

2009 HOUSE JUDICIARY

HB 1146

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1146

House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 1/14/09

Recorder Job Number: 7013, 7014

Committee Clerk Signature

*A. Penrose*

Minutes:

**Chairman DeKrey:** We will open the hearing on HB 1146. The State Bar Association of ND supports HB 1146 and their Executive Director could not be at the hearing but wanted them to be on record as supporting HB 1146.

**Jean Delaney, Dep. Director, ND Commission on Legal Counsel for Indigents:** Support (attachment).

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

**Chairman DeKrey:** What are the committee's wishes in regard to HB 1146.

**Rep. Wolf:** I move a Do Pass.

**Rep. Griffin:** Second.

13 YES 0 NO 0 ABSENT

DO PASS

CARRIER: Rep. Wolf

Date: 1/14/09  
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1146

**HOUSE JUDICIARY COMMITTEE**

☐ Check here for Conference Committee

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

Action Taken ☒ DP ☐ DNP ☐ DP AS AMEND ☐ DNP AS AMEND

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

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Vig	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Hatlestad	✓		Rep. Zaiser	✓	
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 13 No 0

Absent 0

Floor Carrier: Rep. Wolf

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

**REPORT OF STANDING COMMITTEE (410)**  
January 14, 2009 3:55 p.m.

**Module No: HR-07-0344**  
**Carrier: Wolf**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1146: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS**  
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1146 was placed on the  
Eleventh order on the calendar.

2009 SENATE JUDICIARY

HB 1146

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1146

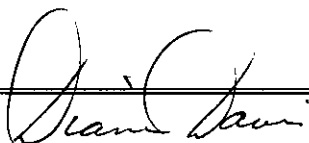
Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 2/16/09

Recorder Job Number: 9552

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

**Relating to the commission on legal counsel for indigents.**

**Jean Delaney** – Deputy Director on Legal Council for Indigents – See written testimony.

**Senator Nething** – Asks about the language the bill cleans up.

**Delaney** – The cleanup is using the party verses the defendant. So far there have been no problems. They represent parties so thought it would be appropriate to change the language.

**Senator Fiebiger** – Would like to know if the written policies are in place.

**Delaney** - Responds, yes they have policies and guidelines in place.

**Senator Nething** – Asks if there was a problem with the court trying to determine what indigent was.

**Delaney** – Said, on occasion courts have wanted to appoint an attorney that they have for indigent services to represent someone who has not been determined to be indigent and most likely isn't. Just difficult to deal with.

Close the hearing

**Senator Lyson** motions do pass

**Senator Schneider** seconds

Vote – 6-0 ----**Senator Lyson** will carry

Date: 2/16/09  
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

1146

Senate JUDICIARY Committee

☐ Check here for Conference Committee

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

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Sen. Lyson Seconded By Sen. Schneider

Senators	Yes	No	Senators	Yes	No
Sen. Dave Nething – Chairman	X		Sen. Tom Fiebiger	X	
Sen. Curtis Olafson – V. Chair.	X		Sen. Carolyn Nelson	X	
Sen. Stanley W. Lyson	X		Sen. Mac Schneider	X	

Total (Yes) \_\_\_\_\_ (N) \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment Sen. Lyson

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

**REPORT OF STANDING COMMITTEE (410)**  
February 16, 2009 12:49 p.m.

**Module No: SR-30-2880**  
**Carrier: Lyson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1146: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1146 was placed on the  
Fourteenth order on the calendar.



2009 TESTIMONY

HB 1146

**HB 1146**  
**Senate Judiciary Committee**  
**February 16, 2009**  
**Testimony of H. Jean Delaney**  
**North Dakota Commission on Legal Counsel for Indigents**

House Bill 1146 deals with a couple of changes to the Chapter that governs this agency. It clarifies that services are provided to "indigent" persons, and that determinations of indigency are made based on consistent standards across the state. It also cleans up the language in section 54-61-04 to provide that certain records regarding a "party," not just a "defendant" are confidential. The Commission provides indigent services to juveniles, and others, who are not technically "defendants."

*Same  
testimony given  
to House*