

**2019 SENATE JUDICIARY**

**SB 2066**

# 2019 SENATE STANDING COMMITTEE MINUTES

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

SB 2066  
1/7/2019  
#30449 (5:17)

- Subcommittee  
 Conference Committee

Committee Clerk: Meghan Pegel
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## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 27-05.2-09 of the North Dakota Century Code, relating to the court facilities improvement advisory committee.

## Minutes:

No Attachments
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**Chair Larson** opened the hearing on SB 2066.

**Sally Holewa**, State Court Administrator, testifying in favor for bill.

**Holewa:** This bill is introduced by the Supreme Court at the request of the Court Facilities Improvement Advisory Committee. This committee was established by statute and its purpose is to take funds that are dedicated to the improvement and maintenance of County Courthouses and to give grants to the counties for that purpose. The committee is required by its bylaws to submit a grant proposal each year. That's done in order to get within the counties' budgeting practices. The bylaws require that the committee meet no later than January 31<sup>st</sup> of each year so that we can make the grant awards and the counties can proceed with whatever project they've got an award for. Right now in order to make decisions we are required to have a super majority of 4 out of 5 committee members. That is sometimes difficult to get at least 4 members present for the vote in that one-month time period. We're asking that the requirement be reduced from 4 to 3.

**Vice Chair Dwyer:** Why wouldn't these appointees be interested enough in the subject matter to be present?

**Holewa:** They are interested but it has run into obstacles such as vacations. We're required to have a legislative member and at times we've had to work around the legislative schedule. We'll start and sometimes they'll have to leave for floor session or something to that effect. It's been more a matter of unavoidably detained.

**Senator Bakke:** How often does this committee meet?

**Holewa:** Just once a year in January.

Senate Judiciary Committee  
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**Senator Osland: Moved a Do Pass.  
Vice Chairman Dwyer: Seconded.**

**A Roll Call Vote Was Taken: 6 Yeas, 0 Nays, 0 Absent. Motion carries.**

**Senator Bakke will carry the bill.**

**2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2066**

Senate Judiciary Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar

Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Senator Osland    Seconded By Vice Chair Dwyer

Senators	Yes	No	Senators	Yes	No
Chair Larson	X		Senator Bakke	X	
Vice Chair Dwyer	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Osland	X				

Total    (Yes) 6    No 0

Absent 0

Floor Assignment Senator Bakke

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

**REPORT OF STANDING COMMITTEE**

**SB 2066: Judiciary Committee (Sen. D. Larson, Chairman) recommends DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2066 was placed on the  
Eleventh order on the calendar.

**2019 HOUSE JUDICIARY**

**SB 2066**

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Prairie Room, State Capitol

SB 2066  
3/4/2019  
33095

- Subcommittee  
 Conference Committee

Committee Clerk: DeLores D. Shimek

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

Relating to the court facilities improvement advisory committee.

## **Minutes:**

**Chairman Koppelman:** Opened the hearing on SB 2066.

**Sally Holewa, State Court Administrator:** Going back to 2003 at the courts suggestion the legislature instituted this grant fund. They took the court administration fee; which is \$100 fee on all convictions and they split that fee so the first \$750,000 collected goes to fund indigent defense; the next \$450,000 goes to this grant fund. After those two amounts are met; then the money is split 50-50 between the two fund. The purpose of the fund to give counties money to improve or maintain the courthouses. When this was set up there was a five-member grant advisory committee chaired by the state court administrator. We have one legislator on it; it is current Diane Larson from Bismarck; two county commissioners on that board and one attorney from the state bar association. By statute right now we have to have a super majority of four to take any action to award grants or rescind grants. This committee only meets once a year in January. It has been difficult to always have a full quorum for the whole meeting. We are requesting to reduce that to a simple majority of three.

**Rep. Rick Becker:** Do the board members get paid?

**Sally Holewa:** There is no payment; they get mileage when they come in. We essentially provide lunch.

**Rep. McWilliams:** When they are voting on these grants how much money are we talking about?

**Sally Holewa:** We average about \$1 million a year. Traditionally we have had a lot more requests than money. This year we had about \$850,000 available. For once we will be carrying a balance of \$400,000.

**Rep. Jones:** There are three from Bismarck; where are the other two from?

**Sally Holewa:** One is from Dunn County and one from Richland County.

**Chairman K. Koppelman:** So the grants go to local courts?

**Sally Holewa:** The grant requests actually come through the county auditors and they go back to the county in reimbursement. We require it is for a future project and when the project is done they turn in their receipts and then we send the money out.

**Chairman K. Koppelman:** The problem you are trying to fix in the bill is you might have a meeting where you have three people showing up out of the five; but they can't act because it takes four to act. Is that correct?

**Sally Holewa:** That is correct. We have a meeting tomorrow to discuss some issues with two of the grants that we awarded in January and scheduled it for 8:30 am because we were working around Senator Larson's schedule.

**Rep. Paur:** There are two commissioners; there is Sen. Larson and somebody from the bar?

**Sally Holewa:** The thumb is me; the state coordinator.

Opposition: None

Neutral: None

Hearing Closed.

**Chairman K. Koppelman:** Years ago in ND we did court unification where we use to have county courts and each county had a courthouse etc. there are no more county courts; there are municipal courts where somethings are tried. Primarily we deal with a state court system where there are district courts and the supreme court acts as the court of appeals. On line 14 in this statute the legislative member is appointed by the chairman of legislative management; which leads me to believe there is probably the normal compensation that a legislator would get during a day of interim committee meetings.

### **Do Pass Motion Made by Vice Chairman Karls; Seconded by Rep. Jones**

Discussion:

**Rep. Rick Becker:** I am trying to figure out how to vote so that they will give out less and we will have a bigger carry over so we can do less appropriation.

**Chairman K. Koppelman:** The money here is what has been allocated for those grants. Years ago when we had county courts they were responsible for the buildings and maintenance and improvements; the counties are saying we are providing the space so you can give us moneys for this or that and they have done that. That is a reasonable trade off. Conviction fees is the funding source.

**Rep. Magrum:** I want to resist this motion because they are still dealing with a lot of dollars and I think they should have at least five members; not two less?

**Rep. Jones:** The reason I am for this is I assume that the thumb is doing all the work and assembling all the information and getting it to these people so a lot of decisions are pretty much vetted by the time they get together for the meeting. If it just depended on the work at the meeting I would be more concerned.

**Roll Call Vote: 8 Yes 5 No 1 Absent Carrier: Vice Chairman Karls**

Closed.

2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2066

House Judiciary Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar

Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By KARLS Seconded By Jones

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman	✓		Rep. Buffalo	✓	
Vice Chairman Karls	✓		Rep. Karla Rose Hanson	✓	
Rep. Becker		✓			
Rep. Terry Jones	✓				
Rep. Magrum		✓			
Rep. McWilliams		✓			
Rep. B. Paulson	✓				
Rep. Paur		✓			
Rep. Roers Jones	✓				
Rep. Satrom	✓				
Rep. Simons		✓			
Rep. Vetter	✓				

Total (Yes) 8 No 5

Absent 1

Floor Assignment Rep Karls

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

**REPORT OF STANDING COMMITTEE**

**SB 2066: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends DO PASS**  
(8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SB 2066 was placed on the  
Fourteenth order on the calendar.