

2011 HOUSE JUDICIARY

HB 1064

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HB 1064  
January 10, 2011  
12674

☐ Conference Committee

Committee Clerk Signature



## Minutes:

Chairman DeKrey: We will open the hearing on HB 1064.

Robin Huseby, Executive Director, Commission on Legal Counsel for Indigents: Sponsor. Support (attached testimony). The reason why this is significant to us, we both contract for services with lawyers; we have about 40 lawyers that we contract with throughout the state, plus we have public defenders. This unnecessarily ties up our money, or so we interpret that we have to use it to contract rather than for the whole program. We ask for a Do Pass.

Rep. Steiner: How much money is involved here?

Robin Huseby: Well it flows every year; we collect around \$1.8 million out of the fee every biennium.

Rep. Delmore: But there won't be any change because that is money that is already going to you, correct.

Robin Huseby: Correct. It is money already going to us. In fact, I don't know that anyone would even know if we spent it to contract or not, but we want to be in compliance with the law.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing.

Rep. Koppelman: I move a Do Pass motion.

Rep. Maragos: Seconded.

14 YES 0 NO 0 ABSENT

DO PASS

CARRIER: Rep. Koppelman

Date: 1/10/11  
Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1064

House JUDICIARY Committee

☐ Check here for Conference Committee

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

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By \_\_\_\_\_ Seconded By \_\_\_\_\_

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Guggisberg	✓	
Rep. Beadle	✓		Rep. Hogan	✓	
Rep. Boehning	✓		Rep. Onstad	✓	
Rep. Brabandt	✓				
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Steiner	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Koppelman

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

**REPORT OF STANDING COMMITTEE**

**HB 1064: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS**  
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1064 was placed on the  
Eleventh order on the calendar.

2011 SENATE JUDICIARY

HB 1064

# 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Judiciary Committee**  
Fort Lincoln Room, State Capitol

HB1064  
2/16/11  
Job #14592

☐ Conference Committee

Committee Clerk Signature



## **Explanation or reason for introduction of bill/resolution:**

Relating to court administration fees

## **Minutes:**

There is attached written testimony

## **Senator Nething – Chairman**

**Jean Delaney** – Deputy Director Commission on Legal Counsel for Indigents – see written testimony.

**Senator Nelson** - Asks about the 12 court fees that were just included in a study resolution and if this isn't part of that.

**Senator Nething** - Replies regardless of that we will still need to make the change.

**Senator Sitte** - Asks if they will need to hire a full time person.

**Delaney** – Responds that they already have six public defender offices with full time attorneys that are employed by the state and it could be used to pay their salaries or other Agency expenses.

**Senator Nething** – Asks if she just wants to clarify the indigent defense part.

**Delaney** – Replies, that is correct.

**Opposition -0**

**Neutral – 0**

Close the hearing on 1064

**Senator Lyson** motions a do pass

**Senator Olafson** seconds

Roll call vote – 6 yes, 0 no

**Senator Lyson** will carry

Date: 2/16/11  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1064

Senate Judiciary Committee

☐ Check here for Conference Committee

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

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Lyson Seconded By Senator Olafson

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman	X		Carolyn Nelson	X	
Curtis Olafson - V. Chairman	X				
Stanley Lyson	X				
Margaret Sitte	X				
Ronald Sorvaag	X				

Total (Yes) 6 No 0

Absent \_\_\_\_\_

Floor Assignment Senator Lyson

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

**REPORT OF STANDING COMMITTEE**

**HB 1064: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1064 was placed on the  
Fourteenth order on the calendar.



2011 TESTIMONY

HB 1064

## House Bill No. 1064

Under the century code; section 29-26-22 (2), there is a fee the Courts can collect from the defendant called the court administration fee. This is a \$100.00 fee that is collected and split between our agency and the Supreme Court Court Administration Fund. Monies collected for us are placed into the Indigent Defense Fund.

Currently the statute states that the money deposited in the indigent defense administration fund, "must be used **to contract** for indigent defense services in this state...". When this section was enacted, we did not have the public defender system or our agency.

We are asking that the statute be amended to drop the two words "to contract" to allow us to spend the monies from the court administration fee for any indigent defense services, whether contracted or not. The language as is serves as an necessary stricture on how the money is spent.

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**HOUSE BILL 1064**  
**Testimony by Commission on Legal Counsel for Indigents**  
**Senate Judiciary Committee, February 16, 2011**

North Dakota Century Code section 29-26-22 (2), provides for a court administration fee in the amount of \$100.00. These fees are deposited into the indigent defense administration fund and the court facilities improvement and maintenance fund.

Currently the statute provides that the money deposited in the indigent defense administration fund "must be used **to contract** for indigent defense services in this state . . . ." However, when this section was enacted, we did not have the public defender system or our agency.

We are asking that the statute be amended to drop the two words "to contract" to allow the Commission to spend the monies from the court administration fee for any indigent defense services, whether contracted or not. The language as is serves as an <sup>fee</sup>necessary restriction on how the money is spent.

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