

2013 SENATE POLITICAL SUBDIVISIONS

SB 2350

2013 SENATE STANDING COMMITTEE MINUTES

Senate Political Subdivisions Committee
Red River Room, State Capitol

SB 2350
February 7, 2013
18479

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act to provide an appropriation to the supreme court for grants to counties for the installation of metal detectors in county courthouses.

Minutes:

You may make reference to "attached testimony."

Chairman Andrist opened the hearing for SB 2350. All senators were present.

Sally Holewa State Court Administrator. The court system came down to testify on behalf of the bill and I am going to say we're for it. Generally we do not say we're for it but since the money would come from the court we are in support of that bill. However, we're looking to make an amendment to the bill. This bill as its written is very specific to metal detectors but actually all but six courthouses do have a metal detector. What we would like to do is see this bill pass to include security equipment, and defray the cost of security personal. Because what happens in most of our counties is that the metal detectors are there but there is no one to man it. There are also some counties who want to move in different directions with security. One of the most popular is video cameras. They want to put video cameras in so they can use their dispatch and other desk personal to do some basically off-site monitoring without pulling a deputy. Also duress alarms in different parts of the building are big areas where the counties are moving into. See testimony #1.

Senator David O'Connell District 6; the reason there is no sponsors is the bill got lost in the system someplace and I had about 15 minutes to get it into the front desk. I've learned whatever Sally says 'yes man' and we do it.

Chairman Andrist Senator O'Connell you're in support of the amendment which essentially says to not confine it to metal detectors?

Senator O'Connell replied whatever the court determines it. The person who asked for the bill is in favor of it. It is the emergency manager who asked to have this bill introduced.

Senator Jim Dotzenrod Without an appropriation on a bill like this, those counties that have acted to install this equipment, have they just had to take that out of there general operating budget or have they been able to access some state funds through a appropriation or through the emergency services, or Homeland Security? Evidently we've

got a number of courthouses that have got a lot of this in and there's a few that don't, so I am wondering how those that have got it were able to get it done?

Senator Dave O'Connell replied I would have to guess on that one. It is a question that Sally would be able to answer.

Bill Newmann North Dakota Bar Association is in support of SB 2350 with the proposed amendments and point out that courthouse security is not about protecting judges it's about protecting all of the citizens who come to the courthouse.

Senator John Grabinger Do you have any idea how many counties would need to take advantage of this because of what Senator Dotzenrod was alluding to? I know in Stutsman County we've already got this equipment. How many counties haven't taken advantage or taken the initiative to do this on their own?

Bill Newmann replied I am tempted to give you a long lawyerly answer but the fact is I don't have clue. Sally would know.

Senator Jim Dotzenrod I know Mr. Newmann wanted to point out to us this was more than just protecting judges, as if we weren't aware of the implication is and we might not be interested in protecting folks if is just judges. That is the impression I got from him.

Bill Newmann replied it certainly was not my intention to suggest such an opinion on the part of the committee. But the fact is some folks think this is something special just for the judges because they need protecting and it's for all of the citizens who come into the courthouse.

Senator Judy Lee Security is a real big part of that in Cass County courthouse in Fargo. Safety for people who are coming to appear in court so that they have to come through the halls where others might be there, like the victim doesn't see the perpetrator walking by, so there really is a lot of protection.

Chairman Andrist asked Sally Holewa, all of but six counties have metal detectors right now?

Sally Holewa replied yes. **Chairman Andrist** What good is a metal detector without somebody attending it? **Sally Holewa** replied as we saw in Hettinger County not very good. I think what the issue is right now, most of our security and I will say our four big counties are very good with security and they pay all of that out of their own pocket. Our whole system in most counties relies on being able to predict who's going to do what and when? That is where we get into trouble (Examples cited 8:44- 9:17). **Chairman Andrist** It's a finite tool what we can do to protect people.

Vice Chairman Ronald Sorvaag We have 53 counties so this appropriation gives enough for every county to get the maximum. With your amendment saying for the cost of personal, we're basically going to subsidize every county \$75,000 and match it for whoever is running the machine. So, your amendments are going against the intent, which I think was to provide equipment for this and all of a sudden we're going to start to fund personal on an

ongoing basis, or am I reading this wrong? **Sally Holewa** replied your reading that exactly right. We do see a lot of places are getting equipment, but what they don't have is the personal to man it or respond to it. If they do, it is strictly a county financial obligation; the state is not helping with that.

