

2019 SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE

SB 2067

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

SB2067
1/17/2019
#30942

- Subcommittee
 Conference Committee

Committee Clerk: Pam Dever

Explanation or reason for introduction of bill/resolution:

Relating to appeals of election contest judgements.

Minutes:

Chairman Davison: Call hearing to order. Please take roll. Attendance was taken and all were present. We will come back at 2:00 today. (.47) We are having a ceremony for the Native American flags. (1.19) We have 28 bills to date. By Feb 4, we have to have any fiscal note bills out of committee. The third year students from University of Mary are visiting today. Welcome.

Chairman Davison: Let's open SB2067:

Sarah Behrens, staff attorney with the State Court Administrators Office: This bill is to clean up what happened in 2014. In 2014 the rules of appellate procedures were updated and the place to file a notice of appeal was changed from trial court to Supreme Court. This did not get updated. Section 16 still has a notice of appeal filed in child court. We are amending that to say Supreme Court to sink up with rules of appellate procedure. (4.43)

Chairman Davison: How did you work around this over the biennium?

Sarah: Not sure if we had any election judgement appeals. It did not come up. Just need it cleaned up so there is no conflict. (5.14)

Chairman Davison: More questions?

Sen. Oban: Were there a number of appeals in the past three years with election results?

Sarah: Not that I am aware of.

Chairman Davison: More testimony in support? Any against? Seeing none the hearing is closed. What are the committee wishes?

Sen. Erin Oban: I move a DO PASS. **Vice Chair Meyer:** I second.

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Chairman Davison: Any discussion? Please take the roll.

YES 7 NO 0 -0- absent DO PASS passed. Sen Elkin will carry the bill.

4/17/19

Date:
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES SB 2067
BILL/RESOLUTION NO.

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Sen. Oban Seconded By Sen. Meyer

Senators	Yes	No	Senators	Yes	No
Chairman Davison			Senator Marcellais		
Vice Chairman Meyer			Senator Oban		
Senator Elkin					
Senator Roers					
Senator Vedaa					

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Elkin

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

REPORT OF STANDING COMMITTEE

SB 2067: Government and Veterans Affairs Committee (Sen. Davison, Chairman)
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
SB 2067 was placed on the Eleventh order on the calendar.

2019 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2067

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union Room, State Capitol

SB 2067
3/7/2019
33419

- Subcommittee
 Conference Committee

Committee Clerk: Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to appeals of election contest judgments

Minutes:

Chairman Kasper opened the hearing on SB 2067.

Sarah Behrens, State Court Administrator's Office, appeared. SB 2067 is essentially a cleanup bill. Currently, this law says that in instance of an election judgement contest appeal, you file the notice of appeal at the trial court and it appears to the supreme court. It also states that you follow the North Dakota rules of appellate procedure unless we say to file the notice of appeal with the supreme court. So, we have a conflict there. In 2014 the rules of appellate procedure were amended to change where the notice of appeal is filed. It used to be the district court, and now it is with the clerk of the supreme court. This statue was not updated in response to that change. This will make all of that consistent.

Chairman Kasper: We have a one-word deletion and a two-word amendment.

Chairman Kasper closed the hearing.

Rep. Laning made a motion for a DO PASS.

Rep. Karls seconded the motion.

Rep. C. Johnson: How many different types of courts do we have? We have appeals courts, appellate courts, trial courts.

Sarah Behrens: Trial courts and district courts are the same. We also have municipal courts which are your city courts. There used to be county courts, but those were done away with, and we just have municipal, district, and the supreme court. We do have a court of appeals that handles very few cases.

A roll call vote was taken. 12-0, 2 absent. Rep. Karls will carry the bill.

Date: 3-7-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2067**

House Government and Veterans Affairs Committee
 Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep. Laning Seconded By Rep. Karls

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Pamela Anderson	X	
Vice Chair Vicky Steiner	X		Rep. Mary Schneider	X	
Rep. Jeff Hoverson	X				
Rep. Craig Johnson	X				
Rep. Daniel Johnston	X				
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Karen Rohr	X				
Rep. Austen Schauer	A				
Rep. Steve Vetter	A				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Karls

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

REPORT OF STANDING COMMITTEE

SB 2067: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).
SB 2067 was placed on the Fourteenth order on the calendar.