECHNICAL CORRECTIONS - RECOMMENDATION

The committee continued the practice of reviewing the Century Code to determine if there are inaccurate or obsolete names and statutory references or superfluous language. The committee recommends House Bill No. 1042 to make technical corrections throughout the Century Code. The following table lists the sections affected and describes the reasons for the change:

1-02-12	The change relates to the effect of the language contained in headnotes and is the result of a change in publication style.
15.1-13-32	This section, which refers to a 2007 report to the Legislative Assembly, is repealed.
16.1-01-09	The change relates to the underscoring of statutory language appearing in a legislative bill and is the result of a change in drafting style.
33-06	Chapter 33-06, relating to eviction, is repealed and moved to a new location in Title 47, relating to property.
47-32	This change creates a new chapter relating to eviction. This chapter was previously located in Title 33.
57-39.2-18	This change is the result of a reference to a time period following a specific date. Because the date has passed, the reference is no longer necessary.
57-40.2-09	This change is necessary due to the removal of a date reference that left the sentence grammatically deficient.