

1999 HOUSE APPROPRIATIONS

HB 1002

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1002

House Appropriations Committee
Government Operations Division

Conference Committee

Hearing Date January 19, 1999

Tape Number	Side A	Side B	Meter #
1	x		0-52.7
1		x	0-53.1
2	x		0-42.3
Committee Clerk Signature <i>Roxanne Howe</i>			

Minutes:

A BILL FOR AN ACT TO PROVIDE AN APPROPRIATION FOR DEFRAYING THE EXPENSES OF THE JUDICIAL BRANCH; AND TO AMEND AND REENACT SECTIONS 27-02-02 AND 27-05-03 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO SALARIES OF SUPREME AND DISTRICT COURT JUDGES.

Summary of Hearing:

Chief Justice VandeWalle
Opening and Introductions

(2.1) Keith Nelson, State Court Administrator

Issue covered: Budget Overview

(6.4) Rep. Gulleston: Questions concerning Clerk of Courts issue.

(7.0) Discussion on consensus process, advantages, and disadvantages regarding issue.

(10.4) Chief Justice VandeWalle spoke on Clerks of Court issue.

(16.6) Justice William A. Neumann (See attached testimony)

Issue covered: Compensation Issues

(31.4) Justice Dale V. Sandstrom

Issue covered: Technology

(40.8) Justice Mary Muehlen Maring

Issue covered: Drug Courts/Juvenile Drug Court Pilot Program

(51.6) Rep. Poolman: Thinking about the fiscal impact of the Juvenile Drug Court Program, if the program is successful do you think it could have a positive impact to the Corrections budget? Possibly lowering incarceration rates?

(52.1) Justice Mary Muehlen Maring: Absolutely. There are now statistics that show that it is reducing incarceration rates and reducing costs all the way down the line.

Side B

(1.5) Rep. Poolman: Can you give us a time line on when you would be looking at applying for a Department of Justice grant? And implementing the Juvenile Drug Court Program?

(1.6) Justice Mary Muehlen Maring: The grant application deadline is in April. Hopefully, we will be ready to apply by then. They do not decide when we get the grant until mid to late summer. I would hope for sometime early or late spring of 2000 that we could get this pilot program running.

(6.6) Justice Carol Ronning Kapsner (See attached testimony)

Issue covered: Law Library

DISTRICT COURT BUDGET

(14.2) District Court Judge Benny Graff, South Central District

(22.9) Discussion regarding indigent cases.

(25.3) District Court Judge Norman Backes, East Central District

(33.9) Rep. Carlisle: If someone does not have enough money to hire an attorney, is there an asset test? How do you make the determination?

(34.2) Judge Norman Backes: We have guidelines that we use. We also make them fill out an affidavit of indigence.

(35.7) Further discussion on indigent cases within districts.

Judge Maurice Hunke representing District Court Judge Allan Schmalenberger, South West District

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Government Operations Division
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District Court Judge Robert Holte, North West District

Judge Donovan Foughty representing Lee Christofferson, North East District

Tape 2

(21.3) Malcom Brown, Chair, Operations Committee of Disciplinary Board

Constance Triplett, Chair, North Dakota Legal Counsel for Indigents Commission
(Handed in written testimony but not present at hearing)

Theodore Kessel, Jr., LaMoure County State's Attorney
(Handed in written testimony but not present at hearing)
Opponent of provision in bill regarding Clerk of Courts.

Fred Strege, Attorney
(Handed in written testimony but not present at hearing)
Opponent of provision in bill regarding Clerk of Courts.

Steven J. Lies, Lies & Bullis, Attorneys at Law
(Handed in written testimony but not present at hearing)
Opponent of provision in bill regarding Clerk of Courts.

Closed hearing on HB 1002.

General Discussion

- Committee on Committees
- Rules Committee
- Confirmation Hearings
- Delayed Bills Committee
- House Appropriations
- Senate Appropriations
- Other

Date February 11, 1999			
Tape Number	Side A	B Side	Meter #
1	x		0-END
1		x	0-5.0
Committee Clerk Signature <i>Roxanne Kone</i>			

Minutes:

Chairman Byerly opened the discussion on House Bill 1002. Keith Nelson, Supreme Court Administrator, was available to answer committee questions.