Chairman Andrist The metal detectors that are in have all been done at county expense? **Sally Holewa** replied some of them some have not. We have a Court Facilities Improvement Grant that is funded through a \$100 fee on criminal cases. Counties can make application for up to 75% of the cost of that, but it is strictly equipment and limited by statute just to court facilities. (Example cited 11:05- 11:27)

Senator Howard Anderson In McLean County we just built a new courthouse. I didn't see any metal detectors, but my sense is if we make this for metal detectors everybody will buy one whether or not they need it or not. By making this more flexible, I think McLean County went with cameras etc. I would support that, but if it said just to buy a metal detector because then we get a lot of them that we don't need.

Senator Judy Lee I just wondered why these courthouses don't have it? If my county taxes put security equipment in my courthouse and there are six counties that didn't, or if they've bought the equipment and they don't have the money to pay for it, why don't the counties rise to the occasion? Why does it have to come out of somebody else's pocket when most other pockets are paying for their own? **Sally Holwea** replied I think it's a combination of two things. Especially in a lot of the smaller counties, they are highly resistant to the idea of security for any part of the courthouse. They just don't feel that it fits with their tradition and they don't feel like there's a threat and they also feel that they know people well enough that they can predict when a problem will occur. That is a big piece of it. Some of the very small counties don't typically have a lot of extra money. (Example cited 13:37- 13:56).

Senator Jim Dotzenrod Where does the number three million nine hundred and seventy five thousand come from? **Sally Holewa** replied the \$3.9 Million is just simply \$75,000 times 53 counties. Rick Hummel originated the idea for this bill, the Emergency Manager from Bottineau County and he just took \$75,000 as a number.

Senator Jim Dotzenrod Wouldn't normally, this dollar amount be part of the budget of the Supreme Court when they request it? This money is going to them so they can use it as a grant program, so I would've thought that the way the process budgeting works is when they go through their budget that they would put this in as a line item in their budget. Then when it gets in front of Appropriations and they defend their budget that this would all be evaluated along with their other concerns. Is there some reason this was separated and not put in their budget? **Sally Holewa** replied first because security is the legal responsibility of the counties, so the court could not get an Appropriation to cover that responsibility without a change in law. The other reason that we specifically have never attempted to get security running through our budget, is we don't want it as a offset against other services we provide.

Chairman Andrist It would seem to me that the metal detectors would be a security item even though I can't imagine them really being effective in most counties. But, security

cameras it seems to me, they aren't a security thing as much as they are an evidential thing. We find out who did it after the fact.

Sally Holewa replied to that effect you're sometimes right. I think part of it though is if you monitor you can see rising escalation in the courtroom.

Senator Judy Lee There is a tendency to perhaps prevent some things from happening if somebody knows there is a camera there. (Example cited 17:56- 18:41) **Sally Holewa** added we often talk about putting the cameras in case of a hostage situation, so somebody outside the room could actually be monitoring what was happening.

Mark Johnson, North Dakota Association of Counties. We are very supportive of this effort. I plead ignorance in terms of knowing exactly what is in each courthouse. If the committee requests more research for the committee meeting next week, Mark would give the committee more information that would be helpful and would help justify this effort. Our counties are so proud of their courthouses. The Court Facilities Grant that was made available several sessions ago has allowed them to maintain the integrity of those courtrooms. They have worked very hard to bring them back to almost historical basis and have tried to make sure that it's a showcase when people go in those courthouses. The smaller the county the more proud they are of their courthouse. This bill would really help in terms of the overall comfort level of staff and employees throughout the courthouse. I know the concerns Senator Sorvaag that you want to be careful about funding personal per say. But I think the court would be able to supervise that and manage that quite well and that's why I think it is important that the money start at the Supreme Court level and then they work with the counties to bring it out. I hope you would find it possible to at least pass this on to the Appropriations Committee where we obviously would have to deal with it.

Hearing Closed on SB 2350

Senator Judy Lee Move Do Pass on 2350
2nd Senator Jim Dotzenrod
Committee Discussion (22:26- 25:48)

Senator Judy Lee, I also erred and would like to **withdraw my motion** because we needed to consider the amendment first anyway. **Senator Jim Dotzenrod** I will withdraw my 2nd. We would eliminate that motion so that we could at the time that you choose further that discussion.

