

JOURNAL OF THE HOUSE

Fifty-eighth Legislative Assembly

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Bismarck, January 8, 2003

The House convened at 12:30 p.m., with Speaker Wentz presiding.

The prayer was offered by Rev. Maury Millican, Bismarck Community Church.

The roll was called and all members were present except Representative Hawken.

A quorum was declared by the Speaker.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Kempenich, D. Johnson, Froelich and Sens. Bowman, Flakoll, Klein introduced:

HCR 3009: A concurrent resolution urging Congress to provide sufficient emergency natural disaster assistance for farmers and ranchers.

Was read the first time.

MOTION

REP. MONSON MOVED that the rules be suspended, that HCR 3009 not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Kempenich, D. Johnson, Froelich and Sens. Bowman, Flakoll, Klein introduced:

HOUSE CONCURRENT RESOLUTION NO. 3009

A concurrent resolution urging Congress to provide sufficient emergency natural disaster assistance for farmers and ranchers.

WHEREAS, natural disasters can take many forms, including drought, excessive moisture, hurricanes, earthquakes, floods, excessive heat, and insect devastation; and

WHEREAS, natural disasters are a constant threat to America's farmers and ranchers and can severely hurt even the best run agricultural operations; and

WHEREAS, natural disasters devastated United States agricultural producers in 2001 and 2002; and

WHEREAS, farmers and ranchers need more disaster assistance than is available under current programs to pay all or part of the production costs incurred during the disaster years, to pay essential family living expenses, to reorganize farming and ranching operations, and to refinance certain agricultural debts; and

WHEREAS, North Dakota state university estimated that North Dakota producers incurred \$168 million in net crop losses and \$55 million in direct livestock losses due to drought conditions in 2002; and

WHEREAS, North Dakota state university estimated that this state has incurred more than \$866 million in direct and indirect economic losses due to drought conditions in 2002; and

WHEREAS, passing emergency natural disaster assistance is the single-most important action that the United States Congress can take for farmers, ranchers, and rural communities;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Fifty-eighth Legislative Assembly urges the Congress to provide sufficient emergency natural disaster assistance for farmers and ranchers; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the Secretary of the United States Department of Agriculture, and to each member of the North Dakota Congressional Delegation.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3009: A concurrent resolution urging Congress to provide sufficient emergency natural disaster assistance for farmers and ranchers.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Guleson; Haas; Hanson; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Wentz

ABSENT AND NOT VOTING: Hawken

HCR 3009 was declared adopted on a recorded roll call vote.

MOTION

REP. NICHOLAS MOVED that HB 1069 be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Nicholas' motion, HB 1069 was rereferred.

MOTION

REP. KEISER MOVED that HB 1070 be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Keiser's motion, HB 1070 was rereferred.

MOTION

REP. MONSON MOVED that the absent members be excused, which motion prevailed.

MOTION

REP. MONSON MOVED that the House be on the Ninth Order of Business and at the conclusion of the Ninth Order of Business, the House stand in recess until 1:15 p.m., at which time it will meet in joint session with the Senate, and after the joint session with the Senate, the House stand adjourned until 1:00 p.m., Thursday, January 9, 2003, which motion prevailed.

FIRST READING OF HOUSE BILLS

Reps. Iverson, Grosz, Kempenich and Sen. Andrist introduced:

HB 1187: A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to audits of political subdivisions; and to repeal section 54-10-13 of the North Dakota Century Code, relating to audits of political subdivisions by the state auditor.

Was read the first time and referred to the **Political Subdivisions Committee**.

Reps. Grosz, Iverson introduced:

HB 1188: A BILL for an Act to amend and reenact sections 12.1-32-01, 12.1-32-03.1, 12.1-32-09.1, and 39-24.1-07 of the North Dakota Century Code, relating to the classification of offenses; and to provide a penalty.

Was read the first time and referred to the **Judiciary Committee**.

