

SB 2277
Senate Judiciary
February 1, 2023

Chair Larson and members of the committee. My name is Aaron Birst and I am the Executive Director of the North Dakota Association of Counties. I am here today to oppose SB 2277 moving county clerks of courts to State Employment.

First and foremost. The relationship between the Counties and the State Court System is critical to ensuring North Dakota citizens have access to the justice system. Since the court unification in the early 90's, the State has taken over the responsibility of funding Judges and staff and the counties have kept the responsibility of housing those employees. (at no cost I might add) This relation has worked well over the decades and served North Dakota well. Regardless of the fate of this bill, this excellent partnership must continue.

This concept of the State taking over the county clerk's duties has been mentioned in the past, however there was no serious effort to do so until just recently. Why that is important is because this is a complicated issue that requires significant study. Currently there are 14 counties that house full time State staffed clerk's offices. That means the remaining 39 counties are served by clerks that have a contract with the State but are not exclusively dedicated to clerk's duties. **In other words, you cannot just flip a switch and change who writes out their paycheck.** On the back of this testimony is the current makeup of the offices found in county government. Through the urging of the legislature over the years (and the enactment of the tool chest legislation in the 80's) many counties have consolidated offices to become more efficient. As you can see 25 counties have combined their clerk with other office duties.

Even assuming the State "takeover" truly removes that responsibility from the counties we are still left with a half employee that would need to continue to provide necessary services. At least short term this creates a significant challenge for counties to determine how to maintain that employee if they even remain at all. This doesn't even address many of these clerks were **ELECTED** by their voters. Additionally, while it is true the State provides funding to those offices, in many cases the County has supplemented those dollars to ensure a quality employee can be hired. This is a benefit to the State as it keeps costs lower for the legislature.

I do not dispute the testimony of Ms. Holewa that there have been some unfortunate incidents. However, I would suggest such incidents are the extreme exception and not the norm and I would remind the committee it is easy to find performance issues when you look back over decades with 100's of different employees. And more to the point, remember the GOLDEN RULE, those with the GOLD RULE. If there is a significant issue the Court already has the authority to cancel any current reimbursement which certainly will get the Clerk and the County's attention. This system has served us all well and I don't disregard the Court's desire to create a system it feels it needs. They are entitled to that respect. But the best way to accomplish this would be a legislatively directed study to unwrap these complicated issues.