Chairman Andrist I think the amendment. **Senator Judy Lee** I am fine with moving the amendment; but I thought if there were further amendments that you wanted to make a part of it we could do that or if you want to do a further amend that's okay too. I just wanted to make sure we didn't ignore the amendments. **Chairman Andrist** replied that our problem is that we have limited time if we're going to satisfy all the members of the committee, we have to almost hog house the new plan. I think the counties or somebody should've come in with a better bill to begin with.

Senator Judy Lee I suspect that the counties are being ragged on about property taxes as much as all of the people at this table are. So having funding from the state becomes an

issue. I certainly don't disagree with the comments that have been made about counties and who needs it and who doesn't. We can get really smart about that and have a heck of a time getting it out by tomorrow noon or we can decide if there's a concept here that is interesting to us, and when you go over to appropriations you can tell them those were our concerns and we didn't have time to address it but we like the concept for those courthouses that need it. From that standpoint I would like to have us at least consider the possibility of moving this concept forward and allowing us to work with the Appropriations Committee in determining where the absolute need is and what the bottom line number is.

Senator Judy Lee moved the amendment
2nd Senator Jim Dotzenrod
Roll call vote 6-0-0

2013 SENATE STANDING COMMITTEE MINUTES

Senate Political Subdivisions Committee
Red River Room, State Capitol

SB 2350-2
February 8, 2013
18603

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act to provide an appropriation to the supreme court for grants to counties for the installation of metal detectors in county courthouses.

Minutes:

You may make reference to "attached testimony."

Chairman Andrist reopened the hearing for SB 2350. Senator Judy Lee handed out two emails one about Cass County check list and one about Trail County check list just to show their reports. We also have a paragraph from Judge McCullough as a background for security. See written testimony #1.

Chairman Andrist The only question I had and I liked the amendment if we're going to pass the bill but I thought 10% isn't very much skin in the game.

Senator Judy Lee On the message from Judge McCullough which is the one that has printing on the bottom half. **Senator Lee** written testimony #2.

Chairman Andrist So, is he saying there is already some money? **Senator Judy Lee** He's saying there's 75% funding right now for security and it's his assumption that this would be used to cover a portion of their 25% share. I kind of agree. **Chairman Andrist;** Then you have less skin in the game. **Senator Judy Lee** Yes. **Chairman Andrist** I think is they get 75% of their security money that is enough.

Senator Howard Anderson I appreciate the purpose of this bill but maybe I am too conservative just to say we should put out a grant and give money. There are grants available now through the program that is in place. The counties ought to be able to step up and do this and if we had a way to target it to the counties that really needed it, I might be in favor but otherwise I'm just thinking that everybody is going to spend the \$75,000. \$75,000 isn't a whole lot of money for long term. If you're going to put somebody in place to maintain the equipment or run it or whatever, that \$75,000 is not going to last very long. So then they either have to come back for more money or something. I think these kind of things need to be in somebody's budget from the get go and added in here by our committee at the last minute.

Senator Judy Lee The bill calls for a really big number at the beginning. But I think and the more I thought about it yesterday, I think in some of these counties that have the equipment and aren't even using it, if they aren't willing to figure out someplace in their budget that they've got the money, then maybe they have to on a very tiny level raise the property taxes and they don't want anybody yelling at them in their county that they raised the property taxes in order to pay the cost of somebody running the security equipment. I do think they need a little skin in the game. I think counties are generally very responsible with the way they budget and assess taxes. If this is important enough to a county to do, then I think maybe the folks being protected should have a stake in this deal too.

Chairman Andrist There is yet an opportunity for another week or two for a study resolution if somebody wanted to do it. I'm hearing and nobody told us there was money available for this before. Now this Steve McCullough says they can get 75% of the cost right now.

Senator Judy Lee If somebody were here whether or not every county has access to 75% or is that offered on a grant basis too. I don't know the answer to that. But Judge McCullough has been a judge for several years and is certainly familiar with that whole thing.

Senator Howard Anderson At the risk of getting the reputation as being too cheap I am going to move Do Not Pass on SB 2350.

2nd Senator Sorvaag

Committee Discussion (6:36-13:04)

A question was called as do you want to vote on this or discuss it further.

2nd to a motion to call the question- Senator Anderson

All in favor for calling the question say aye- unanimous response

That ends debate.

Roll call vote 4 Yea, 2 No, 0 Absent

Carrier: Senator Judy Lee

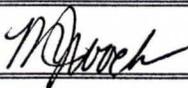
2013 SENATE STANDING COMMITTEE MINUTES

Senate Political Subdivisions Committee
Red River Room, State Capitol

SB 2350-3
February 11, 2013
18685

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act to provide an appropriation to the supreme court for grants to counties for the installation of metal detectors in county courthouses.

