



JUDICIARY COMMITTEE

Monday, September 9, 2024
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Janne Myrdal, Chairman, called the meeting to order at 9:00 a.m.

Members present: Senators Janne Myrdal, Ryan Braunberger, Judy Estenson, Diane Larson*, Bob Paulson, Jonathan Sickler; Representatives Claire Cory, Matt Heilman, Pat D. Heinert, Karen Karls, Lawrence R. Klemin, Ben Koppelman, Shannon Roers Jones, Kelby Timmons, Lori VanWinkle

Members absent: Senator Michael Dwyer; Representatives Jim Kasper, Bernie Satrom

Others present: Sara Behrens, Supreme Court; Rebecca Binstock, Ethics Commission; Sheri Grossman, Bismarck-Mandan Convention and Visitors Bureau; Deborah McDaniel and Claire Ness, Attorney General's office
Megan J. Gordon, Legislative Council, Bismarck

See [Appendix A](#) for additional persons present.

**Attended remotely*

It was moved by Representative Karls, seconded by Senator Estenson, and carried on a voice vote that the minutes of the June 19, 2024, meeting be approved as distributed.

REPORTS

Mr. Scott Johnson, Assistant State Court Administrator, Supreme Court, provided a report ([Appendix B](#)) from the Supreme Court on the status of the program to assist rural counties and municipalities in recruiting attorneys as required by North Dakota Century Code Section 27-02.2-13. The report indicated:

- Only cities with a population of 5,000 or fewer, or counties with a population of 16,000 or fewer, are eligible to apply for the program.
- There are seven eligible attorneys on the program roster and nine eligible communities on the community roster.
- As of June 30, 2024, there are five contracts in place and three additional contracts pending.
- Costs for the incentive payment are divided among the state, the participating community, and the State Bar Association.
- As of June 30, 2024, \$36,000 in incentive payments have been distributed under the program.
- No other direct costs have been incurred by the program.

The committee received an annual report ([Appendix C](#)) prepared by the Division of Medical Marijuana, Department of Health and Human Services, relating to medical marijuana in the state.

Ms. Sally Holewa, State Court Administrator, and Ms. Sara Behrens, Staff Attorney, State Court Administrator's office, Supreme Court, presented a report ([Appendix D](#)) relating to the implementation of a uniform bail schedule and the standard amount of bail for each state offense. They noted:

- The purpose of bail is not for punishment but to ensure a defendant will appear for court proceedings.
- A workgroup, created to establish and implement a uniform bail schedule in accordance with Section 29-08-03.1, concluded the arresting officer should determine whether to arrest or hold an individual.

- The final rule sent to the Supreme Court by the workgroup provided for release of an individual on a promise to appear, excluding exceptions such as having a felony or active warrant, in which case the individual may be held until the individual can be seen by a judicial officer.

Ms. Megan J. Gordon, Code Revisor, Legislative Council, presented a memorandum entitled [Testimony - Technical Corrections Bill Draft - Interim Judiciary Committee](#) and a bill draft [25.0302.01000] relating to technical corrections to the North Dakota Century Code.

It was moved by Representative Koppelman, seconded by Senator Sickler, and carried on a roll call vote that the bill draft [25.0302.01000] relating to technical corrections to the Century Code be approved and recommended to the Legislative Management. Senators Myrdal, Braunberger, Estenson, Larson, Paulson, and Sickler and Representatives Cory, Heilman, Heinert, Karls, Klemin, Koppelman, Roers Jones, Timmons, and VanWinkle voted "aye." No negative votes were cast.

Representative Klemin, Commissioner, North Dakota Commission on Uniform State Laws, presented a memorandum entitled [Recommendations of the North Dakota Commission on Uniform State Laws - 2025 Legislative Session](#). He noted the Commission on Uniform State Laws met on June 10, 2024, and recommends four uniform Acts for introduction during the 2025 legislative session:

- The Uniform Child Abduction Prevention Act, which provides states with mechanisms to deter domestic and international child abductions by parents and agents of parents.
- The Uniform Commercial Real Estate Receivership Act, which provides uniform provisions to provide predictable transactions for lenders and borrowers.
- The Uniform Electronic Estate Planning Documents Act, which authorizes the use of electronic signatures and documents in an individual's estate plan.
- The Uniform Special Deposits Act, which addresses special deposit transactions.

Ms. Rebecca Binstock, Executive Director, Ethics Commission, provided a report ([Appendix E](#)) regarding the activities and operations of the commission, including information regarding the number of complaints received by the commission, education and outreach efforts, and the status of the commission's budget.

FIREARM AND AMMUNITION STUDY

Ms. Claire Ness, Chief Deputy Attorney General, Attorney General's office, presented testimony ([Appendix F](#)) regarding *United States v. Rahimi* and implications the *Rahimi* decision, and subsequent Second Amendment case law decisions may have on the state's statutory firearm provisions.

