

2015 HOUSE JUDICIARY

HB 1166

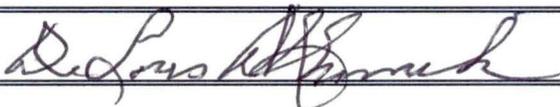
2015 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1166
1/20/2015
22216

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to district court chambers locations.

Minutes:

Testimony #1

Chairman K.Koppelman: Opened the hearing on HB 1165 with testimony in support.

Rep. Maragos: I introduced this bill at the request of the courts. Justice Sandstrom is here to explain to us why we should remove the restriction that is currently in law regarding the placing of the district court chambers.

Dale Sandstrom, a Justice of the Supreme Court: (See testimony #1) (1:00-6:10) February 11, 2011 North Dakota became the first state in the nation to have all its court records on an electronic system which makes it easy for people to practice law across county lines and have ready excess to that information. I have not seen any animosity among the county and state lines so things are working well. With new judges we think we should put them where there is a great need.

Rep. G. Paur: You want to add another judge in Williston?

Dale Sandstrom: Currently in the budget proposal adds four new judges. In that district there is a need for two judges there. We are proposing to add one in Watford City since there is a court room there.

Rep. G. Paur: You cannot add a judge to Williston now because it has a population of over 10,000?

Dale Sandstrom: Yes right now we at the numbers so even with the proposed judges being added three of them would go to cities of more than 10,000. Watford City is at least 10,000 and that would be impermissible because of the percentage in these provisional laws.

Chairman K.Koppelman: What do you see in terms of the future that might be changing and how can we deliver services to all of our citizens without seeing them diminish and yet move on with the times and with the population distribution in this state?

Dale Sandstrom: We are committed to continue to provide service in every courthouse in the state. We had thought about going to trail centers, but that is no longer going to happen. That is where the federal courts are where you either go to Fargo or Bismarck so we want to continue to provide that service there. Electronic record means that a lawyer and they can look at it anywhere. You can file documents electronically to any courthouse in the state. We are continuing to make it easier to get excess and we are continuing to add interactive video sites to provide that service as well.

Chairman K. Koppelman: What does it mean to be chambered?

Dale Sandstrom: That is where they are physically designed to be located. The 1993 Legislature eliminated the requirement that a judge had to live in the county in which the judge was chambered. They changed that to district in which the judge is chambered. It doesn't say how much time you have to be there so we have some judges who live in bigger cities and are officially chambered in smaller cities.

Rep. Kretschmar: I have always been a firm supporter of judicial reunification and keeping our court system in good shape, but I am always sensitive to the judicial activities in the rural areas because now that the judges are coming to each courthouse in ND that is fine so the bill before us is something we should go ahead with. Is there a chambered in Linton?

Dale Sandstrom: There is a judge who is officially chambered in Linton, but no judge has lived in Linton since the unification took place.

Opposition: None

Neutral: None

Hearing closed.

Motion Made to DO Pass By Rep. Maragos; Seconded by Rep. Lois Delmore:

Discussion: None

Roll Call Vote: 13 Yes 0 No 0 Absent Carrier: Rep. G. Paur

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL NO. HB 1166**

House **JUDICIARY** Committee

Subcommittee Conference Committee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Other Actions: Reconsider _____

Motion Made By Rep. Maragos Seconded By Rep. Lois Delmore

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman	X		Rep. Pamela Anderson	X	
Vice Chairman Karls	X		Rep. Delmore	X	
Rep. Brabandt	X		Rep. K. Wallman	X	
Rep. Hawken	X				
Rep. Mary Johnson	X				
Rep. Klemin	X				
Rep. Kretschmar	X				
Rep. D. Larson	X				
Rep. Maragos	X				
Rep. Paur	X				

Total (Yes) 13 No 0

Absent 0

Floor Assignment: Rep. G. Paur

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

REPORT OF STANDING COMMITTEE

HB 1166: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS**
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1166 was placed on the
Eleventh order on the calendar.

2015 SENATE JUDICIARY

HB 1166

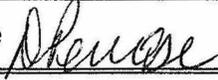
2015 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

HB 1166
3/17/2015
25024

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

1

Ch. Hogue: We will open the hearing on HB 1166.

Rep. Andy Maragos: Sponsor, support. The bill removes the requirement that "not more than 70% of the chambers of the district judges may be located in cities with a population of more than 10,000".

Justice Dale Sandstrom, Supreme Court Judge: Support (see attached #1).