Minutes:

You may make reference to "attached testimony."

Chairman Andrist revisited SB 2350. All senators were present.

Chairman Andrist we have a request to reconsider the action for a do not pass on SB 2350. We're trying to squeeze this in and have to do it this morning because if we're going to pull in appropriations it has to be done today. I think that's the reason that we give it a do not pass because we thought the appropriation was not necessary. Senator Judy Lee left the room to get the handouts to share with other committee members.

Vice Chairman Ron Sorvaag recinded the motion for a do not pass, and it was 2nd by Senator Anderson.

All those in favor signify by saying aye; motion carried. We've taken that off the table and now we're ready to hear from anybody that favors passing the bill.

Senator Jim Dotzenrod I think the bill that we got, the original bill, there were actually two amendments that we were talking about. The one amendment had to do with putting the language in that allowed the expanded use because it came in with just metal detectors. Then there was a proposal that we got that said we could use it for other security things and personal. Did we ever adopt any of those amendments? **Chairman Andrist** I think we adopted the amendment and sent it to appropriations and it required a 10% match. **Senator Jim Dotzenrod** So, those amendments have been adopted. Okay, I wasn't sure if we had adopted everything there.

Senator Andrist told Senator Lee that the committee reconsidered. **Senator Judy Lee:** Okay. So the question that I have based on Senator Dotzenrod's question we did both the amendments with the security equipment and personal replacing the installation of metal detectors and the. I have two here one is from Terry Traynor and one is from Sally Holewa; I just want to make sure that we got them both or do we have them both or did we want them both? **Chairman Andrist** I think that we passed the appropriation at \$250,000 and made it available to the counties for a 10% matching grant. I think the reason for our action was a note from a Fargo judge it said there is now money available through the court

system, a 75/25 grant basis. Steve McCullough that I presume would be for courtrooms and the other would be for courthouses.

Senator Judy Lee Judge McCullough won't be happy that what he said ended up having such an impact I don't think. It turns out that some of the other message that you may have read that we got over the weekend, from several judges one of them clarified the fact that some of the larger counties Cass had gotten a significant amount of the money which means that's why there is not a problem there and the Williston area also got a large amount of money. But is you would be willing to ask Mr. Traynor since he's in the room to explain or what this is and would plug in should it. How are they different? That might be helpful to us.

Terry Traynor Association of Counties. The existing grant program is rather broad in that it's for court facilities, it doesn't specify security equipment. It's windows, judge's benches, air handling systems and so it is rather broad. In recent years because of the increase in the court activity and the subsequent increase in judges the grants have been made available to some of the major communities primarily a million dollars of the \$1.3 last year went to Cass County because they added significant courtroom space with their remodeling. A very large grant also went to Williams County with their remodeling which left a lot less money for the smaller jurisdictions. My understanding of the impetus of this was to set aside without reducing what was there additional money for grants specifically for security equipment. Although there was no intention of reserving it for the rural counties the idea was to make sure that there was an availability of money for the rural counties. Most of the larger counties of course have fairly extensive security equipment but some of the smaller ones do not. This was heightened by the attack in the court room down in Adams County. The idea was just to carve out some money for those sorts of installations. Ideally from the county standpoint, one of the problems that we face is personnel to man this but I recognize the committee is not interested in that and I can understand why that is, but if there was money set aside for the equipment that would be great.

Chairman Andrist Terry if they spent \$1million just in the large counties in the past biennium or year, is \$250,000 going to do a job? **Terry Traynor** replied because the Court Facilities Grant is so much broader, the million dollars was spent on a lot of other things other than security. It was spent on the whole development of the Cass county court system. **Chairman Andrist** So it's not confined to security? **Terry Traynor** replied right. In fact, I would say probably very little was used for security in that case because there security is set up at the very front door of the courthouse. **Chairman Andrist** Will \$250,000 do the job? **Terry Traynor** replied based on the grant applications that they've gotten before, some of which they've had to turn down because of the availability of the money the court administrator told them it would because security equipment isn't horribly expensive, perhaps \$10,000 would go a long way in a small county for metal detectors and a panic button.

Chairman Andrist I thought we had testimony, that in six counties don't have metal detectors am I mistaken on that? Terry Traynor replied and saw that in one of the emails. That could be. **Chairman Andrist** Is the metal detectors useful if it's not manned? **Terry** replied no it is not.