Rep. Wald and Sen. Wardner introduced:

HB 1189: A BILL for an Act to amend and reenact section 29-01-15 of the North Dakota Century Code, relating to the issuance of search warrants by municipal judges.

Was read the first time and referred to the **Judiciary Committee**.

Rep. Wald introduced:

HB 1190: A BILL for an Act to create and enact a new subsection to 26.1-40-15.2 and a new subsection to section 26.1-40-15.3 of the North Dakota Century Code, relating to uninsured and underinsured motorists; and to amend and reenact section 26.1-41-20, subsection 1 of section 32-03.2-02.1, and section 39-05-20.2 of the North Dakota Century Code, relating to motor vehicle accidents and salvage certificates of title.

Was read the first time and referred to the **Judiciary Committee**.

Rep. Klemin and Sen. Trenbeath introduced:

HB 1193: A BILL for an Act to amend and reenact section 39-21-41.4 of the North Dakota Century Code, relating to the use of safety belts.

Was read the first time and referred to the **Judiciary Committee**.

Reps. Eckre, Nicholas, Pollert and Sens. Flakoll, Nichols, Urlacher introduced:

HB 1194: A BILL for an Act to create and enact a new section to chapter 32-03 of the North Dakota Century Code, relating to immunity for theft of anhydrous ammonia.

Was read the first time and referred to the **Agriculture Committee**.

Rep. Klemin and Sen. Trenbeath introduced:

HB 1195: A BILL for an Act to amend and reenact section 35-20-08 of the North Dakota Century Code, relating to attorney's liens.

Was read the first time and referred to the **Judiciary Committee**.

Reps. Herbel, Belter, M. Klein introduced:

HB 1196: A BILL for an Act to repeal sections 57-38-34.3 and 57-38-34.6 of the North Dakota Century Code, relating to elimination of optional contributions on income tax returns for the nongame wildlife fund and trees for North Dakota program trust fund; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Reps. Pollert, Mueller, Weisz and Sens. Erbele, Nichols, Urlacher introduced:

HB 1197: A BILL for an Act to create and enact a new chapter to title 60 of the North Dakota Century Code, relating to the creation of a credit-sale contract indemnity fund; to amend and reenact sections 60-02.1-28, 60-02.1-30, 60-04-02, and 60-04-03.1 of the North Dakota Century Code, relating to insolvencies of grain buyers and warehousemen; and to provide a penalty.

Was read the first time and referred to the **Agriculture Committee**.

Reps. Herbel, Kingsbury, Nicholas and Sens. Fischer, Trenbeath introduced:

HB 1198: A BILL for an Act to amend and reenact sections 57-02-27.2 and 57-13-04 of the North Dakota Century Code, relating to authority of the board of county commissioners to determine average agricultural property values per acre for the county; and to provide an effective date.

Was read the first time and referred to the **Political Subdivisions Committee**.

Reps. Ekstrom, Gulleason, Tieman and Sens. Mathern, Polovitz, Wardner introduced:

HB 1199: A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to duties of the department of commerce division of population growth; to amend and reenact section 54-60-02 of the North Dakota Century Code, relating to creation of a department of commerce division of population growth; and to provide for a legislative council study.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. Devlin, Boucher, Severson and Sens. Andrist, Fischer, Robinson introduced:

HB 1200: A BILL for an Act to provide an appropriation to the department of human services for nursing facility medical assistance payments; and to declare an emergency.

Was read the first time and referred to the **Appropriations Committee**.

Reps. Devlin, Nelson, Weisz and Sens. Fischer, Grindberg, Klein introduced:

HB 1201: A BILL for an Act to create and enact a new subsection to section 43-12.1-04 of the North Dakota Century Code, relating to persons excluded from the Nurse Practices Act.

Was read the first time and referred to the **Human Services Committee**.

Reps. Porter, Carlisle, Carlson, Norland and Sen. Cook introduced:

HB 1202: A BILL for an Act to amend and reenact section 20.1-02-28 of the North Dakota Century Code, relating to eligibility to participate in the deerproof hay yard program.

