

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

CRIMINAL JUSTICE COMMITTEE

Monday, November 10, 2003
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Lois Delmore, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Lois Delmore, Randy Boehning, Ron Carlisle, Duane DeKrey, Dennis Johnson, Lawrence R. Klemin, William E. Kretschmar, Carol A. Niemeier, Mike Norland; Senators Stanley W. Lyson, John T. Traynor, Thomas L. Trenbeath

Member absent: Representative Bill Amerman

Others present: See attached appendix

At the request of Chairman Delmore, the committee observed a moment of silence in memory of Representative Dale Severson, who died on November 3, 2003.

It was moved by Representative DeKrey, seconded by Representative Johnson, and carried on a voice vote that the minutes of the August 12, 2003, meeting be approved as distributed.

INDIGENT DEFENSE STUDY

Chairman Delmore called on Chief Justice Gerald W. VandeWalle, Supreme Court, for comments concerning the indigent defense study. Chief Justice VandeWalle said the indigent defense program should not be a judicial branch responsibility. He said the court does not have a specific proposal but rather would like to wait until the task force is able to work with the Spangenberg Group and has developed a proposal.

In response to a question from Senator Traynor, Chief Justice VandeWalle said the possibility of Legal Assistance of North Dakota (LAND) handling the indigent defense program is an excellent idea; however, he said, he was not sure what that office thinks of the idea.

Chairman Delmore called on Mr. Ted Gladden, State Court Administrator, for comments regarding indigent defense in the state. Mr. Gladden said 2003 House Bill No. 1088 provided for the imposition of a court administration fee for all criminal offenses except infractions. He said for the first quarter of the biennium \$90,164 was collected. He said this is a 50 percent collection rate. He said the projected collection rate was 20 percent. He said he does not anticipate any changes in the sentencing pattern as a result of this new fee. He said the first funds received from defendants are being used to pay the

administration fee. He said any restitution owed by the defendant is paid after the defendant's administration fee obligation has been met. He said an estimate of the cost of creating a public defender system in the state was prepared during the 2003 legislative session. He said an estimate of the cost for a biennium was \$5,753,559. He said this amount assumes an organization with a central office staffed by a director and secretary. He said the estimate includes four regional offices that would be located in the four largest cities of the state with each regional office having between three and six attorneys, one paralegal, and a clerical support ratio of one secretary for three attorneys. A satellite office in Jamestown, he said, would address the caseload associated with the State Hospital and the James River Correctional Center. He said the estimate of caseload hours was based on the hours that have been reported by contract attorneys. He said the estimate is based upon an annual attorney salary of \$50,556. He said the estimate also provided for the use of some contract attorneys at a rate of \$75 per hour. He said under the proposal, some contract attorneys would be needed for cases in the more remote parts of the state and for conflict of interest situations.

Mr. Gladden said the courts have not been able to contract with any attorneys to provide indigent defense services in the Northwest Judicial District. He said the court is looking into the possibility of finding firms that are willing to bid on a contract that does not require the firm to provide services in Mountrail County. He said the state court administrator's office has compiled information relating to the state's indigent defense assignments and average number of hours per case. He said it has been suggested that the hours may be underreported. He said the reported hours have remained fairly consistent from one biennium to the next. He said the court's biennial budget for the provision of indigent defense is \$4,312,397. He said in addition to this amount, it is anticipated that the newly imposed administration fee will generate an additional \$750,000 for indigent defense this biennium. Mr. Gladden submitted written information regarding the indigent defense budget, the projected cost of a public defender system, and caseload and hours, a copy of which is on file in the Legislative Council office.

In response to a question from Representative Delmore, Mr. Gladden said the public defender office estimate included an amount for the rental of office space. He said the current goal of compensation for contract attorneys is \$65 per hour. He said, however, with the increase in the number of methamphetamine cases in the state, contract attorneys are being assigned more cases and, consequently, the rate is less than \$65 per hour.

In response to a question from Senator Trenbeath, Mr. Gladden said the North Dakota Legal Counsel for Indigents Commission recommends that indigent defense attorneys be paid at a rate of \$75 per hour.

In response to a question from Representative Kretschmar, Mr. Gladden said since 2003 House Bill No. 1088 became effective, about \$170,000 in administration fees have been assessed. He said in many cases, the defendants are on a payment schedule for the payment of the fee.

