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Yolanda Rickford
Operator's Signature

10/2/03
Date

2003 HOUSE JUDICIARY

HB 1045

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Valista Rickford
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10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1045

House Judiciary Committee

☐ Conference Committee

Hearing Date 1-14-03

Tape Number	Side A	Side B	Meter #
2	xx		42-end
2		xx	0-2
Committee Clerk Signature <i>[Signature]</i>			

Minutes: 12 members present, 1 member absent (Rep. Bernstein)

Chairman DeKrey: We will now open the hearing on HB 1045.

Vonnette Richter, LC: (see testimony)

Chairman DeKrey: Anyone else in favor of HB 1045.

Wade Williams, ND Association of Counties: The counties would like to go on the record in favor of HB 1045. It is our contention that during the court consolidation in 1991, that these particular items were overlooked and not moved to the state as the others were. We would like to see these costs transferred to the state, to make the indigent defense a little bit more uniform for criminal and civil court matters. Our costs during the interim were between \$125,000 to \$150,000 a year. The fiscal note you have there is a little bit higher than that.

Chairman DeKrey: Anyone else in favor.

Bonnie Johnson, Cass County Board of Commissioners: (see testimony) We are in favor of HB 1045.

Page 2
House Judiciary Committee
Bill/Resolution Number HB 1045
Hearing Date 1-14-03

Chairman DeKrey: Thank you for appearing before our committee. Anyone else in favor?

Ted Gladden, State Court Administrator: (see testimony) I can get you the results of the survey taken in December of 2002.

Chairman DeKrey: We will not take action until we have the two fiscal notes for the last two bills. Any testimony in further support of HB 1045, any opposition to HB 1045. If not, we are going to close the hearing on HB 1045.

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1045

House Judiciary Committee

☐ Conference Committee

Hearing Date 1-15-03

Tape Number	Side A	Side B	Meter #
1	xx		21-22
Committee Clerk Signature <i>Al Remose</i>			

Minutes: All members present:

Chairman DeKrey: On HB 1045, what are the committee's wishes?

Rep. Delmore: I move a Do Pass motion on HB 1045.

Rep. Grande: Second it.

Chairman DeKrey: Is there any discussion on the bill? If not, the clerk will call the roll on the Do Pass motion on HB 1045.

13 YES 0 NO 0 ABSENT DO PASS Rereferred to Appropriations

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Yalosta Rickford
Operator's Signature

10/2/03
Date

FISCAL NOTE
Requested by Legislative Council
02/12/2003

REVISION

Bill/Resolution No.: HB 1045

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$390,300		\$400,000	
Appropriations			\$390,300		\$400,000	

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			(\$390,300)			(\$400,000)		

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

This is the estimated costs relating to indigent defense costs for mental illness commitment proceedings, civil commitment of sexual predators, and for guardian ad litem services (including custody investigators). These costs are currently paid by the county and HB 1045 proposes moving these costs to the state.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

Based on information received from county auditors, the breakdown of estimated costs for the 2003-2005 biennium is as follows:

Sexual Predator Commitment proceedings - \$14,114
Mental Illness Commitment proceedings - 257,472
Custody Investigations - 4,884
Guardians at Litem - 113,830
Total Estimated Costs 390,300

The \$113,830 estimated cost for Guardians at Litem services is for civil cases and would be paid by the Judiciary. The \$4,884 estimated cost for Custody Investigations is also for juvenile services and would be paid by the Judiciary. The costs for sexual predator commitment proceedings and mental illness commitment proceedings would be paid by the Judiciary unless HB 1044 transfers the indigent defense program to the Office of Administrative Hearings. HB 1044 would transfer the indigent defense program to the Office of Administrative Hearings as of January 1, 2004. In this case the Judiciary would need to retain one-fourth of the sexual predator and mental health costs to pay from July

1, 2003 through January 1, 2004.

