

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1083

2007 HOUSE APPROPRIATIONS

HB 1083

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1083

House Appropriations Committee
Government Operations Division

Check here for Conference Committee

Hearing Date: 1/16/07

Recorder Job Number: 1161

Committee Clerk Signature

Minutes:

Chairman Carlson opened the meeting on House Bill 1083. This is a bill for an Act to amend and reenact section 27-03-05 of the North Dakota Century Code, relating to fees charged and collected by the clerk of the Supreme Court.

Sally Holewa, State Court Administrator, spoke in support of the bill. She stated that the bill is a result of a hearing that was held over the summer in one of the interim committees that was looking at continuing appropriations. The interim committee had asked that the Supreme Court bring a bill to eliminate the continuing appropriations for the electronic filing fees.

Chairman Carlson: And that all it does?

Sally Holewa: That's all this bill does. We are keeping the fees but they are going to general revenue. What we have done is appropriated approximately \$3,500 into the printing costs in the general budget.

Representative Thoreson: This is just getting rid of the funds?

Sally Holewa: Yes

Chairman Carlson: The money goes where then?

Sally Holewa: The fees collected will go into the general revenue.

Chairman Carlson: The general revenue of your budget?

Sally Holewa: No the state general fund.

Representative Skarphol: When was the \$125 amount established? Is the number logical in this day and age?

Sally Holewa: The actual filing fee? I would have to refer that question to Penny.

Penny Miller: I have been with the court for 18 years and during that time it went from \$50 to \$125.

Representative Skarphol: Do you feel the fee is sufficient to cover the costs associated with what you do?

Penny Miller: Frankly, No but we are not perfect. The \$125 is just the filing fee. The e-filing surcharge was only \$25. The district court filing fees are much higher.

Representative Skarphol: Who makes the recommendation on when these fees need to be changed?

Penny Miller: We would but that is only a fee charged to civil cases not criminal cases.

Vice Chairman Carlisle: How did we end up with the bill?

Chairman Carlson: Eventually if a bill says appropriations in it there is a good chance especially in continuing appropriations when we take that authority away or give that authority that is probably going to end up with us. Procedurally when we deal with a bill like this our recommendation goes to the full committee.

Representative Kroeber: From the \$125 what is the number of dollars we take in?

Sally Holewa: It is not the \$125 fee we are eliminating it is the \$25 fee for the e-filing.

Chairman Carlson: closed the hearing.

The committee then took action on the bill. There was a motion by Representative Kempenich and seconded by Vice Chairman Carlisle to DO PASS the bill. The roll call votes were eight votes of yes to pass the bill. The bill will be carried by Representative Thoreson.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1083

House Appropriations Committee

Check here for Conference Committee

Hearing Date: January 22, 2007

Recorder Job Number: 1533

Committee Clerk Signature

Minutes:

Rep. Svedjan, Chairman opened the hearing on HB 1083, A Bill for an Act to amend and reenact section 27-03-05 of the North Dakota Century Code, relating to fees charged and collected by the clerk of the Supreme Court.

Rep. Thoreson explains the bill. It eliminates the continuing appropriations for the electronic filing fees. The money will go into the general fund. The Government Operations section gave this bill a "Do Pass" recommendation of 8-0.

Rep. Thoreson makes a "Do Pass" motion before the Full Committee. **Rep. Klein** seconds the motion.

Hearing no discussion, **Chm. Svedjan** calls for a vote.

The motion carries on a roll call vote of **23 ayes, 0 nays, and 1 absent**. **Rep. Thoreson** will carry the bill.

FISCAL NOTE

Requested by Legislative Council

12/27/2006

Bill/Resolution No.: HB 1083

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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 eliminates the electronic filing administration fund continuing appropriation. Any electronic filing processing fees collected by the supreme court will be deposited to the general fund. Associated expenses of \$3,500 have been included in the judicial branch budget request.

