2023 SENATE JUDICIARY

SB 2278

2023 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SB 2278
2/1/2023

A BILL for an Act to provide for a legislative management study regarding municipal courts and judges.

8:30 AM Chairman Larson opened the meeting.

Present: Chairman Larson and Senators Myrdal, Luick, Estenson, Sickler, Paulson and Braunberger.

Discussion Topics:

- Workloads
- Efficiency
- Public services
- Effectiveness

8:30 AM Senator Myrdal introduced the bill.

8:31 AM Sally Holewa, State Court Administrator, testified in favor of the bill and provided written testimony #17510.

8:37 AM Chairman Larson closed the public hearing.

8:37 AM Senator Myrdal moved to do pass the bill.
Motion was seconded by Senator Luick.

8:37 AM Roll call vote was taken.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passed 7-0-0.

Senator Myrdal will carry the bill.
This bill does affect workforce development.

8:38 AM Chairman Larson closed the meeting.

Rick Schuchard, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2278: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2278 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

2023 HOUSE JUDICIARY

SB 2278

2023 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

SB 2278
3/6/2023

A BILL for an Act to provide for a legislative management study regarding municipal courts and judges.

11:00 AM Chairman Klemin opened the hearing. 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, and Rep. Vetter.

Discussion Topics:

- Studied in 1987.
- Municipal courts.
- Number of judges.

Sally Holewa, State Court Administrator: Testimony #21930

Trent Barkus, Municipal Judge in West Fargo: Testimony #22195

The hearing closed at 11:12 AM.

Rep. Christensen moved a Do Pass;
Seconded by Rep. VanWinkle

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	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Roll call vote: 13 Yes 0 No 0 Absent Motion carried.
Carrier: Vice Chairman Karls

Meeting closed at 11:14 AM.

Delores Shimek, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2278: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2278 was placed on the Fourteenth order on the calendar.

TESTIMONY

SB 2278

SB 2278
Senate Judiciary
February 1, 2023
Testimony of Sally Holewa

Chair Larson and members of the committee, for the record, my name is Sally Holewa. I am the state court administrator.

SB 2278 is a bill to study municipal courts. I am aware of two previous studies of the municipal courts in North Dakota. The first was in 1984 and was conducted by a subcommittee of the Supreme Court's Judicial Planning Committee, in cooperation with the League of Cities. The study was prompted by a ruling in a U.S. Supreme Court case, *Pulliam vs. Allen*, 466 US 522 (1984) regarding judicial immunity. In the 1985 session, HB 1398 would have implemented some of the recommendations from this study. The bill failed but a subsequent bill for a study passed. This resulted in the 1987 legislative study of municipal courts conducted by the interim Court Services Committee. SB 2040, SB 2041 and HCR 3002 were introduced as a result of this study.

At the time these studies occurred, there were 161 municipal courts served by 129 municipal court judges, of which 19 were law-trained. To the best of our knowledge, in 2022 there were 87 municipal courts served by 63 municipal court judges, of which 22 are law-trained.

My office frequently fields questions from attorneys and city commissioners regarding the start-up and abolition of municipal courts and the need to contract with their county and with the court system when they are abolishing their court.

SB 2278
House Judiciary
March 6, 2023
Testimony of Sally Holewa

Chair Klemin and members of the committee, for the record, my name is Sally Holewa. I am the state court administrator.

SB 2278 is a bill to study municipal courts. I am aware of two previous studies of the municipal courts in North Dakota. The first was in 1984 and was conducted by a subcommittee of the Supreme Court's Judicial Planning Committee, in cooperation with the League of Cities. The study was prompted by a ruling in a U.S. Supreme Court case, *Pulliam vs. Allen*, 466 US 522 (1984) regarding judicial immunity. In the 1985 session, HB 1398 would have implemented some of the recommendations from this study. The bill failed but a subsequent bill for a study passed. This resulted in the 1987 legislative study of municipal courts conducted by the interim Court Services Committee. The 1987 legislature subsequently enacted three pieces of legislation forwarded by that committee, and in doing so adopted nearly all of the recommendations from the study.

At the time these studies occurred, there were 161 municipal courts served by 129 municipal court judges, of which 19 were law-trained. We just did another outreach to the municipalities, and to the best of our knowledge, as of today's date there are 81 municipal courts, served by 63 municipal court judges, of which 22 are law-trained.

TESTIMONY OF

JUDGE TRENT N. BARKUS
BEFORE THE 68th
LEGISLATIVE SESSION HOUSE
JUDICIARY COMMITTEE
MARCH 5, 2023

IN SUPPORT OF S.B. 2278

Chairman Klemin, members of the House Judiciary Committee, my name is Trent Barkus, I'm the Municipal Judge in West Fargo and a Board Member of the Municipal Judge's Association. I am here today to testify in support of Senate Bill 2278.

The 81 Municipal Courts in North Dakota play a vital role in our communities and legal system. In West Fargo, we have over 3400 citations and 900 criminal filings in 2022. We are on course for nearly 4000 citations this year.

I ask for your favorable support of the bill and am pleased to stand for any questions you may have. Thank you.