Was read the first time and referred to the **Natural Resources Committee**.

Reps. Aarsvold, Hunskor, Maragos and Sens. Christmann, Robinson, Wardner introduced:

HB 1203: A BILL for an Act to create and enact a new section to chapter 16.1-05 of the North Dakota Century Code, relating to protection of election board members' employment; and to provide a penalty.

Was read the first time and referred to the **Judiciary Committee**.

Reps. Ekstrom, S. Kelsh and Sen. Nichols introduced:

HB 1204: A BILL for an Act to create and enact a new section to chapter 43-03 of the North Dakota Century Code, relating to registration of landscape architects by the board of

architecture; and to amend and reenact section 43-03-01 and subsection 3 of section 43-03-08 of the North Dakota Century Code, relating to landscape architects.
Was read the first time and referred to the **Industry, Business and Labor Committee**.

MOTION

REP. NOTTESTAD MOVED that a committee of two be appointed to escort Lt. Governor Dalrymple to the rostrum, which motion prevailed. The Chair appointed Rep. Herbel and Sen. Trenbeth to the escort committee.

Speaker Wentz turned the gavel over to Lt. Gov. Dalrymple.

SEN. GRINDBERG MOVED that a committee of two be appointed to escort Chief Justice VandeWalle to the rostrum, which motion prevailed. The Chair appointed Sen. Nelson and Rep. RaeAnn Kelsch to the escort committee.

SEN. LYSON MOVED that a committee of two be appointed to escort the Justices of the North Dakota Supreme Court to the seats reserved for them in the Chamber, which motion prevailed. The Chair appointed Sen. Dever and Rep. Aarsvold to the escort committee.

STATE OF THE JUDICIARY MESSAGE

Thursday, January 8, 2003

Introduction

Thank you for the privilege of appearing before this Joint Session of the Fifty-Eighth Legislative Assembly of our great state. From previous messages, you know I like to look back 100 years ago to see what was happening then. What a difference 100 years makes. One hundred years ago Governor Frank White in his State of the State address to the Legislature said, "[a]t no period since statehood have the conditions that promote thrift and growth been so uniform and general over the entire state as have prevailed for the biennial period just closed. Our farms and ranges have produced in abundance. Prices of all products have been in excess of the usual average. The man of business, the mechanic and the laborer have all been profitably employed. Our gain in wealth is almost unprecedented. It is evidenced by the increased comfort in our homes, by the increased number of depositors and deposits in our banks, by the large amount of indebtedness that has been paid off, by the prompt and almost complete payment of taxes and interest on obligations."

We should be so lucky in 2003. In our own time, much has happened since I appeared before you last legislative session. Events have occurred that are reshaping our world. Yet, our form of government, through the rule of law, not only prevails, but also provides a beacon for the free world. At this time in our history, the recent past events are difficult to fully comprehend and are perplexing for everyone. They have made our day-to-day problems seem almost insignificant in comparison to many overriding concerns for our citizens' safety and well-being. With that said, let me outline the accomplishments we have made and issues confronting us in the judiciary.

State Assumption of Clerk of Court Functions

We are in the final six months of our first full biennium with the revised clerk of court legislation. For the coming biennium, there is no change in the number of counties that have petitioned the state to assume their clerk of court operation. We have gone through growing pains to bring 96 personnel into our state system, but, the system envisioned in legislation passed in 1999 and implemented April 1, 2001, continues to work well in meeting the needs of all of our citizens, whether in large cities or rural communities.

We are requesting \$2,671,000 for services in 41 counties that are under contract to provide clerk of court services. This represents a \$149,000, or 6%, increase over the present biennium. This increase is due primarily to salary adjustments that have been made for county officials in the 41 counties where clerk personnel are providing court support services under contract.

