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10/2/03
Date

2003 HOUSE POLITICAL SUBDIVISIONS

HB 1186

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1186

House Political Subdivisions Committee

Conference Committee

Hearing Date: January 16, 2003

Tape Number	Side A	Side B	Meter #
1	X		0.0-53.3
1		X	0.0-27.1
Committee Clerk Signature <i>Mickie Schmidt</i>			1-22-02

Minutes:

(Tape 1; Side A)

(1.9) REP. GLEN FROSETH: Call the committee to order. Roll Call- 1 absent- Rep.

Kretschmar.

(3.8) Open the hearing on HB 1186.

(4.0) REP. ALON WIELAND: Testimony in support of bill 1186. (See attachment #1)

(5.3) REP. MARY EKSTROM: What is the reason in doing this?

(5.6) REP. ALON WIELAND: It is my intention in this bill to not only call attention to some of the growing counties are going to need some assistance if they're going to have to increase their cost. But also to provide the fact that since the counties have been providing the states and they get no financial interest, maybe it's time to start a discussion that they should receive some assistance.

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House Political Subdivisions Committee
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(6.3) REP. MARY EKSTROM: Do we have an estimate of the additional costs they will be needing?

(6.5) REP. ALON WIELAND: I have not taken cost estimates of anything other than Cass county. We estimate that a new building to house criminal courts and combining municipal courts, would probably be in the neighborhood of \$10,000,000 cost to Cass county.

(7.4) REP. DALE SEVERSON: Do you think this is setting a precedence?

(7.8) REP. ALON WIELAND: That's a good question and I don't have an answer for you. There are a couple of other counties that are seeking some assistance. There are no more county courts. We are losing our revenues, fines and fees, etc...

(9.1) REP. GIL HERBEL: Do you have any idea of how many of the counties which will qualify under section 5?

(9.6) REP. ALON WIELAND: If my math is correct, it is 33 percent.

(10.3) REP. GLEN FROSETH: HB 1186, the appropriation would only serve for the use of new construction owner, remodeling projects. Are you aware of HB 1088 that would add a fee to the court charges that would be used for facility improvements and maintenance?

(10.6) REP. ALON WIELAND: I am aware of that bill, I understand that the bill may not be passed. That does provide some funding for all of the court houses to do some improvements. I don't know if there was any other requirement attached.

REP. GLEN FROSETH: It says local funding will be 25 percent of total cost.

(11.7) SEN. T. MATHERN: Testified in support of HB 1186. We want the same infrastructure and quality of service as other larger cities. However we don't have the same resources in terms

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House Political Subdivisions Committee

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of people. We need to make sure that the resources that we do have are used as well as possible to share, so we can all have streets, lights, libraries, etc...

(16.0) REP. DALE SEVERSON: The concern I have is this bill may be setting a precedence.

Next session we'll have Grand Forks, Bismarck, and at what point is the state responsible community built roads?

(16.6) SEN. T. MATHERN: You can see the precedence in two ways: it's also a positive precedence.

(18.0) REP. RON IVERSON: Would it be better to lease space the state's financial picture accrues? Should we wait on this?

(18.8) SEN. T. MATHERN: The other point is: they haven't started digging a hole yet, until they can fill it. Waiting has a potential downside.

(20.0) REP. RON IVERSON: But right now, we're facing a potential shortfall in our revenue for the state, and you're asking us to appropriate the sum of \$2,000,000 for specific purpose.

(20.5) SEN. T. MATHERN: I'm asking you as a member of this committee to vote and prove the concept of collaboration. Then we move that to the Appropriations committee, then they decide that in fact fits with all of these other priorities in concerns that we have. Then if it goes through that, then you can decide how to vote on the House floor.

(21.5) REP. NANCY JOHNSON: Is there something in law right now that currently won't allow these organizations to work together?

(21.7) SEN. T. MATHERN: I believe that the different layers of government can work together on a project like this.

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House Political Subdivisions Committee
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(22.3) REP. GLEN FROSETH: In looking at B, I think I read somewhere that Cass county has 8 Judgeships? How do you demonstrate at least 10 percent growth when 8 is the most any one county has. 10 percent would be 8 tenths of one Judge.

(22.9) SEN. T. MATHERN: That's a good point. Basically that 10 percent came up, to try to insure that the concepts of collaboration and the state dissipated somewhere, is based on data.

(22.3) REP. GLEN FROSETH: Could anyone in the state meet that criteria?

(22.9) SEN. T. MATHERN: Rep. Weiland's county does meet the criteria, but I don't know how many other counties do.

(24.0) REP. GIL HERBEL: Has there been any attempt made to look at leasing space, or to do something that way to get a return on this?

(24.3) SEN. T. MATHERN: I don't know all of the details, I suspect that it is being looked at and would be an option.

(25.3) BONNIE JOHNSON; CASS COUNTY COORDINATOR: Testified in favor of bill:

(See attachment #2 & #3)

(31.7) REP. DALE SEVERSON: How is the finance going to be? Cash on hand?