Chairman Andrist I'm sure some of those smaller counties have metal detectors and nobody there. Terry replied of course the small counties generally don't have court every day and what I've seen at least my tour of the counties every summer, most of the smaller counties move the metal detector to the courtroom door and then when the judge shows up, then the sheriffs there to man it at that time.

Chairman Andrist Is a 10% match enough skin to deter from buying frivolous equipment? Terry replied most of the county commissioners I know are reluctant to spend any money and I wouldn't call many of them frivolous. But if the committee is more comfortable with the 25% that's on the larger grant program now, that would certainly work for us as well. We actually left the 10% because that's what the sponsor had put in the bill originally.

Senator Judy Lee Can you give an example of something besides a metal detector that might be included here since most of the counties have metal detectors but there may be other things that they could use in order to be secure? **Terry Traynor** replied the other things that are mentioned to me often are panic buttons where they can wire the judge's bench to the sheriff's office so they can call for assistance as well as the cameras. So, there can be remote observation while court is going on. Those are the ones that are brought up as well as door locks and things like that.

Senator Jim Dotzenrod The amendments we have that fill up the whole page, that has the reduced appropriations down to \$250,000 at the top part of that where they talk about security equipment, there is no reference to personnel or people cost or employee cost. That first amendment we had said 'defray the cost of security personal', so is it your intention then that the amendments that you submitted that were proposed and we adopt would not, the security cost would not include people. There's no provision in here for employee or personal costs as I understand it. That is what you intend.

Terry Traynor replied yes, the amendments that I submitted were strictly for the equipment and then the installation of the equipment which I assume would be a contract staff.

Chairman Andrist: Committee members do you feel differently about the bill now? We might take up first the question of whether you think it's appropriate to change the match.

Senator Judy Lee I do appreciate the additional information. I feel like we've done our research a little bit better this way and thanks for allowing us to meet briefly to do this. I do support having this move forward in some form. I am comfortable with the amendments that Mr. Traynor had which he proposed equipment and it's not personal because I think the counties got to eliminate a couple of bucks in property taxes and hire somebody if they need to do that. But I am comfortable with the amendments which I believe approved but if there is someone who thinks the match should be different from what's in there, then we'll chat.

Senator John Grabinger I would have to concur except I think the match shouldn't be 25% like the other fund. I think that is appropriate to give it plenty of skin.

Vice Chairman Ronald Sorvaag I would agree to, but I would like that moved to 25% and I am really fine and I would like to see us move it with a do pass after all that.

Senator Judy Lee I move that we further amend SB 2350 so that in section 1 on the appropriation that we change the match from 10 to 25%.

2nd Senator Grabinger

Roll Call vote 6-0-0

Final action on the bill.

Senator Judy Lee move to recommend do pass as amended and re-refer to appropriations on 2350.

2nd Vice chair Ron Sorvaag

Roll call vote

6 Yea, 0 No, 0 Absent

Carrier: Senator Judy Lee

(Committee voted to reconsider 13.0861.01001 the old amendments and then adopted alternative amendments. Then the committee adopted and referred to Appropriations.)

February 8, 2013

2/9/13
TU

PROPOSED AMENDMENTS TO SENATE BILL NO. 2350

Page 1, line 1, remove the second "the"

Page 1, line 2, replace "installation of metal detectors" with "security equipment and personnel"

Page 1, line 7, replace "install metal detectors" with "purchase and install security equipment
and defray the cost of security personnel"

Page 1, line 10, replace "10" with "ten"

Renumber accordingly

February 11, 2013

2/11/13
TD

PROPOSED AMENDMENTS TO SENATE BILL NO. 2350

- Page 1, line 1, remove "supreme"
 - Page 1, line 1, after "court" insert "facility and maintenance fund"
 - Page 1, line 1, remove the second "the"
 - Page 1, line 2, replace "installation of metal detectors" with "security equipment"
 - Page 1, line 5, replace "\$3,975,000" with "\$250,000"
 - Page 1, line 6, remove "supreme"
 - Page 1, line 6, after "court" insert "facility and maintenance fund"
 - Page 1, line 7, replace "install metal detectors" with "purchase and install security equipment"
 - Page 1, line 8, replace "supreme" with "advisory committee of the"
 - Page 1, line 8, after "court" insert "facility and maintenance fund"
 - Page 1, line 8, remove "a grant of up to \$75,000 to each"
 - Page 1, line 9, replace the first "county" with "grants to counties"
 - Page 1, line 10, replace "10" with "twenty-five"
 - Page 1, line 10, after the period insert "In awarding grants, priority will be given to those counties that demonstrate the greatest need."
- Renumber accordingly

