

Conference Call Minutes

June 30, 2003

Present

Chief Justice Gerald W. VandeWalle, Chair
Judge Norman Backes
Judge M. Richard Geiger
Judge Benny Graff
Judge Robert Holte
Judge Debbie Kleven
Judge John Paulson
Judge Allan Schmalenberger

Staff

Ted Gladden
Greg Wallace

Other Present

Susan Sisk

The status of the budget was reviewed by Ted Gladden. He indicated that as of the end of the biennium, the only program area over expended requiring additional consideration is the indigent defense program area. Chief Justice VandeWalle expressed concern that since the indigent defense application fee fund is a continuing appropriation, we may need these funds during the 03-05 biennium and should not expend them as we have adequate funds in the operating budget to cover this expenditure. After discussion, IT WAS MOVED AND SECONDED TO COVER THE OVER EXPENDITURE OUT OF OPERATING FUNDS, NOT FROM THE INDIGENT DEFENSE APPLICATION FEE FUND. MOTION CARRIED.

Indigent Defense Administration Fee

Discussion then focused on implementation of HB 1088. After reviewing Jim Ganje's memorandum, IT WAS MOVED AND SECONDED TO APPLY THE NEW FEE STRUCTURE TO OFFENSES COMMITTED AFTER JULY 1, 2003. MOTION CARRIED.

Discussion then shifted to the priority list prepared by Greg Wallace. He stated that administrative fees collected on cases that have been filed or charged before July 1, 2003, will go to the state general fund. Administrative fees collected after that date will go into earmarked funds as part of a continuing appropriation to the judiciary for administration of indigent defense services.

After further discussion, IT WAS MOVED AND SECONDED TO ADOPT THE PRIORITY LIST AS PREPARED BY MR. WALLACE. MOTION CARRIED.

Discussion then focused on indigent defense recoupment. It was agreed that this was not a normal cost and should be considered separately from the other administrative fees. It was also agreed that the payment of fees should apply to the oldest case first. Once all costs and fines have been paid on the oldest case, then payments will commence on any subsequent case.

Meeting adjourned.