(31.9) BONNIE JOHNSON: The county has 3 million dollars in our building fund. Our building fund is appropriated via our home rule charter, so we have designated funds that go into that fund with a restriction for building issues alone. \$3,000,000 can be borrowed from the BND.

(33.4) REP. GIL HERBEL: Is there anything from preventing you from charging a fee for the state offices that are renting?

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(33.7) BONNIE JOHNSON: State law requires that counties provide reasonable rates for the state.

(33.9) REP. GIL HERBEL: Does it say anything that you can or cannot charge?

(34.0) BONNIE JOHNSON: We have had dialog with the state about what we call rent and their ability to pay and we have never succeeded in reaching an understanding. All 53 counties are in that same position of surviving in the district court. We used to feel better about our county when we received the fines and fees as revenues. But after the fines and fees were reallocated and the county could no longer receive financial assistance, it hurt a little bit more.

(34.7) REP. GLEN FROSETH: Just to refresh, back in 1991, the state picks up the cost of the clerk of courts and what other changes were there that took place between the county courts and the state?

(35.4) BONNIE JOHNSON: The first court consolidation was to consolidate county court judges into the state court system and at that time Cass county had 2 county court judges that were absorbed into the system. So they assumed the salaries of both employees. The county continues to provide the court staff.

(36.5) REP. MIKE GROSZ: What's the mathematical calculation and definition for growing space?

(36.7) BONNIE JOHNSON: I agree that it is an economy term that allows a start point at any given designated period of time. This is my understanding of the term.

(37.4) REP. MIKE GROSZ: Is the 10 percent in any year in that 5 years or is it an average of those five years?

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(37.7) BONNIE JOHNSON: How it's written now is, 10 percent over 85, so it would be an identified 5 year period. So all of the five year periods might be different than Ward counties' five year period.

(38.1) REP. DALE SEVERSON: How often do you have court? Everyday?

(38.3) BONNIE JOHNSON: It's my understanding, we schedule on the state district schedule, 1,435 cases per month.

(39.1) RICK HOGAN; CASS COUNTY: Testified in favor of the bill. Discussed the transport facility, housing judges, and a study.

(45.2) REP. MARY EKSTROM: Is there additional savings in terms of design?

(46.3) RICK HOGAN; CASS COUNTY: We talked about several of those issues with Cass county. (Goes on to explain)

(48.5) REP. MARY EKSTROM: The sky bridge which takes you over 5th, at that time was it primarily for the movement of prisoners?

(48.9) RICK HOGAN; CASS COUNTY: No. The transport facility would be located on the second floor.

(49.7) REP. RON IVERSON: What is the percent of the civil cases that are handled by the criminal law?

(50.6) RICK HOGAN; CASS COUNTY: (can't hear)

(51.3) REP. RON IVERSON: So you are saying that you can't have the judges that handle the criminal cases, where the criminals are, and the judges that don't handle criminal cases in the court house, that space would be available?

(51.6) RICK HOGAN; CASS COUNTY: No

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(52.0) BONNIE JOHNSON: We did explore those options. The things we found difficult with that option is that the judges rotate and the clerks of court work for the judges and there are 21 of those, all in all causing moves.

(53.3) REP. RON IVERSON: Are you saying that we can't put the clerk of court office roughly 10 miles away?

(Tape 1; Side B)

(0.0) BONNIE JOHNSON: We will go back and reexamine other additional options, if that is the wishes of this committee.

(0.2) REP. SALLY SANDVIG: Is the old courthouse actually going to be coming down? I think there was some debate with the Historical Society with that?

(0.5) BONNIE JOHNSON: We're looking to keep the courthouse the most vital building in Fargo, and that is why we're looking at expansion next to the courthouse so that we can maintain the vital campus that the citizens want. What the discussion is about is what to do with the old jail that we vacated.

(0.9) SCOTT WAGNER; CHAIRMAN OF CASS COUNTY BOARD OF

COMMISSIONERS: Testimony in support of HB 1186. We are not asking for money for any county issues. Those are our responsibilities. The issue here is a state function in county buildings. We have a growing case load and gives us more responsibility and puts more pressure on our infrastructure. We have to respond to that because we have an obligation to the public. We have seven court rooms and eight judges. If in fact the state was to go out and purchase it's own building, that potential cost in Cass county would be \$10,000,000 to \$12,000,000.

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(3.9) REP. SALLY SANDVIG: Are there any alternative plans in case that scale does not come down?

(4.1) SCOTT WAGNER: We are proceeding forward with this. It's very difficult to break up the criminal and civil aspects of the court, because it affects the Clerks of Courts office, the States Attorneys office, so building off site would be the only option. That would empty out half of our courthouse at the property taxpayers expense. We don't feel that's a viable option.

(5.4) MARK JOHNSON: EXECUTIVE DIRECTOR OF ND ASSOCIATION OF COUNTIES: Testimony in favor of HB 1186. (see attachment #4)

(7.7) REP. GLEN FROSETH: Rather than take this route of providing grants and money for construction, do you think it would be more conducive to the counties that provide court services, if the state paid them, they leased the space they use in the courts?

