

1999 HOUSE JUDICIARY

HB 1076

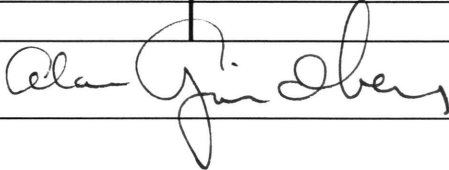
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1076

House Judiciary Committee

Conference Committee

Hearing Date January 12, 1999

Tape Number	Side A	Side B	Meter #
1		b	40
Committee Clerk Signature 			

Minutes:

JUSTICE SANDSTROM: Presented written testimony, which is attached, and added that circumstances occur such as retirement, illness, etc that require the use of this panel to expeditiously dispose of the workload.

REP MARAGOS: Why not make it permanent?

JUSTICE SANDSTROM: The court would not be opposed to that, unless it would lead to the Senate killing it.

COMMITTEE ACTION: January 13, 1999

REP. MARAGOS moved that the bill be amended to make the court permanent. Rep. Mahoney seconded. That vote passed on a roll call vote of 10 ayes, 5 nays and 0 absent.

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House Judiciary Committee

Bill/Resolution Number 1076

Hearing Date January 12, 1999

REP. MARAGOS moved that the committee recommend that the bill DO PASS AS

AMENDED. Rep. Delmore seconded and the motion passed on a roll call vote of 13 ayes, 2

nays and 0 absent. Rep. Hawken was assigned to carry the bill on the floor.

Date: 1/13/99
Roll Call Vote #:)

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1076

House JUDICIARY Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Amend

Motion Made By Maragos Seconded By Mahoney

Representatives	Yes	No	Representatives	Yes	No
REP. DEKREY		✓	REP. SVEEN	✓	
REP. CLEARY	✓				
REP. DELMORE	✓				
REP. DISRUD		✓			
REP. FAIRFIELD	✓				
REP. GORDER	✓				
REP. GUNTER		✓			
REP. HAWKEN	✓				
* REP. KELSH	✓				
REP. KLEMIN		✓			
REP. KOPPELMAN		✓			
REP. MAHONEY	✓				
REP. MARAGOS	✓				
REP. MEYER	✓				

Total (Yes) 10 No 5

Absent 0

Floor Assignment _____

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

Date: 1/13
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1076

House JUDICIARY Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken D, Pass as amended

Motion Made By Maragos Seconded By Delmore

Representatives	Yes	No	Representatives	Yes	No
REP. DEKREY	.	✓	REP. SVEEN	✓	
REP. CLEARY	✓				
REP. DELMORE	✓				
REP. DISRUD	✓				
REP. FAIRFIELD	✓				
REP. GORDER	✓				
REP. GUNTER		✓			
REP. HAWKEN	✓				
REP. KELSH	✓				
REP. KLEMIN	✓				
REP. KOPPELMAN	✓				
REP. MAHONEY	✓				
REP. MARAGOS	✓				
REP. MEYER	✓				

Total (Yes) 13 No 2

Absent 0

Floor Assignment Maragos Hawken

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

REPORT OF STANDING COMMITTEE

HB 1076: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1076 was placed on the Eleventh order on the calendar.

Page 1, line 1, replace "amend and reenact " with "repeal"

Page 1, line 6, replace "**AMENDMENT**" with "**REPEAL**"

Page 1, line 8, replace "is amended and" with "is repealed."

Page 1, remove lines 9 through 11

Renumber accordingly

1999 SENATE JUDICIARY

HB 1076

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1076

Senate Judiciary Committee

Conference Committee

Hearing Date February 24, 1999

Tape Number	Side A	Side B	Meter #
1	x		5620 - end
1		x	0 - 490
Committee Clerk Signature <i>Jackie Follmer</i>			

Minutes:

HB1076 relates to extending the expiration date for legislation that created a temporary court of appeals.

SENATOR STENEHJEM opened the hearing on HB1076 at 11:30 A.M.

All were present.

DALE SANDSTROM, Supreme Court, testified in support of HB1076. Testimony attached.

SENATOR STENEHJEM asked if a district judge sits on the panel, they are not paid, retired judges are compensated.