County 'Election' Officials in 2016
Updated 01/04/2017

Population 2010	Elected Total	Auditor Status	Combined With	Treasurer Status	Combined With	Recorder Status	Combined With	Clerk of Dist. Court Status	Combined With?	Co. Suplt. of Schools Status	Combined With	State's Attorney Status	Combined With	Sheriff Elected Status (1)	Combined With
2,343	3.5	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Comb. Elect.	Clerk of Ct. %	Comb. Elect.	Recorder	Assigned	Auditor	Shared Elect. Slope SA	Shared Elect. Slope SA	Elected	911 Coord
11,066	5.0	Elected	Treasurer	Comb. Elect.	Auditor	Elected %		Comb. Elect.	Recorder	Assigned	Auditor	Elected	Elected	Elected	
6,660	5.0	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Comb. Elect.	Clerk of Ct. %	State Employ	July 1, 15	Assigned	Auditor	Elected	Elected	Elected	
783	4.0	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Comb. Elect.	Clerk of Ct. %	Appointed %	Recorder	Assigned	Auditor	Appointed	Elected	Elected	
6,429	5.0	Elected		Elected #		Elected		Comb. Elect.	Recorder	Assigned	Treasurer	Elected	Elected	Elected	
3,151	5.0	Elected		Elected #		Comb. Elect.	Clerk of Ct. %	Comb. Elect.	Recorder	Assigned	Treasurer	Elected	Elected	Elected	
1,968	5.0	Elected		Elected #		Comb. Elect.	Clerk of Ct. %	Comb. Elect.	Recorder	Assigned	Treasurer	Elected	Elected	Elected	
81,308	4.0	Comb. Elect.	Treas. & Tax	Comb. Elect.	Aud. & Tax	Comb. Elect.	Clerk of Ct. %	State Employ	Recorder	Contract w/ Bis. Schools	Auditor	Elected	Elected	Elected	
149,778	5.0	Elected		Elected %		Elected %		State Employ	Recorder	Assigned	Auditor	Elected	Elected	Elected	
3,993	5.0	Elected		Elected #		Elected		Appointed %		Assigned	Auditor	Elected	Elected	Elected	
5,289	5.0	Elected		Elected #		Elected		Appointed %	Recorder	Assigned	Recorder	Elected	Elected	Elected	
2,071	5.0	Elected		Elected #		Comb. Elect.	Clerk of Ct. %	Comb. Elect.	Recorder	Assigned	Recorder	Elected	Elected	Elected	
3,536	4.0	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Comb. Elect.	Clerk of Ct. %	Comb. Elect.	Recorder	Assigned	Auditor	Elected	Elected	Elected	
2,385	5.0	Elected		Elected #		Comb. Elect.	Clerk of Ct. %	Comb. Elect.	Recorder	Assigned	Auditor	Elected	Elected	Elected	
3,550	5.0	Elected		Elected #		Comb. Elect.	Clerk of Ct. %	Comb. Elect.	Recorder	Assigned	Auditor	Elected	Elected	Elected	
3,343	5.0	Elected		Elected #		Elected		Appointed %	Recorder	Assigned	Auditor	Elected	Elected	Elected	
1,680	4.0	Elected		Elected		Comb. Elect.	Clerk of Ct. %	Comb. Elect.	Recorder	Assigned	Auditor	Elected	Elected	Elected	
66,861	2.0	Comb. Appr.	Treasurer	Comb. Appr.	Auditor	Appointed	Clerk of Ct. %	Comb. Elect.	Recorder	Assigned	Auditor	Appointed	Appointed	Elected	
2,984	4.0	Comb. Elect.	Treasurer	Comb. Elect.	Auditor #	Comb. Elect.	Clerk of Ct. %	State Employ	Recorder	Assigned	Auditor	Elected	Elected	Elected	
2,420	4.5	Elected		Elected		Comb. Elect.	Clerk of Ct. %	Comb. Elect.	Recorder	Assigned	Auditor	Elected	Elected	Elected	
2,477	4.0	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Comb. Elect.	Clerk of Ct. %	Comb. Elect.	Recorder	Assigned	Auditor	Shared Elect. Nelson SA	Shared Elect. Nelson SA	Elected	Emerg. Man.
2,435	5.0	Elected		Elected		Comb. Elect.	Clerk of Ct. (1)	Comb. Elect.	Recorder	Assigned	Auditor	Elected	Elected	Elected	
4,139	4.0	Appointed		Elected		Comb. Elect.	Clerk of Ct. %	Comb. Elect.	Recorder	Assigned	Auditor	Elected	Elected	Elected	
1,990	4.0	Elected		Elected		Elected		Appointed %	Recorder	Assigned	Various OFF.	Elected	Elected	Elected	
5,395	6.0	Elected		Elected		Comb. Elect.	Clerk of Ct. %	Comb. Elect.	Recorder	Assigned	Various OFF.	Elected	Elected	Elected	