(8.1) MARK JOHNSON: That could be a viable option. The problem is we would need legislation to do that. It would take another act of the Legislature to say that the court would now have a line item in their budget that would allow for leasing of certain space. Take into consideration of expansion, remodeling, and the needs of the court.

(8.6) REP. GLEN FROSETH: To meet long term and ongoing expenses, that would be a better program and precedence to set rather than granting monies for things of construction.

(8.9) MARK JOHNSON: What we were looking for in the HB 1088, was an up front commitment.

(9.3) REP. CAROL NIEMEIER: What are the globe counties in ND?

(9.4) MARK JOHNSON: Rollette, Sioux county, Burleigh, Grand Forks, Cass, & Ward.

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House Political Subdivisions Committee

Bill/Resolution Number: HB 1186

Hearing Date: January 16, 2003

(9.7) REP. CAROL NIEMEIER: As long as you built your \$2,000,000 into the budget, it would be appropriated if indeed this passes. Would those other qualifying counties have to wait in line to get money?

(10.3) MARK JOHNSON: This bill does relate primarily to Cass county. But other counties that grow could in fact meet the criteria, or the criteria could be changed if we look at this one close up.

(11.1) REP. DALE SEVERSON: The other 54 counties in the state, have they had any concern over the fact that they too have to provide this service? Has there been any suggestions by anyone in the organization that maybe you should be looking at the court system, that maybe we messed up and you should start paying a portion of this responsibility?

(11.5) MARK JOHNSON: All counties have expressed their concern. They would have some interest in working with the state partnership.

(13.1) REP. DALE SEVERSON: HB 1088, what was the purpose of that bill?

(13.2) MARK JOHNSON: The purpose was that we also participated with the state court administrator and tried to set a fund aside and have an appropriation that would be a cost share program that would allow counties to access that fund for some remodeling and construction.

(13.9) REP. DALE SEVERSON: Is there an opportunity yet this session to address this issue for all of the counties? Can we amend 1088 and make sure that it's included in there, some reimbursement for the counties for the services they have to provide?

(14.2) MARK JOHNSON: Yes.

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Hearing Date: January 16, 2003

(14.4) REP. BRUCE ECKRE: 1088 is a different bill. We have counties that are so broke out there that they can't even put decent carpeting in the rooms. That is just to help out those counties that really need money.

(14.9) REP. ANDREW MARAGOS: Have they instituted a study in the Interim in this regard?

(15.1) MARK JOHNSON: Every Interim, we've had a judicial committee. The issue of space and the responsibilities of the counties to provide them a space in the courts has been on the agenda for the committees. They just haven't dealt into it.

(16.0) TED GLADDEN; STATE COURT ADMINISTRATOR: Testified in support of HB 1186. (see attachment #5) The courts have been involved in the discussions. We know we will need more Judgeships, they will have to be relocated, if the work load continues to shift and grow. The Supreme Court did move a Judgeship to Fargo about eleven months ago. In visiting with the Judges this week, they were concerned that the 12,000 square feet will meet their needs currently, but will not provide for any expansion.

(20.7) REP. CAROL NIEMEIER: How many District Courts are there in our state?

(21.0) TED GLADDEN: 17 and have at least one judge chamber.

(21.2) REP. CAROL NIEMEIER: In Rep. Weiland's testimony it says due to increased population in some counties, Judgeships have been added. Does that number still fall within the 42 that was the required reduction by 2001?

(21.4) TED GLADDEN: There have been no additions. It's been a reallocation of those resources, because when the courts were combined in 1995, I believe there were 56 Judgeships. That was county and district Judgeships. The Legislation provided that by the year 2001, the

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Bill/Resolution Number: HB 1186
Hearing Date: January 16, 2003

judiciary had to be at 42 District Judges, thus reducing Judgeships. Either we add more judges or we're going to have to move Judges more to where the work is.

(23.8) REP. GLEN FROSETH: Any more support on HB 1186? Is there anyone in opposition on HB 1186? Hearing none, we will close the hearing on HB 1186. We'll hold this bill and act on it tomorrow. There was committee discussion. The committee asked for more information and to see the estimates and more detailed costs. (27.1)- ended.

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1186

House Political Subdivisions Committee

Conference Committee

Hearing Date: January 23, 2003

Tape Number	Side A	Side B	Meter #
2	X		0.0-5.4
Committee Clerk Signature <i>Micki Schmidt</i>			1-29-03

Minutes:

TAPE 2: SIDE A:

(0.1) REP. GLEN FROSETH: We will open the hearing on HB 1186.

(0.6) REP. ALON WIELAND: Testified in support of HB 1186. (handed out amendment #.0200) I've proposed an amendment that would actually change the appropriation under certain circumstances to state that during the 2003-2005 Interim. The legislative council studied the leasing or renting of county court facilities by the state including the possibility of counties retaining a portion of fees collected by the counties in lieu of leasing or renting by the state. I WILL SUBMIT THE AMENDMENT AND ASK THAT IT BE CONSIDERED.