MUNICIPAL COURT STUDY

Ms. Behrens presented testimony ([Appendix G](#)) on a bill draft [25.0279.02000] relating to the committee's study on municipal courts. She noted the bill draft has undergone minor revisions based on questions at the committee's June 19, 2024, meeting and later input from municipal judges. She noted the revisions attached to her written testimony have been incorporated into the bill draft and include:

- Clarifying a municipal judge is required to grant a petition to transfer a municipal case to district court if the petition is filed within 28 days after the arraignment.
- Changing the date a municipal judge's authority terminates when a municipal court is abolished.
- Removing the discretionary transfer of a municipal criminal case to district court when the defendant's fitness to proceed is in question and, instead, providing the option of either transferring the case to the district court for evaluation or dismissing the case on motion by the prosecutor.

Representative Roers Jones presented a bill draft [25.0322.02000] relating to the committee's study on municipal courts. She noted the bill draft provides jurisdictional and procedural revisions to the previous bill draft presented at the committee's June 19, 2024, meeting, and adds a requirement to the qualifications of a municipal court judge. She noted the revisions include:

- Restricting the municipal court's jurisdiction to hear, try, and determine only infractions and noncriminal offenses for violating the ordinances of a city.
- Requiring a municipal judge to be licensed to practice law in the state.
- Reducing the length of commitment a municipal court may sentence an individual for nonpayment of fines or costs from 30 days to 24 hours.

Committee members expressed concern about requiring municipal judges to be licensed to practice law in the state due to the burden it would create for small and rural communities that lack attorneys.

It was moved by Representative Karls, seconded by Senator Paulson, and carried on a roll call vote that the bill draft [25.0279.02000] relating to municipal courts be approved and recommended to the Legislative Management. Senators Myrdal, Larson, Paulson, and Sickler and Representatives Cory, Heilman, Heinert, Karls, Klemin, and Timmons voted "aye." Senators Braunberger and Estenson, and Representatives Koppelman, Roers Jones, and VanWinkle voted "nay."

CHARITABLE GAMING STUDY

Chairman Myrdal provided testimony regarding a bill draft [25.0280.01000] relating to the definition of a public-spirited organization. She noted, based on committee discussion and comments by interested parties regarding the previous bill draft [25.0056.03000] presented at the committee's June 19, 2024, meeting, the new bill draft incorporates changes to the language in the previous draft to:

- Add "of a city or county" on page 1, line 21, after "body";
- Add "or group recognized" on page 2, lines 5 through 6; and
- Remove subdivision c under Section 2 of the previous bill draft, which pertained to raffles by a state political party, effectively keeping the status quo.

In response to a question from a committee member, Ms. Deborah McDaniel, Director, State Gaming Commission, Attorney General's office, noted the bill draft removes the authority of the governing body of a city or county to have the sole discretion to determine what classifies an organization or a group as a public-spirited organization because page 1, lines 20 through 24, of the bill draft establishes the required criteria the governing body must find before classifying an organization or group as a public-spirited organization.

Ms. Sheri Grossman, Chief Executive Officer, Bismarck-Mandan Convention and Visitors Bureau, presented testimony ([Appendix H](#)) regarding the bill draft relating to the definition of a public-spirited organization.

Mr. Scooter Pursley, Executive Director, Travel Alliance Partnership, presented testimony ([Appendix I](#)) regarding the bill draft relating to the definition of a public-spirited organization.

Ms. Suz Grandy, Gaming Coordinator, Mercer County Women's Action and Resource Center, provided testimony regarding the bill draft relating to the definition of a public-spirited organization. She noted:

- The Mercer County Women's Action and Resource Center is a nonprofit organization dedicated to providing support and services to victims of domestic violence and sexual assault, providing shelter for the homeless, and establishing food pantries.
- 55 percent of the center's annual operating costs are funded by gaming funds.
- The center employs 15 individuals for the sole purpose of gaming and relies heavily on gaming funds to continue providing services and support for individuals in rural North Dakota.
- The center is at risk of losing 25 percent of its funding due to a plan by the convention and visitors bureau to take over most of the bars in Mercer County that offer charitable gaming.

It was moved by Senator Paulson, seconded by Senator Estenson, and carried on a roll call vote that the bill draft [25.0280.01000] relating to the definition of a public-spirited organization be approved and recommended to the Legislative Management. Senators Myrdal, Braunberger, Estenson, Larson, Paulson, and Sickler and Representatives Heinert, Karls, Klemin, Koppelman, Roers Jones, Timmons, and VanWinkle voted "aye." No negative votes were cast.

COMMITTEE DISCUSSION

It was moved by Representative Koppelman, seconded by Senator Braunberger, and carried on a voice vote that the Chairman and the Legislative Council staff be requested to prepare a report and the bill drafts recommended by the committee and to present the report and recommended bill drafts to the Legislative Management.

It was moved by Representative VanWinkle, seconded by Representative Karls, and carried on a voice vote that the committee be adjourned sine die.

No further business appearing, Chairman Myrdal adjourned the committee sine die at 2:50 p.m.

Christopher S. Joseph
Assistant Legal Division Director

ATTACH:9