In response to a question from Senator Trenbeath, Mr. Gladden said the majority of the administration fee that has been collected is from misdemeanor offenses.

In response to a question from Representative Kretschmar, Mr. Gladden said in the absence of a contract, the court is appointing attorneys in the Northwest Judicial District. He said the attorneys are being paid at a rate of \$65 per hour.

In response to a question from Senator Trenbeath, Mr. Gladden said there is about a \$600,000 difference between the present indigent defense contract system and the estimated cost of a public defender system. He said the estimate includes an amount for travel expenses and for some contract attorneys.

In response to a question from Representative Klemin, Mr. Gladden said most of the attorneys doing the indigent defense work in the Northwest Judicial District are from Williston.

In response to a question from Senator Traynor, Mr. Gladden said when a contract attorney is faced with a lengthy and costly case, the attorney can apply to the court for financial relief and assistance.

Chairman Delmore called on Ms. Sandi Tabor, Chairman, State Bar Association Indigent Defense Task Force, for testimony regarding the efforts of the task force. Ms. Tabor said the task force has held two meetings. The first meeting, she said, included an overview of issues and the members brainstormed solutions. She said at the second meeting, the task force members met with a representative of the Spangenberg Group. She said the Spangenberg Group is a national consulting firm that conducts studies of indigent defense programs. She said the firm has reviewed 32 statewide systems. She said the Spangenberg Group has been under contract with the American Bar Association for the last 12 years to provide support and technical assistance to groups working on indigent defense. She said the Spangenberg Group did an overview of North

Dakota's indigent defense system. She said the Spangenberg Group representative discussed the following issues with the task force:

- In 2002 North Dakota spent \$3.23 per capita on indigent defense. This per capita amount is 50th in the country.
- Alaska, which has an indigent defense budget of \$23.5 million, spends \$36.49 per capita on indigent defense.
- Wyoming, which in terms of geographical size and population is similar to North Dakota, spends \$7.18 per capita and has a budget of \$3.5 million.
- North Dakota indigent defense attorneys are handling an average of 378 felony cases per year, which is twice the national average.

Ms. Tabor said the Spangenberg Group outlined the following issues for consideration in the task force's study:

- The scope of the right to counsel in North Dakota;
- The type of indigent defense system that would work best for North Dakota, whether it be a public defender system, a contract system, or a combination of the two;
- The type of oversight structure, whether it be an independent body, the judicial branch, or the executive branch; and
- The source of funding.

Ms. Tabor said the task force would like to contract with the Spangenberg Group to help with the study. She said the task force is asking for assistance in covering the cost of these services. She said the task force would like the Legislative Council, the Supreme Court, and the State Bar Association to each contribute \$5,000 toward the cost of the services. She said the task force will be holding its December meeting in Fargo. She said at this meeting the task force will be receiving testimony from LAND and from a representative of the Wyoming indigent defense program. A copy of Ms. Tabor's comments is on file in the Legislative Council office.

In response to a question from Senator Lyson, Ms. Tabor said the task force plans to conclude its work by April 2004.

It was moved by Senator Traynor, seconded by Representative DeKrey, and carried on a voice vote that the committee support the recommendation of contributing \$5,000 toward the cost of contracting with the Spangenberg Group.

In response to a question from Senator Traynor, Ms. Tabor said at the last meeting of the task force, Justice Mary Muehlen Maring, Supreme Court, indicated that when reviewing criminal trial transcripts in which indigent defense counsel has been appointed, there is a general concern about the effectiveness of counsel. She said Justice Muehlen Maring suggested that this may not solely be because of poor or

inexperienced attorneys but may be the result of the lack of time to spend on the cases.

Chairman Delmore called on Mr. Terry Traynor, North Dakota Association of Counties, for comments concerning the indigent defense study. Mr. Traynor said the costs of indigent defense for mental health commitments, the civil commitment of sex offenders, and guardians ad litem are still the responsibility of the county. He said the committee may want to consider whether these costs should be the responsibility of the state. He said these indigent defense costs are costing the counties about \$300,000 per biennium.

Chairman Delmore called on Chief Justice VandeWalle for additional comments regarding the indigent defense study. Chief Justice VandeWalle said contracting with the Spangenberg Group is a good idea. He said the attorneys in the Northwest Judicial District do not have any incentive to contract with the state if they can get \$65 per hour without a contract. He said the state's indigent defense system is falling apart. He said contract attorneys' requests for additional money for costly cases must be made to the district judge. He said this also raises conflict of interest issues.

