

2023 HOUSE JUDICIARY

HB 1058

2023 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1058
1/4/2023

Relating to small claims

Chairman Klemin opened the hearing on HB 1058 at 1:53 PM

Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. VanWinkle, Rep. Vetter, Rep. Schneider. Absent: S. Olson

Discussion Topics:

- Procedure in small claims court
- Supreme court discretion for attorney fees

Sara Behrens: State Court Administrator. Urge a do pass. Testimony #12345

Chairman Klemin Adjourned meeting at 2:06 PM

Delores Shimek, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1058
1/9/2023

Relating to small claims

Chairman Klemin opened the hearing on HB 1058 at 2:03 PM. 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, Rep. Vetter

Discussion Topics:

- Amendment

Chairman Klemin explained amendment #16408

Rep. VanWinkle moved to amend #23.8020.01002 (27145); Seconded by Rep. Karls

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

Rep. Christensen made a motion to Do Pass As Amended; Seconded by Rep. Schneider

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: Rep. Christensen

Chairman Klemin closed the meeting at 2:13 PM.

Delores Shimek, Committee Clerk

January 10, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1058

Page 1, line 19, replace "The" with "If the defendant appeals a district court judgment to the supreme court, the"

Page 1, line 19, replace "may" with "shall"

Page 1, line 20, replace "from the district court judgment" with "to a prevailing appellee"

Page 1, line 20, remove "plaintiff"

Renumber accordingly

YA 1/1
1/10/23

REPORT OF STANDING COMMITTEE

HB 1058: Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1058 was placed on the Sixth order on the calendar.

Page 1, line 19, replace "The" with "If the defendant appeals a district court judgment to the supreme court, the"

Page 1, line 19, replace "may" with "shall"

Page 1, line 20, replace "on appeal from the district court judgment" with "to the prevailing appellee"

Renumber accordingly

2023 SENATE JUDICIARY

HB 1058

2023 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

HB 1058
2/20/2023

A bill relating to small claims.

11:01 AM Chairman Larson opened the meeting.

Chairman Larson and Senators Myrdal, Luick, Estenson, Sickler, Paulson and Braunberger are present.

Discussion Topics:

- Attorney fees
- Supreme Court
- District Court
- Small Claims Court

11:01 AM Sally Holewa, State Court Administrator, introduced the bill.

11:06 AM Chairman Larson closed the public hearing.

11:06 AM Senator Sickler moved to Do Pass the bill. Senator Luick seconded the motion.

11:07 AM Roll call vote is 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 passes 7-0-0.

Senator Braunberger will carry the bill.

This bill does not affect workforce development.

11:07 AM Chairman Larson closed the meeting.

Rick Schuchard, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1058, as engrossed: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1058 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

TESTIMONY

HB 1058

House Bill 1058
House Judiciary Committee
Testimony Presented by Sara Behrens
January 4, 2022

Good afternoon Chairman Klemin, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of House Bill 1058. This amendment makes it clear that the Supreme Court can award attorney's fees when a small claims case is appealed from the district court. Section 27-08.1-04 currently mandates an award of attorney's fees to the prevailing plaintiff when the defendant has removed the action from small claims court to district court. However, the statute is silent regarding whether this includes attorney's fees when the action is then appealed. Precluding an award of attorney's fees on appeal could dissipate the recovery. The North Dakota Supreme Court decided a recent case finding that it is consistent with the current statutory language that reasonable attorney's fees should be awarded on appeal. Rather than remanding to the district court to make this determination, this amendment would provide the clear authority for the Supreme Court to make the award of attorney's fees for the appeal. Thank you for your consideration and we urge a do pass.

23.8020.01001
Title.02000

Adopted by the House Judiciary Committee

January 9, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1058

Page 1, line 19, replace "The" with "If the defendant appeals a district court judgment to the supreme court, the"

Page 1, line 20, replace "from the district court judgment" with "to a prevailing plaintiff"

Renumber accordingly

23.8020.01002
Title.03000

Adopted by the House Judiciary Committee

January 10, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1058

Page 1, line 19, replace "The" with "If the defendant appeals a district court judgment to the supreme court, the"

Page 1, line 19, replace "may" with "shall"

Page 1, line 20, replace "on appeal from the district court judgment" with "to the prevailing appellee"

Renumber accordingly