Ch. Hogue: You referenced the earlier time when we were consolidating the county and the district courts. Did we pull a judgeship out of Watford City? I know we just put one back in Watford City. Was that an example where we consolidated and took the judge out of that small city?

Dale Sandstrom: That was a situation. A judge that just retired agreed to, as part of meeting that need, to relocate from Watford City to Minot. That was a transfer of a judgeship also to move the judge to where the need was greatest. Interestingly, Watford City didn't have much need. In fact, when our court went and visited that, they took the court to the schools in Watford City. They had a beautiful school that was built in the last boom that was 1/2 empty at the time. The situation is certainly different today.

Ch. Hogue: I recall that that judge had come from Watford City.

Dale Sandstrom: Yes, correct. Judge Jorgensen moved from Hettinger to this judicial district as well as part of meeting the needs of this deadline.

Sen. Armstrong: Do they base this on census or population, or what is the population metric.

Dale Sandstrom: I believe we are using the census data, but it raises questions because the official census number for Watford City, for example, is quite a bit lower than what is happening now. Watford City is already about the 10,000 number may go to more than double or 2 1/2 times that number.

Sen. Casper: When a judgeship is assigned to a certain community, if we get rid of this, could this lead to where the judges are located, like in 10 communities, and with technology they are just going out to the different courthouses at the different county seats over the state, rather than having them located throughout the small communities.

Dale Sandstrom: We have no intention of pulling the judges out of the smaller communities where they are. Judges can now provide services with technology it is much easier from wherever they are located. The real workload is surging and it is in the western part of the state plus this south central district. Williston and Watford City, South Central district, and Dickinson are seeing extra work; that's where the proposals are to add judges now. We can't move them from where they are without this bill, so that the judges can go wherever the need is there. The legislature, not at our request, but did provide that the judges don't have to live in the county where they are chambered, but have to be in the district where they are chambered. Occasionally we have had judges who are officially chambered in different cities, but are doing most of their work in a different city.

Sen. Nelson: Physical facilities for a judge. What's the minimum and are there such places out there where you think you are going to need them or is that going to be an added expense to provide facilities for those chambers.

Dale Sandstrom: We've not requested judges where there are not facilities available for those judges. We are requesting another judge for Watford City. There is a need for a judge in Williston and by the time our request came in, Williston didn't have a place to put a judge. I understand that they recently have found a place where they could put a judge and how they could provide for it. Williston was the one area where the numbers clearly indicated another judge. We said that when they didn't have a place for them, there wasn't a point in putting judges where you don't have a place for them to operate. I understand that their county commission has sent a letter saying that they have figured out how to handle that and that they will handle it.

Ch. Hogue: I know the Northwest Judicial district was split up into the west, Williams County and Divide County and I assume goes down to Watford City. Does that facilitate serving the counties, the Mountrail County and Burke County? What was the rationale behind that; was that related to trying to get the judges closer to their counties.

Dale Sandstrom: The decision to do that was affected by the fact that judges were being added and judges are going to be serving in those particular areas. We have some large judicial districts but that's where population is sparse but not as sparse as before. These judges are serving basically in the Northwest part, Williston and Watford City. When the judges run for election will run from that area rather than also running in Minot. In Minot, judges have plenty of work and now they won't have to look to go and campaign in the other cities.

Ch. Hogue: The Minot judges cover the counties between Minot and do they go over to Mountrail County and up.

Dale Sandstrom: I don't have a map with me. They divided it; we have three counties out there yes.

Jack MacDonald, President, of State Bar Association of ND and a representative of the North Dakota District Judges Association: We do support this bill for many of the reasons that Justice Sandstrom just mentioned. The Supreme Court, Chief Justice VandeWalle, in his Supreme Court budget, has asked for five additional judges and two of the judges will go to South Central Judicial District here in Bismarck and two are labeled for the northwest district, as Justice Sandstrom said and there was only one at one time and they did indicate that they do have room for the additional judge. He has increased from four to five in the Appropriations budget. The fifth judge is going to go to the Dickinson area. They are going to where they are needed. The elimination of that provision will enable the court to better move the judges around to where the case load is.

Ch. Hogue: Thank you. Further testimony in support. Testimony in opposition. Neutral testimony. We will close the hearing.

Sen. Casper: I move a Do Pass.

Sen. Grabinger: Second the motion.

