

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2081

2001 SENATE JUDICIARY

SB 2081

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2081

Senate Judiciary Committee

Conference Committee

Hearing Date January 16, 2001

Tape Number	Side A	Side B	Meter #
1		X	36.4-54.0
2	X		0.0-5.9
Committee Clerk Signature			

Minutes: SENATOR TRAYNOR opened the hearing on SB 2081: A BILL FOR AN ACT TO AMEND AND REENACT SUBDIVISION A OF SUBSECTION 3 OF SECTION 12.1-32-08 AND SECTION 29-07-01.1 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO APPLICATION FEES FOR INDIGENT DEFENSE SERVICES, REIMBURSEMENT OF INDIGENT DEFENSE COSTS AND EXPENSES, AND CREATION OF AN INDIGENT DEFENSE ADMINISTRATION FUND; AND TO PROVIDE FOR A CONTINUING APPROPRIATION.

JIM GANJE, staff attorney Office of State Court Administrator, testifies for SB 2081.

(Testimony attached)

SENATOR TRAYNOR how was the fiscal note determined?

JIM GANJE Guess work. We looked at # of assignments where criminal cases have been assigned counsel. We charged a 25% to costs. Recovery of % ranges from 10-35%. We really won't know until it starts.

Page 2

Senate Judiciary Committee

Bill/Resolution Number SB 2034 7081

Hearing Date January 16th, 2001

SENATOR TRENBEATH this appears to mandate a 25 fee. Do fee only upon assignment.

JIM GANJE difficult question to answer. Criminal defense usually don't have a problem getting the application fee.

SENATOR TRENBEATH I'm not questioning the accounting process. I'm just talking about the 25 dollars if he doesn't need a counsel, which the defendant won't know.

JIM GANJE this is a provision in the language on page 2.

SENATOR TRENBEATH I agree.

JIM GANJE the court determines that defense needs council.

SENATOR TRENBEATH the court "here" is determining that he pay 25 dollars, and to me that isn't good.

SENATOR LYSINE has the supreme court taken over the indigent council payments.

JIM GANG yes.

SENATOR LYSINE does this include the mental health?

JIM GANG no.

JUDGE CLOVEN, from Grand Forks ND, speaks on behalf of SBA 2081. It's easy to get 25 dollars back for indigent defense.

CHARLES WHITMAN, representing city of Bismarek, testifies against 2081. (proposed amendments attached) Explains reasons for them. (meter # 1.9)

JERRY JUMSTAD, representing league of cities wanted to go on record in support of MR. WHITMAN.

SENATOR TRAYNOR CLOSED THE HEARING ON SB 2081. SENATOR NELSON

MOVES THE AMENDMENT ON SB 2081. SECONDED BY SENATOR WATNE. VOTE

INDICATED 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING. SENATOR TRENBEATH

Page 3

Senate Judiciary Committee

Bill/Resolution Number SB ~~2034~~ 2081

Hearing Date January 16th, 2001

OFFERED AN AMENDMENT TO SB 2081 (see attached). SECONDED BY SENATOR
DEVER. VOTE INDICATED 2 YEAS, 5 NAYS, AND 0 ABSENT AND NOT VOTING.
SENATOR BERCIER MOTIONED TO DO PASS AS AMENDED. SECONDED BY
SENATOR NELSON. SENATOR WATNE VOLUNTEERED TO CARRY THE BILL.

January 16th, 2001 tape 2, meter # 5,9

FISCAL NOTE
 Requested by Legislative Council
 12/14/2000

Bill/Resolution No.: SB 2081

Amendment to:

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.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$171,875		
Expenditures						
Appropriations						

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

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This will provide for funds to be collected from individuals who submit an application for appointed counsel. The funds would be used to help the administration of the indigent defense system and for the collection of indigent defense costs which are required to be reimbursed by indigents. Under this bill, each applicant would be required to pay an application fee of \$25 unless waived by the court.

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.*

Based on data from the first six months of the 1999-2001 biennium, it is estimated there will be 27,500 assignments in the 2001-2003 biennium. Estimating a maximum anticipated recovery of application fees from 25% of the assignments (assume 75% of application fees are waived), revenue is estimated to \$171,875 (\$6,875 x \$25).

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, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive*

budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

N/A

Name:	Keilhe E. Nelson	Agency:	Supreme Court
Phone Number:	328-4216	Date Prepared:	12/29/2000

PROPOSED AMENDMENTS TO SENATE BILL 2081

Page 1, line 15, replace the second "the" with "an"

Page 2, line 15, after "services." insert "For an application for appointed defense services in the district court,"

Page 2, line 15, replace "A" with "a"

Page 2, line 16, between "The" and "court" insert "district"

Renumber accordingly

Submitted by Charlie Whitman
For the City of Bismarck

Date:
Roll Call Vote #:

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2081

Senate Judiciary Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken to Amend SB 2081 line 15, pg. 2

Motion Made By Trenbeath Seconded By Dever

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

Total (Yes) 2 No 5

Absent 0

Floor Assignment _____

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

Date: Jan 16, 01
 Roll Call Vote #: 3

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2081

Senate Judiciary Committee

Subcommittee on: _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amad

Motion Made By Bercier Seconded By Nelson

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

Total (Yes) 6 No 1

Absent 0

Floor Assignment Watne

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

REPORT OF STANDING COMMITTEE (410)
January 18, 2001 3:44 p.m.

Module No: SR-08-1254
Carrier: Watne
Insert LC: 18066.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2081: Judiciary Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2081 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "the" with "an"

Page 2, line 15, replace "A" with "For an application for appointed defense services in the district court, a"

Page 2, line 16, after "The" insert "district"

Renumber accordingly

2001 SENATE APPROPRIATIONS

SB 2031

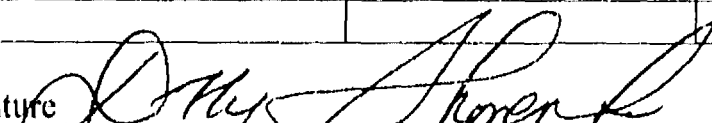
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2081

Senate Appropriations Committee

Conference Committee

Hearing Date January 29, 2001

Tape Number	Side A	Side B	Meter #
1		Indigent Defense System	38.0-44.2
Committee Clerk Signature 			

Minutes:

Senator Nething opened the hearing on SB 2081.

Jim Ganje, Staff Attorney, Supreme Court, gave a summary of SB 2081 with amendments (testimony attached).

Senator Nething: Why are we receiving this bill, the \$25.00 fee?

Jim Ganje: The fiscal note shows this; fees and recovery rate are estimated at 10-30%; imposing 25% recovery or \$171,875 per biennium. This fee revenue would be deposited in the fund and appropriated on a continued basis to the judicial branch to administer the indigent defense system.

Senator Solberg: How does this work today?

Jim Ganje: Application is filled out; the criminal defendant is reviewed by the court on financial status and attorney appointed quickly on the application process.

Senator Nething: And the waiver of these fees.

Page 2

Senate Appropriations Committee

Bill/Resolution Number SB 2091

Hearing Date January 29, 2001

Jim Ganje: The fee can be waived for the application fee depending on the criminals financial situation.

With no opposition, the hearing was closed. Tape #1, Side B, meter 44.2.

February 15, 2001 Full Committee Action (Tape 1, Side B, Meter No. 0.0 - 1.9)

Senator Nething reopened the hearing on SB2081.

Discussion. Senator Tallackson moved a DO PASS; seconded by Senator Holmberg. Roll call votes: 12 yes; 2 no; 2 absent and not voting.

Floor assignment was referred back to Senator Watne. Judiciary.