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.*

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.*

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.*

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.*

Name:	Susan Sisk	Agency:	Supreme Court
Phone Number:	328-3509	Date Prepared:	01/03/2007

Date: 1/16/07
 Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 1083

House _____ Appropriations- Government Operations _____ Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass - Go to Full Committee

Motion Made By Kempenich Seconded By Carlisle

Representatives	Yes	No	Representatives	Yes	No
Chairman Al Carlson	X		Vice Chairman Ron Carlisle	X	
Rep Keith Kempenich	X		Rep Bob Skarphol	X	
Rep Blair Thoreson	X		Rep Eliot Glassheim	X	
Rep Joe Kroeber	X		Rep Clark Williams	X	

Total Yes 8 No _____

Absent _____

Floor Assignment Carried by Thoreson

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

Date: January 22, 2007
Roll Call Vote #: _____

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1083**

House Appropriations Full Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Thoreson Seconded By Rep. Klein

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	X				
Vice Chairman Kempenich	X				
Representative Wald	X		Representative Aarsvold		
Representative Monson	X		Representative Gulleason	X	
Representative Hawken	X				
Representative Klein	X				
Representative Martinson	X				
Representative Carlson	X		Representative Glassheim	X	
Representative Carlisle	X		Representative Kroeber	X	
Representative Skarphol	X		Representative Williams	X	
Representative Thoreson	X				
Representative Pollert	X		Representative Ekstrom	X	
Representative Bellew	X		Representative Kerzman	X	
Representative Kreidt	X		Representative Metcalf	X	
Representative Nelson	X				
Representative Wieland	X				

Total (Yes) 23 No 0

Absent 1

Floor Assignment Rep. Thoreson

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

REPORT OF STANDING COMMITTEE (410)
January 24, 2007 11:11 a.m.

Module No: HR-14-1111
Carrier: Thoreson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1083: Appropriations Committee (Rep. Svedjan, Chairman) recommends DO PASS
(23 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1083 was placed on the
Eleventh order on the calendar.

2007 SENATE JUDICIARY

HB 1083

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1083

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: February 21, 2007

Recorder Job Number: 3675 & 3679

Committee Clerk Signature *Maria Sallone*

Minutes: Relating to fees charged and collected by the clerk of the Supreme Court.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following hearing:

Testimony in Favor of the Bill:

Saly Holewa, State Court Administrator, introduced the bill. This bill was proposed by us as an easier way to do our electronic fees. We do not need the appropriations from this and could do the cost in our budget. She reviewed the process with Sen. Nething. The copy fee of \$25, adds up to approximately \$4,000. It is easier from an accounting stand point to budget this out of the general fund and having the incomes also go into the general fund. We will still collect the fee, it is where it is held that will change.

Gary Ramsey, Greenwood and Ramsey Law Firm, Dickenson Attorney (meter 5:60) gave his testimony – Att. #1a, and apologized for submitting a late amendment – Att. #1C. He also gave the committee a brochure – Att. #1b. He spoke of the Chief Justices approval of the amendment.

Sen. Nething questioned (meter 9:00) the removal of the cap he and why he could not give a "project" budget of a forecasted budget. Mr. Ramsey stated that since 1995 the funding coming from legal serves have had cuts continuously. How in the past 12 years, every year is a struggle. He did not understand why the budget had a cap to begin with. In general the fund will not help ND, but it will help the poor. This fund needs more money.

Sen. Nething asked if this request (amendment) was heard in the house? No. You want me to not increase the cap, say to \$500,000- but remove the cap completely. I could not predict what the house would do with this type of an amendment. I would be more comfortable if I had a dollar amount from you.

Sen. Nelson asked if the organization worked with the indigent defense services. No our services can only do civil services, not criminal services. We also do Juvenile Services.

Mr. Jim Fitzsimons, Board of Director-volunteer (meter 18:03) Gave additional background of the organization. Five offices that handle approximately 5,000 cases a year. In 2003 we became a state wide organization. He stated that he could accept a cap. 11% of our funds come from the filing fees, since 1989. This years budget was \$1.88 million and gave a breakdown of the budget (meter 20:02) and were current funds come from.

