

2023 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1323

2023 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

HB 1323
01/17/2023

Relating to a claimant's right to maintain a construction lien for furnishing materials and improvements.

Chairman Louser called to order 2:30 PM

Members Present: Chairman Louser, Vice Chairman Ostlie, Representatives Boschee, Christy, Dakane, Johnson, Kasper, Koppelman, Ruby, Schauer, Thomas, Tveit, Wagner.
Member Absent: Representative Warrey.

Discussion Topics:

- Tenant approval

In favor:

Representative Claire Cory, District 42 Prime bill sponsor, #13786

Chairman Louser closed the hearing 2:33 PM

Representative Koppelman moved a Do Pass.
Representative Dakane seconded.

Roll call vote:

Representatives	Vote
Representative Scott Louser	Y
Representative Mitch Ostlie	Y
Representative Josh Boschee	Y
Representative Josh Christy	Y
Representative Hamida Dakane	Y
Representative Jorin Johnson	Y
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Dan Ruby	AB
Representative Austen Schauer	Y
Representative Paul J. Thomas	Y
Representative Bill Tveit	Y
Representative Scott Wagner	Y
Representative Jonathan Warrey	AB

Motion passed 12-0-2

Representative Koppelman will carry the bill.

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Chairman Louser adjourned the meeting 2:38 PM

Diane Lillis, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1323: Industry, Business and Labor Committee (Rep. Louser, Chairman)
recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB
1323 was placed on the Eleventh order on the calendar.

2023 SENATE INDUSTRY AND BUSINESS

HB 1323

2023 SENATE STANDING COMMITTEE MINUTES

Industry and Business Committee Fort Union Room, State Capitol

HB 1323
3/13/2023

A bill relating to a claimant's right to maintain a construction lien for furnishing materials and improvements.
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9:45 AM Chairman D. Larsen called the meeting to order. Members present: Chairman D. Larsen, Vice Chairman Kessel, Senator Barta. Members absent: Senator Klein, Senator Boehm.

Discussion Topics:

- Century Code cleanup
- Construction liens
- Court opinions

9:58 AM Representative Claire Cory, District 42, Grand Forks, North Dakota, introduced HB 1323 and testified in favor. #23976

10:01 AM Representative Ben Koppelman, District 16, West Fargo, North Dakota, testified in favor of HB 1323. No written testimony.

10:05 AM Chairman Larsen closed the hearing on HB 1323.

Brenda Cook, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Industry and Business Committee Fort Union Room, State Capitol

HB 1323
3/20/2023

A bill relating to a claimants right to maintain a construction lien for furnishing materials and improvements.

11:19 AM Chairman D. Larsen opened the meeting. Members present: Chairman D. Larsen, Vice Chairman Kessel, Senator Barta, Senator Klein, Senator Boehm.

Discussion Topics:

- Committee action

11:25 AM Senator Barta moved to DO PASS HB 1323.

11:26 AM Senator Boehm seconded the motion.

Roll call vote:

Senators	Vote
Senator Doug Larsen	Y
Senator Greg Kessel	Y
Senator Jeff Barta	Y
Senator Keith Boehm	Y
Senator Jerry Klein	Y

Vote: 5-0-0- DO PASS HB 1323.

Senator Barta will carry the bill.

11:27 AM Chairman D. Larsen closed the meeting.

Brenda Cook, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1323: Industry and Business Committee (Sen. Larsen, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1323 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

TESTIMONY

HB 1323



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

#13786



Representative Claire Cory

District 42
P.O. Box 5094
Grand Forks, ND 58206-5094
C: 701-213-6553
clairecory@ndlegis.gov

COMMITTEES:

Judiciary
Government and Veterans Affairs

Chairman Louser and Members of the House Industry, Business and Labor Committee,

For the record, my name is Claire Cory, and I represent District 42 in Grand Forks.

I am seeking your support for House Bill 1323.

HB1323 was introduced on behalf of a constituent who was concerned about construction subcontractors filing construction liens against property after a general contractor signed a final lien waiver.

After much research, we discovered that our law was adequate but somewhat unclear, and that those areas had been sorted out by several cases in the ND courts. The bill draft in front of you is meant to be a clean-up bill that combines current law and the various court opinions that currently affect construction lien law into workable language that is easy to understand.

According to Dustin Richard at Legislative Council, this bill would not change the ways that contractors file liens but would simply combine the law into one place that is easy to understand. In other words, it will be business as usual.

Mr. Chairman and members of the committee, I request a Do-Pass recommendation on this bill. I would be happy to answer any questions that you may have.



North Dakota House of Representatives

#23976



STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

Representative Claire Cory

District 42
P.O. Box 5094
Grand Forks, ND 58206-5094
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clairecory@ndlegis.gov

COMMITTEES:

Judiciary
Government and Veterans Affairs

March 13, 2023

Chairman Larsen and Senate Industry and Business Committee Members,

For the record, my name is Claire Cory. I represent District 42 in Grand Forks, which includes the northwestern part of Grand Forks and expands out to include the Grand Forks Air Force Base. I am here as the prime sponsor seeking support of House Bill 1323.

House Bill 1323 is what I would consider a century code cleanup regarding construction liens by contractors and subcontractors. It was introduced on behalf of a constituent who was concerned about construction subcontractors filing construction liens against property after a general contractor signed a final lien waiver.

After much research, we discovered that our law was adequate but somewhat unclear, and that those areas had been sorted out by several cases in the North Dakota courts. The bill draft in front of you is meant to be a clean-up bill that combines current law and the various court opinions that currently affect construction lien law into workable language that is easy to understand.

According to Legislative Council, this bill would not change the ways that contractors file liens but would simply combine the law into one place that is easy to understand. In other words, it will be business as usual (see email).

Chairman Larsen and members of the Senate Industry and Business Committee, this concludes my testimony. I respectfully ask for a do pass recommendation from your committee. I am happy to stand for any questions.