Date: 2/7/2013
 Roll Call Vote #: 2

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2850**

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number Sally Holcomb's Amendment 13.0861.01001

Action Taken: Do Pass Do Not Pass Amended Adopt
 Amendment

Rerefer to Appropriations Reconsider

Motion Made By Senator Judy Lee Seconded By Senator Jim Dotzenrod

Senators	Yes	No	Senator	Yes	No
Chairman John Andrist	✓		Senator Jim Dotzenrod	✓	
Vice Chairman Ronald Sorvaag	✓		Senator John Grabinger	✓	
Senator Judy Lee	✓				
Senator Howard Anderson, Jr.	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

Date: 2-8-13
 Roll Call Vote #: 2

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2350**

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt
 Amendment

Rerefer to Appropriations Reconsider

Motion Made By Senator Sorvaag Seconded By Senator Grabinger

Senators	Yes	No	Senator	Yes	No
Chairman John Andrist			Senator Jim Dotzenrod		
Vice Chairman Ronald Sorvaag			Senator John Grabinger		
Senator Judy Lee					
Senator Howard Anderson, Jr.					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 2/9/2013
Roll Call Vote #: _____

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. _____

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt
Amendment

Rerefer to Appropriations Reconsider

Revised Motion Made By Senator Sorvaag Seconded By Senator Anderson *Ind recorded by*

Senators	Yes	No	Senator	Yes	No
Chairman John Andrist			Senator Jim Dotzenrod		
Vice Chairman Ronald Sorvaag			Senator John Grabinger		
Senator Judy Lee					
Senator Howard Anderson, Jr.					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*All committee members voted solicited
all previous action.*

2013 SENATE APPROPRIATIONS

SB 2350

2013 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

SB 2350
02-18-2013
19127

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Court fund for grants to counties for security equipment

Minutes:

No written testimony

Chairman Holmberg called the committee to order on Monday, February 18, 2013 at 3:30 pm. He opened the hearing on SB 2350. All committee members were present.

Also present:

Brittani Reim - Legislative Council
Tammy R. Dolan - OMB

Mark Johnson, Association of Counties, testified in support of SB 2350. He said they got support for the amendments from the policy committee that resulted in the first engrossment of the bill. He explained the bill and amendments.

Chairman Holmberg asked if he knew what the fiscal status is of the court fund.

Terry Trainer: A little higher than \$1M.

Senator Warner asked if we are putting money into security in courthouse which there is no judicial chambers.

Mark Johnson said that he didn't think the committee would award that because of the way the bill is written. It says security.

Senator Warner has there been discussion on moving the security further into the building?

Mark Johnson said that it is a county decision.

Chairman Holmberg expressed that they were getting a number of bills requesting money for security. **He closed the hearing on SB 2350.**

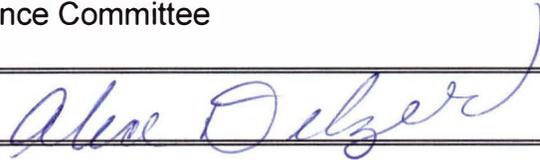
2013 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

SB 2350
02-20-2013
Job # 19257

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL regarding installation of metal detectors in county courthouses (Do Not Pass.)

Minutes:

You may make reference to "attached testimony."

Chairman Holmberg called the committee to order in regards to SB 2350. All committee members were present. Brady Larson , Legislative Council and Joe Morrissette, OMB were also present.

Seator Grindberg moved a **NO NOT PASS. 2ND** by **Senator Carlisle**.

Chairman Holmberg Remember you should be looking at the impact of the first engrossment. It went from \$3.9M to \$250,000. Discussion.

Senator O'Connell: That was asked to put in by emergency managers to put in for metal detectors. You remember Sally came down from Supreme Court and recommended that they put it in. There are some grants now available but it would help the security around the courthouse in the energy impact counties.

Chairman Holmberg: So you are going to resist the motion. OK. **Call the Roll on a DO NOT PASS on SB 2350.**

A Roll Call vote was taken. Yea: 10; Nay: 3; Absent: 0. Senator Carlisle will carry the bill.

