

N.D.A.G. Letter to Ward County (June 26, 1990)

June 26, 1990

Ward County Commissioners
Ward County Courthouse
Minot, ND 58702-5005

Dear Commissioners:

Your recent letter to Governor George Sinner concerning extradition expenses has been referred by Governor Sinner for my response.

The extradition expense appropriation was transferred from the Governor's office to this office by the Legislative Assembly. In past years, the Legislative Assembly has greatly underfunded this appropriation and has relied upon the Emergency Commission to authorize the expenditure of additional funds to meet the needs of the counties. This past Legislature followed this same pattern by appropriating only a small amount of funds actually needed for payment of extradition expenses for the biennium. As a result, and as you are well aware, this fund was exhausted early this year.

In May of this year, my office requested additional funds for the payment of prosecution witness fees and expenses and extradition expenses for the remaining months of this biennium. As correctly noted in your letter to Governor Sinner, the Emergency Commission did authorize an additional \$70,000 for payment of prosecution witness fees and expenses. However, that same commission did not authorize additional funds for the payment of extradition expenses.

I expect to make additional requests to the Emergency Commission for authority to expend funds to reimburse counties for their extradition expenses. However, if past practice is a guide, I can also expect that any approval of the additional funding will be dependent upon the number and quality of other requests presented to the Emergency Commission, the state's financial situation, and whether the recent rains will continue which may avoid continuation of the drought.

I cannot, however, provide any guarantees as to whether the Emergency Commission will authorize additional extradition expenditures for the remaining year of this biennium. We continue to send the sheriffs a state voucher for claiming these expenses with the understanding that no funds are presently available for reimbursement. Any vouchers that are returned to us will be maintained and, if funds are available in the future, we will make an effort to pay these expense vouchers.

Although the Governor is only one of five persons constituting the Emergency Commission, I do know that he is acutely aware of this problem and the effects the budget cutbacks and the demands to maintain services have had upon the various political subdivisions of this state. I believe it important that you have expressed your support for this additional funding. I am sure that I will be hearing from other counties and law

enforcement officials concerning this subject in the future. I am hopeful that the state's economic forecast will improve to such an extent that the Emergency Commission will consider it appropriate to provide additional monies to this fund.

Sincerely,

Nicholas J. Spaeth

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cc: Governor George A. Sinner