Summary assuming HB 1044 passes:

Office of Administrative Hearings

Sexual Predator Commitment Proceedings (3/4) - \$10,586

Mental Illness Commitment Proceedings (3/4) - \$193,104

Total - \$203,690

Judiciary

Sexual Predator Commitment Proceedings (1/4) - \$3,528

Mental Illness Commitment Proceedings (1/4) - \$64,368

Guardians ad Litem - \$113,830

Custody Investigations - \$4,884

Total - \$186,610

Judiciary - \$186,610

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Ted C. Gladden	Agency:	Supreme Court
Phone Number:	328-4200	Date Prepared:	02/12/2003

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Yolanda Rickford
Operator's Signature

10/2/03
Date

FISCAL NOTE
Requested by Legislative Council
02/12/2003

REVISION

Bill/Resolution No.: HB 1045

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$390,300		\$400,000	
Appropriations			\$390,300		\$400,000	

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			(\$390,300)			(\$400,000)		

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

This is the estimated costs relating to indigent defense costs for mental illness commitment proceedings, civil commitment of sexual predators, and for guardian ad litem services (including custody investigators). These costs are currently paid by the county and HB 1045 proposes moving these costs to the state.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

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Custody Investigations - 4,884
Guardians at Litem - 113,830
Total Estimated Costs 390,300

The \$113,830 estimated cost for Guardians at Litem services is for civil cases and would be paid by the Judiciary. The \$4,884 estimated cost for Custody Investigations is also for juvenile services and would be paid by the Judiciary. The remaining costs (\$271,586) are all part of Indigent Defense Services. They would be paid by the Judiciary unless HB 1044 transfers this program to the Office of Administrative Hearings.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive

budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Ted C. Gladden	Agency:	Supreme Court
Phone Number:	328-4200	Date Prepared:	02/12/2003

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Yolanda Rickford
Operator's Signature

10/2/03
Date

FISCAL NOTE
Requested by Legislative Council
12/18/2002

Bill/Resolution No.: HB 1045

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$390,300		\$400,000	
Appropriations			\$390,300		\$400,000	

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			(\$390,300)			(\$400,000)		

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

This is the estimated costs relating to indigent defense costs for mental illness commitment proceedings, civil commitment of sexual predators, and for guardian ad litem services (including custody investigators). These costs are currently paid by the county and HB 1045 proposes moving these costs to the state.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

Supreme Court - 180, District Court Appropriation 180-182

Operating Expenses - Operating Fees & Services - \$390,300

General Fund

See attached spreadsheet for detail by county regarding this estimate.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Ted C. Gladden	Agency:	Supreme Court
Phone Number:	328-4200	Date Prepared:	12/19/2002

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Operator's Signature

10/2/03
Date

Date: 1/15/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1645

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Delmore Seconded By Rep. Grande

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Kingsbury

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

Referred to Appropriations.

Valosta Rickford
Operator's Signature

10/2/03
Date

REPORT OF STANDING COMMITTEE (410)
January 16, 2003 10:09 a.m.

Module No: HR-07-0567
Carrier: Kingsbury
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1045: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1045 was rereferred to the Appropriations Committee.

(2) DESK, (3) COMM

Page No. 1

HR-07-0567

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10/2/03
Date

2003 HOUSE APPROPRIATIONS

HB 1045

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Yolanda Rickford
Operator's Signature

10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1045

House Appropriations Committee

☐ Conference Committee

Hearing Date 02-11-03

Tape Number	Side A	Side B	Meter #
1	X		45.8
1		X	10.8
Committee Clerk Signature <i>Chris S. Nyhus</i>			

Minutes:

Chairman Svedjan Opened HB 1045 for discussion. A quorum was present.

Rep. Dekrey This is the last piece for Court unification. This is for the defense cost of mental illness commitment proceedings, civil commitment of sexual predators, and for guardian ad litem services. I believe it has a \$390,000 fiscal note.

Chairman Svedjan The 05-07 costs are for continuance?

Rep. Dekrey Correct.

Rep. Kempenich How many people were they handling with this?

Rep. Dekrey It is just a historical fiscal note that they projected.

Rep. Glassheim Is this the same \$390,000 from the indigent defense fund?

Susan Siske, Fiscal analyst for the Supreme Court. This is an entirely different amount of money. These are costs that would be transferred from the counties to the state.

Chairman Svedjan All of this expense would be moved into the Judiciary budget?

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Operator's Signature

10/2/03
Date

Page 2
House Appropriations Committee
Bill/Resolution Number HB 1045
Hearing Date 02-11-03

Siske \$57,000 goes to Judiciary, the rest goes with HB 1044.

Rep. Skarphol Where does the money come from? Is it currently in the Supreme Court's budget?

Siske No it is not, it would have to be new money.

Rep. Wald What is the increase this year for the State Aid Distribution Fund? The reason I ask this is because maybe we could fund this out of money that is coming from the State Aid Distribution Fund.

Sheila Peterson, OMB The increase in the State Aid Distribution fund, which is 4 10ths of 1 cent sales tax is going up approximately 5 percent from last biennium. Roughly 5 million dollars.

