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Yalosta Rickford
Operator's Signature

10/2/03
Date

2003 HOUSE JUDICIARY

HB 1045

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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>W. P. Moore</i>			

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

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

Yvonne 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.

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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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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

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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 at 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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FISCAL NOTE
 Requested by Legislative Council
 02/12/2003

REVISION

Bill/Resolution No.: HB 1045

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	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.

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 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 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

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 Date