

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1373

2001 HOUSE POLITICAL SUBDIVISIONS

HB 1373

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1373

House Political Subdivisions Committee

Conference Committee

Hearing Date 2-1-01

Tape Number	Side A	Side B	Meter #
2	xx		300--1822
2	xx		3145--3345
Committee Clerk Signature <i>Pam Owen</i>			

Minutes: Chair Froseth opened the hearing on HB1373 relating to jury selection and voter lists.

Rep. Bob Skarphol (300)

I am the sponsor of this bill and support it. It came about when people talked to me and said they refused to vote because they did not want to be put on a jury list. I don't feel that the ability to vote should be influenced by a jury list. The poll books are one of the sources used to pick jury members. Jury service is a necessity in society and an obligation, but it should not be tied to ability to vote. Chief Justice told me this bill is unconstitutional. I think we should compile the jury list from the people that don't vote. Maybe that would increase voter turnout.

Rep. Delmore : In section 3, would this be other places you could get names?

Rep. Skarphol ; Absolutely. With the age of technology, lists are easy to come by.

Rep. Eckre : You talked to the Chief Justice?

Rep. Skarphol : Yes, we are good friends. I told him to come and testify. He has had the opportunity to see this bill.

Rep. Ekstrom : I think jury duty is a civic duty and it shocks me that people are so adamant against serving on a jury.

Rep. Tieman :(820) When you get to jury selection, don't you have an option of disqualifying yourself?

Rep. Skarphol : I believe that's right.

Greg Wallace, Assist. State Court Admin. for Trial Courts-ND Supreme Court : I am here in opposition to HB1373. **(SEE ATTACHED TESTIMONY)**

Chair Froseth : (1123) Might this be unconstitutional?

Greg Wallace : I believe what the Chief Justice was referring to was a persons right to trial by their peers. By eliminating this available list, you will eliminate a certain segment of population. This may be unconstitutional.

Rep. Delmore : Do you have access to tax records? Could this be a list?

Greg : This would probably be male biased. I don't know for sure if we have. I know we have property tax records.

Vice-Chair Severson : Even with all the lists as named in this bill, there is still a certain of population you don't reach.

Greg : We have looked at other lists. Most were male biases. We want a list that is equally balanced. Poll books are balanced. We get 10-15% names from poll books. Most of our names come from drivers license. We know we miss people that don't drive or don't vote. We may miss Native Americans. There is an image that jury duty is boring. We have tried to change that. We try to take them off the list once they serve, or if you are called three times you are off the list. If you are subject to 30 days service, you are off. We have surveys afterwards, and most

jurors say it was a good experience. Loss of income is a big complain with jury duty, especially those who have to pay daycare

Chair Froseth : The way the bill is drafted, it doesn't say you can't use the poll book. If you need to, you still can use it.

Greg : That's correct. But the legislative intent will look like we should not use the books.

Vice-Chair Severson : (1720) How can we get more people to vote? I think this is the point of this bill. You want some language for legislative intent. Do you have some suggestions?

Greg : I don't, but I can get our staff attorney to work on that.

Chair Froseth : Any more testimony for or against? Hearing none, hearing is closed.

(Action--Tape 2, side A (3145-3345) Chair Froseth : Take up HB1373.

Rep. Ekstrom : **I move a DO NOT PASS.**

Rep. Herbel : **I second.**

VOTE: 13 YES and 1 NO with 1 Absent. PASSED. Rep. Disrud will carry the bill.

Date: 2-1-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1373

House POLITICAL SUBDIVISIONS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By Rep. Ekstrom Seconded By Rep. Herbel

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	/		Rep. Wayne W. Tieman	/	
Vice-Chair Dale C. Severson	/				
Rep. Lois Delmore	/				
Rep. Rachael Disrud	/				
Rep. Bruce Eckre	/				
Rep. Mary Ekstrom	/				
Rep. April Fairfield		AB			
Rep. Michael Grosz		/			
Rep. Jane Gunter	/				
Rep. Gil Herbel	/				
Rep. Nancy Johnson	/				
Rep. William E. Kretschmar	/				
Rep. Carol A. Niemeier	/				
Rep. Andrew G. Maragos	/				

Total (Yes) 13 No 1

Absent 1

Floor Assignment Rep. Disrud

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

REPORT OF STANDING COMMITTEE (410)
February 1, 2001 4:20 p.m.

Module No: HR-18-2164
Carrier: Disrud
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1373: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1373 was placed on the Eleventh order on the calendar.

2001 TESTIMONY

HB 1373




State of North Dakota
OFFICE OF STATE COURT ADMINISTRATOR

SUPREME COURT
Judicial Wing, 1st Floor
600 E Boulevard Ave Dept 180
BISMARCK, ND 58505-0530
(701) 328-4216
(FAX) 701-328-4480

KEITHE E. NELSON
STATE COURT ADMINISTRATOR

January 30, 2001

TO: Members of the House Political Subdivision Committee

FROM: Greg Wallace 

SUBJECT: House Bill 1373

I am Greg Wallace, Assistant State Court Administrator for Trial Courts, with the North Dakota Supreme Court. In those duties, I oversee the creation of the master jury wheel, which is the pool of potential jurors.

The judiciary wishes to express serious concern with H.B. 1373 as it will eliminate an important source of prospective jurors.

One of the goals of a good jury system is to be as inclusive of the citizens of a county as possible. That is, in order to accurately reflect the makeup of the citizens of the county, we strive to include as wide a variety of potential jurors as possible. Inclusion of voters adds important diversity to the makeup of the master wheel.

Under the North Dakota jury selection system, names which are duplicated on the driver's list are eliminated from the voter list. Thus, the only remaining potential names from the voters lists are those who do not have a driver's license. Those may include persons with visual impairments, persons who have a physical disability which prevents them from driving, persons who do not drive because of age, amongst others. This bill will eliminate these persons from potential jury service, denying certain segments of the population the opportunity to serve as jurors.

The bill suggests that names be taken from other lists, i.e., utility lists, motor vehicle registration lists, etc. We have, in the past, looked at including these lists as a source of names. They are, however, biased in favor of males. That is, most of these lists contain only one name, traditionally, the male of the household. Secondly, in many rural areas of the state, the mailing address of a resident is not in the same county of the physical residence, making the list very inaccurate.

The voter lists are necessary to ensure that all groups of citizens of a county have an opportunity to serve as jurors.

GW/cs