Rep. Wald I have no problem taking that money from there. I move the \$290,300 here would be accessed through the State Aid Distribution Fund increase, rather than it come out of the general fund. 2nd by Rep. Kempenich.

Alan Knudson The funding would actually have to be added into those budgets. You probably want to direct this motion to the Office of Administrative Hearing budget and the Judicial budget.

Chairman Svedjan \$56,915 needs to go into the Judicial budget, the difference goes to the Office of Administrative Hearings and implement intent motion. The \$390,300 will come from the State Aid Distribution Fund, \$56,915 will be intended to go to Judiciary, \$333,385 will go to the Office of Administrative Hearings. That is the motion, but the intent language as part of this motion will reflect that.

Page 3

House Appropriations Committee

Bill/Resolution Number HB 1045

Hearing Date 02-11-03

Rep. Monson Does this muddy the water with the formula how they get the money from the state, the 4 10ths of 1 percent.

Chairman Svedjan It will reduce the amount of increase.

Sheila Peterson You may need to amend the State Aid Distribution Fund to do this.

Chairman Svedjan So we can't just take the money out?

Sheila Peterson No.

Chairman Svedjan That doesn't make sense to me. Why would it impact the formula? The formula stays the same, the money changes.

Alan Knudson We'll take this money off the top. The section we'll add would state this.

Rep. Warnke The agreement that was made when we did the court unification in '97, was that we would pick up these costs. Just because we forgot one part of the puzzle, we say to them, we forgot, so you have to pay. I'm concerned about that.

Motion Passes

Rep. Brusegaard I move a Do Pass As Amended. 2nd by Rep. Carlisle

Rep. Kerzman Are you going to put a sunset on this?

Chairman Svedjan It doesn't have to be sunsetted.

Motion Carries 19 yea, 4 nay, 0 A/NV. Rep. Wald will carry this bill.

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1045

House Appropriations Committee

☐ Conference Committee

Hearing Date 02-11-03

Tape Number	Side A	Side B	Meter #
2		X	17.0-20.5
Committee Clerk Signature <i>Chris I. Nyhus</i>			

Minutes:

Chairman Svedjan Called the meeting to order. A quorum was present.

Rep. Monson I move to reconsider our action on HB 1045. 2nd by Rep. Warnke.

Rep. Monson There is an error in what we passed.

Chairman Svedjan The numbers that we were given this morning with what the share would be of the \$390 that would go to OAH, and also the share of that \$390,300 for the guardian ad litem were incorrect. That is the prime reason for reconsideration.

Rep. Monson When we were working on HB 1088, we had \$80 dollars and raised it to \$100.

We could use the extra 10 dollars to set up a fund, then we wouldn't have to raid the State Aid Distribution Fund.

Rep. Skarphol I agree with Rep. Monson, but I'm not sure if we should charge people who file a civil suit the \$10 for the indigent defense fund.

Rep. Monson I withdraw my motion.

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1045

House Appropriations Committee

☐ Conference Committee

Hearing Date 02-13-03

Tape Number	Side A	Side B	Meter #
1	X		0.0-7.0
Committee Clerk Signature <i>Chris S. Nylund</i>			

Minutes:

Chairman Svedjan Called the House Appropriations Committee to order. A quorum was present.

Rep. Monson I move to reconsider our actions on HB 1045. 2nd by Rep. Wald

Chairman Svedjan What we did yesterday was we took out the \$390,000 for the indigent defense fund and kept it out of the State Aid Distribution. The counties would pay for it that way. They still will pay it, but this is a cleaner way of doing it.

Chairman Svedjan The counties talked to me too and they prefer us not to take the \$390,000 out of the State Aid Distribution Fund. The affect of this is that it would delay the implementation of the last phase of the court unification process. It is less costly to the counties to keep things the way they are right now.

Rep. Warner We should take over these funds.

Motion Carries

Page 2
House Appropriations Committee
Bill/Resolution Number HB 1045
Hearing Date 02-13-03

Rep. Monson I move a Lo Not Pass, 2nd by Rep. Brusegaard.

Rep. Gulleon Are there fees that are generated at the county court level regarding these processes?

Chairman Svedjan I don't know. This is paid for by the counties.

Rep. Gulleon If fees are generated by the county courts, then they need to stay with the counties.

Motion Carries 22 yeah, 0 nay, 1 A/NV.

REPORT OF STANDING COMMITTEE (410)
February 13, 2003 10:41 p.m.