Rep. Guleson discussed proposed amendments with committee: Salary/Wages adjustment, Operating Expenses reduced by \$994,033, Equipment reduced by \$41,434, Alternate Dispute Resolution reduced by \$20,000, Clerk of Court reduced by 25% (\$751,462), eliminated 1 ½ FTEs leaving 2 FTE law clerks.

1A: 13.5 Rep. Guleson informed committee she would like an amendment[†] removing the Clerks of District court funding from the bill, line 14.

1A: Rep. Poolman informed committee he would like an amendment adding \$80,000 (general fund dollars) as a pass through for the Central Legal Research Program of the University of North Dakota Law School.

1A: 33.1 Rep. Guleson moved to amend the bill to the salary adjustment of 2 & 2. Rep. Tollefson 2nd the motion. On a voice vote, the motion carries.

1A: 34.7 Rep. Tollefson moved to amend the bill to eliminate 1 ½ FTEs, leaving 2 Law Clerk FTEs. Rep. Poolman 2nd the motion. On a voice vote, the motion carried.

1A: 36.6 Rep Gulleeson moved to amend the bill to remove \$20,000 from the Alternate Dispute Resolution, providing \$40,000. Rep. Tollefson 2nd the motion. On a voice vote, the motion carried.

1A: 47.8 Rep Gulleeson moved to amend the bill to decrease the Operating Expenses by \$994,033 and the Equipment Expense by \$41,434. Rep. Tollefson 2nd the motion. On a voice vote, the motion carried.

1A: 54.2 Rep. Poolman moved to amend the bill to remove money from the Clerk of Courts line item at the rate of 25%. Rep. Tollefson 2nd the motion. Rep. Tollefson 2nd the motion. On a voice vote the motion carried.

1A: 55.5 Rep. Poolman moved to amend the bill to provide \$80,000 additional funding for UND Law School. Rep. Tollefson 2nd the motion. On a Roll Call Vote, the motion carried.
4 voting Yes
2 voting No (Rep. Carlisle, Rep. Byerly)
0 voting Absent

1B: 2.5 Rep. Poolman moved a DO PASS AS AMENDED. Rep. Tollefson 2nd the motion. On a Roll Call Vote the motion carried.
5 voting Yes
1 voting No (Rep. Gulleeson)
0 voting Absent

Rep. Tollefson will carry the bill to the Appropriations Committee.

General Discussion

- Committee on Committees
- Rules Committee
- Confirmation Hearings
- Delayed Bills Committee
- House Appropriations
- Senate Appropriations
- Other

Date February 15, 1999			
Tape Number	Side A	B Side	Meter #
2	x		17.7-50.3
Committee Clerk Signature <i>Casey Davis</i>			

Minutes:

HB 1002

CHAIRMAN DALRYMPLE opened discussion on HB 1002.

2A: 17.7 REP. TOLLEFSON presented the bill and the proposed amendments.

2A: 22.7 REP. TOLLEFSON made a motion to adopt the amendment 0103 to HB 1002. The motion was seconded by Rep. Poolman.

2A: 27.3 REP. DELZER asked why FTEs were not removed if ¼ of the funds were cut. Rep. Gulleon responded that there are now 153 clerks of courts, and 129 were requested. The dollars did not match up. She also informed the committee that this does not go into effect until the last six months of the biennium.

2A: 32.0 A roll call vote was taken and the motion carried with 15 yeas and 5 nays.

2A: 32.9 REP. GULLESON moved to further amend by removing line 14 on page 2 entirely. The motion was seconded by Rep. Huether.

2A: 35.0 REP. BYERLY made a substitute motion that the funds for the clerks of court be totally reinstated as they were in the original bill, at the amount of \$3,005,847. The motion was seconded by Rep. Carlisle.

2A: 36.0 REP. BYERLY explained that these funds affect HB 1275, and it would be best to have the funds in the bill as HB 1275 is working its way through the system.

2A: 41.9 REP. KERZMAN said he would resist the motion because the unified court system is not working.

2A: 45.0 A roll call vote was taken and the motion carried with 14 yeas and 6 nays.

