2025 HOUSE JUDICIARY
HB 1175

### 2025 HOUSE STANDING COMMITTEE MINUTES

## Judiciary Committee Room JW327B, State Capitol

HB 1175 1/14/2025

A BILL for an Act to amend and reenact sections 54-55-01, 54-55-03, 54-55-04, and 54-55-05 of the North Dakota Century Code, relating to the North Dakota commission on uniform state laws.

9:01 a.m. Chairman Klemin called the meeting to order.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, Satrom, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Representative Olson

### **Discussion Topics:**

- State Bar Association
- Per diem and legislator salary

9:03 a.m. Lawrence Klemin, North Dakota Representative for District 47, testified in favor and supplied testimony #28799, #28798, and #28800.

9:15 a.m. Representative Vetter moved a Do Pass.

9:15 a.m. Representative Hoverson seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Υ
Representative Karen Karls	Υ
Representative Steve Vetter	Υ
Representative Nels Christianson	Υ
Representative Donna Henderson	Υ
Representative Jeff Hoverson	Υ
Representative Daniel Johnston	Υ
Representative Carrie McLeod	Υ
Representative SuAnn Olson	Α
Representative Bernie Satrom	Υ
Representative Mary Schneider	Υ
Representative Bill Tveit	Υ
Representative Lori VanWinkle	Υ
Representative Christina Wolff	Υ

House Judiciary Committee HB 1175 Jan 14, 2025 Page 2

Representative Hoverson will carry the bill.

9:18 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

## REPORT OF STANDING COMMITTEE HB 1175 (25.0821.02000)

Module ID: h\_stcomrep\_04\_001

**Carrier: Hoverson** 

**Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1175 was placed on the Eleventh order on the calendar.



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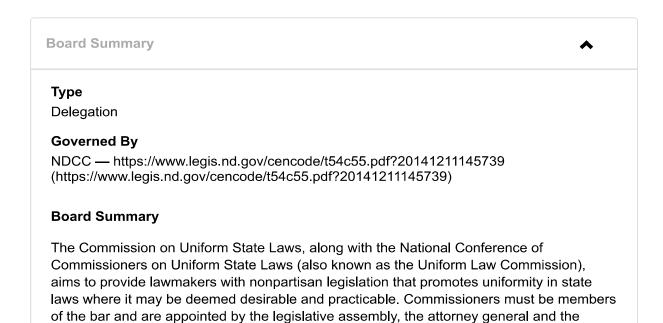
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## Commission on Uniform State Laws

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governor, as well as life members who have been elected by the national commission.

Compensation

Voluntary

**Term Length** 

4 years, no term limit

**Meeting Frequency** 

2 times a year

**Board Members** 

Y

**Mr. Dustin Richard** 

**Term** 2/12/2024 - Open

Original Appointment 2/12/2024

Position Legislative Appointee/Secretary

Show Less ...

Criteria

Appointed By Legislative Management

**Role** Secretary

Voting Yes

**♣** Jake Rodenbiker

**Term** 9/1/2021 - 8/31/2025

Original Appointment 9/1/2013

**Position** Lawyer

Show Less ...

**Criteria** An individual engaged in the practice of law in this state

Appointed By Governor

Role Member

**Voting** Yes

**♣** Professor Bradley

Myers

**Term** 9/1/2021 - 8/31/2025

Original Appointment 9/17/2007

**Position** Faculty

Show Less ...

Criteria The dean or a full-time member of the faculty of the law

school of the university of North Dakota

Appointed By Governor

**Role** Member

Voting Yes

Mr. Jerod Tufte

**Term** 9/1/2021 - 8/31/2025

Original Appointment 9/1/2015

Position Judge

Show Less ...

**Criteria** A law-trained judge of a court of record in this state

Appointed By Governor

Role Member

Voting Yes

Representative Lawrence Klemin

**Term** 9/1/2023 - 8/31/2027

Original Appointment 9/1/1999

**Position** House Appointee

Show Less ...

**Criteria** State Representative

**Appointed By** 

**Role** Chairman

**Voting** Yes

**♣** Gail Hagerty

**Term** 

**Original Appointment** 

Position Life Member

Show Less ...

