

2009 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1148

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1148

House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 01/15/09

Recorder Job Number: 7089

Committee Clerk Signature

Lou Engelson

Minutes:

Chairman Grande: We will open the hearing on HB1148. I'll have the clerk read the title.

The title is read by the clerk.

Chairman Grande: Is there somebody who wishes to introduce this bill? Is there anybody here for HB1148.

Sally Holewa offers testimony in support of HB1148. See attachment #1. Chairman Grande and members of the committee, my name is Sally Holewa. I am the state court administrator. The court has put this bill in and what it is is a bill to amend the statute for the state auditor. Since January of 2001, the clerk of court services are delivered two ways in North Dakota. We have clerks of court who are employed by the state and directly under the control and direction of the state. But the vast majority of those 42 are county employees. What we do is we contract with the county, not with the individual clerk of the county for those services. Part of what we do is to monitor how they handle their finances as they relate to the court. With the state employee clerks we are able to refer any issues if we find them right to the state auditor. County wise we don't. You will notice that in the bill in the bill we didn't have that authority so we are doing is requesting that. State Auditor Peterson has no objection to this amendment.

Chairman Grande: Any questions from the committee? Seeing none, does anybody else wish to speak in favor of 1148.

The hearing was closed on 1148.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1148

House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 01/15/2009

Recorder Job Number: 7096

Committee Clerk Signature

Nathe Roden

Minutes:

Chairman Grande: We have in front of us HB1148. Do I have a motion?

Rep. Boehning: I make a motion we do pass.

Rep. Wolf: I second it.

Chairman Grande: Discussion? Will the clerk call the roll?

The roll call vote was taken: **Yea: 12** **Nay: 0** **Absent: 1**

Representative Nathe will carry the bill.

Date: 1/15/09
Roll Call Vote #: 1148

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1148

House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP

Motion Made By Boehning Seconded By Wolf

Representatives	Yes	No	Representatives	Yes	No
Chairman Grande	✓		Rep. Amerman	✓	
Vice Chairman Boehning	✓		Rep. Conklin	✓	
Rep. Dahl	✓		Rep. Schneider	✓	
Rep. Froseth	✓		Rep. Winrich	✓	
Rep. Karls	✓		Rep. Wolf	✓	
Rep. Kasper					
Rep. Meier	✓				
Rep. Nathe	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Nathe

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

REPORT OF STANDING COMMITTEE (410)
January 15, 2009 4:17 p.m.

Module No: HR-08-0403
Carrier: Nathe
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1148: Government and Veterans Affairs Committee (Rep. Grande, Chairman)
recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
HB 1148 was placed on the Eleventh order on the calendar.

2009 SENATE JUDICIARY

HB 1148

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1148

Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 2/18/09

Recorder Job Number: 9657

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

Relating to audits conducted by the state auditor at the request of the state court administrator

Sally Holewa – State Court Administrator – See written testimony. – In support of the bill.

Senator Nething – Asks if this has been a problem.

Holewa – Responds, there have been two instances with irregularities; the county was very cooperative in uncovering what had happened. That is what brought this bill to their attention.

Senator Nething – Asks if it is so you have authority in the future.

Senator Lyson – Asks her who pays for this.

Holewa – The court pays.

Senator Lyson motions do pass

Senator Fiebiger seconds

Vote – 6-0

Senator Nething will carry

2/18/09

1148

1148

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Sen. Lyson Seconded By Sen. Liebiger

[illegible]

Total (Yes) 6 (N) 0

Absent

Floor Assignment Don. Nothing

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

REPORT OF STANDING COMMITTEE

HB 1148: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1148 was placed on the
Fourteenth order on the calendar.

2009 TESTIMONY

HB 1148

House Bill 1148
House Government and
Veterans Affairs Committee
by Sally Holewa, State Court Administrator

Good morning, Chairman Grande and members of the House Government and Veterans Affairs Committee. My name is Sally Holewa. I am the state court administrator.

I am here today to present House Bill 1148 and to testify in favor of its passage.

The bill before you is to allow the state court administrator to request the state auditor to perform an audit of those clerk of court offices that remain under the county system.

Since January 2001, clerk of court services are delivered two ways in North Dakota. In eleven counties, the personnel is employed by the state and perform their duties under the direction of the supreme court. In the remaining 42 counties, the state contracts with the county to perform those duties. Although they are required by law to follow the policies and procedures established by the supreme court when performing clerk of court duties, in all other respects, they remain under the employ and direction of the county.

The supreme court, through our finance and accounting department, establishes financial procedure and routinely monitors clerk of court accounts. However, the clerk of court does not work in isolation. A significant amount of funds flows to them from the county sheriff in the form of bond payments. In the contract counties, the clerks deposit all monies into the county's account, and payments from that account are made through the county treasurer. This amendment would allow us to make a direct request to the state auditor in the event we felt there was a need for a professional audit of the records. We are currently able to do this for the clerk of court offices that are under state employment. I have discussed this with the state auditor and he has no objection to the amendment.

Thank you.

House Bill 1148
Senate Judiciary Committee
Presented by Sally Holewa
State Court Administrator
February 18, 2009

Good morning, Chairman Nething and members of the Senate Judiciary Committee. My name is Sally Holewa. I am the state court administrator.

I am here today to present House Bill 1148 and to testify in favor of its passage.

The bill before you is to allow the state court administrator to request the state auditor to perform an audit of those clerk of court offices that remain under the county system.

Since January 2001, clerk of court services are delivered two ways in North Dakota. In twelve counties, the personnel is employed by the state and perform their duties under the direction of the supreme court. In the remaining 41 counties, the state contracts with the county to perform those duties. Although they are required by law to follow the policies and procedures established by the supreme court when performing clerk of court duties, in all other respects, they remain under the employ and direction of the county.

The supreme court, through our finance and accounting department, establishes financial procedures and routinely monitors clerk of court accounts. However, the clerk of court does not work in isolation. A significant amount of funds flows to them from the county sheriff in the form of bond payments. In the contract counties, the clerks deposit all monies into the county's account and payments from that account are made through the county treasurer. This amendment would allow us to make a direct request to the state auditor in the event that we felt there was a need for a professional audit of the records. We currently are able to do this for the clerk of court offices that are under state employment. I have discussed this with the State Auditor and he has no objection to the amendment.

Thank you.