Sen. Fiebiger asked of the caseload (meter 22:31) This year we had 5,000 cases and 4 went to the supreme court.

Sen. Olafson reviewed the screening process of who would qualify for these services, referring to page 7 of the news letter.

Sen. Nething spoke of the amendment would have to go to appropriations, if the amendment would pass. In that committee they will ask for a very detailed budget.

Testimony Against the bill:

None

Testimony Neutral to the bill:

None

Senator David Nething, Chairman closed the hearing.

Recorder Job Number: 3679

Senator David Nething, Chairman reopened the hearing.

The committee spoke of the organizations past appropriations having been eliminated and the \$1.88 million budget. The committee thought the work of the organization was worth its while.

They discussed that they would be more comfortable if they had had a new "cap" amount.

Sen. Nething will research what appropriations in the houses opinion might be on the amendment.

Senator David Nething, Chairman closed the hearing.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1083

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: February 27, 2007

Recorder Job Number: 3999

Committee Clerk Signature *Maria L. Solberg*

Minutes: Relating to fees charged and collected by the clerk of the Supreme Court.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

Sen. Fiebiger spoke of Amendment Att. 1c from 2/21. They discussed that the house has not heard any of the new testimony (the amendment) and spoke to where the removal of the cap would be.

Sen. Olafson stated that if we amend the bill, it will go back to the house. **Sen. Nething** spoke that it would more then likely be a conference committee. They did not like the fact that the amendment had not been posted for opposing party's to have there opportunity. **Sen. Nelson** remembered them stating that they had plans to come back to this in the 2009 legislature.

Sen. Nelson made the motion to Do Pass HB 1083 and **Sen. Marcellais** seconded the motion. All members were in favor and the motion passes.

Carrier: **Sen. Nething**

Senator David Nething, Chairman closed the hearing.

Date: 2-27-07
Roll Call Vote # 1 of 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1083

Senate _____ Judiciary _____ Committee _____

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Nelson Seconded By Sen. Marcellais

Senators	Yes	No	Senators	Yes	No
Sen. Nething	✓		Sen. Flebiger	✓	
Sen. Lyson	✓		Sen. Marcellais	✓	
Sen. Olafson	✓		Sen. Nelson	✓	

Total Yes 6 No 0

Absent 0

Floor Assignment Sen. Nething

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

REPORT OF STANDING COMMITTEE (410)
February 27, 2007 1:17 p.m.

Module No: SR-37-4007
Carrier: Nething
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1083: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1083 was placed on the
Fourteenth order on the calendar.

2007 TESTIMONY

HB 1083

Att #1a
1-21-07

Testimony of Gary Ramsey in Support of H.B. 1083
Before the Senate Judiciary Committee, February 21, 2007

Senator Nething and Committee members: My name is Gary Ramsey. I am a partner in the Greenwood and Ramsey law firm located in Dickinson, ND. I am here today in my capacity as an attorney member of the Board of Directors of Legal Services of North Dakota and a past president of that organization. Our current Board President, Wade Enget of Stanley, ND, could not be here today as he is recovering from surgery.

I am here in support of H.B. 1083 and also to offer an amendment which I hope you will favorably consider. I have provided you with a written copy of the proposed amendment. I have also received the consent of the Chief Justice of the North Dakota Supreme Court to offer this amendment to H.B. 1083. I understand that this is late in the process and will very shortly explain why.

My amendment addresses N.D.C.C. 27-05-03 which establishes the fees charged by the Clerk of District Court in a civil case. My amendment does not seek to raise or increase that fee in any way, shape or form.

