

# *CLERK OF DISTRICT COURT*

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TESTIMONEY ON SENATE BILL NO. 2277

State Judiciary Committee

January 31, 2023

Chairwoman Larson and members of the Senate Judiciary Committee:

My name is Mickie McNulty-Eide, and I am the Recorder/Clerk of Court for Oliver County. I take great pride in both of my roles in our county government. I am opposed to SB 2277, as it is written.

This bill, if passed, would transfer the contract clerks of court to state employment. The explanation for this bill that is reiterated to us is that it will complete the transfer that was started in 1999. This is not a valid argument. The fourteen clerks of court who are currently state employees are all in larger counties with populations of 10,000 and higher. None of the smaller counties were part of that original process. As I see it, no one at the state level can, without a doubt, say how this transfer will affect the smaller counties.

There are many unknowns. Will it be the county's responsibility to provide a work area for clerk if the transfer occurs? Will the state be liable for any necessary remodeling of current offices, especially in the counties that have limited space as it is? Will the county be reimbursed for any of the overhead costs such as utilities? Will each clerk have to get supplies and equipment from the state or will the county have to provide these?

The big question in my mind is what about the service we provide to our constituents. This is a great concern for many of us, who are currently contract clerks of court. We, as clerks of court, need to be readily available to assist the public with whatever service they require. Should the clerks of court become state employees, their office would likely have just one full-time employee. As Recorder/Clerk of Court, I am full-time with a full-time deputy. We are both cross-trained in each of the departments. This allows the office to be open the majority of the time without regard to vacations, sick days, etc. Many of our constituents are elderly, low income, or pro-se litigants. Not having a clerk of court available to guide them through the process they are involved in would create a hardship on them. Replacing that personal assistance with technology of any sort would not be acceptable. Asking an elderly person to use a computer to pay his/her fine would be like teaching him/her a foreign language. Someone would need to help him/her. That would quite

possibly involve an employee of another office therefore affecting the county as a whole. The same county that would no longer having any input into the opposition of the clerk of court office.

Contract clerks of court are being portrayed as incompetent and uncooperative, in general. The state wants more control over who is hired and/or fired. They want to be able to discipline those who are not living up to their expectations. I submit that the state could develop a contract with the state that would allow the two entities to work together with personnel issues. As far as the knowledge of the job duties required and the consistency of the performance of these duties, again the two entities could work together to eliminate any issues in these areas. Mandatory training would help immensely. When I became the clerk of court for Oliver County, I received very limited training in my job. I was told to contact my mentor, district court administration, or another clerk when I had a question. I take advantage of the training webinars offered to help improve my performance. Even if we were all state employees, there would be different interpretations of the guidelines. Our job duties would not be performed consistently across the state, no matter what.

In conclusion, I do not think transferring the rural county clerks of court to state employment is the answer to any of the issues at hand. More thought needs to be into this situation and how it can best be resolved. Based on this, I remain opposed to the passage of SB 2277 as it is presented.

Thank you for your time and consideration.

Mickie McNulty-Eide  
Oliver County Recorder/Clerk of Court