

2023 HOUSE JUDICIARY

HB 1363

2023 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1363
1/25/2023

Relating to the duty of final disposition.
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Chairman Klemin opened the hearing on HB 1360 at 11:06 AM. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, Rep. Vetter

Discussion Topics:

- Final disposition of body
- Timeline for disposition

Rep. Rios: Introduced the bill. # 16673

Mike Krumwiede, Lobbyist for ND Funeral Directors Association: spoke in favor of HB 1363

Hearing closed at 11:21 AM.

Rep. VanWinkle Moved a Do Pass on HB 1363

Seconded: Rep. Shannon Roers Jones. Roll Call Vote:

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	A
Representative Lori VanWinkle	Y
Representative Steve Vetter	A

Motion Carried 11-0-2. Representative Cory carrier.

Hearing adjourned at 11:25 AM.

Delores Shimek, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1363: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1363 was placed on the Eleventh order on the calendar.

2023 SENATE STATE AND LOCAL GOVERNMENT

HB 1363

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

HB 1363
3/24/2023

Relating to the duty of final disposition.
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9:17 AM Chair Roers opened the hearing. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Number of situations
- Funeral directors
- Next of kin

Rep Rios, Dist 23, bill sponsor testified in support #26550.

Mike Krumwiede, ND Director Funeral Assoc, testified in support with no written testimony.

9:24 AM Chair Roers closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

HB 1363
3/24/2023

Relating to the duty of final disposition.

10:33 AM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Committee action

Sen Barta moved a DO PASS.

Sen Estenson seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	Y
Senator Judy Estenson	Y
Senator Judy Lee	Y

ROLL CALL VOTE: YES – 6 NO – 0 Absent – 0 Motion PASSED

Sen Barta will carry the bill.

10:35 AM Chair Roers adjourned the meeting.

Pam Dever, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1363: State and Local Government Committee (Sen. K. Roers, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB
1363 was placed on the Fourteenth order on the calendar. This bill does not affect
workforce development.

TESTIMONY

HB 1363

Rep. Nico Rios
January 25th, 2023
House Judiciary Committee
Introduction to HB 1363

Mr. Chairman and Members of the House Judiciary Committee,

I am Representative Nico Rios of District 23 located on the Northwest side of Williston in Williams County. I am here to introduce House Bill 1363 and speak in support of passage of this bill.

Six weeks ago today on Wednesday December 14th, there was a murder in my district. The suspect allegedly murdered his wife of one month. Police responded to a 911 call reporting a dead body of a woman outside. Police show up, find the deceased victim, but the suspect is gone. There's a 36 hour manhunt for the suspect. They eventually arrest him on the evening of December 15th. Charges were filed Friday morning on December 16th.

While in custody on Wednesday December 21st the suspect was asked to sign a form that would have released the victim's body to her family so they could prepare for a funeral. The suspect refused and told the detective that he would sign the forms after he made some phone calls. It was not until the owner of the Emerson-Coughlin Funeral Home in Williston, Seth Coughlin had reached out to the suspect's attorney that he decided to sign the forms. This was on Thursday December 29th.

It took eight days. This was way too long for a grieving family to have to see their dead daughter's body in limbo while they waited on the suspect to sign the release form.

House Bill 1363 addresses that.

Currently the law allowed for this to happen by not considering if the deceased was murdered or allegedly murdered by the spouse when it came to the duty of final disposition. House Bill 1363 changes that. House bill 1613 will exempt the spouse from duty of final disposition if he has been arrested for the murder of the deceased spouse, or has admitted to the murder of the deceased spouse. Only when intentionally and feloniously killing the deceased spouse.

I am certain the changes to the language here will address this problem. Please support House Bill 1363.

Rep. Nico Rios
March 24th, 2023
Senate Committee on State and Local Government
Introduction to HB 1363

Madam Chairman and Members of the Senate Committee on State and Local Government,

I am Representative Nico Rios of District 23 located on the Northwest side of Williston in Williams County. I am here to introduce House Bill 1363 and speak in support of passage of this bill.

On Wednesday December 14th, there was a murder in my district. The suspect allegedly murdered his wife of one month. Police responded to a 911 call reporting a dead body of a woman outside. Police show up, find the deceased victim, but the suspect is gone. There's a 36 hour manhunt for the suspect. They eventually arrest him on the evening of December 15th. Charges were filed Friday morning on December 16th.

While in custody on Wednesday December 21st the suspect was asked to sign a form that would have released the victim's body to her family so they could prepare for a funeral. The suspect refused and told the detective that he would sign the forms after he made some phone calls. It was not until the owner of the Emerson-Coughlin Funeral Home in Williston, Seth Coughlin had reached out to the suspect's attorney that he decided to sign the forms. This was on Thursday December 29th.

It took eight days. This was way too long for a grieving family to have to see their dead daughter's body in limbo while they waited on the suspect to sign the release form.

House Bill 1363 addresses that by adding language to parts b. and c. of subsection 1 of century code 23-06-03.

Currently the law allowed for this to happen by not considering if the deceased was murdered or allegedly murdered by the spouse when it came to the duty of final disposition. House Bill 1363 changes that. House bill 1613 will exempt the spouse from duty of final disposition if he has been arrested for the murder of the deceased spouse, or has admitted to the murder of the deceased spouse. Only when intentionally and feloniously killing the deceased spouse.

I am certain the changes to the language here will address this problem. Please support House Bill 1363.