Caseload Management Progress

We continue to explore new ways of managing the trial courts' workload. The type of work coming into the courts continues to change, with more time being devoted to those cases that need prompt attention but are not of long duration. Judges and judicial referees receive regular management reports on the status of all of their pending cases. I am proud to report that our courts' caseloads are in good condition. Trials are being set timely and decisions are rendered without undue delay. We are fortunate in being able to manage this caseload as many urban states have a great deal of difficulty processing their court workloads in a timely manner.

As of January 1, 2001, we have 42 district judges statewide, as the court unification legislation required. We continue to provide judicial services in all 53 counties of our state. New case

assignment practices in a number of our districts have allowed us to meet the changing workloads of the judges with the existing judicial resources. Increased efficiencies in case scheduling and greater utilization of computerized resources have contributed to the continued delivery of judicial services to all citizens. We will continue to explore ways of improving service delivery to capitalize on savings in time and money.

Problem Solving Courts for the Future

Nationwide, the concept of problem solving courts is gaining support. This change in direction for dealing with society's problems is more time intensive for judges and the helping professionals who provide the necessary support than our traditional courts. However, the investments of time and effort appear to be addressing a significant need and overall are cost-effective for our citizens.

When I last reported to you, we had established two juvenile drug courts. These drug courts, located in Fargo and Grand Forks, continue to function with the active commitment of our judges. Since that time, we have added a third juvenile drug court in Bismarck, which began operation this last October. These juvenile drug courts have been funded through grants from the Federal Office of Justice Programs, as well as grant funds received from the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program. Our current budget requests \$387,000 to continue the operation of these drug courts. Of this request, \$101,000 are general fund dollars. Justice Mary Maring is a steadfast advocate for these courts. I thank her for her tireless work to establish these courts. If juvenile drug courts are to remain operational, a financial commitment of state dollars is required.

The drug court program centers on a multiphase substance abuse treatment regimen, but also addresses issues like mental health, education, and, in some cases, employment. The courts operate through a drug court team that closely supervises the progress of the participants.

Since young substance abusing offenders are not just adults who have had fewer birthdays, but are people with different dynamics and prospects, their attendance and progress in school are factors in the process. Parents must attend and provide input into their child's behavior and compliance with directives from the court, as well. This tested model has gained acceptance nationwide and is meeting with success wherever implemented.

In addition to the juvenile drug courts now underway, we have implemented two adult drug courts. The first adult drug court began operation in January 2001 in Bismarck. We are just now beginning a second adult drug court in Fargo. While requiring significant judicial involvement, the tracking services and counseling required are to a large measure what is reducing the level of incarceration as well as recidivism for this population of offenders. The judges who participate in the juvenile and adult drug courts must do so while also handling their regular caseload. It is a daunting task and I thank them for their commitment.

As these courts prove to be a successful alternative to dealing with the growing problem of substance abuse, we will consider the possibility of expanding this program in other parts of the state within the limited judicial resources we have to bear on this serious problem.

Court Facilities Needs

We continue to work with the Association of Counties and individual county commissions to address the issue of facilities for court activities. State law (N.D.C.C. §27-01-01.1) provides that "each county shall provide the district court in the county with adequate chamber, court, and law library quarters and lights and fuel and appropriate facilities for clerk of court services that are state funded pursuant to §27-05.2-02." While this section, and §11-10-20 relating specifically to the clerks of district court offices, provide a framework for facility responsibilities, we continue to deal with many facility management issues that appear to be "between the lines" in the administration of our judicial system. Simply stated, there is an ongoing debate in many counties regarding the responsibility for providing renovations, expansion, and basic upkeep of court-related areas. In some counties the message is that if the courts want it done, they should pay for it themselves. All fine and fee revenue now flows to the state and as a result there is a sense that it is the state's responsibility to assume a greater role in providing court facilities.