2A: 45.7 REP. TOLLEFSON made a motion for a Do Pass as amended. The motion was seconded by Rep. Poolman. A roll call vote was taken and the motion carried with 14 yeas and 6 nays. Rep. Tollefson will carry the bill to the House floor.

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: HB1002 Amendment to: _____

Requested by Legislative Council Date of Request: December 23, 1998

- Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, and cities.

Narrative: This bill provides for defraying the expenses of the judicial branch. It includes funding related to judges salary increases. It does not include funds for staff salary increases (OMB adjustments provide for staff salary increases). Judge salary increases allow for a 5% increase in each year of the 1999-2001 biennium and related increases in funds for currently retired judges receiving benefits under NDCC Chapter 27-17.

Funding for clerk of court services is included for the last six months of the 1999-2001 biennium and 24 months in the following biennium (figures indicated below). Legislation providing for clerks of court was introduced separately. The six month proposed budget allows for start-up costs including funds for equipment and software licensing.

- State** fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:	0	0	0	0	0	0
Expenditures:*	0	0	\$3,005,847	0	\$11,069,000	0

*for clerk of court services funding only

- What, if any, is the effect of this measure on the appropriation for your agency or department:

- For rest of 1997-99 biennium: 0.00
- For the 1999-2001 biennium: \$3,005,847
- For the 2001-2003 biennium: \$11,069,000

- County, City, and School District** fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
0	0	0	(\$3,027,000)**	0	0	(\$12,833,00)**	0	0

**These are best estimates based on data received from counties. They are based on the assumption that all counties will opt for state funding.

additional space is needed,
attach a supplemental sheet.

Signed *Keith E. Nelson*

Typed Name Keith E. Nelson
 Department Judicial Branch
 Phone Number 328-4216

Date Prepared: 1/6/99

Date: 2-11-99
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1002

House _____ APPROPRIATIONS _____ Committee

Subcommittee on Government Operations
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken AMEND

Motion Made By POOLMAN Seconded By TOLLEFSON

Representatives	Yes	No	Representatives	Yes	No
Rex R. Byerly		✓			
Ron Carlisle		✓			
Ben Tollefson	✓				
Robert Huether	✓				
Pam Gulleason	✓				
Jim Poolman	✓				

Total (Yes) 4 No 2

Absent 0

Floor Assignment _____

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

~~INCREASE FUNDING~~
ADDITIONAL FUNDING \$80000 - UND LAW SCHOOL

Date: 2-11-99
Roll Call Vote #: 2

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1002

House APPROPRIATIONS Committee

- Subcommittee on Government Operations
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS AS AMENDED

Motion Made By Poolman Seconded By Tollefson

Representatives	Yes	No	Representatives	Yes	No
Rex R. Byerly	✓				
Ron Carlisle	✓				
Ben Tollefson	✓				
Robert Huether	✓				
Pam Gulleeson		✓			
Jim Poolman	✓				

Total (Yes) 5 No 1

Absent 0

Floor Assignment REP. TOLLEFSON

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

Date: 2-15-99

Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1002

House Appropriations Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 6103

Action Taken Adopt amend.

Motion Made By Tollefson Seconded By Poolman

Representatives	Yes	No	Representatives	Yes	No
Chairman Dalrymple		X	Nichols		X
Vice-Chairman Byerly	X		Poolman	X	
Aarsvold	X		Svedjan	X	
Bernstein	X		Timm	X	
Boehm	X		Tollefson	X	
Carlson	X		Wentz	X	
Carlisle	X				
Delzer		X			
Gulleson	X				
Hoffner		X			
Huether	X				
Kerzman		X			
Lloyd	X				
Monson	X				

Total (Yes) 15 No 5

Absent _____

Floor Assignment _____

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

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1002

Page 1, line 13, replace "4,971,514" with "5,079,436"

Page 1, line 14, replace "1,685,266" with "1,535,514"

Page 1, line 15, replace "141,950" with "214,513"

Page 1, line 16, replace "289,409" with "276,860"

Page 1, remove lines 17 and 18

Page 1, line 19, replace "7,088,139" with "7,106,323"

Page 1, line 22, replace "22,401,692" with "22,526,069"

Page 1, line 23, replace "9,178,319" with "8,334,038"

