

(Return in triplicate)

FISCAL NOTE

FEB 9 1983

Bill/Resolution No.: HB #1057 Amendment to: HB #1057 First  
Engrossment  
Requested by: Legislative Council Date of Receipt: 2/9/83

Please estimate the fiscal impact of the above measure for:

State general or special funds       Counties       Cities

In the following space note the fiscal effect in dollars of this measure:

Narrative:

We anticipate no fiscal impact based on the assumptions contained in the attached letter.

State Fiscal Effect:

<u>1983-84</u>		<u>1984-85</u>		<u>Biennium Total</u>	
<u>Special Funds</u>	<u>General Fund</u>	<u>Special Funds</u>	<u>General Fund</u>	<u>Special Funds</u>	<u>General Fund</u>
-0-	-0-	-0-	-0-	-0-	-0-

County and City Fiscal Effect:

<u>1983-84</u>		<u>1984-85</u>		<u>Biennium Total</u>	
<u>Counties</u>	<u>Cities</u>	<u>Counties</u>	<u>Cities</u>	<u>Counties</u>	<u>Cities</u>

If additional space is needed, attach a supplemental sheet.

Signed Mike Schwindt

Typed Name Mike Schwindt

Date prepared: 2/9/82

Department Human Services

NORTH DAKOTA  
DEPARTMENT OF HUMAN SERVICES

DALE MOUG, EXECUTIVE DIRECTOR

STATE CAPITOL, BISMARCK, ND 58505  
Telephone: (701) 224-2310



Allen I. Olson  
Governor

ECONOMIC ASSISTANCE  
MEDICAL SERVICES  
HUMAN SERVICES  
Vocational Rehabilitation  
Developmental Disabilities  
Social Services  
Mental Health, Alcoholism  
& Drug Abuse Services

February 3, 1983

Honorable Earl R. Pomeroy  
ND House of Representatives  
State Capitol  
Bismarck, ND 58505

HUMAN SERVICE CENTERS

Re: HB 1057

Dear Representative Pomeroy:

This is in followup to our brief discussion regarding the fiscal note accompanying HB 1057.

BADLANDS  
Fulver Hall  
Dickinson State College  
Dickinson, ND 58601  
Telephone: 227-2771

As you know, the fiscal note prepared by our department reflects a total general fund impact of \$240,080. The estimate was predicated on the assumption that counsel would be appointed by the court on behalf of all allegedly incapacitated individuals for whom guardianship may be sought in the 83-85 biennium.

LAKE REGION  
Highway 2 West  
Devils Lake, ND 58301  
Telephone: 662-4943

You have brought to my attention Section 30.1-28-03(2), NDCC, which requires the court to appoint an "appropriate official" or attorney to represent allegedly incapacitated persons in proceedings for guardianship in instances where the individual does not have counsel of his own choice.

NORTH CENTRAL  
400 22nd Avenue, N.W.  
Minot, ND 58701  
Telephone: 852-1251

Assuming it will be the practice of the courts to appoint "appropriate officials" as opposed to attorneys in these proceedings, there should be minimal fiscal impact.

NORTHEAST  
1407 24th Avenue South  
Grand Forks, ND 58201  
Telephone: 746-9411

The remaining areas of potential impact relate to: the state law requirement that the court cause the allegedly incapacitated individual to be examined by a court appointed physician; and, the individual's right to present evidence which, although unlikely in a majority of the proceedings, could entail the calling of expert witnesses, the costs of which could be assessed against the department if the individual is indigent.

NORTHWEST  
316 Second Avenue West  
Box 1568  
Williston, ND 58801  
Telephone: 572-8126

With respect to defraying the costs of court appointed physicians called upon to examine allegedly incapacitated persons, it is assumed that the Medicaid program, in most instances, would pay the costs. Additionally, the courts may be persuaded to appoint and accept the reports of staff physicians at Grafton-San Haven or physician consultants on contract with the human service centers.

SOUTH CENTRAL  
Jamestown, ND 58401  
Telephone: 252-2641

SOUTHEAST  
15 Broadway  
Fargo, ND 58102  
Telephone: 237-4513

WEST CENTRAL  
600 South 2nd Street  
Bismarck, ND 58505  
Telephone: 255-3090

Honorable Earl R. Pomeroy  
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As to defraying the costs of expert witnesses, it is anticipated that in most instances these experts will be public employees acting in their official capacity for which there will be no charge.

In summary, there will be no appreciable fiscal impact upon the general fund should HB 1057 become law, assuming:

- 1) The courts will appoint appropriate officials rather than attorneys;
- 2) The courts will appoint physicians in the employ of or under contract with the state;
- 3) The expert witnesses which may be called on behalf of allegedly incapacitated persons will be public employees.

Very truly yours,

Wayne J. Anderson  
Deputy Executive Director

WJA:rel