**Criteria** 5 years of service on the commission

Appointed By Other

Role Member

**Voting** Yes

**Section** Owen Anderson

**Term** 

**Original Appointment** 

**Position** Life Member

Show Less ...

**Criteria** 5 years of service on the commission

Appointed By Other

Role Member

**Voting** Yes

**♣** Jay E. Buringrud

**Term** 

**Original Appointment** 

**Position** Life Member

Show Less ...

**Criteria** 5 years of service on the commission

Appointed By Other

Role Member

**Voting** Yes

**≛** Senator David Hogue

**Term** 9/1/2023 - 8/31/2027

Original Appointment 9/1/2001

**Position** Senate Appointee

Show Less ...

**Criteria** State Senator

Appointed By Legislative Management

**Role** Member

Voting Yes

**₽** Candace Zierdt

Term

**Original Appointment** 

**Position** Life Member

Show Less ...

Criteria

Appointed By Other

Role Member

Voting Yes

₽ Parrell D. Grossman

**Term** 9/1/2017 - Open

Original Appointment 9/1/2017

Position Member

Show Less ...

Criteria

Appointed By Attorney General

Role Member

**Voting** Yes

#### **Board Administration**



## **Primary Contact**

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# North Dakota House of Representatives

STATE CAPITOL 600 EAST BOULEVARD BISMARCK, ND 58505-0360



Representative Lawrence R. Klemin

District 47 3929 Valley Drive Bismarck, ND 58503-1729 Iklemin@ndlegis.gov COMMITTEES: Judiciary, Chairman Political Subdivisions

## TESTIMONY OF REP. LAWRENCE R. KLEMIN HOUSE JUDICIARY COMMITTEE HOUSE BILL NO. 1175 JANUARY 14, 2025

Members of the House Judiciary Committee. I am Lawrence R. Klemin, Representative for District 47 in Bismarck. I am also Chairman of the North Dakota Commission on Uniform State Laws. I am here to testify in support of HB1175, relating to the North Dakota Commission on Uniform State Laws.

The North Dakota Commission on Uniform State Laws is established in Chapter 54-55 of the North Dakota Century Code. This chapter sets out the membership of the North Dakota Commission, its duties, qualifications, and responsibilities. Members of the North Dakota Commission are also appointed as Commissioners on the National Conference of Commissioners on Uniform State Laws, also known as the Uniform Law Commission (ULC).

ULC commissioners are practicing lawyers, judges, legislators and legislative staff, and law professors, who have been appointed by state governments as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands. There are more than 350 ULC Commissioners. ULC commissioners donate thousands of hours of legal work, without compensation, to research, draft and promote enactment of uniform state laws in areas of state law where uniformity is desirable and practical.

The ULC was first established in 1892. North Dakota became a member in 1893. Since that time, North Dakota has enacted 183 uniform and model Acts, of which 80 are still currently in effect. The Acts have been subject to revision over time and some Acts have been repealed as outdated. I have attached a list of the 80 Acts currently in effect in North Dakota so that you can see what we still have on the books.

HB1175 is a rewrite of Chapter 54-55. Section 54-55-01 sets out the membership of the North Dakota Commission. Subsections 1 through 7 are a reorganization of existing law into subsections and subdivisions in accordance with current drafting requirements.

Subsection 1 specifies who the members are and who appoints them. The Governor appoints an individual licensed to practice law in this State (Jacob Rodenbiker, currently

an Assistant U.S Attorney); the Dean or a faculty member at the UND School of law (Brad Myers, a professor of law); and a judge (Supreme Court Justice Jerad E. Tufte). These individuals have 4-year terms. Legislative Management appoints a member of the House of Representatives (Lawrence R. Klemin, also a Life Member of the ULC), a member of the Senate (David Hogue, also a Life Member of the ULC), and a member of the Legislative Council (Dustin A. Richard) to 2-year terms. The Attorney General appoints a member (Parrell Grossman, who recently retired as Director of the AG's Consumer Protection Division). Commissioners also include members elected as Life Members of the ULC after they have served 20 years or more. The Life Members include Owen Anderson, a retired former UND law professor; Gail Hagerty, a retired District Judge; Jay Buringrud, a retired former employee of the Legislative Council; and Candace Zierdt, a retired former UND law professor. The Governor can also appoint any residents of this State who have previously been appointed to at least 5 years on the North Dakota Commission. There are no appointees at this time in this category.