Page 1, line 24, replace "788,600" with "674,603"

Page 2, line 1, replace "851,889" with "814,561"

Page 2, after line 1, insert:

"UND - central legal research 80,000"

Page 2, line 2, replace "60,000" with "40,000"

Page 2, line 3, replace "33,280,500" with "32,469,271"

Page 2, line 4, replace "773,402" with "779,943"

Page 2, line 5, replace "32,507,098" with "31,689,328"

Page 2, line 8, replace "496,000" with "511,925"

Page 2, line 9, replace "496,000" with "511,925"

Page 2, line 11, replace "226,000" with "241,925"

Page 2, line 14, replace "3,005,847" with "3,129,346"

Page 2, remove lines 15 and 16

Page 2, line 17, replace "3,005,847" with "3,129,346"

Page 2, line 18, replace "42,827,084" with "42,166,922"

Page 2, line 19, replace "1,043,402" with "1,049,943"

Page 2, line 20, replace "43,870,486" with "43,216,865"

Page 3, line 4, replace "eighty-six" with "eighty-three" and replace "two" with "eight"

Page 3, line 5, replace "seventy-two" with "seven", replace "ninety" with "eighty-five", and replace "five" with "four"

Page 3, line 6, replace "eighty-six" with "eighty-three"

Page 3, line 7, replace "four" with "three" and replace "thirty-four" with "sixty-five"

Page 3, line 8, replace "five" with "four" and replace "fifty-six" with "twelve"

Page 3, line 13, overstrike "six" and insert immediately thereafter "one" and replace "fifteen" with "seventy-one"

Page 3, line 14, replace "eighty-three" with "eighty" and replace "five" with "seven"

Page 3, line 15, replace "ninety-six" with "fifty-four"

Page 3, line 19, replace "eighty-five" with "thirty-one"

Page 3, line 20, replace "nine" with "eight" and replace "seventy-nine" with "sixty-eight"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 181 - SUPREME COURT

HOUSE - This amendment makes the following changes:

	AGENCY REQUEST*	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$5,215,698	(\$136,262)	\$5,079,436
Operating expenses	1,685,266	(149,752)	1,535,514
Equipment	141,950	72,563	214,513
Judges retirement	<u>289,409</u>	<u>(12,549)</u>	<u>276,860</u>
Total all funds	\$7,332,323	(\$226,000)	\$7,106,323
Less special funds	_____	_____	_____
General fund	\$7,332,323	(\$226,000)	\$7,106,323
FTE	44.50	0.00	44.50

* The numbers listed as the agency request are the amounts included in the Governor's budget and the legislative budget status. These amounts do not agree with the bill because the bill does not include the compensation package. These amendments correct this and make the bill and the legislative budget status the same.

Detail of House changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	DECREASE OPERATING EXPENSES	INCREASE EQUIPMENT FUNDING	TOTAL HOUSE CHANGES
Salaries and wages	(\$149,092)	\$12,830			(\$136,262)
Operating expenses			(\$149,752)		(149,752)
Equipment				\$72,563	72,563
Judges retirement	<u>(12,549)</u>				<u>(12,549)</u>
Total all funds	(\$161,641)	\$12,830	(\$149,752)	\$72,563	(\$226,000)
Less special funds	_____	_____	_____	_____	_____
General fund	(\$161,641)	\$12,830	(\$149,752)	\$72,563	(\$226,000)
FTE	0.00	0.00	0.00	0.00	0.00

House changes narrative:

This amendment provides for the following salaries for the Supreme Court justices:

	JULY 1, 1999	JULY 1, 2000
Chief Justice	\$86,172	\$87,895
Justices	\$83,807	\$85,483

DEPARTMENT 182 - DISTRICT COURTS

	AGENCY REQUEST*	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$23,500,870	(\$974,801)	\$22,526,069
Operating expenses	9,178,319	(844,281)	8,334,038
Equipment	788,600	(113,997)	674,603
Judges retirement	851,889	(37,328)	814,561
Alternative dispute resolution	60,000	(20,000)	40,000
UND - Central legal research		80,000	80,000
Total all funds	\$34,379,678	(\$1,910,407)	\$32,469,271
Less special funds	<u>774,115</u>	<u>5,788</u>	<u>779,943</u>
General fund	\$33,605,523	(\$1,916,195)	\$31,689,328
FTE	191.00	(1.50)	189.50

* The numbers listed as the agency request are the amounts included in the Governor's budget and the legislative budget status. These amounts do not agree with the bill because the bill does not include the compensation package. These amendments correct this and make the bill and the legislative budget status the same.

