

Billings County Courthouse

Since 1886

Juliana Hammerstrom
Clerk of Court

495 4th Street
PO Box 138
Medora, ND 58645
701-623-4491

TESTIMONY ON SENATE BILL NO. 2277
Senate Judiciary Committee
January 23, 2023

Chairwoman Larson and members of the Senate Judiciary Committee:

My name is Juliana Hammerstrom, and I proudly serve as the Recorder/Clerk of Court for Billings County. Billings County is a contract county to the State of North Dakota. As written, I stand in opposition of SB 2277.

This bill seeks to transfer county clerks of court staff to state employment. If such a transition were to take place, it would dramatically change the responsibility and representation of county government in the North Dakota judicial system.

Senate Bill 2277 lacks transparency and the members of this committee should note there is little to no evidence why the transition of county clerks to state controlled employment should be made. A long standing, one sided argument from the State Judicial Administration that county clerks of court are inadequate lacks merit and is inconsiderate of county governments and the people who serve in them. The State Judicial Administration has also not provided a valid and transparent plan of execution for this proposal. Implementation without sufficient evidence, review, and planning is not responsible and county and state governments will be negatively impacted.

Negative impacts should be strongly considered. I believe this proposal would affect Billings County and our judicial system in the following ways:

1. **Loss of Services to the public:** Clerks of court from contract counties are most often from the areas they serve, and often elected officials. A good understanding of environment and community is essential to excellent service in public offices. I am concerned the state rollover will change assignments of local clerks and prohibit the ability in which we previously served. The state may attempt to consolidate rural offices and over time, may not budget for in-person offices. Combining caseloads of several jurisdictions for one clerk may also hinder services. Rural communities are often poorly considered and state authority has often ignored why and how rural counties must serve individuals independently from state policies and procedures.
2. **Loss of transparency and services to other county offices:** In Billings County, the Clerk of Court works very closely with the Sheriff's Office, State's Attorney's Office, The City of Medora Police Department, and the County Auditor's Office. The proposal does not give any information how these relationships will continue under state administration and how they will be managed moving forward which is greatly concerning.

3. Loss of jobs: Section 17 outlines that county clerk of court staff would be transferred to state employment but takes no consideration that this arrangement is not concrete. Again, it is not well planned and does not consider county clerks have not been given information regarding salaries, job titles, terms of employment, etc. to review. In Billings County, there is a full-time Deputy Clerk of Court position that the County Commission generously provides annual budgeting for. There is no mention that Deputy Clerks would be reassigned or offered employment in counties with smaller caseloads and no consideration that counties may be unable to reassign them.
4. Burdensome restructuring for County Commissions and County Employees: The state has not considered that many Recorder and Clerk of Court offices are combined. Recorders with combined offices could fall subject to wage decreases as their workloads would be different and may cause great hardship to continue in their service to the county. Boards of County Commissioners may be tasked with restructuring offices that may not include full time salaries or even job loss. Office space for separate offices may not be available in some jurisdictions, and county courthouse hours may differ from state offices, resulting in poor representation from state employed clerks. The bottom line is the State Judicial Administration has not considered the ramifications for county combined offices under the proposed transition and it is simply not feasible.
5. Loss of local control: The Billings County Board of Commissioners unanimously passed and signed Resolution 2023-12 on January 3, 2023, in opposition to legislation that would support a transfer of county clerks to state employment. It is attached for your review. The resolution clearly states legislation in support of state employed clerks of court offices would remove local control and governance of such office and employees. Senate Bill 2277 is a complete overreach of state governance and does not value the roles and responsibilities of county government. A bill such as this could be a precursor to additional State overreach in other county systems and offices. I am wary of state administrated systems that remove active authority and participation from the county.

In closing, I would like to reiterate that transferring county Clerks of Court to state employment is not desirous to me, nor the County in which I serve. It is difficult to outline positive impacts that would outweigh negative impacts and it is clear the State Judicial Administration has not considered the roles and responsibilities of county government and the people in which they serve.

Thank you for your attention today. I urge a DO NOT PASS recommendation on SB 2277, as written, and am available for questions.



Juliana Hammerstrom
Billings County Recorder/ Clerk of Court

RESOLUTION NO. 2023-12
A RESOLUTION OPPOSING LEGISLATION MAKING THE BILLINGS COUNTY CLERK
OF COURT OFFICE A STATE OFFICE

WHEREAS, there is legislation being proposed pertaining to the transition of contract county clerk services to state funding and other legislative priorities;

WHEREAS, such legislation would make the Billings County Clerk of Court office a state agency and the employees thereof state employed, which would remove local control and governance of such office and employees;

WHEREAS, the Board of Commissioners for Billings County, North Dakota desires to keep the Billings County Clerk of Court office as a county office.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners for Billings County, North Dakota, that the following resolution be adopted as follows:

That the Board of County Commissioners of Billings County directly opposes the passage of legislation pertaining to the transition of contract county clerk services to state funding and other legislative priorities; and

That the Board of County Commissioners of Billings County resolves to keep the Billings County Clerk of Court office a county office.

Dated at Medora, ND, this 3rd day of January, 2023.

BILLINGS COUNTY, NORTH DAKOTA

By: 
Lester Iverson, Board Chairman

Attest: 
Marcia Lamb, County Auditor/Treasurer