

2009 HOUSE TRANSPORTATION

HB 1457

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1457

House Transportation Committee

☐ Check here for Conference Committee

Hearing Date: 02/05/09

Recorder Job Number: 8864 & 8865 (action only)

Committee Clerk Signature

Minutes:

**Representative Ralph Metcalf**, Valley City, introduced HB 1457. This issue was brought up by a judge. He explained that when a traffic violation comes to court, the judge may personally know the individual who is in violation. That judge may want to pass the case to a judge in another jurisdiction. The bill will extend the number of days for handling appearances, since the 90 day limit causes problems in some instances.

**Representative R. Kelsch** moved a Do Pass for HB 1457.

**Representative Gruchalla** seconded the motion.

A roll call vote was taken. **Aye 13 Nay 0 Absent 1 (Representative Weisz)**

**Representative Potter** will carry HB 1457.

Date: 2-5-09

Roll Call Vote #: \_\_\_\_\_

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES**

BILL/RESOLUTION NO. 1457

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☒ Do pass ☐ Don't Pass ☐ Amended

Motion Made By Kelsch Seconded By Gruchalla

Representatives	Yes	No	Representatives	Yes	No
Representative Ruby - Chairman	✓		Representative Delmore	✓	
Rep. Weiler - Vice Chairman	✓		Representative Griffin	✓	
Representative Frantsvog	✓		Representative Gruchalla	✓	
Representative Heller	✓		Representative Potter	✓	
Representative R. Kelsch	✓		Representative Schmidt	✓	
Representative Sukut	✓		Representative Thorpe	✓	
Representative Vigesaa	✓				
Representative Weisz <u>A</u>					

Total Yes 13 No 0

Absent 1

Bill Carrier Potter

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

**REPORT OF STANDING COMMITTEE**

**HB 1457: Transportation Committee (Rep. Ruby, Chairman) recommends DO PASS**  
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1457 was placed on the  
Eleventh order on the calendar.

2009 SENATE TRANSPORTATION

HB 1457

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1457

Senate Transportation Committee

☐ Check here for Conference Committee

Hearing Date: March 5, 2009

Recorder Job Number: 10242

Committee Clerk Signature

*Jody Hauge*

Minutes:

**Chairman Gary Lee** opened the hearing on HB 1457 relating to the hearing for a traffic violation.

**Representative Metcalf** introduced the bill at the request of legal services that are provided in his area. He said that they have a judge in the Valley City area that approached him and said that he and others like him didn't have enough time allowed to meet certain circumstance. He was talking about only traffic violations. The problem is and has been in the past that the judge is assigned the responsibility to hear a particular case however as the time goes along maybe the judge gets sick or something else happens and he is unable to keep the hearing schedule. Another judge is appointed and they run into the problem of time running out. He said by allowing the appointment of an alternate judge the time can be extended. That is the purpose of the bill to extend the time of the appointment and an alternate hearing official.

**Senator Fiebiger** asked if there was a hearing date set up and on the 60<sup>th</sup> day they have to reschedule with another judge, he asked if they got another 90 days.

**Representative Metcalf** said his understanding is that it has to be in the time frame that is acceptable to the newly appointed judge but underneath the old concept of 60 or 90 days.

**Senator Fiebiger** continued his questions on if they get an extra amount of days after the appointment of new judge. He was trying to get some clarity on this.

**Senator Nething** said this is so vague. He understands what the bill wants to do but he is wondering what the House discussion was on how this would work.

**Rep. Metcalf** said they looked at this for just traffic violations and second, for an alternate hearing official. In most cases the implication is dealing with a city judge.

**Senator Potter** asked if the 90 days applied after an alternate hearing official is appointed.

**Rep. Metcalf** said that was his understanding.

**Senator Nething** thinks this also applies to both municipal and state authority.

**Rep. Metcalf** said he wasn't aware of this but hoped language could be used to make it work for the problem he presented. The judge wants that 90 days extended.

**Senator Lee** asked what the judge did now when he runs out of his 90 days.

**Rep. Metcalf** he has to notify them and give them a new date. He said if the committee needs to do any work on this bill he would support their decision.

### **No Opposition**

**Senator Lee** closed the hearing on HB 1457.

**Senator Nething** asked for more time to get more information and possibility try to get more structure in this bill.

The committee asked the intern to do some work on this. The committee agrees the language is confusing.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1457

Senate Transportation Committee

☐ Check here for Conference Committee

Hearing Date: March 13, 2009

Recorder Job Number: 10891

Committee Clerk Signature

*Jody Hange*

Minutes:

Committee Work on HB 1457 relating to the hearing for a traffic violation.

**Senator Fiebiger** said he had struggled with adding 90 more days and felt that a traffic violation could be settled in first 90 days but if anything they could change it to 120 days. In

his own mind he is not inclined to do much with this bill.

Discussion followed on what would happen if they missed the 90 days and the fact that there were no prosecutors that gave testimony or judges or anyone else. Problem lays with municipal judges and where they don't have fulltime judges.

**Senator Nodland** thought if we do anything we could extend the 90 days to 120 days.

**Senator Fiebiger** moved a Do Not Pass.

**Senator Nething** seconded.

Roll call vote: 5-0-1 Senator Marcellais was absent.

Senator Fiebiger will be the carrier.



Date: 3-13-09  
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1457

Senate Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☐ Do Pass ☒ Do Not Pass ☐ Other

Motion Made By Senator Fiebig Seconded By Senator Nething

Senator	Yes	No	Senator	Yes	No
Chairman Senator Gary Lee	✓		Senator Tom Fiebig	✓	
Senator George Nodland	✓		Senator Richard Marcellais		
Senator Dave Nething	✓		Senator Tracy Potter	✓	

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Fiebig

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

**REPORT OF STANDING COMMITTEE (410)**  
March 13, 2009 2:32 p.m.

**Module No: SR-48-4896**  
**Carrier: Fleblger**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1457: Transportation Committee (Sen. G. Lee, Chairman) recommends DO NOT PASS (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1457 was placed on the Fourteenth order on the calendar.**