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Salvatore Riccardi
Operator's Signature

10/16/03
Date

12

2003 HOUSE JUDICIARY

HCR 3059

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10/16/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3059

House Judiciary Committee

Conference Committee

Hearing Date 2-26-03

Tape Number	Side A	Side B	Meter #
1	xx		0-5
2	xx		0-3.6
Committee Clerk Signature <i>A. Penrose</i>			

Minutes: 12 members present, 1 member absent (Rep. Onstad).

Chairman DeKrey: We will open the hearing on HCR 3059.

Rep. Kim Koppelman: Introduced bill (see attached testimony by Monty Mertz, submitted by Rep. Koppelman). The other two bills dealt with Small Claims Court issues and were defeated. On the statistical sheet, you will notice that Cass County has more than twice as many small claims court cases than any other county in the state. A lot of cases are involved and a lot of dollars are involved in small claims court. Given some of the information you heard earlier that we should ask one of our Interim Committees to take a look at this and research it more fully than we have the luxury of doing here in this legislative session.

Rep. Delmore: You want to see more claims in small claims court. I understand that some times the other side wants the case moved to district court instead of small claims court. I am leaning towards where you are going, but wouldn't this put a really high burden on the small claims court.

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10/16/03
Date

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House Judiciary Committee
Bill/Resolution Number HCR 3059
Hearing Date 2-26-03

Rep. Koppelman: I think that is a good question. It's hard to say exactly what the outcome would be, plus this will be a study resolution, so the committee during the interim would consider that. I'm not for or against more cases. The reason for the statistical sheet was that it was interesting to me to see how many cases really do go to small claims court; and if something is wrong, it will be found and can be addressed.

Rep. Klemin: This resolution in line 10-12 makes a statement that I'm not entirely sure is accurate, about the "uncertainty of a fair trial". If we endorse this resolution, I don't want to endorse that statement because I don't think it is accurate. I haven't heard people complain about not getting fair treatment, fair judgments in small claims court. I think it is probably just as true that you might not like the judgment in any court you may be in.

Rep. Koppelman: I guess as I read the statement, it says "because of the restrictions on the right to appeal, many residents are bypassing small claims court". I think that is a defensible statement. I think if you will read the testimony submitted by the attorney in Fargo, you will discover that many of his clients have made that exact assertion and if you want to delete the word "many", I don't know what the number is, but I have heard from constituents and others from our area, business people as well as attorneys. Maybe it is just in our area, and not happening statewide. I do know that this is a problem.

Rep. Klemin: I disagree with the language that says "because of the uncertainty of a fair judgment". I don't know that that statement is true.

Rep. Koppelman: I am repeating what I have been told.

Chairman DeKrey: Thank you for appearing. Further testimony in support? Opposition to HCR 3059? We will close the hearing on HCR 3059.

Yolanda Richardson
Operator's Signature

10/16/03
Date

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House Judiciary Committee
Bill/Resolution Number HCR 3059
Hearing Date 2-26-03

(Reopened later in the same day)

Chairman DeKrey: What are the committee's wishes in regard to HCR 3059?

Rep. Klemm: I move to amend HCR 3059 to read as follows: on line 11, after the first of, delete "the uncertainty of a fair judgment and".

Rep. Delmore: Seconded.

Voice vote: Carried.

Rep. Delmore: I move a Do Pass as Amended.

Rep. Eckre: Seconded.

11 YES 1 NO 1 ABSENT DO PASS AS AMENDED CARRIER: Rep. Grande

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La Costa Richard
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10/16/03
Date

33104.0101
Title.0200

Adopted by the Judiciary Committee
February 26, 2003

VR
2/26/03

HOUSE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3059

JUD 2/27/03

Page 1, line 11, remove "the uncertainty of a fair judgment and"

Renumber accordingly

Page No. 1

33104.0101

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10/16/03
Date

Date: 2/26/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HCR 3059

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number 33104.0101 . 0200

Action Taken Do Pass as Amended

Motion Made By Rep. Delmore Seconded By Rep. Eckre

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad	AB	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemm	✓				
Rep. Kretschmar	✓				
Rep. Wrangham		✓			

Total (Yes) 11 No 1

Absent 1

Floor Assignment Rep. Grande

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

To Costa Rickford
Operator's Signature

10/16/03
Date

REPORT OF STANDING COMMITTEE (410)
February 27, 2003 8:44 a.m.

Module No: HR-35-3546
Carrier: Grande
Insert LC: 33104.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HCR 3059: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HCR 3059 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "the uncertainty of a fair judgment and"

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

HR-35-3546

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Yolanda Richardson
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2003 SENATE JUDICIARY

HCR 3059

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3059

Senate Judiciary Committee

Conference Committee

Hearing Date 03/26/03

Tape Number	Side A	Side B	Meter #
1	X		44 - End
1		X	0.0 - 5.5
Committee Clerk Signature <i>Maria L. Solberg</i>			

Minutes: **Senator John T. Traynor, Chairman**, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill:

Testimony in Support of HCR 3059

Rep. Kim Koppelman - Dist #13 Introduced Bill (meter 32) This is the first House Concurrent Resolution I have sponsored in my ten years as a representative. Read Testimony - Attachment #1

Sen. Traynor asked how many small claims cases there are a year? I do not have it with me but Cass County has overwhelmingly the most-much more then the population of that county should-maybe this is why this is a particular problem in our area.

Sen. Trenbeath discussed with him where he though the appeal would go to/ Not to the Supreme Court it would go to district court only. This is not a study of where it would go.

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Jo Costa Rickford
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Date