Module No: HR-28-2695
Carrier: Monson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1045: Appropriations Committee (Rep. Svedjan, Chairman) recommends DO NOT PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1045 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-28-2695

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Yalosta Rickford
Operator's Signature

10/2/03
Date

30172.0101
Title.0200

Prepared by the Legislative Council staff for
House Appropriations
February 12, 2003

VR
2/12/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1045 Approp. 2-12-03

Page 1, line 4, after "services" insert "; and to provide a statement of legislative intent"

HOUSE AMENDMENTS TO HB 1045 Approp. 2-12-03

Page 5, after line 10, insert:

"SECTION 7. LEGISLATIVE INTENT - FUNDING. It is the intent of the legislative assembly that \$113,830 for the judicial branch and \$277,470 for the office of administrative hearings be appropriated from the state aid distribution fund in House Bill No. 1002 and House Bill No. 1018, respectively, to administer the provisions of this Act for the period beginning with the effective date of this Act and ending June 30, 2005."

Renumber accordingly

Page No. 1

30172.0101

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Operator's Signature

Yalosta Rickford

Date

10/2/03

REPORT OF STANDING COMMITTEE (410)
February 14, 2003 10:27 a.m.

Module No: HR-28-2706
Carrier: Monson
Insert LC: 30172.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1045: Appropriations Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1045 was placed on the Sixth order on the calendar.

Page 1, line 4, after "service" insert "; and to provide a statement of legislative intent"

Page b, after line 10, insert

"SECTION 7. LEGISLATIVE INTENT - FUNDING. It is the intent of the legislative assembly that \$113,830 for the judicial branch and \$277,470 for the office of administrative hearings be appropriated from the state aid distribution fund in House Bill No. 1002 and House Bill No. 1018, respectively, to administer the provisions of this Act for the period beginning with the effective date of this Act and ending June 30, 2005."

Renumber accordingly

2003 TESTIMONY

HB 1045

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Operator's Signature

10/2/03
Date

TESTIMONY ON HB 1045

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 indigent defense...public defender costs and guardian ad litem costs.

For many years, these costs were a part of the budget belonging to the Clerk of County Court and later to the Clerk of District Court. They began at a time when counties had their own court systems...known as County Court. Those court services were merged with the State District Court and ultimately the Clerk of Court became a part of State government, tied directly to the judiciary.

During this consolidation, the payment of indigent defense (public defenders) also became a part of the State's obligation for criminal cases. But, we forgot to change the corresponding sections of law for civil cases.

Since the county government has no court system and no clerk of court, the public defender costs and guardian ad litem costs became "homeless". They didn't belong in any budget for any county office. In Cass County, the budget for the public defender costs for civil cases is set at \$35,000 and the Guardian Ad Litem fees for civil cases are set at \$10,000. They are contained in the County Commissioners budget....but they are certainly not expenses of the Board of Commissioners.

In my opinion, our budgeted amounts are, perhaps, the highest in the State. Therefore, we are not talking about a significant amount of money when addressing this issue. However, we must not overlook the fact that court costs belong with the court systems.

House Bill 1045 is a result of an interim study by the Judiciary A Committee at which Cass County testified concerning these matters. The bill, as drafted, corrects the deficiencies which were overlooked during court consolidation.

My remaining concern, although I have not personally seen the fiscal note, is that the estimate is much higher than realistic numbers would show. If there are financial concerns about the implementation of this proposed legislation, I would ask that you further review the fiscal note.

The interim committee did a superb job of understanding the complex issues with regard to this subject matter, and I would recommend that you vote "YES" on HB 1045.

Thank you for the opportunity to talk with you about this issue.

K:\BJ\TESTIMONY-INDIGENT1-09-03.doc

House Bill 1045
House Judiciary Committee
by Ted Gladden, State Court Administrator

Chair Duane DeKrey and members of the House Judiciary Committee, my name is Ted Gladden and I am the State Court Administrator. I am appearing today regarding House Bill 1045. This bill results from a study conducted by the Interim Judiciary Committee and concerns the cost of indigent defense services for mental illness commitment proceedings and civil commitment of sexual predators, and costs for guardian ad litem services. These costs are currently paid by the county in which the case is venued. This bill represents the last piece of the puzzle in moving the costs of the administration of the courts from the counties to the state. If these costs are moved to the state, all indigent defense services will be provided by state appropriation. In preparation for my testimony, we did contact the counties to find out what the actual costs for these services were. From responses received from county auditors in December 2002, our best estimate is that the costs related to indigent defense services for mental illness commitment proceedings and civil commitment of sexual predators, and costs for guardian ad litem services are about \$390,000 per biennium. Thus, our request is that if these costs are moved from county responsibility to the state that an appropriation to the judiciary be included to cover the costs for the 2003-05 biennium.