Chairman Delmore called on committee counsel to present information regarding the law student debtload and law student loan forgiveness programs. Committee counsel said according to a 2003 report of the American Bar Association, tuition at public law schools rose 134 percent between 1992 and 2002. She said according to the report, in 2002 the amount borrowed by many law students exceeded \$80,000. She said in 2002 the report indicated that the median starting salary for public interest legal work was \$36,000. She also said a number of states, including Arizona, Florida, Maine, Maryland, Minnesota, New Hampshire, North Carolina, and Texas, have established loan repayment assistance and forgiveness programs for public service lawyers. A copy of the American Bar Association report is on file in the Legislative Council office.

At the request of Chairman Delmore, Ms. Christine Hogan, Executive Director, State Bar Association, said she would conduct an on-line survey of North Dakota attorneys regarding salaries and debtload.

Representative Klemin said the committee should also receive more information on law student loan forgiveness programs of other states.

Senator Traynor said the committee should receive information on the financial aid that is available for law students.

At the request of Chairman Delmore, committee counsel presented information regarding the federal system of providing indigent defense. A copy of the information is on file in the Legislative Council office.

Chairman Delmore said a representative of the federal system will be present at the next committee

meeting to present additional information on the federal indigent defense system.

Senator Lyson said the committee should receive testimony from attorneys in the Northwest Judicial District regarding the reasons the attorneys are not entering indigent defense contracts with the state.

Representative Boehning said the committee should receive information on law school criminal defense clinics and the reasons the University of North Dakota School of Law does not have such a clinic.

LAW ENFORCEMENT TRAINING STUDY

Chairman Delmore called on Mr. Richard Bendish, Chairman, Peace Officer Standards and Training Board, for testimony regarding the law enforcement training needs in the state. Mr. Bendish said state law requires all starting peace officers to complete basic training. He said there are two providers of basic training in the state. He said the Highway Patrol operates the Law Enforcement Training Academy in Bismarck at which officers who have already been hired can receive the 11-week basic training at no cost to the employing agency. The other training program, he said, is at Lake Region State College in Devils Lake. This program, he said, provides the basic training to persons who wish to become peace officers but who have not yet been hired. He said tuition for the Devils Lake program is about \$3,000. He said these two programs combined graduate between 75 and 100 officers per year. He said peace officers are required to earn a minimum of 60 hours of continuing education every three years. He said there are approximately 1,800 licensed officers in the state. He said this computes to a total of 36,000 hours of training that must be provided to meet the minimum requirements. He said the Highway Patrol and the Bureau of Criminal Investigation provide training to officers across the state. He said all instructors are required to be certified to teach classes to peace officers. To be certified, he said, the officers must meet minimum requirements of experience and knowledge as well as complete an instructor development course. He said the Bureau of Criminal Investigation provides a minimum of two instructor development courses each year. He said the Highway Patrol and the Bureau of Criminal Investigation provide training within the restrictions of their respective budgets. The Peace Officer Standards and Training Board, he said, in addition to covering its operating expenses, provides funding to eliminate tuition and has provided matching funds to Byrne grant money to pay for many advanced training programs. He said the board has no funding source other than the licensing fees of officers. These fees, he said, generate approximately \$9,000 per year. He said even with this training being provided, the local agency must send the officers to the training and cover any associated costs, such as mileage and expenses, as well as providing for

necessary shift coverage. Mr. Bendish submitted written testimony, a copy of which is on file in the Legislative Council office.

In response to a question from Representative Delmore, Mr. Bendish said usually between 10 and 20 officers attend any one of the training sessions that are offered. He said the primary training issue that is of concern is the inability of officers to access the training. He said for many agencies the training is not easily accessible and the agencies do not have the money or additional personnel to send their officers to training.

In response to a question from Senator Traynor, Mr. Bendish said while the Interactive Video Network (IVN) can be used for some of the training, much of law enforcement training is hands-on, demonstration-type training that needs to be done in the presence of a trained law enforcement instructor.

In response to a question from Senator Lyson, Mr. Bendish said the training is available, but it is becoming more and more difficult for agencies to access the training. He said there is also a need for more career advancement training.

In response to a question from Representative Klemin, Mr. Bendish said more qualified instructors are needed to "train the trainers." He said once an officer is trained to be a trainer, that officer can be sent to other sites to provide training.