(1.6) REP. ANDREW MARAGOS: I SECOND IT.

(1.7) REP. GLEN FROSETH: Any committee discussion? This is kind of a compromise, it's not nearly anything like their original prime sponsor of the Bill were asking for. This is making a move towards addressing the problem of court expenses.

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House Political Subdivisions Committee
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(3.0) REP. ALON WIELAND: I did discuss this with the proponents of the Bill that were here, and the Supreme Court and it's fine with them.

(3.3) TED GLADDEN; STATE COURT ADMINISTRATOR: Testified in support of HB 1186. I fought this in 1999 when the legislation was passed to bring the clerks of court for court services into judiciary. One of the requests made by the committee was in the preparation of legislation, to look at that very issue about facilities.

(4.0) REP. GLEN FROSETH: Any discussion by the committee? We'll take a voice vote on the amendment: 14- yes, 0- no, 0 absent. Amendment carries. What are the committee's wishes?

(4.2) REP. DALE SEVERSON: I MOVE A DO PASS AS AMENDED.

(4.3) REP. MARY EKSTROM: I SECOND IT.

(4.3) REP. GLEN FROSETH: Any further committee discussion? The clerk will call the Roll
Call Vote: 13- yes; 0- no; 1- absent, Rep. Wieland will carry the Bill.

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Date: 1-23-03, Thursday

Roll Call Vote #: 01

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1186

House "POLITICAL SUBDIVISION" Committee

Check here for Conference Committee

Legislative Council Amendment Number 30068.0102

Action Taken Do Pass as Amended

Motion Made By Rep. Severson Seconded By Rep. Ekstrom

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	✓				
Vice-Chairman Nancy Johnson	✓				
Mike Groez	✓				
Gil Herbel	✓				
Ron Iverson	✓				
William E. Kretschmar	✓				
Andrew Maragos	✓				
Dale Severson	✓				
Alon Wieland	✓				
Bruce Eckre	0				
Mary Ekstrom	0				
Carol A. Niemeyer	✓				
Sally M. Sandvig	✓				
Vonnie Pletsch	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Wieland

If the vote is on an amendment, briefly indicate intent:

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REPORT OF STANDING COMMITTEE (410)
January 27, 2003 9:49 a.m.

Module No: HR-15-1100
Carrier: Wieland
Insert LC: 30068.0102 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1186: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1186 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of the state leasing of county court facilities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. State leasing of county court facilities - Legislative council study. During the 2003-04 Interim, the legislative council shall study the leasing or renting of county court facilities by the state, including the possibility of counties retaining a portion of fees collected by the counties in lieu of leasing or renting by the state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly."

Renumber accordingly

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2003 SENATE POLITICAL SUBDIVISIONS

HB 1186

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1186**

Senate Political Subdivisions Committee

Conference Committee

Hearing Date **February 27, 2003**

Tape Number	Side A	Side B	Meter #
1		X	2267 - 3885

Committee Clerk Signature

Shirley Borg

Minutes:

CHAIRMAN COOK opened the hearing on HB 1186. All members (6) present. HB 1186 is a bill for an act to provide for a legislative council study of the state leasing of county court facilities.

Testimony in Support of HB 1186:

REPRESENTATIVE WIELAND, District 13, Introduced HB 1186 (See attached testimony)

Ted Gladden, State Court Administrator, appeared in support of HB 1186. (See attached testimony)

SENATOR MATHERN, District 11, appeared in support of HB 1186. One of the issues he raised to the committee was the possibility to add some other wording to include other political subdivisions in the study. We need to figure out more ways to share infrastructure between the political subdivisions. He would hope that we do not limit ourselves.

SENATOR SYVERSON, asked if Senator Mathern had any suggested verbiage.

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Senate Political Subdivisions Committee
Bill/Resolution Number HB 1186
Hearing Date February 27, 2003

SENATOR MATHERN said he would say on line 6 after the word state add the words other political subdivisions and then on line 7, after the word state add the words political subdivisions. The goal is that we work together as much as possible.

Wade Williams, ND Association of Counties, appeared in support of HB 1186. Since the mid 90's when the state transferred the fees to the state general fund and then to the counties trust fund, the counties received those fees, so then the counties had an income for the updating of those facilities. Right now counties are responsible by statute to provide the courts space. Much different than any other and he doesn't see any harm in including other political subdivisions as Senator Mathern has purposed. He believes we are already doing this, we can lease space to other political subdivisions.

Christine Hogen, representing the State Bar Association of North Dakota, appeared in support of HB 1186. They do endorse and support the concept of studying appropriate methods to get some additional funding to the counties to upkeep the court houses.

No testimony in opposition to HB 1186.

CHAIRMAN COOK closed the hearing on HB 1186.

Discussion:

SENATOR JUDY LEE supports the study but does not like a mandated study. She would prefer it to say that the legislative council shall consider studying.

SENATOR COOK indicated that this would be his only concern also.

SENATOR SYVERSON asked a question of Senator Judy Lee, would you consider also to address the issue to broaden the scale of participants in the amendment.

