

**2023 SENATE JUDICIARY**

**SB 2045**

# 2023 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Peace Garden Room, State Capitol

SB 2045  
1/10/2023

A bill relating to the temporary court of appeals; and to provide an expiration date.
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10:30 AM Chairman Larson opened the meeting.

Present are Chairman Larson, Senators Paulson, Sickler, Braunberger, Estenson, Luick and Myrdal.

**Discussion Topics:**

- Case filings
- Appeals

10:31 AM Sara Behrens, State Attorney, State Court Administrator's Office introduced the bill. #12725

10:34 AM Public hearing closed.

10:35 AM Senator Myrdal moves to Do Pass on SB 2045.  
Motion is seconded by Senator Estenson.

10:35 AM Roll Call vote is taken.

<b>Senators</b>	<b>Vote</b>
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passed 7-0-0.

Senator Myrdal will carry the bill.

This bill does not affect Workforce Development.

10:37 AM Chairman Larson closed the meeting.

*Rick Schuchard, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2045: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2045 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

**2023 HOUSE JUDICIARY**

**SB 2045**

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

SB 2045  
3/8/2023

Relating to the temporary court of appeals; and to provide an expiration date.

9:00 AM Chairman Klemin opened the hearing. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Henderson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, and Rep. Vetter. Absent: Rep. S. Olson and Rep. Cory

### Discussion Topics:

- Extend the ND court of appeals.
- Last usage date.
- Extension period.

Sara Behrens: Staff attorney with the State Court Administrator's Office. Testimony # 21369.

Hearing closed at 9:03 AM

Rep. Schneider moved a Do Pass;  
Seconded by Rep. Shannon Roers Jones

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	A
Representative Donna Henderson	Y
Representative SuAnn Olson	A
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Roll call vote: 11 Yes 0 No 2 Absent Motion carried.

Carrier: Rep. Schneider

Meeting closed at 9:05 AM.

Delores Shimek, Committee Clerk

**REPORT OF STANDING COMMITTEE**

**SB 2045: Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2045 was placed on the Fourteenth order on the calendar.

**TESTIMONY**

**SB 2045**

**Senate Bill 2045**  
**House Judiciary Committee**  
**Testimony Presented by Sara Behrens**  
**January 10, 2022**

Good morning Chair Larson, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of Senate Bill 2045.

The North Dakota Court of Appeals was established in 1987 and has been re-authorized every 4-5 years since then. The Supreme Court may call the Court of Appeals into service after certifying to the governor that the court has disposed of 250 cases within the preceding 12 months or for the purpose of handling one or more specific cases.

Judges on the Court of Appeals are appointed by the Supreme Court and may be active or retired district court judges, retired justices of the supreme court, or lawyers. When in session, they are paid a daily rate of 5% of the gross monthly salary of the justices for a full day of work (currently \$704.84) or one-half of the daily rate for a half-day or less of service.

Despite the Supreme Court having an average of 400 case filings per year, the Court of Appeals is rarely used. Since 1987, it has issued only 90 opinions. The last time we needed the Court of Appeals was in August 2007. Although it has had limited use, the Court of Appeals is an important component of our judicial system. The Court of Appeals has primarily been used when there is a vacancy on the court due to illness or retirement or when the lawsuit involved creates a conflict of interest for one or more justices.

Because they feared that the Court of Appeals might be called into session every time the Supreme Court reached the 250 case threshold, the legislature put a 5-year sunset clause on all of



the statutes in Ch. 27-02.1. We now have 36 years of history behind us and I think we have proved the concept, and proven that we have not abused the privilege of having a Court of Appeals. Therefore, we have proposed increasing the sunset to 10 years.

Thank you for your consideration and we urge a do pass.

**Senate Bill 2045**  
**House Judiciary Committee**  
**Testimony Presented by Sara Behrens**  
**March 1, 2023**

Good morning Chair Klemin, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of Senate Bill 2045.

The North Dakota Court of Appeals was established in 1987 and has been re-authorized every 4-5 years since then. The Supreme Court may call the Court of Appeals into service after certifying to the governor that the court has disposed of 250 cases within the preceding 12 months or for the purpose of handling one or more specific cases.

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