That concludes my remarks.

Thank you.

House Bill 1045

G:\WP\Comis\2003\Legislature\Remarks - HB 1045.wpd

Page 1



TED C. GLADDEN
STATE COURT ADMINISTRATOR

State of North Dakota
OFFICE OF STATE COURT ADMINISTRATOR

SUPREME COURT
Judicial Wing, 1st Floor
600 E Boulevard Ave Dept 180
Bismarck, ND 58505-0530
Phone: (701) 328-4216
Fax: (701) 328-2082

January 16, 2003

Representative Duane L. DeKrey
4323 27th St. SE
Pettibone, ND 58475

RE: Fiscal Note for HB 1045

Dear Chairman DeKrey:

Attached are the working materials and results from the survey that we conducted of auditors in December 2002 to determine the fiscal impact of this bill on the judiciary. You will note in the attached memorandum by our Director of Finance, we have conservatively estimated the \$390,300 impact. In visiting with staff, it is our assessment that the custody investigation fees for most counties are included with the guardians ad litem budget category and thus is not broken out as a separate line item.

If you have any questions concerning any of the materials supplied with this fiscal note, please contact me.

Sincerely,

Ted Gladden
State Court Administrator

TG/rb
Attachment

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Yalosta Rickford

10/2/03



TED C. GLADDEN
STATE COURT ADMINISTRATOR

State of North Dakota
OFFICE OF STATE COURT ADMINISTRATOR

SUPREME COURT
Judicial Wing, 1st Floor
600 E Boulevard Ave Dept 180
Bismarck, ND 58505-0530
Phone: (701) 328-4216
Fax: (701) 328-2092

TO: Ted Gladden
FROM: Susan Sisk *Susan*
SUBJECT: Fiscal Note for 1045 - Indigent Defense costs paid by Counties

Attached is the detail by county regarding the indigent defense costs currently being paid by counties. This information was received by the auditor of each county for 2002 and 2001 and an average of these two years was used in the computation.

At the time the fiscal note was prepared we had received information from all but 15 of the smaller counties. An estimate based on the information we had was used for these counties. The eleven largest counties represents 85% of the cost.

Based on the information we now have which includes all but 3 counties, an estimate would be \$398,000. The auditor in Ward county also informed me that he had not included the contract payments of \$18,900 per year that they pay to the indigent defense attorney for providing mental health services. Based on this, the amount would increase by another \$37,800 for a total of \$435,800.

The estimate we used with the information we had at the time the fiscal note was due appears to be conservative, at an estimate of \$390,300 per biennium.

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Yalosta Rickford
Operator's Signature

10/2/03
Date

REQUEST FOR REIMBURSEMENT - DIRECT SERVICE NO DEPARTMENT OF HUMAN SERVICES FISCAL ADMINISTRATION SFN 1785 (Rev. 05-2001)										Vendor/Provider Name North Dakota Supreme Court Address Line 1 600 E Broadway Ave Dept 100 Line 2 Line 3									
EXPENSE CLASSIFICATION Expenditure Classification										CH Summary									
CONTRACT INFORMATION Project Title: Juvenile Drug Court Underage Driving Grant IDB										Column A Column B Column C Column D Column E Column F Column G									
DHS Contract Number: 610-04831										Column A Column B Column C Column D Column E Column F Column G									
Description of Service: Reimbursement of expense to support juvenile drug court.										Column A Column B Column C Column D Column E Column F Column G									
Contract Period: From: 05/01/02 To: 05/31/03										Column A Column B Column C Column D Column E Column F Column G									
Billing Period: From: 06/01/02 To: 06/30/02										Column A Column B Column C Column D Column E Column F Column G									
DHS FINANCE LINE ONLY:										Total Amount Request for Reimbursement: (This Billing Period)									
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14 C. Pickard *10/2/03*