In response to a question from Representative Delmore, Mr. Bendish said the Peace Officer Standards and Training Board is comprised of the following nine members--Deputy Darwin R. Roth, Grant County Sheriff's Department, Carson; Mr. Lloyd Halvorson, Director, Lake Region State College Peace Officer Training Program, Devils Lake; Captain Ron Holden, Law Enforcement Training Academy, Bismarck; Captain Myron M. Heinle, Bismarck Police Department; Sheriff Kim Murphy, Richland County Sheriff's Department, Wahpeton; Mr. Richard Bendish, Morton County Commissioner; Sheriff Scott W. Busching, Williams County Sheriff's Department, Williston; Mr. W. Bryce Hill, Bismarck City Commissioner; Sergeant Gregory LaHaise, Grand Forks Police Department; and Mr. Mark S. Gilbertson, Bureau of Criminal Investigation, Bismarck.

Chairman Delmore called on Mr. Jerry Hjelmstad, North Dakota League of Cities, for comments concerning the law enforcement training study. Mr. Hjelmstad said in light of terrorism concerns and the increasing methamphetamine problems in the state, adequate law enforcement training is needed for both law enforcement safety and public safety. He said it is becoming more and more difficult for law enforcement agencies to send their officers to training. He said sending officers to training creates critical staffing problems. He said it is better if the trainers can be brought to the law enforcement officers.

In response to a question from Representative Delmore, Mr. Hjelmstad said he is not aware of any federal grants available for law enforcement training.

Representative Carlisle said there may be grants available for first responders. He said some of these funds may be available for law enforcement training. He said the committee may want to receive information from Emergency Management regarding the availability of these funds.

In response to a question from Representative Klemin, Mr. Hjelmstad said there is potential for growth using the Internet and IVN for training.

Chairman Delmore called on Mr. Terry Traynor, North Dakota Association of Counties, for testimony regarding the law enforcement training study. Mr. Traynor said the law enforcement training issues of the state involve both finances and personnel management. He said 36 counties employ one-third of all county law enforcement officers while the remaining 17 counties employ two-thirds of county law enforcement officers. He said there are 36 counties that have a sheriff's department staff of five or fewer employees. He said it is very difficult for counties to send officers away for training and it is also difficult for the counties to send their trained officers to other areas to conduct training. Mr. Traynor submitted a table of 2002 county sheriffs' office staffing, a copy of which is on file in the Legislative Council office.

Chairman Delmore called on Mr. Kim Murphy, Sheriff, Richland County, and Peace Officer Standards and Training Board member, for testimony regarding the law enforcement training needs study. Mr. Murphy said the state's law enforcement training has been a cooperative effort to get the best training to all law enforcement officers. He said when a critical incident occurs within a jurisdiction, other agencies may be called upon for their expertise. He said all officers do not need to be trained as experts in all areas, but, he said, there are a number of inadequacies that need to be addressed. He said law enforcement is an extension of the community. He said there are a number of courses that can be taught on-line. He said law enforcement officers recently were able to take a course on Islam history and religion through North Dakota State University. He said training line items are always one of the first to be cut. He said there is no federal homeland security money available for law enforcement training. He said sending one officer out of state for training would use up his entire annual training budget; therefore, he sends his deputies to Peace Officer Standards and Training Board training courses. He said if the course being taught is a course on theory, then IVN works well. He said, however, law enforcement officers often need hands-on, demonstration training. He said the state's law enforcement training needs improvement.

In response to a question from Representative Klemin, Mr. Murphy said there is no central repository of audio, video, and computer training materials. He said some are housed with the Peace Officer Standards and Training Board and others at the training academy.

In response to a question from Representative Niemeier, Mr. Murphy said homeland security concerns have created more law enforcement duties and responsibilities. He said the state's basic law enforcement training needs are being met, but the advanced training is more difficult to access.

In response to a question from Representative Klemin, Mr. Murphy said for those counties with small sheriff departments, such as Slope County, other counties will send deputies for patrolling duties. He said counties may contract with other counties for these services.

In response to a question from Representative Klemin, Mr. Murphy said the Peace Officer Standards and Training Board, the Law Enforcement Training Academy, and city police departments all send out notices when various training is being offered.

