

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1205

2001 HOUSE JUDICIARY

HB 1205

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1205

House Judiciary Committee

Conference Committee

Hearing Date 02-05-01

Tape Number	Side A	Side B	Meter #
TAPE II	x		287 to 1105
Committee Clerk Signature <i>Joan Dries</i>			

Minutes: Chairman DeKrey opened the hearing on HB 1205. Relating to the continuance of civil proceedings when party, witness, or attorney is a member of the legislative assembly.

Rep Klemm: District 47, Bismarek, Senator Andrist was here and signed in to support this bill Relating to a continuance of civil proceedings when party, witness or attorney is a member of the legislative assembly. This bill is needed to update ,outdated language in statute. This law, you can ask the court to a continuance as to volunteer, it does not exclude that option.

Rep Delmore: How often has this happened and does it cause a complication to the district court?

Rep Klemm: I don't know, but is has happened to me. This has not caused a problem with the courts. They will take into consideration if someone is in the legislature.

Rep Delmore: Are the judges willing to do this even without this?

Rep Klemm: This law would only apply to trials, but it would bring the process up to date.

Chairman DeKrey: Are there any other questions, if not thank you for appearing.

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House Judiciary Committee

Bill/Resolution Number HB 1205

Hearing Date 02-05-01

Rep Mahoney: District 13. I don't have a lot to add to what has already been said, but I am a sponsor of this bill. He spoke in support of the bill, the law needs cleaning up, and it would be easier if it were automatic.

Rep Delmore: Would the clients be unhappy if you had to line up another attorney?

Rep Mahoney: Under the old law, I would have to line someone up to handle the case.

Chairman DeKrey: Are there any other questions, thank you for appearing. Anyone else wishing to appear for or against HB 1205. We will close the hearing on HB 1205.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1205a

House Judiciary Committee

Conference Committee

Hearing Date 02-06-01

Tape Number	Side A	Side B	Meter #
TAPE 1	X		829 to 1130
Committee Clerk Signature <i>Juan Diers</i>			

Minutes: Chairman DeKrey called the committee to order. We will take up HB 1205.

COMMITTEE ACTION

Rep Delmore moved a DO PASS, Vice Chr Kretschmar seconded the motion.

DISCUSSION

The clerk will call the roll on a DO PASS motion on HB 1205. The motion passes with 15 Yes 0

NO 0 Absent carrier Rep Grande.

Date: 02-06-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB-1205

House JUDICIARY Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep Delmore Seconded By Vice Ch Kretschmar

Representatives	Yes	No	Representatives	Yes	No
CHR - Duane DeKrey	✓				
VICE CHR -- Wm E Kretschmar	✓				
Rep Curtis E Brekke	✓				
Rep Lois Delmore	✓				
Rep Rachael Disrud	✓				
Rep Bruce Eckre	✓				
Rep April Fairfield	✓				
Rep Bette Grande	✓				
Rep G. Jane Gunter	✓				
Rep Joyce Kingsbury	✓				
Rep Lawrence R. Klemin	✓				
Rep John Mahoney	✓				
Rep Andrew G Maragos	✓				
Rep Kenton Onstad	✓				
Rep Dwight Wrangham	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment Rep Grande

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

REPORT OF STANDING COMMITTEE (410)
February 6, 2001 1:06 p.m.

Module No: HR-21-2479
Carrier: Grande
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1205: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1205 was placed on the
Eleventh order on the calendar.

2001 SENATE JUDICIARY

HB 1205

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1205

Senate Judiciary Committee

Conference Committee

Hearing Date March 12th, 2001

Tape Number	Side A	Side B	Meter #
I	x		13.0-25.6
	x		50.3-end
		x	0-3.1
Committee Clerk Signature			

Minutes: **Senator Traynor**, opened the hearing on HB 1205.

Rep. Klemin, testified in favor of HB 1205 (testimony attached). Bill brings statute into line with current pretrial and trial practice in courts.

Senator Traynor, comment on the 15 days.

Rep. Klemin, the 15 days applies only if you are party of record.

Senator Traynor, has there been a problem?

Rep. Klemin, don't know if there has been a problem. I had to argue to the supreme court during the last session. This would help alleviate this problem. Some trial attorneys are very aggressive. Was subpoenaed for an oral argument and also had to appear at a trial in Fargo at the same time. The attorney in Fargo would not release me from appearing. Now the statute reads "only for trials."