Detail of House changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	REDUCE OPERATING EXPENSES	REDUCE EQUIPMENT FUNDING	REMOVE 5 FTE SECRETARIAL POSITION	REMOVE 1 FTE COMPUTER SUPPORT POSITION
Salaries and wages	(\$937,863)	\$54,743			(\$29,663)	(\$62,018)
Operating expenses			(\$844,281)			
Equipment				(\$113,997)		
Judges retirement	(37,328)					
Alternative dispute resolution						
UND - Central legal research						
Total all funds	(\$975,191)	\$54,743	(\$844,281)	(\$113,997)	(\$29,663)	(\$62,018)
Less special funds	<u>5,759</u>	<u>29</u>				
General fund	(\$980,950)	\$54,714	(\$844,281)	(\$113,997)	(\$29,663)	(\$62,018)
FTE	0.00	0.00	0.00	0.00	(0.50)	(1.00)

	PROVIDE GRANT FUNDS FOR UND-CENTRAL LEGAL RESEARCH	REDUCE ALTERNATIVE DISPUTE RESOLUTION FUNDING	TOTAL HOUSE CHANGES
Salaries and wages			(\$974,801)
Operating expenses			(844,281)
Equipment			(113,997)
Judges retirement			(37,328)
Alternative dispute resolution		(\$20,000)	(20,000)
UND - Central legal research	\$80,000		80,000
Total all funds	\$80,000	(\$20,000)	(\$1,910,407)
Less special funds			<u>5,788</u>
General fund	\$80,000	(\$20,000)	(\$1,916,195)
FTE	0.00	0.00	(1.50)

House changes narrative:

This amendment provides for the following salaries for district court judges:

	JULY 1, 1999	JULY 1, 2000
Presiding judges	\$79,171	\$80,754
District court judges	\$77,340	\$78,886

DEPARTMENT 183 - JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

	AGENCY REQUEST*	HOUSE CHANGES	HOUSE VERSION
Judicial Conduct Commission and Disciplinary Board	\$499,562	\$12,363	\$511,925
Total all funds	\$499,562	\$12,363	\$511,925
Less special funds	<u>271,781</u>	<u>(1,781)</u>	<u>270,000</u>
General fund	\$227,781	\$14,144	\$241,925
FTE	4.00	0.00	4.00

* The numbers listed as the agency request are the amounts included in the Governor's budget and the legislative budget status. These amounts do not agree with the bill because the bill does not include the compensation package. These amendments correct this and make the bill and the legislative budget status the same.

Detail of House changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	TOTAL HOUSE CHANGES
Judicial Conduct Commission and Disciplinary Board	\$11,223	\$1,140	\$12,363
Total all funds	\$11,223	\$1,140	\$12,363
Less special funds	<u>(1,781)</u>		<u>(1,781)</u>
General fund	\$13,004	\$1,140	\$14,144
FTE	0.00	0.00	0.00

DEPARTMENT 184 - CLERK OF DISTRICT COURT

	AGENCY REQUEST*	HOUSE CHANGES	HOUSE VERSION
Clerk of district court	\$3,035,898	\$93,448	\$3,129,346
Total all funds	\$3,035,898	\$93,448	\$3,129,346
Less special funds			
General fund	\$3,035,898	\$93,448	\$3,129,346
FTE	129.00	0.00	129.00

* The numbers listed as the agency request are the amounts included in the Governor's budget and the legislative budget status. These amounts do not agree with the bill because the bill does not include the compensation package. These amendments correct this and make the bill and the legislative budget status the same.

