

2011 HOUSE JUDICIARY

HB 1065

2011 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1065
January 10, 2011
12679

☐ Conference Committee

Committee Clerk Signature

R. Penrose

Minutes:

Chairman DeKrey: We will open the hearing on HB 1065.

Robin Huseby, Executive Director, Commission on Legal Counsel for Indigents: Sponsor, support (testimony attached).

Rep. Koppelman: Has there been a problem with this, is the city asking your office to foot the bill.

Robin Huseby: No it has not been a problem; we just look at these statutes and try to be proactive on any problems that could arise.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition to HB 1065. We will close the hearing. We will take up HB 1065.

Rep. Hogan: I move a Do Pass motion.

Rep. Delmore: Second the motion.

14 YES 0 NO 0 ABSENT

DO PASS

CARRIER: Rep. Guggisberg

FISCAL NOTE

Requested by Legislative Council
12/22/2010

Bill/Resolution No.: HB 1065

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill clarifies that the cities are responsible for indigent defense services in all prosecutions for violations of city ordinances, whether in city court, district court, or on appeal. Cities have been paying indigent defense costs in these cases. No fiscal impact is anticipated.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

n/a

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

n/a

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

n/a

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

n/a

Name:	H. Jean Delaney	Agency:	Commission on Legal Counsel for Indigents
Phone Number:	701-845-8632	Date Prepared:	12/28/2010

Date: 4/10/11
Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1065

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 Rep. Hogan Seconded By Rep. Delmore

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. Guggisberg

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

REPORT OF STANDING COMMITTEE

HB 1065: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS**
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1065 was placed on the
Eleventh order on the calendar.

2011 SENATE JUDICIARY

HB 1065

2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

HB1065
2/16/11
Job #14598

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to payment of and reimbursement for indigent defense attorney's fees and expenses.

Minutes:

There is attached written testimony

Senator Nething – Chairman

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

Senator Nething – Asks if this has been a problem.

Delaney – Replies it has not been a problem, nothing would change on how things are done. This just clarifies it.

Senator Olafson – Asks what the definition of 40-18-06.2 is.

Delaney – Reads 40-18-06.2.

Opposition – 0

Neutral – 0

Close the hearing on 1065

Senator Lyson moves 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. 1065

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 1065: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1065 was placed on the
Fourteenth order on the calendar.

2011 TESTIMONY

HB 1065

House Bill No. 1065

We are supporting amending §29-07-01.1 of the North Dakota Century Code to clarify that not only must a city pay for indigent defense for city cases in city or municipal court, and cases from city court that get transferred to district court, but also for appeals or post conviction matters resulting from a violation of a municipal ordinance.

This bill merely clarifies that the city, in a city court matter, is responsible for indigent defense costs in city court cases from beginning to end; the end being a possible appeal or post conviction matter. Right now the statute is silent on the post trial proceedings, and this amendment will speak clearly on the issue of the financial responsibility.

Robin Huseby
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HOUSE BILL 1065
Testimony by Commission on Legal Counsel for Indigents
Senate Judiciary Committee, February 16, 2011

The Commission on Legal Counsel for Indigents supports amending §29-07-01.1 of the North Dakota Century Code to clarify that not only must a city pay for indigent defense for city cases in city or municipal court, and cases from city court that get transferred to district court for a jury trial, but also for cases transferred to district court pursuant to 40-18-06.2, and for any appeals or post conviction matters resulting from a violation of a municipal ordinance.

This bill merely clarifies that the city, in a prosecution for violation of a municipal ordinance, is responsible for indigent defense costs from beginning to end; the end being any possible appeal or post conviction matter.

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