Subsection 8 provides that all Commissioners must be licensed attorneys in good standing with the State Bar Asociation of North Dakota at the time of first appointment. This is a ULC requirement which is restated here. All North Dakota commissioners have been appointed in compliance with this requirement.

Subsection 9 is new and provides that if there are no members of the House or Senate who are eligible for appointment (i.e. licensed lawyer), then the Legislative Management may appoint some other lawyer who is eligible. This is included in recognition that there are few lawyers in the Legislature at the present time and may be none in the future. Legislative Management should still be able to appoint a commissioner to represent the Legislature if there are no lawyers in the Legislature. This may never occur, but the subsection provides for the possibility. There are currently only 3 licensed lawyers in the House and 3 in the Senate.

Section 54-55-03 adds a Vice Chairman to the officers of the North Dakota Commission. Justice Jerad Tufte currently serves as Vice Chairman, so this amendment is consistent with current practice. I am the Chairman and Dustin Richard of the Legislative Council is the Secretary.

Section 54-55-04 only adds a reference to the National Uniform Law Commission.

Section 54-55-05, relating to compensation and expense reimbursement, updates subsection 1 to state that legislators do get paid a per diem when attending Commission meetings, as provided in Section 54-03-20. A reference to the ULC is included in subsection 2. This subsection also removes obsolete language relating to expense reimbursement payable for legislators who have been appointed under the 5-year provision who have served at least 20 years in the Legislature. There are no such members now and will never be in the future due to term limits. If any other members do get appointed in the future who are not 20-year legislators, then they will get their expenses reimbursed the same as other Commissioners.

Members of the Committee, I urge a "Do Pass" recommendation on HB1175. I would be happy to answer any questions. Thank you.

Rep. Lawrence R. Klemin

#### **CURRENT ACTS ENACTED BY NORTH DAKOTA**

#### **UNIFORM LAW COMMISSION**

#### **SEPTEMBER 9, 2024**

- 1. Adult Guardianship and Protective Proceedings Jurisdiction Act
- 2. Anatomical Gift Act
- 3. Arbitration Act
- 4. Assignment of Rents Act
- 5. Athlete Agents Act (2000) (2015) (2019)
- 6. Audio-Visual Deposition Act
- 7. Child Custody Jurisdiction and Enforcement Act
- 8. Civil Remedies for Unauthorized Disclosure of Intimate Images Act
- 9. Collaborative Law Act
- 10. Commercial Code
- 11. Commercial Code Article 1
- 12. Commercial Code Article 2A
- 13. Commercial Code Article 4A
- 14. Commercial Code Article 4A Amendments
- 15. Commercial Code Article 5
- 16. Commercial Code Article 6
- 17. Commercial Code Article 7
- 18. Commercial Code Article 8
- 19. Commercial Code Article 8 Amendments
- 20. Commercial Code Article 9 (1999)
- 21. Commercial Code Article 9 (2010)
- 22. Commercial Code Article 9 Amendments
- 23. Commercial Code Article 9, Secured Transactions, Amendments to 9-406 and 9-408
- 24. Commercial Code Article 12 and 2022 Amendments to Accommodate Emerging Technologies
- 25. Conditional Sales Act
- 26. Conflict of Laws-Limitations Act
- 27. Correction or Clarification of Defamation Act
- 28. Debt Management Services Act
- 29. Declaratory Judgments Act
- 30. Deployed Parents Custody and Visitation Act
- 31. Determination of Death Act
- 32. Disclaimer of Property Interests Act
- 33. Division of Income for Tax Purposes Act
- 34. Duties to Persons with Medical ID Devices Act
- 35. Electronic Legal Material Act
- 36. Electronic Transactions Act
- 37. Electronic Wills Act
- 38. Emergency Volunteer Health Practitioners Act