The hearing was closed on SB 2350.

Date: 2-20-13

Roll Call Vote # 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2350

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do NOT Pass

Motion Made By Grindberg Seconded By Carlisle

Senators	Yes	No	Senator	Yes	No
Chairman Ray Holmberg	✓		Senator Tim Mathern		✓
Co-Vice Chairman Bill Bowman	✓		Senator David O'Connell		✓
Co-Vice Chair Tony Grindberg	✓		Senator Larry Robinson		✓
Senator Ralph Kilzer	✓		Senator John Warner	✓	
Senator Karen Krebsbach	✓				
Senator Robert Erbele	✓				
Senator Terry Wanzek	✓				
Senator Ron Carlisle	✓				
Senator Gary Lee	✓				

Total (Yes) 10 No 3

Absent 0

Floor Assignment Carlisle

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

REPORT OF STANDING COMMITTEE

SB 2350, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)
recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed SB 2350 was placed on the Eleventh order on the calendar.

2013 TESTIMONY

SB 2350

COURT SECURITY CHECK LIST

Location: Cass County

Date: 09/02/2010

Building

Doors and Windows

Yes	No
x	
x	
x	
x	

- 1 Are exterior doors equipped with quality locks?
- 2 Are signs posted indicating restrictions on bringing weapons into building?
- 3 Is building protected by intrusion alarms?
- 4 Is a Key Control System in effect?
- 5 Who is responsible for the Key Control System? Name:

Court Rooms

Yes	No
x	
x	
x	
x	
x	
x	
	x
x	
x	

- 1 Are unused doors secured/locked?
- 2 Is court room equipped with duress alarms?
- 3 Are alarms checked on a routine basis?
- 4 Are metal detectors available for use?
- 5 Is the bench reinforced to make it bullet resistant?
- 6 Are keys for the courtroom doors strictly controlled?
- 7 Are doors used for emergency able to be locked after exiting?
- 8 Are Law Enforcement Officers present during court sessions?
- 9 Were security concerns discussed with staff? Name **Rod Olson**
- 10 Have previous recommendations been addressed?

Comments: Most security concerns mentioned in previous reports will be resolved when construction/renovation project is completed.

Judges Chambers

Yes	No
x	

- 1 Is access to the Judges Chambers controlled?

Comments:

- 2 Are chambers locked when the Judge is not present?
- 3 Does the Judge have a duress alarm available in Chambers?

Alarms

- 1 Who is responsible for maintenance and checking of alarms? **Sheriff's Department**
- 2 Where do alarms terminate? **Dispatch Center**

Comments: Entry to courthouse requires passing through metal detector. Officer stationed at entry point has video monitors for courtrooms.

COURT SECURITY CHECK LIST

Location: Trail County

Date: 11/29/2012

Building

Doors and Windows

Yes	No
-----	----

- | | | | |
|---|---|---|---|
| 1 | Are exterior doors equipped with quality locks? | x | |
| 2 | Are signs posted indicating restrictions on bringing weapons into building? | x | |
| 3 | Is building protected by intrusion alarms? | | x |
| 4 | Is a Key Control System in effect? | x | |
| 5 | Who is responsible for the Key Control System? Name: | | |

Court Rooms

Yes	No
-----	----

- | | | | |
|----|--|---|--|
| 1 | Are unused doors secured/locked? | x | |
| 2 | Is court room equipped with duress alarms? | x | |
| 3 | Are alarms checked on a routine basis? | x | |
| 4 | Are metal detectors available for use? | x | |
| 5 | Is the bench reinforced to make it bullet resistant? | x | |
| 6 | Are keys for the courtroom doors strictly controlled? | x | |
| 7 | Are doors used for emergency able to be locked after exiting? | x | |
| 8 | Are Law Enforcement Officers present during court sessions? | x | |
| 9 | Were security concerns discussed with staff? Name Deputy Clerk of Court | x | |
| 10 | Have previous recommendations been addressed? | x | |

Comments: **Sheriff's Department screens people at courthouse entry on court days.**

Judges Chambers

Yes	No
-----	----

- | | | | |
|---|--|--|---|
| 1 | Is access to the Judges Chambers controlled? | | x |
|---|--|--|---|

Comments:

- | | | | |
|---|---|---|--|
| 2 | Are chambers locked when the Judge is not present? | x | |
| 3 | Does the Judge have a duress alarm available in Chambers? | x | |

Alarms

- | | | | |
|---|--|--|--|
| 1 | Who is responsible for maintenance and checking of alarms? Clerk of Court | | |
| 2 | Where do alarms terminate? Sheriff's Department. | | |

Comments:

SB2350

Lee, Judy E.