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Dorinda Baller
Operator's Signature

10/2/03
Date

Page 3
Senate Political Subdivisions Committee
Bill/Resolution Number HB 1186
Hearing Date February 27, 2003

SENATOR JUDY LEE moved an amendment that would say that the legislative council shall consider studying and would include language appropriately drafted .

SENATOR SYVERSON seconded the motion.

Roll call vote: Yes 6 No 0 Absent 0

SENATOR JUDY LEE made a motion **DO PASS AS AMENDED.**

SENATOR CHRISTENSON seconded the motion.

Roll call vote: Yes 6 No 0 Absent 0

Carrier: **SENATOR JUDY LEE**

CHAIRMAN COOK adjourned the meeting.

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10/2/03
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30068.0201
Title.0300

Adopted by the Political Subdivisions
Committee
February 27, 2003

JPB
2-28-03

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1186

Page 1, line 5, replace "study" with "consider studying"

Page 1, line 6, after "state" insert "or other political subdivision"

Page 1, line 7, after "state" insert "or other political subdivision"

Renumber accordingly

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Dennis G. Ballantyne
Operator's Signature

10/2/03
Date

Date: 2-27-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1186

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number 30068.0201

Action Taken Adopt Amendments

Motion Made By Senator Judy Lee Seconded By Senator Syverson

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator John O. Syverson, V C	X				
Senator Gary A. Lee	X				
Senator Judy Lee	X				
Senator Linda Christenson	X				
Senator Michael Polovitz	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

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Deanna Ballantyne Date 10/2/03
Operator's Signature

Date: 2-27-03
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1186

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number 30068.0201

Action Taken Do Pass as Amended

Motion Made By Sen. Judy Lee Seconded By Sen Christenson

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator John O. Syverson, VC	X				
Senator Gary A. Lee	X				
Senator Judy Lee	X				
Senator Linda Christenson	X				
Senator Michael Polovitz	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Judy Lee

If the vote is on an amendment, briefly indicate intent:

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Donna Ballbach
Operator's Signature 10/2/03
Date

REPORT OF STANDING COMMITTEE (410)
February 28, 2003 2:18 p.m.

Module No: SR-36-3688
Carrier: J. Lee
Insert LC: 30068.0201 Title: .0300

REPORT OF STANDING COMMITTEE

HB 1186, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1186 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "study" with "consider studying"

Page 1, line 6, after "state" insert "or other political subdivision"

Page 1, line 7, after "state" insert "or other political subdivision"

Renumber accordingly

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Dorinda G. Ball
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2003 TESTIMONY

HB 1186

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Doreen G. Baller
Operator's Signature

10/2/03
Date

Attachment
1

1-16-03

Chairman Froseth and Members of the Committee. My name is Rep. Alon Wieland and I am here today to introduce and to support HB 1186.

If I may present some history, especially for new Legislators, Counties have provided Court Room and Office facilities, probably for as long as for as long as there have been Courts and Counties. By Statute the Counties have provided this space at no cost to the State of North Dakota for the District Court. In 1991 legislation provided that County Courts were to be eliminated and a Unified Court System was adopted. In 1995, all County Courts ceased to function and District Court Judgeships increased to 53 with a required reduction to 42 by 2001. Also in 2001, Many Clerks of District Court became employees of the State, but the clerk offices remained in the Court House. Also during the 1993 Session, I believe, the State collected all fines and fees formerly collected by the Counties and since that time have kept these fines and fees as well. The Counties continue to provide space (including heat, lights, airconditioning, maintainance, custodial, parking, etc.) at no cost to the State. Now due to increased population in some Counties, Judgeships have been added creating further stress on County office space. This is where HB 1186 comes in. I have provided the background and I want to Introduce Bonnie Johnson, Cass County Coordinator, to further explain the bill. However, I stand ready to answer any questions. Thank You.

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10/2/03
Date

#2

1-16-03

TESTIMONY ON HB 1186

My name is Bonnie Johnson and I serve as the Cass County Coordinator. In that capacity, I am here today to speak on behalf of the Cass County Board of Commissioners regarding HB 1186, a bill that provides a lump sum appropriation for county offices that house court facilities.

Cass County, like other North Dakota counties, is obligated by state law to provide space for all state court functions. In the Cass County Courthouse, this includes 7 courtrooms, 8 judicial offices, clerical space, court reporter offices, jury deliberation rooms and ancillary spaces. Also, there are 21 clerks of court in the Courthouse who are a part of the state district court system, and there is a large amount of file space. Of the 77,000 square feet of space available in the Cass County Courthouse, nearly one-half is used for state court functions.

Across the street from the Courthouse, we have an Annex Building. That facility has approximately 50,000 square feet with about 11,000 square feet assigned to the juvenile court, which is also a part of the state court system.