- 39. Enforcement of Foreign Judgments Act
- 40. Environmental Covenants Act
- 41. Facsimile Signatures of Public Officials Act
- 42. Faithful Presidential Electors Act
- 43. Family Law Arbitration Act
- 44. Federal Lien Registration Act (1978) (1982)
- 45. Fiduciary Access to Digital Assets Act
- 46. Foreign Money Claims Act
- 47. Foreign Money-Judgments Recognition Act
- 48. Foreign-Country Money Judgments Recognition Act
- 49. Interstate Depositions and Discovery Act
- 50. Interstate Enforcement of Domestic Violence Protection Orders Act
- 51. Interstate Family Support (1996) (2008)
- 52. Limited Liability Company Act
- 53. Limited Partnership (1983) (1985)
- 54. Limited Partnership, Revised (2001)
- 55. Mandatory Disposition of Detainers Act
- 56. Military and Overseas Voters Act
- 57. Nonparent Custody and Visitation Act
- 58. Notarial Acts (2010) (2018) (2021)
- 59. Partnership Act (1994) (1996)
- 60. Premarital and Marital Agreements Act
- 61. Prevention of and Remedies for Human Trafficking, Act on
- 62. Probate Code (1969) (1975)
- 63. Prudent Management of Institutional Funds Act
- 64. Real Property Transfer on Death Act
- 65. Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act
- 66. Registered Agents Act
- 67. Simultaneous Death Act
- 68. Simultaneous Death Act (Revised)
- 69. Statutory Rule Against Perpetuities (1986) (1990)
- 70. Testamentary Additions to Trusts Act
- 71. TOD Security Registration Act
- 72. Trade Secrets Act
- 73. Transfers to Minors Act
- 74. Trust Code
- 75. Trust Code Insurable Interests Amendment
- 76. Unclaimed Property Act
- 77. Unsworn Domestic Declarations Act
- 78. Unsworn Foreign Declarations Act
- 79. Voidable Transactions Act (1984) (2014)
- 80. Wills Recognition Act formerly International Wills Act

2025 SENATE JUDICIARY

HB 1175

## 2025 SENATE STANDING COMMITTEE MINUTES

## **Judiciary Committee**

Peace Garden Room, State Capitol

HB 1175 3/10/2025

A BILL for an Act to amend and reenact sections 54-55-01, 54-55-03, 54-55-04, and 54-55-05 of the North Dakota Century Code, relating to the North Dakota commission on uniform state laws.

10:29 a.m. Chair Larson opened the hearing.

### Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

### **Discussion Topics:**

- Membership and appointments
- Clarification and reorganization of statutes
- Legislative representation

10:29 a.m. Representative Lawrence R. Klemin, Representative of NDLA, introduced the bill and submitted testimony in favor #39737.

- 10:38 a.m. Chair Larson closed the hearing.
- 10:38 a.m. Senator Luick moved a Do Pass.
- 10:38 a.m. Senator Cory seconded the motion.

Senators	Vote
Senator Diane Larson	Υ
Senator Bob Paulson	Υ
Senator Ryan Braunberger	Υ
Senator Jose L. Casteneda	Υ
Senator Claire Cory	Υ
Senator Larry Luick	Υ
Senator Janne Myrdal	Υ

Motion Passed 7-0-0.

10:38 a.m. Senator Cory will carry the bill.

10:40 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

## REPORT OF STANDING COMMITTEE HB 1175 (25.0821.02000)

Module ID: s\_stcomrep\_36\_004

**Carrier: Cory** 

**Judiciary Committee (Sen. Larson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1175 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.



## North Dakota House of Representatives

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Representative Lawrence R. Klemin
District 47

District 47 3929 Valley Drive Bismarck, ND 58503-1729 Iklemin@ndlegis.gov COMMITTEES: Judiciary, Chairman Political Subdivisions

## TESTIMONY OF REP. LAWRENCE R. KLEMIN SENATE JUDICIARY COMMITTEE HOUSE BILL NO. 1175 MARCH 10, 2025

Madame Chairman and members of the Senate Judiciary Committee. I am Lawrence R. Klemin, Representative for District 47 in Bismarck. I am also Chairman of the North Dakota Commission on Uniform State Laws. I am here to testify in support of HB1175, relating to the North Dakota Commission on Uniform State Laws.

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Rep. Lawrence R. Klemin