Chairman Delmore called on Dr. Sharon L. Etemad, President, Lake Region State College, for testimony regarding the law enforcement training study. Dr. Etemad said the law enforcement training program at Lake Region State College would like to assist the committee in this study. She said the college offers an on-line associate of arts degree for students who have completed the basic course.

In response to a question from Senator Trenbeath, Dr. Etemad said up to 60 persons complete the basic course each year. She said about 80 percent of those find employment in the state. She said more than 600 graduates of the program are or have been employed in the state.

In response to a question from Senator Traynor, Dr. Etemad said the students pay their own tuition, room, and board.

In response to a question from Representative Delmore, Dr. Etemad said the Peace Officer Standards and Training Board sets the training standards. She said the training is similar to the program offered by the academy; however, she said, the program at Lake Region State College is a full semester. She said the training academy's program is an 11-week program.

Dr. Etemad introduced Mr. Lloyd Halvorson, Training Coordinator, Lake Region State College. Mr. Halvorson said the college offers three basic training programs per year. He said the enrollment in the programs ranges from 16 to 23 per semester. He said with room and board costs, the training course costs the student about \$4,000. He said the college teaches the same curriculum as the academy but at the student's expense rather than the state. He said the college could run four sessions per year.

In response to a question from Senator Trenbeath, Mr. Halvorson said the staff of the law enforcement program includes a director, a trainer, and a support staff. He said courses are being taught by the trainer as well as members of the law enforcement community. He said the police departments of Grand Forks, Fargo, and Bismarck all send officers to help teach the courses. He said the officers are only reimbursed for mileage.

In response to a question from Representative Johnson, Mr. Halvorson said upon the completion of the program, the graduates are eligible to become licensed as law enforcement officers.

In response to a question from Representative Klemin, Mr. Halvorson said the two training programs are not meeting the state's demand for law enforcement officers. He said the state needs about 80 to 120 new officers each year.

In response to a question from Representative Niemeier, Mr. Halvorson said the college markets the program. He said the college recently received an \$8,200 grant to recruit more women into the program. He said of those graduates who seek employment, almost 100 percent find a job. He said to graduate from the program, the student must achieve a grade of at least 70 percent. He said the graduates must also pass the Peace Officer Standards and Training Board examination to be eligible for employment.

In response to a question from Representative Kretschmar, Mr. Halvorson said the age of members of the current class ranges from 19 to 42 years of age. He said they are seeing a number of students in their mid-30s to late 40s enrolling in the program. He said these persons are usually looking for a career change. He said graduates are more hireable if they are at least 20 years old by graduation.

Chairman Delmore called on Mr. Bill Brown, North Dakota Peace Officers Association, for testimony regarding the law enforcement training study. Mr. Brown provided to the committee a copy of a letter from Mr. Bob Timian, President, North Dakota Peace Officers Association. In the letter, Mr. Timian said hiring qualified individuals and providing quality training is essential to an officer making the proper decision and taking the appropriate action. He said the investment in training is important. A copy of Mr. Timian's letter is on file in the Legislative Council office.

Chairman Delmore said the committee should receive more information from the Peace Officer Standards and Training Board on the law enforcement training courses and costs, ways of delivering these courses in rural areas, the amount of funding needed, and the lack of a central clearinghouse for available training.

Representative Klemin said the committee should receive information on the training budgets of the Highway Patrol, the Bureau of Criminal Investigation, and county and city law enforcement agencies.

Senator Lyson said the Peace Officer Standards and Training Board is funded by license fees.

Captain Ron Holden, Highway Patrol, said the department has a training budget of about \$1 million per biennium. He said each 11-week training course costs about \$28,000 to \$29,000.

Senator Lyson said complacency is a concern of law enforcement. He said IVN does not always work. He said officer-to-officer training is important.

GUARDIANSHIP NEEDS STUDY

Chairman Delmore called on Ms. Donna Byzewski, Guardianship Association of North Dakota, for testimony regarding the guardianship study. Ms. Byzewski said the North Dakota Guardianship Task Force includes 18 members who represent a variety of agencies and interests, including the Department of Human Services, the State Hospital, the State Bar Association, Protection and Advocacy, the North Dakota Long Term Care Association, and guardianship services organizations. She said the task force would like to invite LAND to join the task force as well. She said because of federal regulations, LAND is required to receive an official request to join the task force. She said a request from the committee for LAND to join the task force is needed. Ms. Byzewski said priorities of the task force include:

- Need for guardianship of last resort;
- Lack of ward or client protection under the law;
- Attorneys representing the ward's best interests versus the ward's wishes;
- Minimum standards for guardians;
- Accountability of guardians; and
- Address issues of court findings for competency for making a will.

