

Senate Bill 2252
Senate Judiciary Committee
January 31, 2023

Chair Larson, members of the committee, my name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. Unfortunately, I am unable to be present in person so I am submitting this written bill summary for Senate Bill 2252.

Sections 1 to 4: Simply remove references to judicial referees in sections 11-18-03, 12.1-01-04, 14-02.1-03.1, and 14-05-24.2.

Section 5: Creates a new section to chapter 27-05 abolishing the position of judicial referee.

Subsection 1: Provides for the abolition of the judicial referee position by January 1, 2029. If a referee position is vacated prior to January 1, 2029, that particular referee position would be abolished on the day the position is vacated. Each referee position is then converted to a judgeship position.

Subsections 2-3: References the process for filling a judgeship provided in section 13 of article VI of the Constitution. The Governor fills the judgeship by appointing from a list of candidates forwarded by the judicial nominating committee (the individuals considered by the committee apply for the position). The appointment continues until the next general election or two years, whichever period is longer. Following that initial term, the judge elected serves for a six year term. The Supreme Court decides where to locate each of the new judgeships.

Subsection 4: The judicial budget, from 2024 going forward, must include the salaries and expenses for each new judgeship established under the newly created section.

Sections 6 to 8: Removes the procedure for contempt of court when a referee presides over a trial or issue.

Sections 9 to 29: Removes references to judicial referees, small claims referees and to section 27-05-30 from sections 27-20.1-05, 27-20.2-21, 27-20.3-04, 27-20.3-10, 27-20.4-04, 27-20.4-09, 27-23-01, 28-25-03, 28-25-10, 28-25-16, 28-26-06, 28-26-08, 28-26-13, 28-26-17, 29-01-14, 29-01-15, 32-15-22, 32-34-11, 44-04-18.3, 54-12-01.3, and 62.1-02-05.

Section 30: Repeals section 27-05-30 which provides for appointment of judicial referees, their salary, and the types of cases which can be assigned to them. Also repeals section 27-08.1-08 which provides for appointment of small claims referees.

Section 31: Provides for an effective date of January 1, 2029 for sections 1 to 4 and 6 to 30. Because there may be judicial referees still in office through January 1, 2029 these sections must stay in effect until all judicial referee positions are abolished.