

MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

2262

2001 SENATE JUDICIARY

SB 2262

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2262

Senate Judiciary Committee

Conference Committee

Hearing Date January 29th, 2001

Tape Number	Side A	Side B	Meter #
1	X		24,4-50,8
Committee Clerk Signature			

Minutes: **Senator Traynor** opened the hearing on SB 2262: A BILL FOR AN ACT TO AMEND AND REENACT SECTION 27-05-08 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO THE RESIDENCY REQUIREMENTS OF DISTRICT JUDGES.

Senator Bowman, represents district 39, introduced this bill after a court consolidation, which left his district in limbo. Bill says that we would like at least one of the chambers to be in a city of less than 10,000 people. I understand that there are some people who live in larger cities and do not want live in a rural community and I understand their feelings about that. A compromise was thought up which would allow the judge to live anywhere within the district where the chambers resides. Believes it is important to read the testimony of **District Judge Zane Anderson**, (testimony attached)

Senator Dever, we heard a bill about states attorneys in the government and veterans affairs committee we heard a bill regarding states attorneys and the requirement that they reside within their own county. My conclusion was that we needed to pass that bill or get more lawyers,

which made it easy to pass the bill. Some counties don't have any lawyers at all. Is this bill doing the opposite thing?

Senator Bowman, I can see where people wouldn't want to live in a rural community because there really isn't much to offer them. Whereas if they live in Bowman, a city of 2000, they have facilities, such as; a hospital, golf course and churches. It could be done in this scenario, it would seem like common sense if a judge wanted to live in a larger town within his district. However, one word in the law can mean many things. We are going to have a lot of activity in Bowman soon because of the oil industry.

Senator Dever, I received an e-mail from a judge in Fargo who would have to move to Hillsboro due to this bill.

Senator Bowman, that is why this compromise is in the bill. He can still live in Fargo if he chooses.

Senator Trenbeath, as I read that he was scared as hell.

Keith Nelson, state court administrator, when he drafted the fiscal note he forgot to add other addition costs which would add another \$73,470 dollars. I will have a break down on the expenses later. This bill would require the reversing the supreme courts decision in posing the chamber in Bowman and they have an extensive opinion on that, which I can provide for you.

However, I will not get into that at this time. It would require a judge to move physically from Bismark to Linton. Where there is a chamber or Washburn where there too is a chamber. It would require one judge to move from Grand Forks to Lakota.

Senator Traynor, does your fiscal note take into account these other three moves?

Keith Nelson, yes it does. Initially it is important to understand that judges travel to each county, administrative rule 6 provides that "the residents of the various counties within a judicial

district receive judicial services in their own county without the need to travel to chambered cities, the judges in the chambered cities shall travel to the counties within their judicial district to provide the required services." All districts have a plan requiring judges to visit them at least once a month, and sometimes it's more than once a month.

Senator Traynor, can the court address the concerns of Judge Anderson? Without changing the setup of the other districts.

Keith Nelson, I guess they could reverse their previous decision and chamber someone in Bowman. That would certainly satisfy him. I think the odds of that happening are very unlikely considering the great agony the court went through in eliminating that last judge. The work is simply not there.

Senator Watne, I wonder about the jury cost and things like that should be counted in this.

Keith Nelson, this wouldn't effect jury trials since those are held within the county. Judges still needs to travel.

Senator Trenbeath, wouldn't it be easier to let Judge Zane stay where he is? Leave one in Bowman.

Keith Nelson, it would still require regular monthly payments.

Senator Trenbeath, there is certainly some costs associated with shutting that off. That is not in the fiscal note. We've created quite a stir here. I have a little sympathy for Judge Erickson. I would tell him if he were here that it looks like we need a judge in Hillsboro. But that's not what this bill is about. This bill is about Zane Anderson and what's right for that judicial district, and the supreme court has decided otherwise so it has been brought before the legislature to decide.

In respect to the supreme court wouldn't it be relevant to have their opinion here.