Since 1997 \$15.00 of each civil court filing fee goes to the Indigent Civil Legal Services fund established under N.D.C.C. 54-06-02. The money is then distributed to Legal Services of North Dakota (LSND) and the other civil legal assistance programs in North Dakota by the OMB, the State Court Administrator, and the Lieutenant Governor's three person committee. The distribution is capped at \$400,000 per biennium. The money collected in fees over and above that amount goes into the general fund.

Based on the information I have from the State Treasurer's Office; back in 2001, the amount over the cap was roughly \$17,000. In 2005 it was about \$80,000 and the State Treasurer's Office tells us that the amount will be close to \$90,000 for the biennium ending in June 2007.

The amendment that I am proposing to H.B. 1083 would remove the cap and allow funds over \$400,000 per biennium to be distributed to the civil legal services programs. It has become increasingly difficult for civil legal assistance programs to provide the same level of services to the rural areas over the past ten years with the huge increases in gas prices. Despite that, as you can see by the attached outreach schedule, they are somehow doing so. This small amount of funding would make a very significant impact on LSND's continued services as we strive to provide civil legal help in all 53 counties in North Dakota.

In closing, I would like to thank you, Senator Nething and Committee members, for your time and patience today. We had originally planned to make this request in the 2009 session. However, shortly after the first of the year, we learned from the State Treasurer's Office that after this biennium ending June 30, 2007, there will be no practical way to calculate the amount of funds over the cap going into the general fund. Each county will start combining these funds with other revenues they obtain and forward the same to the State Treasurer.

I will be more than happy to try to answer any questions the Committee has at this time.

HH # 1C
2-21-07

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1083

Page 1, line 1, after "27-03-05" insert "and subsection 1(a)(1) of section 27-05.2-03"

Page 1, line 2, after "court" insert "and fees charged and collected by the clerk of district court for the civil legal services fund"

Page 1, after line 14, insert:

SECTION 2. AMENDMENT. Subsection 1(a)(1) of 27-05.2-03 of the North Dakota Century Code is amended and reenacted as follows:

1. A clerk of the district court shall charge and collect the following fees in civil cases:

a. For filing a case for decision that is not a small claims action, eighty dollars.

(1) Fifteen dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the civil legal services fund. ~~Any fees collected under this paragraph which exceed four hundred thousand dollars in any biennium must be paid by the clerk of court to the state treasurer for deposit in the state general fund.~~