6 YES 0 NO 0 ABSENT

DO PASS

CARRIER: Sen. Casper

Date: 3/17/15

Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTE

BILL/RESOLUTION NO. 1166

Senate

JUDICIARY

Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment

Do Pass Do Not Pass Without Committee Recommendation

As Amended Rerefer to Appropriations

Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Sen. Casper Seconded By Sen. Grabinger

Senators	Yes	No	Senators	Yes	No
Chairman Hogue	✓		Sen. Grabinger	✓	
Sen. Armstrong	✓		Sen. C. Nelson	✓	
Sen. Casper	✓				
Sen. Luick	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Casper

REPORT OF STANDING COMMITTEE

HB 1166: Judiciary Committee (Sen. Hogue, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1166 was placed on the
Fourteenth order on the calendar.

2015 TESTIMONY

HB 1166

#1
HB 1166
1-20-15
JG

**House Bill 1166
House Judiciary Committee
Testimony of Justice Dale Sandstrom
January 20, 2015**

Mr. Chairman and members of the committee, I'm Dale Sandstrom, a Justice of the Supreme Court. This is the twentieth legislative session I've been privileged to appear before. I'm here in my capacity as chair of the committee on legislation of the North Dakota Judicial Conference. The Judicial Conference is a statutory body which includes all Supreme Court Justices, all District Judges, all Surrogate Judges, the Attorney General, the Dean of the Law School, the Clerk of the Supreme Court, two Municipal Judges, and five members of the Bar engaged in the practice of law. One responsibility of the Judicial Conference is evaluating legislation and making recommendations for the improvement of the administration of justice.

I'm here to express our support of House Bill 1166. We appreciate the efforts of Representative Andy Maragos, of you Mr. Chairman, and of the other sponsors of this legislation. The appropriateness of the legislation was identified by the Judicial Conference, which sought its introduction.

This bill would eliminate an anachronism in our law:

However, not more than seventy percent of the chambers of the district judges may be located in cities with a population of more than ten thousand.

This provision was put into law in another time when we were eliminating judges rather than adding them.

This provision was enacted two decades ago when legislation required the courts to eliminate 21% of the trial judge positions as part of court unification. There was concern that all the judges would be eliminated from the rural areas. Now the

#1
HB 1766
1-20-15
JG 2

legislature is in a time of adding judges to meet the burgeoning workload, and it only makes sense to put the new judges where they are most needed.

Let me provide a bit of background. Previously, there were not just district judges but also county judges. District judges were funded by the State, and county judges by the counties. Some counties grouped together to share a county judge; a few counties had more than one county judge. District judges and county judges had different jurisdictions. For example, you needed a county judge for probate and mental health cases, but you needed a district judge for divorce cases. County judges handled misdemeanors, but felony dispositions required district judges. It was an inefficient system.

The 1991 legislature provided for unification of the trial courts. The 1993 legislature tweaked some of the provisions and put into place tools and additional timetables. It also provided that district judges didn't have to live in the county in which they were chambered. By January 1, 1995, county judges were no more, and the new district judges had been elected. When the unification process started there were a total of 53 trial judges. By 2001, our Court was required to have the number down to 42. Whenever a judge resigned, died, or announced he or she was not running for reelection, our Court had to decide whether to eliminate the judge position. Finally, to meet the deadline, we had to eliminate a judgeship even though the judge wanted to continue in office.

Long ago, we adopted rules guaranteeing the right of parties to have their cases heard in their local county courthouse. Judges are either located in or regularly travel to every courthouse in the state. Technology has also revolutionized our ability to provide

#1
HB 1166
1-20-15
JG 3

services in every county. We have no intention of pulling judges out of our smaller communities.

As with last session, this session sees the need to add more judges where there is great need. We are now at the 70/30 split. We need to locate the new judges where the need is greatest, and this bill will facilitate our doing so.

We request your support.

I would be happy to respond to any questions.

House Bill 1166
Senate Judiciary Committee
Testimony of Justice Dale Sandstrom
March 17, 2015

Mr. Chairman and members of the committee, I'm Dale Sandstrom, a Justice of the Supreme Court. This is the twentieth legislative session I've been privileged to appear before and I'm pleased to be before this committee today. I'm here in my capacity as chair of the committee on legislation of the North Dakota Judicial Conference. The Judicial Conference is a statutory body which includes all Supreme Court Justices, all District Judges, all Surrogate Judges, the Attorney General, the Dean of the Law School, the Clerk of the Supreme Court, two Municipal Judges, and five members of the Bar engaged in the practice of law. One responsibility of the Judicial Conference is evaluating legislation and making recommendations for the improvement of the administration of justice.

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3/17/15

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