Our state court administrator visited with legislative leaders regarding this issue over a year ago. As a result, a committee involving a number of stakeholders was assembled to address the concern. Representing the Legislative Council were Representative Duane DeKrey, Representative Pam Guleson, and Senator Tom Trenbeath. The committee sought input from the Association of Counties, the courts, and the Bar Association, and its work is reflected in a bill that has been introduced by the Supreme Court. This bill provides for the addition of a \$10 surcharge on all civil case filings to provide a fund for court facilities improvement. The fund would be administered by a representative group to provide some financial assistance through grants to counties for the renovation and remodeling of judicial facilities.

The proposal is not without controversy. Whether this is the best way to address funding needs for court renovation and remodeling projects is for this Legislative Assembly to grapple with in the weeks ahead. But we need to develop a process to address issues that are increasingly occurring in each county where, since unification, the courts are now tenants in county buildings.

Technology

A number of initiatives have been introduced and completed in the technology arena. The worldwide events of the last 18 months underscore the need for timely, accurate data sharing between agencies and organizations that have a legitimate need for intelligence data. Coupled with this need is the recognition that we must provide for the efficient administration of our organizations. Automation is one part of this important mission.

UCIS/PCSS Integration

The state judiciary is now on one management information system. Our Unified Court Information System (UCIS) has been expanded into Cass County. Cass County is part of the East Central Judicial District which also includes Traill and Steele Counties. Since the early 1990s, Cass County has had an information system that provided services to the state's attorney's office, local corrections and the courts. However, this system was not compatible with the judicial information system operating in the rest of the state. As a result of funding by the 2001 Legislative Assembly, we successfully completed the integration of Cass County into our Unified Court Information System in November 2002. We now have the criminal and civil case records of the highest volume county, Cass County, as part of our integrated information system. This major task could not have been accomplished without the cooperation of the judges and support personnel in Cass County and the commitment of our technology people and the funding by the 2001 Legislative Assembly.

Expansion of UCIS

As part of our technology plan, UCIS is installed and operational in 40 counties of the state. Thirteen counties still do not have automated case management capabilities, but our goal is to have these remaining counties operational and fully functioning on UCIS by the end of this biennium. This will mean that for the first time in the state's history, all case-related information will be residing in one shared data base. That will allow us to provide timely, accurate, and appropriate data for our judges and court personnel and to make it available to other justice agencies, as well as providing all counties with automation.

Automated Domestic Violence Protection Order Process

Over a year ago we embarked on an initiative to automate the full text of temporary and permanent domestic violence protection orders. Some of you are aware from past messages of my concern over the number of domestic violence incidents in North Dakota. This effort will provide timely court information to law enforcement agencies to further support this vulnerable population. It will enable overall improvement in services that are provided through the criminal justice community. Once fully implemented, the system will allow us to provide the full text of protection orders, both temporary and permanent, to local law enforcement agencies. This data will be transmitted electronically to the Bureau of Criminal Investigation for entry in the state registry of domestic violence protection orders as well as the national registry maintained by the Federal Bureau of Investigation. We will have the ability to provide and update information on protection orders so that as orders are canceled or continued, the information can be transferred almost instantaneously to justice agencies that enforce the conditions of these orders. This project involves representatives from local law enforcement, local domestic violence advocacy groups, the State Council on Abused Women's Services, State Radio, Bureau of Criminal Investigation, and representatives from sheriff's departments and municipal law enforcement throughout the state.

In concert with the entry of the protection orders, we are working with the North Dakota Council on Abused Women Services on a pilot project with the Abused Adult Resources Center located in Bismarck to gather domestic violence petition information electronically. This petition information will be electronically transmitted to the courts for inclusion in domestic violence protection orders. These collaborative efforts are a demonstration of what can be done when people with a common interest and commitment work together to address a problem.

Enhanced Records Management

We have included just over \$100,000 in our budget request to address enhanced records management in the courts. This very modest sum of money will be used to begin to implement recommendations contained in an enhanced records management study that is currently underway. Our objective is to develop a pilot project to begin the process of enhanced records management for our courts.