Keith Nelson, I don't quite understand?

Senator Trenbeath, we're trying to second guess what the supreme court said, wouldn't it be nice to have what they said here?

Keith Nelson, I can bring their opinion to the committee.

Senator Traynor, you referred to a letter you wrote to Judge Anderson. Was that before the election or after the election?

Keith Nelson, that was before the election.

Senator Traynor, in the ballot, did the ballot refer to the location of the chambers?

Keith Nelson, yes.

Senator Traynor, the voter knew on the ballot that they voting for the judge to be located in Dickinson?

Keith Nelson, I'm not sure.

Senator Trenbeath I think some dimpled chads were involved.

Senator Nelson, Does this bill mean that a Fargo and Grand Forks judge should be chambered in Hillsboro and Lakota?

Keith Nelson, yes.

Senator Nelson, some judges don't want to move?

Senator Lyson, if Judge Erikson is chambered in Hillsboro, do we pay him to travel from Fargo to Hillsboro?

Keith Nelson, no. We pay no one to travel.

Senator Traynor closed the hearing on SB 2262.

MOTION MADE BY SENATOR BERCIER TO DO NOT PASS, SECONDED BY SENATOR LYSON. VOTE INDICATED 6 YEAS, 1 NAY, AND 0 ABSENT AND NOT VOTING. SENATOR BERCIER VOLUNTEERED TO CARRY THE BILL.

FISCAL NOTE
 Requested by Legislative Council
 01/29/2001

REVISION

Bill/Resolution No.: SB 2262

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$226,270	\$0	\$226,270	\$0
Appropriations	\$0	\$0	\$226,270	\$0	\$226,270	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill would require moving three judges and their court reporter to a location where there is little work and require them to travel to where the caseload is heavy. One judge and court reporter would have to move from Grand Forks to Lakota, one judge and court reporter from Fargo to Hillsboro, one judge and court reporter from Bismarck to Linton or Washburn and travel would have to be paid from Bowman to Dickinson. The disruption in the lives of the three judges and court reporters required to move is not calculable.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

\$72,000 (travel costs); \$40,800 (lost time to travel); \$40,000 (moving costs); \$73,470 (office expenses, phones, fax, computers, printers, T1 computer connection and office supplies)
 total \$226,270

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Kiethe E. Nelson	Agency:	Supreme Court
Phone Number:	328-4216	Date Prepared:	01/29/2001

FISCAL NOTE
 Requested by Legislative Council
 01/22/2001

Bill/Resolution No.: SB 2262

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$152,800	\$0	\$152,800	\$0
Appropriations	\$0	\$0	\$152,800	\$0	\$152,800	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill would require moving three judges and their court reporter to a location where there is little work and require them to travel to where the caseload is heavy. One judge and court reporter would have to move from Grand Forks to Lakota, one judge and court reporter from Fargo to Hillsboro, one judge and court reporter from Bismarck to Linton or Washburn and travel would have to be paid from Bowman to Dickinson. The disruption in the lives of the three judges and court reporters required to move is not calculable.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

\$72,000 (travel costs); \$40,800 (lost time to travel); \$40,000 (moving costs) total \$152,800

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Klethe E. Nelson	Agency:	Supreme Court
Phone Number:	328-/216	Date Prepared:	01/24/2001

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

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2262

Senate Judiciary Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Bercier Seconded By Lyson

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman	X		Bercier, D.	X	
Watne, D. Vice Chairman	X		Nelson, C.	X	
Dever, D.	X				
Lyson, S.	X				
Trenbeath, T.		X			

Total (Yes) 6 No 1

Absent 0

Floor Assignment Bercier

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

REPORT OF STANDING COMMITTEE (410)
January 31, 2001 4:28 p.m.

Module No: SR-17-2045
Carrier: Bercler
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2262: Judiciary Committee (Sen. Traynor, Chairman) recommends DO NOT PASS
(6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2262 was placed on the
Eleventh order on the calendar.

2001 TESTIMONY

SB 2262

