

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1103

2001 HOUSE JUDICIARY

HB 1103

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1103

House Judiciary Committee

Conference Committee

Hearing Date 01-17-01

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|-----------|
| Tape II | x | | 01 to 686 |
| | | | |
| | | | |
| Committee Clerk Signature <i>Joan Diers</i> | | | |

Minutes: Chr DeKrey opened the hearing on HB 1103, Relating to judicial district, vacancies in the office of district judge and the election of presiding judges.

Jim Ganje: Staff Attorney, Office of State Court Administrator. (see testimony attached)

Rep Delmore: Doesn't the Supreme Court thru Administrative Rules , look at the number of judges and where they are placed?

Mr Ganje: The Supreme Court can.

Rep Delmore: Is there a need to add something to this bill to say that it needed to be studied?

Mr Ganje: I am not following the question.

Rep Delmore: You said something about adding to this bill the number?

Mr Ganje: That reference designated to numbers by rules, could transfer judgeship to where it was needed.

Chr DeKrey: If there are no further questions for Mr Ganje, I will close the hearing on HB 1103.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1103A

House Judiciary Committee

Conference Committee

Hearing Date 01-24-01

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|--------------|
| TAPE II | | X | 4544 to 4930 |
| | | | |
| | | | |
| Committee Clerk Signature <i>Joan Diers</i> | | | |

Minutes: Chairman DeKrey opened the hearing on HB 1103. Can I have a motion on this bill?

Vice Chairman Kretschmar: I move a DO PASS on HB 1103

Rep Maragos: I second the motion.

Chairman DeKrey: Is there any discussion on this bill. This bill is just cleaning up language of a bill. The clerk will call the roll on a DO PASS motion on HB 1103. The motion passes with 14 YES, 0 NO, 1 ABSENT. The floor assignment Rep Eckre.

Date: 01-24-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB-1103

House JUDICIARY Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep Kretschmar Seconded By Rep Maragos

| Representatives | Yes | No | Representatives | Yes | No |
|-----------------------------|-----|----|-----------------|-----|----|
| CHR - Duane DeKrey | ✓ | | | | |
| VICE CHR -- Wm E Kretschmar | ✓ | | | | |
| Rep Curtis E Brekke | ✓ | | | | |
| Rep Lois Delmore | ✓ | | | | |
| Rep Rachael Disrud | ✓ | | | | |
| Rep Bruce Eckre | ✓ | | | | |
| Rep April Fairfield | ✓ | | | | |
| Rep Bette Grande | ✓ | | | | |
| Rep G. Jane Gunter | | | | | |
| Rep Joyce Kingsbury | ✓ | | | | |
| Rep Lawrence R. Klemin | ✓ | | | | |
| Rep John Mahoney | ✓ | | | | |
| Rep Andrew G Maragos | ✓ | | | | |
| Rep Kenton Onstad | ✓ | | | | |
| Rep Dwight Wrangham | ✓ | | | | |

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep Eckre

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

REPORT OF STANDING COMMITTEE (410)
January 25, 2001 8:29 a.m.

Module No: HR-13-1568
Carrier: Eckre
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1103: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1103 was placed on the
Eleventh order on the calendar.

2001 SENATE JUDICIARY

HB 1103

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1103

Senate Judiciary Committee

Conference Committee

Hearing Date March 6th, 2001

| Tape Number | Side A | Side B | Meter # |
|---------------------------|--------|--------|-----------|
| 1 | | x | 22.3-38.3 |
| | | | |
| | | | |
| Committee Clerk Signature | | | |

Minutes: **Senator Traynor**, opened the hearing on HB 1103.

Jim Ganje, staff attorney Office of State Court Administrator, testifies for bil 1103. (testimony attached)

Senator Watne, what year did we abolish county courts?

Jim Ganje, 1895.

Senator Traynor, the number of 42 judges is working well?

Jim Ganje, at the present time it seems to be working well.

Senator Traynor, there isn't a long delay for the public to get their cases heard?