Ms. Byzewski submitted a copy of the membership of the North Dakota Guardianship Task Force, task force priorities, and a statement from Mr. Melvin Webster regarding the capacity of a person under guardianship to make a will. Copies of these documents are on file in the Legislative Council office.

In response to a question from Senator Traynor, Ms. Byzewski said the task force will continue to discuss the ability of wards to make certain decisions, such as motor vehicle licenses, marital decisions, and voting.

In response to a question from Representative Delmore, Ms. Byzewski said the task force will present ideas for legislation to the committee. She said the task force will also make available to the committee at its next meeting the results of a guardianship survey that is being distributed to case managers, social workers, the State Hospital, adult protection workers, attorneys, judges, guardians, and other persons involved in the guardianship services process.

Chairman Delmore called on Mr. Paul Griffin, Guardianship Association of North Dakota, for testimony regarding the guardianship needs study.

Mr. Griffin said the Legislative Assembly has enacted a number of significant changes to the state's guardianship laws over the past 16 years. He said these changes included separating guardianship law from conservatorship law, allowing for limited guardianships, changing the burden of proof from a preponderance of the evidence to clear and convincing evidence, made changes in capacity versus incompetence, and required that alternative resource plans be considered. He said the Legislative Assembly also rejected the new changes to the Uniform Probate Code that dealt with guardianship. He said current North Dakota law is better than the proposed revisions to the Uniform Probate Code. He said guardianship, which is a court-appointed relationship between a competent adult and an individual who is not able to handle his or her own affairs, is not an automatic process. He said each person's situation must be considered carefully and completely. He said it is also important to consider whether a guardianship will solve the problem at hand. He said a guardian is required to act in and represent the best interests of the ward, protect the ward and the ward's rights, and ensure that services are provided in the most normal and least restrictive means possible. Mr. Griffin submitted written testimony, a copy of which is on file in the Legislative Council office.

In response to a question from Representative DeKrey, Mr. Griffin said the task force has identified priorities. He said more priorities may develop as a result of the survey.

In response to a question from Representative Niemeier, Mr. Griffin said the consent of the ward to a guardianship is not required. He said this is why the court process exists. He said the payment plan to compensate the guardian is established by the court. He said this works well if there is an estate, but if an estate is not available, there may not be any funds to pay the guardian.

In response to a question from Representative Klemin, Mr. Griffin said in most instances in which a successor guardian must be appointed, it is not necessary to repeat the entire guardianship process. He said the court does, however, need information on the qualifications of the new guardian. He said state law allows for testamentary successors. He said he is not aware of a process in the North Dakota Century Code that allows for a successor appointment other than by testamentary successor.

In response to a question from Representative Klemin, Chairman Delmore said the 2001-02 interim Judiciary "B" Committee studied the issue of special needs trusts. She said information regarding the conclusions of the committee can be found in the committee's final report.

In response to a question from Representative Boehning, Mr. Griffin said the judge determines the level of payment for the guardian. He said a person cannot be a "ward of the state," but, he said, the court

does appoint the guardian who in turn must answer to the court. He said any interested party can start the guardianship petition process. He said some of the costs of the process include the appointment of a guardian ad litem, a visitor, and conducting a medical evaluation. He said if no funds are available, the guardian may have to provide guardianship services without payment.

Representative DeKrey said a process should be available that would allow for the interested person to petition the court without being responsible for all the costs. He said the committee should also receive information on the appointment of a successor guardianship without repeating the entire guardianship process.

Representative Niemeier said she would be interested in receiving information regarding minimum standards for guardians.

Chairman Delmore said the committee should receive testimony from the North Dakota Medical

Association regarding the mandatory reporting of vulnerable adult abuse and neglect.

Representative Klemin said the committee should receive information regarding the reporting requirements of persons with powers of attorney.

Chairman Delmore said the next meeting of the committee has tentatively been scheduled for February 5, 2004.

It was moved by Representative DeKrey, seconded by Senator Trenbeath, and carried on a voice vote that the meeting be adjourned.

Chairman Delmore adjourned the meeting at 2:30 p.m.

Vonette J. Richter
Committee Counsel

ATTACH:1