Senator Watne, shouldn't there be a coeval in here if a delay would be detrimental to a party.

I'm also a Realtor, I take 3 months off to work shouldn't this apply to other occupations also?

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Senate Judiciary Committee
Bill/Resolution Number 1205
Hearing Date March 12th, 2001

Rep. Klemin, bill applies to any legislator, not only to attorneys.

Senator Dever, is there a concern with redistricting.

Rep. Klemin, the ten day thing can be continued. Special session would also apply. Page 2, line 6 of the bill talks about this. Have a case where we have deferred a trial till the legislative session is over.

Senator Dever, could we recess the session until November due to redistricting could there then be a trial?

Rep. Klemin, don't think we're talking about the time of adjournment and the beginning of the special session.

Senator Traynor, closed the hearing on HB 1205.

Discussion followed.

SENATOR WATNE MOTIONED TO DO PASS, SECONDED BY SENATOR BERCIER. VOTE INDICATED 7 YEAS, 0 NAYS AND 0 ABSENT AND NOT VOTING. SENATOR TRENBEATH VOLUNTEERED TO CARRY THE BILL.

REPORT OF STANDING COMMITTEE (410)
March 12, 2001 1:14 p.m.

Module No: SR-42-5345
Carrier: Trenbeath
insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1205: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1205 was placed on the
Fourteenth order on the calendar.

2001 TESTIMONY


HB 1205



NORTH DAKOTA HOUSE OF REPRESENTATIVES

Representative Lawrence R. Klemm
District 47
1709 Montego Drive
Bismarck, ND 58501

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



COMMITTEES
Judiciary
Government and
Veterans Affairs

TESTIMONY OF REP. LAWRENCE R. KLEMIN SENATE JUDICIARY COMMITTEE HOUSE BILL NO. 1205 MARCH 12, 2001

MR. CHAIRMAN AND MEMBERS OF THE SENATE JUDICIARY COMMITTEE. I AM LAWRENCE R. KLEMIN, REPRESENTATIVE FROM DISTRICT 47 IN BISMARCK. I AM HERE TO TESTIFY IN SUPPORT OF HOUSE BILL 1205.

HOUSE BILL 1205 UPDATES SECTION 54-03-22 OF THE NORTH DAKOTA CENTURY CODE AND PERMITS A LEGISLATOR TO REQUEST AN EXTENSION OF TIME OR A CONTINUANCE IN A CIVIL ACTION DURING THE LEGISLATIVE SESSION WHEN A LEGISLATOR IS EITHER A PARTY, A WITNESS OR THE ATTORNEY FOR A PARTY IN THE CIVIL ACTION.

THE BILL DELETES OBSOLETE LANGUAGE IN THE EXISTING LAW AND BRINGS THE STATUTE UP TO DATE AND INTO LINE WITH CURRENT PRETRIAL AND TRIAL PRACTICE IN THE COURTS. DURING THE LEGISLATIVE SESSION, A LEGISLATOR IS ENTITLED TO A CONTINUANCE OF ANY MATTER RELATED TO THE CIVIL ACTION WHICH WOULD REQUIRE THE PRESENCE OF THE LEGISLATOR, SUCH AS DEPOSITIONS, HEARINGS AND TRIALS. A LEGISLATOR OBTAINS A CONTINUANCE SIMPLY BY FILING A SHORT MOTION AND AFFIDAVIT STATING THAT THE PERSON IS A MEMBER OF THE LEGISLATIVE ASSEMBLY AND THAT THE LEGISLATURE IS IN SESSION. THE BILL ALSO APPLIES TO APPEARANCES IN PROCEEDINGS BEFORE ADMINISTRATIVE AGENCIES AND LOCAL GOVERNING BODIES WHILE THE LEGISLATURE IS IN SESSION.

THE BILL IS PERMISSIVE. A LEGISLATOR MAY EITHER ATTEND THE CIVIL PROCEEDING, OR NOT, IN THE DISCRETION OF THE LEGISLATOR. HOWEVER, A LEGISLATOR IS ELECTED TO REPRESENT CONSTITUENTS IN THE LEGISLATIVE ASSEMBLY DURING THE SESSION AND MATTER RELATING TO A CIVIL ACTION CAN BE CONTINUED FOR A SHORT TIME UNTIL THE SESSION IS OVER.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I URGE YOUR SUPPORT OF HOUSE BILL 1205.