

(prepare in triplicate)

FISCAL NOTE

prepared in regard to:

House Bill No. 1162

(List bill or resolution and number, if available, or subject)

Amendment to: Section 37-01-12 of the North Dakota Century Code

(List bill or resolution and number)

Requested by: Adjutant General Date of receipt: 14 January 19 75

In the following space note the fiscal effect in dollars of the legislative proposal. If additional space is needed, attach a supplementary sheet. (Please type)

An attempt to provide a fiscal note relative to the bill in question would appear to be a virtual impossibility. There seems to be no way in which one could predict the potential costs involved in providing for the legal representation for guardsmen who might be charged in a suit while performing official duties. There are so many variables involved such as the number of persons, scope of the action, time etc.

Only once has it been necessary for the National Guard of North Dakota to provide funding relative to a court action involving a guardsman and that was limited to providing transportation and per diem costs to several guardsmen who were subpoenaed to testify. Therefore we do not possess any valid historical data to accomplish this fiscal note.

On the other hand as an example as to the extremes which might occur, we can compare the case I have just mentioned to the case involving Ohio guardsmen who were tried in court following the Kent State incident a few years ago.

For these reasons, I find it impossible to prepare a fiscal note which would even approach being a valid estimate.

Date of preparation: 14 January 1975

Signed La Clair A. Melhouse

Typed Name- LA CLAIR A. MELHOUSE

Department Adjutant General