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2001 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2274

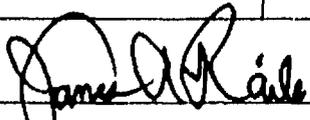
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2274

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date February 1, 2001

Tape Number	Side A	Side B	Meter #
1	X		0.0-25.5
February 2, 2001 2	X		17.0-20.4
Committee Clerk Signature 			

Minutes: Chairman Krebsbach called the committee to order. The clerk called the roll. All members were present. Chairman Krebsbach opened the hearing on SB 2274 which relates to a small claims action. Appearing before the committee to explain the proposed legislation was Senator Dick Dever, District 32. Senator Dever indicated that Justice Dale Sandstrom asked him to sponsor this piece of legislation. What this bill simply does is it allows the public to download specific forms from the Supreme Court for their own use. This would allow the public easier access to the courts. It is a definite move forward in the world of electronic technology. Senator Kilzer inquired if this is just for the forms or is it information on small claims courts and instructions on procedures? Senator Dever indicated he was not totally certain but he believed that it was just to obtain the forms that would be needed for a small claims action. Jim Ganje, Staff Attorney for the supreme courts office and a state court administrator appeared before the committee to detail the proposed legislation and to answer questions regarding the bill. He presented written testimony submitted by Justice Dale Sandstrom. Senator C. Nelson inquired if

this bill isn't going to cause the courts to lose money. Mr. Ganje indicated the cost associated with getting the forms through the clerks of court is intended to recover the costs that they have incurred in obtaining those forms from printers. If you can download them you will not have to pay that \$3.00 or \$5.00 or whatever. Senator C. Nelson indicated so the \$3.00 is a wash. If the last sentence just said forms used in small claims court actions must be approved by the state court administrator period. Would that still do the same thing? Mr. Ganje indicated that he suspects that it wouldn't get us to where Justice Sandstrom wants to go. It would by statute indicate that the forms have to be approved in terms of substance but it wouldn't tell people where they could get them from. Senator C. Nelson indicated that she thought maybe the way it was written here it's either the clerk of court or the electronic form that may be somewhat out of line. If we just cut it off it would give you the latitude to put it in the rules and do whatever.

Senator T. Mathern, inquired of Mr. Ganje what his thoughts would be if the committee turned this bill into an open provision at every form of state government that has forms, that they can make it available on the Web site. This blows my mind that this is even here as a bill. I would hope that every area of state government that has some forms doesn't have some law requirement that says whether or not it can be used. Mr. Ganje indicated that he thinks this is an interesting point. He knows for example that the department of human services has many of their forms, particularly job support enforcement forms are currently on the departments Web site. Our court forms that are included in our rules of civil and criminal procedure are on our Web site. They are not in a form that you can actually fill in on the Web site then download it, but you can print them off the Web site. I think that more and more state agencies that can do this. Senator T. Mathern indicated that this bill is just this specific form, what about the other ones? Mr. Ganje indicated he thought the only reason that small claims is unique is that small claims has always

been unique. Small claims forms have been traditionally addressed by statute and consequently if you want to say explicitly that you want to be able to provide an electronic form you go to the statute that talks about forms and deal with that. There are many forms that used throughout state government but there is no mention of them in statute. The other, another example of forms that are provided that we work with are mental health commitment forms. Now there is a specific statute that talks about the development of those forms and how they are provided so you might at some point, you might see the need to go to that statute that talks about forms and say well in addition to getting them here you can also get them there. Forms development is an interesting question and it also tends to be more complex. Senator T. Mathern inquired what about, assuming it is more complicated, what about in the supreme court, if we added any forms that you have you would make available for downloading or according to the supreme court decision you could make available for downloading. Mr. Ganje indicated that is certainly within the purview of the committee to do. The difficulty that you might have is that this particular statute deals with small claims and it would be out of place to address forms generally in a statute that deals with small claims. Senator Dever indicated one of the things that make small claims unique is that it doesn't involve an attorney and it is something that people are able to do on their own. When he visited with Justice Sandstrom he talked about the things he envisions coming about in the future. Discussion continued with Senators T. Mathern, Dever, C. Nelson, Wardner, and Krebsbach participating. Mr. Ganje offered responses and opinions throughout (tape 1, side A, meter #'s 9.5-25.). It was determined during the discussion that perhaps it would be best if the committee received input from Justice Sandstrom as to intent and purpose of what he is doing specifically with this piece of proposed legislation. There was no further testimony in support of, in neutral position on, or in opposition to SB 2274. Chairman Krebsbach closed

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Senate Government and Veterans Affairs Committee

Bill/Resolution Number SB 2274

Hearing Date February 1, 2001

the hearing at this time. The committee examined SB 2274 at this time. Chairman Krebsbach indicated that the information Mr. Gange brought her from Justice Sandstrom was that it wasn't necessary for anything else, except in this instance where it was specifically spelled out for the clerk of district court. She spoke to the council and Jay Buringrud said that this is being covered in a bill that is going to the judiciary committee with electronic transfers and also any other electronic methods of providing services to the constituents so he didn't feel it was necessary. I'm bringing this information to you as a committee. Senator T. Mathern indicated he has an amendment which he had the intern prepare for this bill to reflect the discussion which the committee had with Mr. Gange. Chairman Krebsbach indicated that Justice Sandstrom indicated this would not be necessary because they are doing it and they will continue to do it on any other forms that they have to be entered at this time. The discussion concluded at this time. A motion for a Do Pass was made by Senator C. Nelson, seconded by Senator Wardner. Roll Call Vote indicated 6 Yeas, 0 Nays, 0 Absent or Not Voting. Senator Dever will carry the bill. The committee was adjourned.