In addition to providing the space, the county government pays the bills for heating and cooling, janitorial and security services. Our security bill this year will be \$125,000. Our janitorial budget is \$111,000. Our budget for electricity is set at \$176,000. Beyond that, we provide water, parking, snow removal, telephone and computer wiring, and general maintenance. The combined budgets of the Cass County Courthouse and Annex Building maintenance for the year 2003 are set at \$674,700.

The Cass County Courthouse is filled to capacity and Cass County is in the process of developing plans for a future expansion to the west of the existing Courthouse. I have a site map to orient you. The proposed new building would sit on the site of the old Cass County Jail and Sheriff's residence and would be built to accommodate our defined growth needs.

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Cass County methodically examined its needs and priorities for the future and developed a plan that we call "visionary". We have come up with a proposal that would, for the very first time, consolidate all the courts in Fargo and Cass County under a single roof at the Cass County Courthouse. We would essentially provide "one-stop" court services for all of the citizens of Cass County. We have entered into a cooperative effort with the City of Fargo to move municipal court to the new Courthouse addition. New criminal courtrooms would be developed for the state court, thus eliminating the need to duplicate secure transportation and holding facilities for inmates transferred from the jail at multiple locations.

The west addition would also allow county government to move forward with building a "secure" criminal courts area, and only civil cases would be heard in the courthouse. We would be able to design an environment in which prisoners, jurors, plaintiffs, defendants, friends and family would no longer have to mingle together in public hallways or restrooms. It is a situation we consider dangerous. The building would also house below-grade parking for judges' security and a skyway connecting the Courthouse to the Annex for the safe movement of all who access the state court services in each of the county buildings.

We have come a long way in the planning process, yet, we have a long way to go. Our current stumbling block is financing, which is why I am here today. Trust me when I say, I recognize the difficult financial challenges that face this legislative body. Before coming here today, Cass County invested an enormous amount of time and energy working through this vision with the City of Fargo, local legislators, district court judges and the State Supreme Court.

Cass County needs about nine million dollars to build the all-purpose criminal courts building of the future. Cass County Government would expend about six million dollars and the City of Fargo would fund its one million dollar space requirements, but that leaves us about two million dollars short. The county taxpayers cannot build this structure without financial assistance. That brings us full-circle to HB 1186.

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As you can see, the funds are restricted as itemized in Section 2 and the criteria for hurdling those restrictions are complicated. However, Cass County meets these criteria and asks for your help in moving forward with a court vision for the future. Your consideration in voting "YES" on HB 1186 would be greatly appreciated.

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Deanna Baller
Operator's Signature

10/2/03
Date



Mayor Bruce W. Furness
200 3rd Street North
Fargo, North Dakota 58102
Phone: (701) 241-1510
Fax: (701) 241-1526

January 14, 2003

Ms. Bonnie Johnson
Cass County Coordinator
Cass County Courthouse
Fargo, North Dakota

Dear Bonnie,

I understand there is a legislative hearing this week to appropriate funds for the construction of new courtrooms in a free standing building next to the Cass County Courthouse. During the past two years discussions have been held with Fargo City staff on the idea of co-locating Fargo Municipal Court into this proposed structure.

Reasons for sharing this space with the district court system were to provide increased security and to cut costs for both the City and County. For example, the City just recently began to place armed police officers in the municipal courtroom. If the City were to move its courtrooms to the County all security could be shared with the County. This includes screening of all persons doing business with the municipal court staff as well as those having hearings before Judge Davies. Also transporting prisoners from the County jail could be shared.

We see this proposal as a long term solution to the City's courtroom needs, cutting costs of providing the necessary security and allowing citizens to identify one location for all courtroom functions within the County. It is encouraging to see that you are moving forward on this project and the City of Fargo supports your legislative efforts.

Sincerely,

Bruce W. Furness
Mayor

BWF:st
nbj



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10/2/03

Date

#4

**TESTIMONY TO THE
HOUSE POLITICAL SUBDIVISIONS COMMITTEE**

Prepared January 16, 2003 by
Mark A. Johnson, CAE
Executive Director
North Dakota Association of Counties

REGARDING HOUSE BILL NO. 1186

Mr. Chairman and members of the committee, thank you for the opportunity to comment on this profound and important piece of legislation. Over the last 25 years, county government has witnessed a dramatic change in the structure of our State's judiciary, and with it, a fundamental change in the relationship between the courts and counties.

In 1981, the Legislature acted to eliminate all non-law-trained county judges through attrition, and established an increasing salary schedule for law-trained county judges that contributed greatly to the reduction in their number - through multi-county combinations. In this same time period, juvenile court officers were moved to the State. Then, in 1993, we saw the total elimination of county judges through the unification of the courts. In 1997, the Legislature began a two-year shift of most court fee and forfeiture revenue from the counties to the State. This shift reached its climax in 1999 when the management and fiscal responsibility for the clerks of district court were also shifted from counties to the State Court Administrator.

Throughout this process, the issue of court facilities was repeatedly raised, discussed, and placed on the back burner; however, in many courthouses it remains a very serious concern. As the number of state employees have increased, and the needs of the judiciary have become more complex (i.e. security, communication), most counties have struggled to meet their landlord responsibilities. Nowhere is this struggle more apparent than in those counties that must squeeze in an increasing number of judges.