It will greatly improve the court's efficiency when a judge in one location is able to access the documents in a file retained in another location. We are neophytes in the area of enhanced records management but we do realize this is a critical dimension that will allow us to provide improved services with limited resources.

CJIS Initiative

I am going to spend a few minutes touching on other kinds of information sharing initiatives in which the judiciary is involved. I have alluded to some of them in the section I have just concluded on technology. I want to stress that the courts are committed to the efficient transfer of information to organizations that have a need for the information, thus eliminating the impact of inquiries made of court personnel and, more importantly, allowing organizations and individuals the opportunity of accessing information at their convenience from their respective locations.

I serve on a three-member commission that oversees our criminal justice information sharing initiative in North Dakota. The commission consists of representatives from the Governor's office, Attorney General's office, and the judiciary. The focus is on criminal justice information sharing needs statewide. Similar initiatives are being conducted in many states throughout the United States. In the courts we have been actively involved in this effort for nearly two years. We are committed to developing and supporting cost-effective information sharing strategies to improve the administration of not only the courts, but also the justice agencies that rely so heavily on the work of the courts. Funds have been included within the budget of the Information Technology Department to implement this information sharing strategy. I support that request. It is critical that the links between justice agencies be direct and provide meaningful data in a timely and cost-efficient way if we are going to fully carry out our respective mandates.

Data Warehouse

As we all know, the Internet has become the information and data superhighway of the 21st Century. I am amazed at the growth in diversity of information available on the Internet. It is hard to realize that less than a decade ago, the Internet was viewed only as a concept. Few of us envisioned how this information explosion would change our lives. We all turn to the Internet for information at an increasing pace. In 2003, we have vast amounts of data available 24 hours a day.

We have created a data warehouse in the judiciary that provides access to court-related information. Court schedules and case filing and disposition statistics are available at a person's fingertips.

As you know, through our state judicial web page, we have been able to share topical court-related information and provide access to rules and activities of the courts on a routine basis. I take this opportunity to thank Justice Dale V. Sandstrom for the hours of work he has put into developing and supporting our award-winning web site. I encourage you to visit us at www.ndcourts.com.

Data Sharing Initiatives

Much of the theme of this speech relates to the need for information and information sharing within a complex society. We now provide marriage dissolution information to the Department of Health and traffic ticket disposition data to the Department of Transportation, electronically. These initiatives efficiently eliminate redundant data entry and improve the accuracy of record information. This obviously improves the program management of the respective agencies.

We are working with the Highway Patrol to electronically move traffic citation data from the trooper in the patrol car to ultimately update driver records in the Department of Transportation (DOT). This will be one of the first examples of its type in North Dakota government where the entire transaction is done electronically, from patrol car to the court to DOT while using the network infrastructures of State Radio and the Information Technology Department (ITD).

We have trained Department of Corrections personnel to access our information system so that probation officers can check the status of time payments and other probation conditions of their charges at their convenience. These many initiatives embody our engagement and commitment to information sharing.

Interactive Television (ITV)

The final technology initiative I will discuss is the use of interactive television. For three years, we have used ITV to connect Burleigh County to McLean and Mercer Counties. Bond hearings, initial appearances, witness testimony in trial, and other selected proceedings are conducted using this medium. The technology works well. We encourage lawyers to consider this medium to increase court access and reduce costs, as appropriate. We are ready to use ITV in Jamestown to facilitate appearances between the court and the State Hospital.

Our court has approved amendments to our rules to support ITV proceedings in Cass County. If the judges and county officials decide to proceed, preliminary court appearances by defendants could be conducted in the new Cass County Jail in West Fargo and the courthouse in downtown Fargo. These pilots will allow us to explore different and innovative ways for conducting various court appearances with participants at remote sites.

Judicial Planning

Under Justice William A. Neumann's leadership, our Judicial Planning Committee has provided significant recommendations for improving and streamlining the administration of our trial courts. These recommendations are being reviewed with the goal of assuring that we continue to have an efficient, cost-effective, and responsive judicial system within the state.