FISCAL NOTE
 Requested by Legislative Council
 01/22/2001

Bill/Resolution No.: SB 2274

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	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$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.*

No fiscal impact. This is a public service issue.

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.*

0

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.*

0

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.*

0

Name:	Keith E. Nelson	Agency:	Supreme Court
Phone Number:	328-4216	Date Prepared:	01/22/2001

REPORT OF STANDING COMMITTEE (410)
February 2, 2001 1:06 p.m.

Module No: SR-19-2242
Carrier: Dever
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2274: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2274
was placed on the Eleventh order on the calendar.

2001 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2274

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2274

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 3/09/01

Tape Number	Side A	Side B	Meter #
1	X		3675-4387
Committee Clerk Signature <i>Robin D. Small</i>			

Minutes:

REP. M. KLEIN called the hearing to order with all committee members present.

In favor:

SEN. DICK D. DEVER, DISTRICT 32

DEVER introduces the bill. DEVER states that SANDSTROM'S web site gets over 37,000 hits a day.

In favor:

JUSTICE DALE V. SANDSTROM, JUSTICE OF THE NORTH DAKOTA SUPREME COURT

Please see attached testimony.

REP. M. KLEIN states that he has read about the web site and how wonderfully it is designed and how popular it is.

Being there was no further testimony in favor or in opposition, the hearing was then closed.

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House Government and Veterans Affairs Committee
Bill/Resolution Number SB 2274
Hearing Date 3/09/01

Action was taken right away.

REP. MEIER motioned for a DO PASS, seconded by REP. KASPER. The roll call was taken with 15 YES, 0 NO and 0 ABSENT AND NOT VOTING. The motion carries. The CARRIER of the bill is REP. MEIER.

SB 2274: DO PASS 15-0

CARRIER: REP. MEIER

Date: 3/9/01

Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2274

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass

Motion Made By Meier Seconded By Kasper

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP KROEBER	✓	
VICE CHAIR GRANDE	✓				
REP BELLEW	✓				
REP BRUSEGAARD	✓				
REP CLARK	✓				
REP DEVLIN	✓				
REP HAAS	✓				
REP KASPER	✓				
REP KLEMIN	✓				
REP MEIER	✓				
REP WIKENHEISER	✓				
REP CLEARY	✓				
REP HUNSKOR	✓				
REP METCALF	✓				

Total (Yes) 15 No 0

Absent _____

Floor Assignment Rep. Meier

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

REPORT OF STANDING COMMITTEE (410)
March 9, 2001 10:59 a.m.

Module No: HR-41-5193
Carrier: Meier
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2274: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)
recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2274
was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

SB 2274

TESTIMONY REGARDING SENATE BILL NO. 2274

This testimony is offered on behalf of Justice Dale Sandstrom, who is unable to be here because of a longstanding prior commitment. Justice Sandstrom currently chairs the North Dakota Judicial Conference. The Judicial Conference is provided for by statute (NDCC Ch. 27-15) and consists of all supreme and district court judges, the attorney general, the dean of the UND School of Law, five representatives of the state bar association, all surrogate judges, the clerk of the supreme court, and two municipal judges.

Senate Bill 2274 was introduced by Senator Devers at the request of the Judicial Conference, which voted unanimously to seek its enactment. The bill would allow small claims litigants to use forms obtained through the Supreme Court's website. Presently, printed forms are purchased from the clerks of court at a nominal charge. Under this legislation, the printed forms would continue to be available from the clerks of court, but litigants would have an additional source from which to obtain the forms.

Senate Bill 2274 is consistent with the goal of having standardized small claims forms readily available to those who need them. There should be virtually no fiscal impact.

Your favorable action is requested.

Submitted by:

Jim Ganje, Staff Attorney
Office of State Court Administrator

Proposed amendments to SB 2274
Prepared for Sen. T. Mathern
#1

Page 1, line 1, after "to" insert "create and enact a new section to chapter 27-08.1 of the North Dakota Century Code, relating to electronic forms; and to

Page 1, after line 20, insert:

"SECTION 2. A new section to chapter 27-08.1 of the North Dakota Century Code is created and enacted as follows:

Notwithstanding any provisions of law, the Supreme Court may make all necessary forms accessible in electronic form on the internet."

Renumber accordingly

Senate Bill 2274

House Government and Veterans Affairs Committee

**Testimony by Dale V. Sandstrom
Justice of the Supreme Court**

March 9, 2001

I'm Dale Sandstrom, one of the Justices of the Supreme Court. I chair the North Dakota Judicial Conference.

This bill was introduced by Senator Dever at the request of the Judicial Conference, which voted unanimously to seek its enactment. The bill passed the Senate unanimously.

This bill would allow small claims litigants to use forms obtained through the Supreme Court's website. Presently, printed forms are purchased from the clerks of court at a nominal charge. Under this legislation the printed forms would continue to be available from the clerks of court, but litigants would have an additional option.

This legislation is consistent with the goal of having standardized small claims forms readily available to those who need them. There should be virtually no fiscal impact.

The Court plans to make other forms available over the Internet, but this bill deals with the only statute we see as an obstacle.