Jim Ganje, correct. We don't expect a problem with a delay.

Senator Nelson, how do you get away from that?

Senator Traynor, has the court changed the districts?

Jim Ganje, there has been a little change. Very minor modifications.

Senator Lyson, are you going to write a response to the e-mails we received?

Page 2
Senate Judiciary Committee
Bill/Resolution Number 1103
Hearing Date March 6th, 2001

Jim Ganje, I can.

Senator Trenbeath, there is no present discussion of trial centers?

Jim Ganje, correct.

Senator Dever, is there a law that alleviates judges from stressful situations to handle special cases?

Jim Ganje, yes.

Senator Traynor, closed the hearing on HB 1103.

**SENATOR WATNE MOTIONED TO DO PASS, SECONDED BY SENATOR NELSON.
VOTE INDICATED 6 YEAS, 0 NAYS AND 1 ABSENT AND NOT VOTING. SENATOR
WATNE VOLUNTEERED TO CARRY THE BILL.**

Date: 3/6/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1103

Senate Judiciary Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DP

Motion Made By Watne Seconded By Nelson

| Senators | Yes | No | Senators | Yes | No |
|-------------------------|-----|----|-------------|-----|----|
| Traynor, J. Chairman | X | | Bercler, D. | | |
| Watne, D. Vice Chairman | X | | Nelson, C. | X | |
| Dever, D. | X | | | | |
| Lyson, S. | X | | | | |
| Trenbeath, T. | X | | | | |
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Total (Yes) 6 No 0

Absent 1

Floor Assignment Watne

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

REPORT OF STANDING COMMITTEE (410)
March 6, 2001 1:50 p.m.

Module No: SR-38-4908
Carrier: Watne
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1103: Judiolary Committee (Sen. Traynor, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1103 was placod on the
Fourteenth order on the calendar.

2001 TESTIMONY

HB 1103

SUMMARY OF HOUSE BILL NO. 1103

House Bill 1103 amends NDCC Section 27-05-01 and 27-05-02.1 to reflect the culmination of court unification changes that began in 1991 with the enactment of House Bill 1517. The bill also amends NDCC Section 27-05-05 to make essentially a technical correction.

Section 1 of House Bill 1103 amends Section 27-05-01 to delete references to specific judicial districts. This change is consistent with that part of the statute that currently provides that districts are as provided by supreme court rule. Supreme Court Administrative Rule 7 now designates judicial districts and the judge chambers locations within each district. Amendments to Section 27-05-01 also provide that the *number* of judges in each district would be as provided by supreme court rule. This change is related to the authority retained by the Supreme Court under Section 27-05-02.1 to transfer a judgeship to a different location. The amendments also retain 42 as the maximum number of district judges in the state.

Section 2 of House Bill 1103 amends Section 27-05-02.1 to reflect the fact that the target number of 42 judges established under 1999 House Bill 1517 has been reached and, therefore, the authority to abolish judgeships is no longer available to the Supreme Court. Specifically, subsection 1 of Section 27-05-02.1 is amended to delete the abolition alternative formerly available to the Supreme Court in the event of a judicial vacancy. Subsection 2 of Section 27-05-02.1 is amended to delete the authority formerly available to the Supreme Court to abolish an existing judgeship and to delete the timeframes within which that authority could be exercised if the number of judges in the state exceeded a certain threshold number on a specific date. These provisions are no longer necessary as the mandated reduction to 42 judges, to which the provisions were integrally linked, has been achieved. Under Section 27-05-02.1, as amended, the Supreme Court would retain the authority to review district judgeship vacancies as they occur. Based on that review, the Court could order the judgeship filled in the manner provided by law, or could order that the judgeship be

transferred if it is determined the judgeship is needed in another location for purposes of effective judicial administration.

Section 3 of House Bill 1103 amends Section 27-05-05 to delete an obsolete reference to county judges.

Submitted by:

Jim Ganje, Staff Attorney
Office of State Court Administrator