Renumber accordingly

Legal Services of NORTH DAKOTA Outreach Calendar of Events

<u>LOCATION</u>	<u>TIME</u>	<u>DAY</u>
Belcourt, Belcourt Retirement Home	10:00a.m.-11:00a.m.	Every Wednesday of Each Month
Bismarck, Bismarck Senior Center	3:00p.m.-4:30p.m.CT	2nd Wednesday of Each Month
Bowman, Pleasant Manor Community Room	8:30a.m.-10:30a.m.MT	Second Tuesday of Each Month
Dickinson, Sunset Senior Center	1:00p.m.-3:00p.m.MT	Last Wednesday of Each Month
Devils Lake, Senior Center	10:00a.m.-2:00p.m.CT	2nd & 4th Thursday of Each Month
Fargo, Bethany Homes	1:00p.m.-2:00p.m.CT	2nd Tuesday of Each Month
Fargo, YMCA Shelter	2:00p.m.-4:00p.m.CT	2nd & 4th Wednesday of Each Month
Fort Totten, Spirit Lake Tribal Courthouse	10:00a.m.-2:00p.m.CT	Each Friday of Each Month
Grand Ullin, City Hall	9:00a.m.-11:00a.m.CT	Last Wednesday of Each Month
Grand Forks, Red River Community Action	11:00a.m.-2:00p.m.CT	Each Thursday of Each Month
Hamstead, James River Senior Citizen Center	10:30p.m.-2:30p.m.CT	3rd Thursday of Each Month
Hebron, Emmons County Courthouse	1:30p.m.-4:00p.m.CT	Last Tuesday of Each Month
Mandan, Golden Age Senior Center	2:00p.m.-4:00p.m.CT	3rd Tuesday of Each Month
Minot, All Saints Episcopal Church	11:30a.m.-12:30p.m.CT	3rd Thursday of Each Month
Minot, Christ Lutheran Church	11:30a.m.-12:30p.m.CT	3rd Tuesday of Each Month
Minot, Commission on Aging	1:00p.m.-2:00p.m.CT	3rd Thursday of Each Month
Minot, Faith United Methodist Church	11:30a.m.-12:30p.m.CT	1st Monday of Each Month
Minot, First Lutheran Church	11:30a.m.-12:30p.m.CT	1st Friday of Each Month
Minot, Immanuel Baptist Church	11:30a.m.-12:30p.m.CT	1st Wednesday of Each Month
Minot, Manor Care	2:30p.m.-4:30p.m.CT	2nd Wednesday of Each Month
Minot, Milton Young Towers	1:00p.m.-2:00p.m.CT	4th Wednesday of Each Month
Mott, Cannonball Senior Center	12:30p.m.-2:30p.m.MT	Second Tuesday of Each Month
Washburn, McLean County Courthouse	9:00a.m.-12:00p.m.CT	1st Tuesday of Each Month
Watford City, McKenzie County Social Service	11:15a.m.-12:00p.m.CT	2nd Monday of Each Month
Watford City, Good Shepherd Home	1:00p.m.-1:30p.m.CT	2nd Monday of Each Month
White Shield, White Shield Complex Building	10:00a.m.-11:30a.m.CT	1st & 3rd Wednesday of Each Month
Williston, Heritage Center	1:00p.m.-2:30p.m.CT	1st Thursday of Each Month
Williston, Williams County Courthouse	10:00a.m.-12:00p.m.CT	1st Thursday of Each Month
Wishek, Wishek Senior Center	9:30a.m.-12:00p.m.CT	Last Tuesday of Each Month

"To do more for the world than the world does for you - that is success." —Henry Ford

How to Contact LSND

1. Call our general toll-free number 1-800-634-5263. Monday through Friday from 9:00 a.m. to 3:00 p.m. If you must wait, please be patient, you will be helped. People 60 or over call 1-866-621-9886. Website applications may be made by going to <http://www.legalassist.org>
2. When you call on legal matters, an intake worker will ask you a few questions to find out if you are eligible for LSND's help. Everything you say is strictly confidential.
3. If you are eligible, a staff member will ask you a few more questions. These questions are to find out if you are eligible for LSND's help.
4. Eligible clients may receive advice right away.
5. If you need more than advice, LSND may also work on your case.
6. If LSND cannot assist you, a referral may be made to another organization that might be able to help you.

LSND also *prepares, distributes and presents* information about the legal rights of disadvantaged elderly and low-income people. Please contact LSND to request a presentation on topics of interest.

The services are free, however you may have to pay all or part of costs such as required filing fees and service fees. Many times there are no such charges. Donations to LSND are always welcome.

Individuals applying for legal services will not be subjected to discrimination.

Legal Services of North Dakota, (LSND) is a non-profit organization which provides legal help to disadvantaged elderly or low-income North Dakotans.

Bismarck Regional Office
1025 Third St North, PO Box 2419
Bismarck, ND 58502-2419

Minot Regional Office
20 1st St SW Suite 201, PO Box 1666
Minot, ND 58702

Fargo Regional Office
118 Broadway #704, PO Box 1327
Fargo, ND 58107

New Town Regional Office
PO Box 217
New Town, ND 58763

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Newsletter

Welcome to the Legal Services of North Dakota (LSND) homepage. LSND offers free civil legal services for people who meet our eligibility guidelines. We provide services in the following areas.

Priorities:



Public Benefits



Family and Children



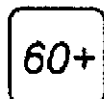
Domestic Violence



Housing, Landlord/Tenant, and Eviction



Consumer



Elderly



Indian Law



Health



Immigration



Civil Rights



Taxes



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Legal Services of North Dakota Brochure List

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