State/Tribal Relations

We have a very active committee under the chairmanship of the Honorable Donovan Foughty that continues to address areas of common concern and interest between the tribal and state courts. The Committee on Tribal and State Court Affairs provides a forum for leaders from both groups to present and resolve many of the perplexing problems that need attention in our state. Justice Carol Kapsner serves on this committee.

Indigent Defense

A bill approved by the Interim Judiciary A Committee to transfer the administration of the indigent defense services from the Judicial branch has been prefiled. We supported the transfer before the interim committee. A transfer will avoid the accusation of conflict of interest on the part of the Judicial branch and will permit greater flexibility in seeking the best and most cost-effective ways of providing indigent defense services. In budgeting for these services we attempted to hold the cost increase to a reasonable amount in the face of ever-increasing demands on the system.

Judges' Salaries

We are very appreciative of the salary increase you provided judges this last biennium. It was part of a projected increase that would begin to bring the salaries in line with the judicial salaries in comparable states. Recognizing the difficult financial picture which affects all of us, the judges at the November meeting of the Judicial Conference passed a motion that Supreme Court Justices and district judges should request no more pay increase than is provided to state employees.

For the Record

I note with regret the death on September 12, 2001, of Judge Glenn Dill III of Minot in the Northwest Judicial District. As we are required to do by statute when a vacancy occurs, our Court reviews whether the transfer of the judgeship to another judicial district is necessary to fulfill a need for judicial services in another district for effective judicial administration. On December 14, 2001, after holding hearings and viewing written comments, our Court ordered the judgeship transferred to Cass County in the East Central Judicial District. Governor Hoeven subsequently appointed John C. Irby of Casselton to the judgeship in Cass County.

Judge Everett Nels Olson, chambered in Minot in the Northwest Judicial District, announced he would not seek reelection in 2002. By statute that announcement also required a review by our Court. After considering the information we received after Judge Dill's death we determined it was necessary to retain that judgeship in its present location in Minot for efficient judicial administration. That position was filled by election in November 2002. Judge Douglas Mattson was elected to that office and was formally invested last Friday, January 3, 2003.

I also note with great sadness the death of Ralph Erickstad, former Chief Justice and former State Senator, July 12, 2001, at the age of 78.

On July 18, 2002, my friend and State Court Administrator, Keith Nelson, died. My relationship with Keith began when we were in law school and I miss his friendship and wise counsel and advice.

Our Constitution provides the State Court Administrator is appointed by and serves at the pleasure of the Chief Justice. I formed a committee to review applicants for the position and from the committee's recommended candidates I named Ted Gladden, who has served as Assistant State Court Administrator for the trial courts, as the State Court Administrator. Ted served as acting State Court Administrator during Keith's illness.

Conclusion

Today, I have touched on a number of initiatives and activities in service to our commitment to provide fair, effective, and timely judicial services to the citizens of North Dakota. As I look about, I am aware, now more than ever, that change is a constant in our lives. However, even

in the midst of change, both within and without the judiciary, the goal of our judicial institutions remains the same: to enable the just and equitable resolution of disputes without undue delay, and thereby serve the needs of all citizens in the 21st Century.

In closing, I quote Heraclitus, a Greek philosopher, who said, "There is nothing permanent except change." Our measure of success will be determined by how we respond to that change.

MOTION

REP. MUELLER MOVED that the address of Chief Justice VandeWalle be printed in the House Journal, which motion prevailed.

The President appointed Rep. R. Kelsch and Sen. Nelson to escort the Chief Justice from the House Chamber.

REP. MONSON MOVED that the joint session be dissolved, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1074: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1074 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3008: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3008 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1108: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1108 was placed on the Eleventh order on the calendar.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3009.

The House stood adjourned pursuant to Representative Monson's motion.

BRADLEY C. FAY, Chief Clerk