House Bill 1186 is a bold proposal to create a new method for addressing this old concern - a positive step forward for both counties and the judiciary. I recognize that this is both a policy and an appropriation issue, but I hope that this Committee can understand how important your decision on the policy portion is to county government.

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1/21/03
Date

#5

House Bill 1186
House Political Subdivisions Committee
by Ted Gladden, State Court Administrator

Chairman Froseth and members of the Political Subdivisions Committee, my name is Ted Gladden. I am the State Court Administrator. I am appearing today in support of HB 1186. Funding court-related facilities is an issue confronting both the counties and the state judiciary. There is another bill, HB 1088, before the House Judiciary Committee for limited funding of court facilities. That bill is to address facilities concerns in a more limited fashion and has a more modest fiscal note. I mention this other bill as between HB 1088 and HB 1186, you can see how we are struggling to find ways to fund the space needs of the courts in our state.

House Bill 1186 provides a sum of \$2 million dollars to be placed in the Supreme Court appropriation for the purpose of providing funding for county office and court building projects. It is limited to counties contemplating construction, including the municipal court as part of the building and where this is a 10% growth in caseload or a 10% increase in district judgeships in the preceding five years. Two of the three criteria must be met. By definition then, few counties will qualify for assistance under this bill.

I am aware that the Cass County Commission has moved forward with the initial discussions on the building of a courthouse annex in Fargo. These funds

HB 1186

Page 1

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10/2/03
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would be used to partially defray the costs of the construction. Up to 12,000 sq. ft. have been committed to judicial use in this project. While I support HB 1186, the support is with the understanding that whatever plan is designed needs to have the approval of the judiciary. The proposed 12,000 sq. ft. will not address all of the expansion needs of the judiciary in the near future. With the growth of the caseload in Cass County, we will need to look at additional resources within a few years. The proposed 12,000 sq. ft. does not provide any space for additional judgeships, but addresses current need only. However, with that said, this bill will assist in addressing a shortfall in court facilities that now exists.

That concludes my remarks. Thank you.

HB 1186

Page 2

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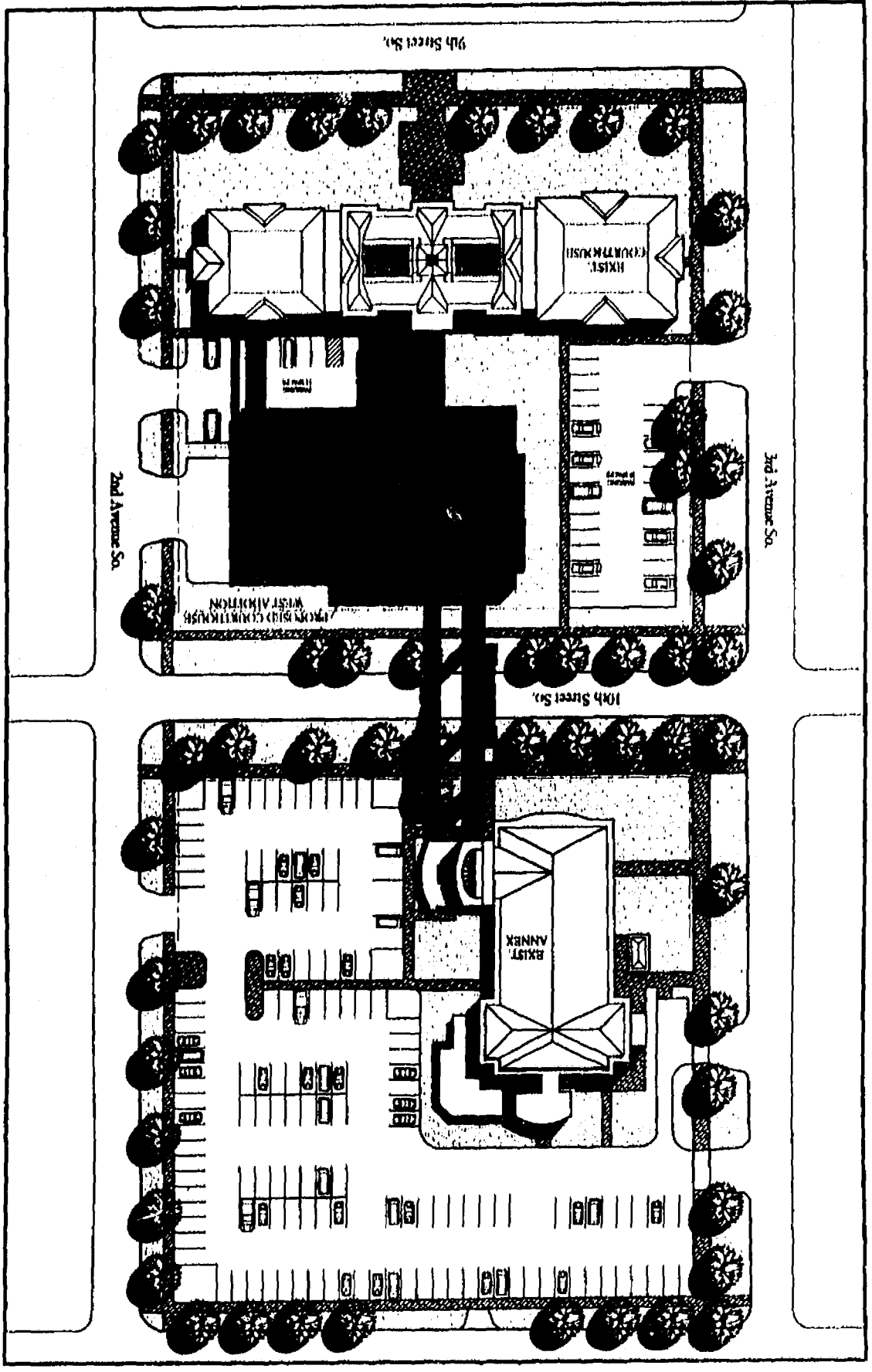
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10/2/03
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Foss Associates
Architecture &
Interiors