2,809	5.0	Elected		Elected		Comb. Elect.	Clerk of Ct. %	Comb. Elect.	Recorder	Assigned	Various OFF.	Elected	Elected	Elected	
6,360	4.0	Comb. Elect.	Treasurer	Comb. Elect.	Auditor #	Elected		State Employ	July 1, 15	Assigned	Dep. Auditor	Shared Elect. Sheardan SA	Shared Elect. Sheardan SA	Elected	Coroner/911
8,962	3.5	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Elected		Appointed %		Assigned		Elected	Elected	Elected	
8,424	5.0	Elected		Elected		Elected		Appointed %		Assigned		Elected	Elected	Elected	
27,471	5.0	Elected		Elected		Elected %		Appointed %		Assigned		Elected	Elected	Elected	
7,673	5.0	Elected		Elected		Comb. Elect.	Clerk of Ct. %	State Employ		Assigned		Elected	Elected	Elected	
3,126	4.5	Elected		Elected		Comb. Elect.	Clerk of Ct. %	Appointed %		Assigned		Shared Elect. Griggs SA	Shared Elect. Griggs SA	Elected	911 Coord
1,846	5.0	Elected		Elected		Comb. Elect.	Clerk of Ct. %	Comb. Elect.	Recorder	Assigned	Auditor	Elected	Elected	Elected	
7,413	4.0	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Comb. Elect.	Clerk of Ct. %	Comb. Elect.	Recorder	Assigned	Auditor	Elected	Elected	Elected	
4,357	3.0	Comb. Appr.	Treasurer	Comb. Appr.	Auditor	Elected		Appointed %		Assigned		Elected	Elected	Elected	
11,451	5.0	Elected		Elected		Elected %		State Employ		Assigned		Elected	Elected	Elected	
5,457	5.0	Elected		Elected		Comb. Elect.	Clerk of Ct. %	Appointed %		Assigned		Elected	Elected	Elected	
2,470	4.0	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Comb. Elect.	Clerk of Ct. %	Comb. Elect.	Recorder	Assigned	Auditor	Elected	Elected	Elected	
16,321	2.0	Appointed		Appointed		Appointed %		State Employ		Assigned		Elected	Elected	Elected	
13,937	5.0	Elected		Elected		Elected		State Employ		Assigned		Elected	Elected	Elected	
3,829	4.0	Elected		Elected		Comb. Elect.	Clerk of Ct. %	State Employ		Assigned		Elected	Elected	Elected	
1,321	4.5	Elected		Elected		Comb. Elect.	Clerk of Ct. %	Comb. Elect.	Recorder	Assigned	Auditor	Shared Elect. McLean SA	Shared Elect. McLean SA	Elected	Coroner
4,153	4.5	Comb. Elect.	Tax Dir.	Comb. Elect.	Rec. & Clk	Comb. Elect.	Clerk of Ct. %	Comb. Elect.	Recorder	Assigned	Auditor	Elected	Elected	Elected	Coroner
727	4.0	Elected		Elected		Comb. Elect.	Clerk of Ct. %	Comb. Appr.	Recorder	Assigned	Auditor	Shared Elect. Adams SA	Shared Elect. Adams SA	Elected	911/EM/Com Coroner
24,199	4.0	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Elected %		State Employ		Assigned		Elected	Elected	Elected	
1,975	3.0	Elected		Elected		Comb. Appr.	Clerk of Ct. %	Comb. Appr.	Recorder	Assigned	Auditor	Elected	Elected	Elected	
21,100	2.0	Appointed		Appointed		Appointed %		State Employ		Assigned		Elected	Elected	Elected	
2,246	3.0	Comb. Appr.	Treasurer	Comb. Appr.	Auditor	Appointed %		Comb. Elect.	Recorder	Assigned	Auditor	Elected	Elected	Elected	
8,121	6.0	Elected		Elected		Comb. Elect.	Clerk of Ct. %	Comb. Elect.	Recorder	Assigned	Auditor	Elected	Elected	Elected	
11,119	4.0	Appointed		Elected		Elected %		State Employ		Assigned		Elected	Elected	Elected	
61,675	2.0	Comb. Appr.	Treasurer	Comb. Appr.	Auditor	Appointed %		State Employ		Assigned		Elected	Elected	Elected	
4,207	5.0	Elected		Elected		Elected %		State Employ		Assigned		Elected	Elected	Elected	
22,398	4.0	Elected		Elected		Comb. Elect.	Treasurer	Appointed		Assigned		Elected	Elected	Elected	
672,591	228.0	Statewide		Statewide		Comb. Elect.	Treasurer	State Employ		Assigned		Elected	Elected	Elected	

* = Home Rule County # = Also motor vehicle reg. % = Official assigned marriage license duties
Note: If an elected position is currently held by someone appointed to fill that position - the position is still listed as "elected".
1 Heitinger marriage licenses moved to Info. Tech. Officer