Operator's Signature Yolanda Rickford

10/2/03
Date

ND Supreme Court - Information for Fiscal Note - HB 1045

County	Sexual Predator Commitment Proceedings		Mental Illness Commitment Proceedings		Guardians ad Litem		Custody Investigations	
	2000	2001	2000	2001	2000	2001	2000	2001
Burleigh	3,963.00	917.00	15,000.00	15,000.00	4,406.00	13,516.00		
Grand Forks	-	-	11,506.19	11,811.00	17,409.03	12,273.32		
Ramsey	-	-	327.00	2,546.00	5,455.08	2,146.50		
Stark	-	-	9,063.00	8,940.34	951.00	2,590.68		
Walsh	-	-	9,100.00	7,000.00	3,000.00	-		
Williams	-	-	9,424.26	10,855.89	-	-		
SUBTOTAL	8,700.00	8,404.21	102,874.30	106,783.44	68,708.90	42,779.25	4,604.20	380.00
Barnes	-	-	3,152.50	2,420.99	2,838.86	-		
Billings	-	-	-	-	-	-		
Bowman	-	-	-	-	-	-		
Cavalier	-	-	-	-	-	-		
Divide	-	-	143.00	1,339.75	-	-		
Eddy	-	-	1,248.23	97.50	-	24.00		
Foster	-	-	685.40	193.50	-	-		
Grant	-	-	-	-	-	-		
Hettinger	-	-	-	-	-	-		
LaMoure	-	-	-	-	-	-		
McHenry	-	-	-	-	-	-		
McKenzie	-	-	2,242.77	1,378.15	-	-		
Mercer	-	-	402.22	1,073.90	3,299.52	-		
Nelson	-	-	440.00	187.50	-	-		
Pembina	-	-	-	-	-	-		
Ransom	-	-	90.00	82.50	-	-		
Roulette	-	-	521.00	322.00	-	-		
Sheridan	-	-	502.50	-	-	-		
Slope	-	-	-	-	-	-		
Towner	-	-	-	-	-	-		
Wells	-	-	649.75	1,304.80	52.38	-		
SUBTOTAL	1,700.00	1,404.21	15,610.15	13,320.05	6,685.46	2,536.56	-	-
TOTAL	\$ 10,400.00	\$ 9,808.42	\$ 118,484.45	\$ 120,103.49	\$ 75,394.36	\$ 45,315.81	\$ 4,604.20	\$ 380.00

578.15 493.34 247.61 93.95

Averages/year	State Counties	Contract Counties	Estimated Total
Sexual Predator:	\$ 7,056.86	\$ -	\$ 7,056.86
Mental Illness	\$106,228.87	22,501.27	128,730.14
Guardians ad Litem	\$ 49,742.58	7,172.70	56,915.27
Custody Investigators	\$ 2,442.10	0	2,442.10
Total State	\$165,470.40	\$ 29,673.96	195,144.36
Total Estimate/Year	195,144.36		
Total Estimate/BI	390,288.73		
Total Estimate for Fiscal Note	390,300		

Averages/year contract counties:	
Sexual Predator:	-
Mental Illness	535.74
Guardians ad Litem	170.78
Custody Investigators	-
Total	706.52

Contract Counties	42
Total per year	29,673.96

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Yolanda Rickford
Operator's Signature

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2001-03 Interim Judiciary A Committee

State-Funded Indigent Defense

North Dakota's indigent defense system is administered through the judiciary. As part of the court unification process, although the payment of indigent defense for criminal cases became a state obligation, each of the 53 counties is responsible for funding assigned counsel representation of indigents who are facing mental health commitment proceedings or proceedings for the commitment of sexually dangerous individuals. The county is also responsible for costs associated with the appointment of guardians ad litem for indigents. The committee received information that the counties spend an estimated \$200,000 to \$300,000 per biennium on indigent defense services. In 2001 Cass County spent \$16,000 on indigent defense and \$13,500 on guardian ad litem services; Burleigh County spent \$35,000 on indigent defense and \$10,000 on guardian ad litem services; Grand Forks County spent \$3,942 on indigent defense and \$12,273 on guardian ad litem services; and Stutsman County spent \$15,254 on indigent defense and \$5,000 on guardian ad litem services.

The committee considered a bill draft that provided that the state rather than the counties is responsible for paying the cost of indigent defense for mental illness commitment proceedings, sexual predator commitment proceedings, and for guardian ad litem costs. Testimony in support of the bill draft indicated that not making these indigent defense costs a state responsibility may have been an oversight at the time court unification was implemented. Other testimony indicated that currently these three types of indigent defense services are being provided by the attorneys with whom the state has contracted, but the costs of services are paid by the county. There was no testimony in opposition to the bill draft.

The committee recommended House Bill No. 1045 to provide that the state rather than the counties is responsible for paying for the costs of providing indigent defense for mental illness commitment proceedings, sexual predator commitment proceedings, and for guardian ad litem costs.