

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3017

2001 HOUSE JUDICIARY

HCR 3017

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR3017

House Judiciary Committee

Conference Committee

Hearing Date 02-07-01

| Tape Number                                 | Side A | Side B | Meter #     |
|---|--------|--------|-------------|
| TAPE II                                     |        | x      | 303 to 1949 |
|   |        |        |             |
| Committee Clerk Signature <i>Juan Dicks</i> |        |        |             |

Minutes: Chairman DeKrey opened the hearing on HCR 3017. A concurrent resolution directing the Legislative Council to study the method of providing legal representation for indigent criminal defendants and the feasibility and desirability of establishing a public defender system.

Judge Newmann: Judge of the North Dakota Supreme Court introduced the bill. It has been more than 25 years since we have looked at this. We should have a study as this question is being addressed by study in very state. It would be a question of money and how to spend it.

Chairman DeKrey: We have seen this in one bill form and one resolution, could these all be done at once.

Judge Newmann: I would like it to be done this way as a bill and as a resolution, because it could be lost in the shuffle, this needs some attention paid to it now.

Chairman DeKrey: Is this more than a money problem?

Judge Newmann: I think it is, it is an ethical problem, judges are now deciding how the money is to be spent.

House Judiciary Committee  
Bill/Resolution Number HCR 3017  
Hearing Date 02-07-04

Rep Mahoney: There is a lot of material and a lot to study.

Judge Newmann: Right now there is a group called the Stenjhem that tells us a lot of the information that we are using.

Rep Mahoney: Has it all been compiled yet?

Judge Newmann: I don't know.

Rep Mahoney: You are saying that this would be better as an independent study.

Judge Newmann: An independent study, preferably.

Chairman DeKrey: Is it pro bono work or what the legislature appropriates?

Judge Newmann: The legislature gives more than a little, currently it is 3.8 million.

Vice Chr Kretschmar: Currently the appeals are they based on the fact that the attorneys are not to smart?

Judge Newmann: I don't recall any cases, but that doesn't mean that the attorneys are doing the best job. Quality of representation is always a concern.

Rep Klemin: Right now do we have contracts with more then one company.

Judge Newmann: If we use nothing but public defenders right now, we would have to hire more people.

Vice Chr Kretschmar: In the statue, is there a provision, if time goes on, must the defendant pay back the state, if they acquire property.

Judge Newmann: Yes, we have records of this, but not enough money has come back in to cover the cost.

Chairman DeKrey: If there are not further questions, thank you for appearing. Is there anyone else wishing to appear in support? In opposition, if not we will close the hearing on HCR 3017.

House Judiciary Committee  
Bill/Resolution Number HCR 3017  
Hearing Date 02-07-04

COMMITTEE ACTION

Chairman DeKrey: What are the wishes of the committee? Rep Delmore moved a DO PASS on HCR 3017, Rep Disrud seconded. The clerk will call the roll on a DO PASS motion on HCR 3017. The motion passes 13 YES, 0 NO and 2 ABSENT

Carrier Rep Mahoney

The bill will be placed on the CONSENT CALENDAR.

Date: 02-07-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HCR 3017

House JUDICIARY Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Rep Delmore Seconded By Rep Disrud

| Representatives             | Yes | No | Representatives | Yes | No |
|-----------------------------|-----|----|-----------------|-----|----|
| CHR - Duane DeKrey          | ✓   |    |                 |     |    |
| VICE CHR -- Wm E Kretschmar | ✓   |    |                 |     |    |
| Rep Curtis E Brekke         | ✓   |    |                 |     |    |
| Rep Lois Delmore            | ✓   |    |                 |     |    |
| Rep Rachael Disrud          | ✓   |    |                 |     |    |
| Rep Bruce Eckre             | ✓   |    |                 |     |    |
| Rep April Fairfield         | ✓   |    |                 |     |    |
| Rep Bette Grande            |     |    |                 |     |    |
| Rep G. Jane Gunter          | ✓   |    |                 |     |    |
| Rep Joyce Kingsbury         | ✓   |    |                 |     |    |
| Rep Lawrence R. Klemin      | ✓   |    |                 |     |    |
| Rep John Mahoney            | ✓   |    |                 |     |    |
| Rep Andrew G Maragos        |     |    |                 |     |    |
| Rep Kenton Onstad           | ✓   |    |                 |     |    |
| Rep Dwight Wrangham         | ✓   |    |                 |     |    |

Total (Yes) 13 No 0

Absent 2

Floor Assignment Rep Mahoney

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

**REPORT OF STANDING COMMITTEE (410)**  
February 8, 2001 10:30 a.m.

**Module No: HR-23-2696**  
**Carrier: Mahoney**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HCR 3017: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3017 was placed on the Tenth order on the calendar.**

2001 SENATE JUDICIARY

HCR 3017



2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 3017

Senate Judiciary Committee

Conference Committee

Hearing Date March 20, 2001

| Tape Number               | Side A | Side B | Meter #  |
|---------------------------|--------|--------|----------|
| 1                         |        | x      | 8.2-23.4 |
|                           |        |        |          |
|                           |        |        |          |
| Committee Clerk Signature |        |        |          |

Minutes: **Senator Traynor**, opened the hearing on HCR 3017.

**Chief Justice Van der Walle**, of ND, deals with a study of indigent defense services. Indigent defense is becoming a greater cost to ND. There are a lot of different methods dealing with this. How do we finance those who can't afford a defense attorney. We can do the study ourselves we would like the judiciary committee join us. I urge you to pass this study.

**Senator Lyson**, contracts between counties, do we pay them?

**Chief Justice**, the counties pay some, we pay most of it. Most defense lawyers burn out. I'm concerned about representation. I expect these lawyers to defend these people to the best of their abilities. They need adequate defense.

**Senator Traynor**, I've heard complaints that the compensation is not adequate.

**Chief Justice**, I don't doubt that. We are trying to up it. We're trying to up it to \$65 dollars an hour.

**Senator Traynor**, is the compensation situation the same?

Page 2  
Senate Judiciary Committee  
Bill/Resolution Number 3017  
Hearing Date March 20, 2001

**Chief Justice**, some of these lawyers complain about quick assignments. We hope that we can find out in this study that we are not doing our best.

**Senator Traynor**, closed the hearing on HCR 3017.

**SENATOR NELSON MOTIONED TO DO PASS, SECONDED BY SENATOR TRENBEATH. VOTE INDICATE 6 YEAS, 0 NAYS AND 0 ABSENT AND NOT VOTING. SENATOR NELSON VOLUNTEERED TO CARRY THE BILL.**

Date: 3/20/01  
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 3017

Senate Judiciary Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Nelson Seconded By Feeh Tranbeath

| Senators                | Yes | No | Senators    | Yes | No |
|-------------------------|-----|----|-------------|-----|----|
| Traynor, J. Chairman    | X   |    | Bercier, D. |     |    |
| Watne, D. Vice Chairman | X   |    | Nelson, C.  | X   |    |
| Dever, D.               | X   |    |             |     |    |
| Lyson, S.               | X   |    |             |     |    |
| Trenbeath, T.           | X   |    |             |     |    |
|                         |     |    |             |     |    |
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|                         |     |    |             |     |    |

Total (Yes) 6 No 0

Absent 1

Floor Assignment Nelson

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

**REPORT OF STANDING COMMITTEE (410)**  
March 22, 2001 9:01 a.m.

**Module No: SR-50-6357**  
**Carrier: C. Nelson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HCR 3017: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3017 was placed on the Tenth order on the calendar.**