

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1002

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2003 HOUSE APPROPRIATIONS

HB 1002

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1002

House Appropriations Committee
Government Operations Division

Conference Committee

Hearing Date January 22, 2003

Tape Number	Side A	Side B	Meter #
1	xx	xx	
2	xx	xx	
Committee Clerk Signature <i>Ally Schmidt</i>			

Minutes:

Hearing was called to order by Chairman Carlisle roll was taken with all committee members present: Rep. Carlson, Rep. Carlisle, Rep. Timm, Rep. Glassheim, Rep. Warner, Rep. Kroeber, Rep. Skarphol, Rep. Thoreson, Rep. Koppelman.

Chief Justice Gerald W. VandeWalle (see attached testimony) Court unification has worked better than I have hoped. In reference to HB 1044, transfer of Office of Administrative Hearings, conflict of interest exists, we need flexibility to experiment with the transfer. HB 1044 would remove us from the need to transfer funds. I am in support of HB 1044, I believe it's a conflict of interest and our inability to experiment with full time defenders. We are the only state in the country, that uses the contract system. If the bill is passed the recourse may be to contract out, there would be a need to transfer funds from the Emergency Fund. We do not supervise

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these people. We are charged with hiring defense attorney's and put them in a position to determine if they have been effective.

Rep. Koppelman asked for an amendment that would allow us to employ as well as contract.

Chief Justice VandeWalle hourly rate wouldn't cover the overhead in contracting, state employee's have there needs met i.e.: books, computers etc. Other states have separate public defenders offices or a combination of FT and PT, I don't know what the cost difference would be. In reference to the Meth problems, It's difficult to determine how much money will be needed with a system we can't control. We are mandated to provide a defense to all. We are losing the rural areas, as people are unwilling to accept contract. Under our budget indigent defense could hold our budget hostage, because the constitution requires us to provide these services.

Ted Gladden, State Court Administrator (see written testimony) Clerk of Court position was changed in the last session, giving 3 options. 1. To be state employees (11 counties participate) 2. Contract for Services (41 counties participate) 3. Go alone, (1 county) In reference to tribal issues and privacy...We have judges working closely to improve the information flow. We invite them into our dialogue. It is not mandatory, I do not think the information is flowing as well as we would like. We are involving them, whether they avail themselves is a matter of choice.

Susan Sisk, Director of Finance (see written testimony)

Justice Dale Sandstrom, (see written testimony)

Judge Allen Schmalenberger, (see written testimony) In reference to ITD choices, we interview suppliers and chose the one that would best meet the needs of our department.

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Kurt Schmidt, IT director for courts A complete financial system will be used. We will use the old one and the new one will be interfaced with it. Limited details will be available due to privacy issues.

Judge Holte (see written testimony) Numbers are based on our "best guess" from last June numbers. Meth has hit us hard, statistical increases in small communities amount to many challenges. The magic number is \$70-\$75 per hour.

Justice Maring (see written testimony) We are seeing more meth in the Bismarck area than other areas of the state. A study from Dr. Thompson of NDSU was presented. Federal Grants have been the source of funding since day 1. We feel by the end of the next biennium it will be a legislative decision to carry these courts. Depending on our resources we would like to establish Minot and Williston, this is a process with the cooperation of many players. There was an increase in federal funding of \$40,000 over the last biennium, this was matched with the General Fund. Our numbers are limited, more money doesn't mean more participants, our team would be extremely stressed. We are handling all we can.

Judge Gall Hagerty, District Judge (see written testimony) The Adult Drug Court program is not in this budget it is a line item in the Dept. Of Corrections. NOTE: The committee will be observing the Drug Court on Friday, January 24, 2003.

Wade Williams, Association of Counties, spoke in support of HB 1002. The counties challenge increase with the number of increasing meth cases. It impacts the state's attorney and courts.

Christine Holt, Exec. Director, ND Bar Association (see written testimony) under Holt tab pg. 3. Ideally, look at HCR3004 as part of the solution.

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Chief Justice VandeWalle shared conclusions...We are spending a lot of time on posing privacy standards. Federal Money for Drug Courts are limited, the local competition for these grants is increasing, resources are needed to make this successful.