From: McCullough, Steven <SMcCullough@ndcourts.gov>
Date: Thursday, February 07, 2013 4:46 PM
To: Lee, Judy E.
Cc: Racek, Frank L.; shollewa@ndcourts.gov
Subject: RE:

Senator Lee,

We do serve a couple smaller counties (Steele and Traill) and occasionally get assigned to cases in other small counties as well. In fact I was assigned as the judge to preside over the case from Hettinger in which the defendant in a case out there pulled a gun and tried to fire on the prosecutor after a jury returned a guilty verdict. In my case, that defendant was charged with, and convicted of, attempted murder (luckily the gun jammed.). There was no metal detector in place at the time (that county has since installed one). In that case the sheriff and a deputy were in the courtroom. They were not able to prevent the defendant from pulling the gun and attempting to fire it multiple times.

I have somewhat mixed feelings on this bill. Obviously, I feel that security for the courts is important. Just as obviously, as my case example above shows, violence can happen just as easily in the small counties as the large. However, it is more important that a metal detector be used regularly (and not just be shoved in a corner), and operated by someone properly trained.

As you know, there is presently a Court Facilities Grant available from the State (from fees assessed to criminal defendants who are either found to be or plead guilty.). This Grant can be used to fund 75% of improvements exactly like what we are talking about here. I assume, therefore, that this bill would be used to cover a county's 25% share of costs. My concern is that a county doesn't have some skin in the game, i.e., their 25% share, they are less likely to ensure that a metal detector is used regularly and appropriately. It is much easier to place less emphasis on something gotten for nothing than it is when some of one's own funds have been used.

I hope this helps. Please excuse any typos as I am sending this message from my phone.

Hon. Steven E. McCullough

Andrist, John M.

From: Hagerty, Gail <GHagerty@ndcourts.gov>
Sent: Friday, February 08, 2013 8:27 AM
To: Andrist, John M.
Subject: SB2350

Sen. Andrist -- I understand your committee will be discussing SB 2350, which would provide grants for court security. That is a real concern for me. I travel throughout a judicial district that includes 12 counties. There is very little security in some of the courthouses. When the State Bar Association conducted a series of hearings for its Judicial System Energy Impact Task Force, we heard repeated requests from county officials for assistance with security. Judges receive threats more and more frequently. (I'm dealing with a fairly stressful situation now, which impacts not only me but also my family.) There is also real concern for parties to court actions and the attorneys who represent them. As amended, SB 2350 would assist in allowing counties to develop and security plan and have funds available to implement that plan.

Gail Hagerty

PROPOSED AMENDMENTS TO SENATE BILL NO. 2350

Page 1, line 1, replace "supreme court" with "court facility and maintenance fund" and remove the second "the"

Page 1, line 2, replace "installation of metal detectors" with "security equipment"

Page 1, line 5, replace "\$3,975,000" with "\$250,000"

Page 1, line 6, remove "supreme" and after "court" insert "facility and maintenance fund"

Page 1, line 7, replace "install metal detectors" with "purchase and install security equipment"

Page 1, line 8, replace "supreme" with "advisory committee of the" and after "court" insert "facility and maintenance fund"

Page 1, line 8, replace "a grant" with "grants to" and remove "of up to \$75,000 to each"

Page 1, line 9, replace "county" with "counties"

Page 1, line 10, after the period, insert "In awarding grants, priority will be given to those counties that demonstrate the greatest need."

Re-number accordingly

* * * * *

A BILL for an Act to provide an appropriation to the court facility and maintenance fund for grants to counties for security equipment in county courthouses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the court facility and maintenance fund for the purpose of providing grants to counties to purchase and install security equipment in county courthouses, for the biennium beginning July 1, 2013, and ending June 30, 2015. The advisory committee of the court facility and maintenance fund may distribute grants to counties subject to the county providing matching funds from nonstate sources of at least 10 percent of the grant award. In awarding grants, priority will be given to those counties that demonstrate the greatest need.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2350

Page 1, line 1, remove the second "the"

Page 1, line 2, replace "installation of metal detectors" with "security equipment and personnel"

Page 1, line 7, replace "install metal detectors" with "purchase and install security equipment and defray the cost of security personnel"

Renumber accordingly