DALE SANDSTROM stated that is correct.

SENATOR STENEHJEM stated that there is a Sunset Clause. I believe we should get rid of this. It didn't pass the House that way.

DALE SANDSTROM stated that it is a safety valve and a safety net.

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Senate Judiciary Committee

Bill/Resolution Number HB1076

Hearing Date February 24, 1999

SENATOR TRAYNOR asked if these judges are appointed as a term or a different set for each individual case.

DALE SANDSTROM stated that they are usually assigned for 2 to 4 cases.

SENATOR STENEHJEM CLOSED the hearing on HB1076.

SENATOR WATNE made a motion for DO PASS, SENATOR BERCIER seconded. Motion carried. 5 - 0 - 1

SENATOR TRAYNOR will carry the bill.

Date: 2-24-99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1076

Senate Judiciary Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Senator Watne Seconded By Senator Bercier

Senators	Yes	No	Senators	Yes	No
Senator Wayne Stenehjem	X				
Senator Darlene Watne	X				
Senator Stanley Lyson	X				
Senator John Traynor	X				
Senator Dennis Bercier	X				
Senator Carolynn Nelson					

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Traynor

REPORT OF STANDING COMMITTEE (410)
February 24, 1999 1:07 p.m.

Module No: SR-33-3432
Carrier: Traynor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1076: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS**
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1076 was placed on the
Fourteenth order on the calendar.

1999 TESTIMONY

HB 1076

TESTIMONY OF JUSTICE DALE SANDSTROM ON H.B. 1076
Before the House Judiciary Committee
January 12, 1999

I am here to testify for hospitalized Chief Justice VandeWalle in favor of House Bill 1076, which extends North Dakota's temporary Court of Appeals until January 1, 2004. Without this legislation, North Dakota's standby Court of Appeals would be eliminated effective January 1, 2000.

The Chief Justice intended to personally testify on behalf of this legislation. Ironically, his illness, which precludes his presence today, illustrates the importance of continuing statutory authorization for the standby Court of Appeals.

The 1987 Legislature established the North Dakota Court of Appeals, effective July 1, 1987, through January 1, 1990. The 1989 Legislature extended the effective date through January 1, 1994; and the 1993 Legislature again extended the effective date through January 1, 2000.

This intermediate appellate court was established to assist the North Dakota Supreme Court in managing its caseload. The Court of Appeals is available to assist the Supreme Court only if the Chief Justice certifies to the Governor that the Supreme Court has disposed of 250 cases in the 12 months preceding September first of any year.

In the past, an increase in the number of new cases filed, or the illness or retirement of a Justice have been the basis for the Court of Appeals to be used. Each panel of the Court of Appeals consists of three judges who may be active or retired district court judges, retired Justices of the Supreme Court, or lawyers. The Court of Appeals uses the courtroom of the North Dakota Supreme Court and the services of the office of the Clerk of the Supreme Court.

To date, 23 panels of the Court of Appeals have been used: two in 1987; four in 1988; three in 1990; one in 1991; four in 1992; two in 1993; two in 1994; and five in 1998. These 23 panels have been assigned 72 cases.

The standby Court of Appeals provides an important safety valve and safety net for our judicial system, promoting efficiency and helping ensure the timely administration of justice.

We request your favorable action.

TESTIMONY OF JUSTICE DALE SANDSTROM ON H.B. 1076
Before the Senate Judiciary Committee
February 24, 1999

I am here to testify for Chief Justice VandeWalle and the Supreme Court in favor of House Bill 1076, which extends North Dakota's temporary Court of Appeals until January 1, 2004. Without this legislation, North Dakota's standby Court of Appeals would be eliminated effective January 1, 2000.

The Chief Justice's recent illness illustrates the importance of continuing statutory authorization for the standby Court of Appeals. Although, as he has said, he was very fortunate, if his illness had been somewhat advanced, he could have been unable to actively participate in Court business for an extended period of time.

The 1987 Legislature established the North Dakota Court of Appeals, effective July 1, 1987, through January 1, 1990. The 1989 Legislature extended the effective date through January 1, 1994; and the 1993 Legislature again extended the effective date through January 1, 2000.

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