Cass County Courthouse - West Addition
Fargo, North Dakota
Schematic Design
Scale 1" = 100'-0"
11-05-01



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10/2/03
Date

NORTH DAKOTA HOUSE

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Alon Wieland
District 13
P.O. Box 412
West Fargo, ND 58078-0412
awieland@state.nd.us



COMMITTEES:
Human Services
Political Subdivisions

TESTIMONY
HOUSE BILL 1186
REPRESENTATIVE ALON WIELAND
DISTRICT 13 - WEST FARGO
February 27, 2003

CHAIRMAN COOK, MEMBERS OF THE SENATE POLITICAL
SUBDIVISIONS COMMITTEE:

I AM PLEASED TO BE HERE TODAY TO TALK ABOUT THE PURPOSE OF
HOUSE BILL 1186.

ORIGINALLY THIS BILL WAS SUBMITTED TO PROVIDE AN
APPROPRIATION TO THE SUPREME COURT TO PROVIDE FUNDING TO
A COUNTY THAT INCURRED SEVERAL INDICATORS OF GROWTH IN
THE COURT SYSTEM. THIS APPROPRIATION WOULD HAVE PROVIDED
UP TO \$2,000,000 TO A COUNTY OR COUNTIES THAT COULD SHOW AN
INCREASE IN CASE LOAD, HAD ADDITIONAL JUDGES ASSIGNED TO
THE DISTRICT, AND COMBINED MUNICIPAL COURT WITH DISTRICT
COURT AND NEEDED TO ADD COURT FACILITIES. HOWEVER, DUE TO

Page 1 of 2

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SEVERAL FACTORS, INCLUDING THE LACK OF FUNDS FOR AN APPROPRIATION, THE BILL WAS AMENDED TO DIRECT THE LEGISLATIVE COUNCIL TO DO A STUDY ON LEASING OR RENTING COUNTY COURT FACILITIES BY THE STATE INCLUDING THE POSSIBILITIES OF COUNTIES RETAINING A PORTION OF FINES AND FEES IN LIEU OF LEASING OR RENTING.

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, I WOULD ASK THAT YOU CONSIDER A **DO PASS** ON THIS BILL AND I WOULD BE HAPPY TO ANSWER ANY QUESTIONS.

Page 2 of 2

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Operator's Signature

10/2/03
Date

Testimony Regarding HB 1186
By Ted Gladden, State Court Administrator


Chairman Cook and members of the Senate Political Subdivisions Committee, I am appearing today in support of HB 1186.

In 1995, the Legislative Assembly moved the cost of county judges and their support staff from the county to the state and merged the former county courts and district courts into a one-tier district court system. At that time, as part of different legislation requested by OMB, the fee revenue that had been flowing to the counties was redirected to the state general fund.

In 1999, the Legislative Assembly approved the transition of clerk of court services from county expense to the state, either through the counties electing to give up these services and have them taken over by the state or by the counties electing to contract to provide the services with county personnel. This all began, incidentally, in 1981 when the state assumed the cost of salaries for court reporters and juvenile court personnel, and operating expenses, as well as district court indigent defense costs and district court jury expenses. Thus, we have reached a point where today all court services are provided through state appropriation.

N.D.C.C. §27-01-01.1, provides that the county shall provide offices for clerks of courts and chambers for judges, as well as courtroom space. However, there is no clear delineation of responsibility between the state and counties for the provision and upkeep of these facilities. The question of who should pay for major construction and remodeling of county facilities to meet the needs of the state judiciary needs to be revisited.

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As the needs of the judiciary change, the space needs of the court need to change to reflect the demographic changes that are occurring along with changes in the caseload and technology needs of the judiciary.

With the passage of this bill and the interim study that is contemplated, we hope to come to the 59th Legislative Assembly in 2005 with a new approach to address the relationship between the state courts and the counties that provide the facilities for judges and court personnel.

Thank you.

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Dorena Ballantyne
Operator's Signature

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