Detail of House changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	TOTAL HOUSE CHANGES
Clerk of district court	\$83,825	\$9,623	\$93,448
Total all funds	\$83,825	\$9,623	\$93,448
Less special funds			
General fund	\$83,825	\$9,623	\$93,448
FTE	0.00	0.00	0.00

Date: 2-15-99
Roll Call Vote #: 2

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1002

House Appropriations Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 0104

Action Taken Amend to restore fding for clerks of ct. at \$3,005,847

Motion Made By Byerly Seconded By Carlisle

Representatives	Yes	No	Representatives	Yes	No
Chairman Dalrymple	X		Nichols		X
Vice-Chairman Byerly	X		Poolman	X	
Aarsvold		X	Svedjan	X	
Bernstein	X		Timm	X	
Boehm	X		Tollefson	X	
Carlson	X		Wentz	X	
Carlisle	X				
Delzer	X				
Gulleson		X			
Hoffner		X			
Huether		X			
Kerzman		X			
Lloyd	X				
Monson	X				

Total (Yes) 14 No 6

Absent _____

Floor Assignment _____

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

Date: 2-15-99

Roll Call Vote #: 3

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1002

House Appropriations Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number ~~0103~~ 0104

Action Taken DP as am.

Motion Made By Tollefson Seconded By Poolman

Representatives	Yes	No	Representatives	Yes	No
Chairman Dalrymple	X		Nichols		X
Vice-Chairman Byerly	X		Poolman	X	
Aarsvold	X		Svedjan	X	
Bernstein	X		Timm	X	
Boehm	X		Tollefson	X	
Carlson	X		Wentz	X	
Carlisle	X				
Delzer		X			
Gulleson		X			
Hoffner		X			
Huether		X			
Kerzman		X			
Lloyd	X				
Monson	X				

Total (Yes) 14 No 6

Absent _____

Floor Assignment Tollefson

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

REPORT OF STANDING COMMITTEE

HB 1002: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1002 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "4,971,514" with "5,079,436"

Page 1, line 14, replace "1,685,266" with "1,535,514"

Page 1, line 15, replace "141,950" with "214,513"

Page 1, line 16, replace "289,409" with "276,860"

Page 1, remove lines 17 and 18

Page 1, line 19, replace "7,088,139" with "7,106,323"

Page 1, line 22, replace "22,401,692" with "22,526,069"

Page 1, line 23, replace "9,178,319" with "8,334,038"

Page 1, line 24, replace "788,600" with "674,603"

Page 2, line 1, replace "851,889" with "814,561"

Page 2, after line 1, insert:

"UND - Central legal research 80,000"

Page 2, line 2, replace "60,000" with "40,000"

Page 2, line 3, replace "33,280,500" with "32,469,271"

Page 2, line 4, replace "773,402" with "779,943"

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Page 3, line 4, replace "eighty-six" with "eighty-three" and replace "two" with "eight"

Page 3, line 5, replace "seventy-two" with "seven", replace "ninety" with "eighty-five", and replace "five" with "four"

Page 3, line 6, replace "eighty-six" with "eighty-three"

Page 3, line 7, replace "four" with "three" and replace "thirty-four" with "sixty-five"

Page 3, line 8, replace "five" with "four" and replace "fifty-six" with "twelve"

Page 3, line 13, overstrike "six" and insert immediately thereafter "one" and replace "fifteen" with "seventy-one"

Page 3, line 14, replace "eighty-three" with "eighty" and replace "five" with "seven"

Page 3, line 15, replace "ninety-six" with "fifty-four"

Page 3, line 19, replace "eighty-five" with "thirty-one"

Page 3, line 20, replace "nine" with "eight" and replace "seventy-nine" with "sixty-eight"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 181 - SUPREME COURT

HOUSE - This amendment makes the following changes:

	AGENCY REQUEST*	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$5,215,698	(\$136,262)	\$5,079,436
Operating expenses	1,685,266	(149,752)	1,535,514
Equipment	141,950	72,563	214,513
Judges retirement	<u>289,409</u>	<u>(12,549)</u>	<u>276,860</u>
Total all funds	\$7,332,323	(\$226,000)	\$7,106,323
Less special funds	_____	_____	_____
General fund	\$7,332,323	(\$226,000)	\$7,106,323
FTE	44.50	0.00	44.50

* The numbers listed as the agency request are the amounts included in the Governor's budget and the legislative budget status. These amounts do not agree with the bill because the bill does not include the compensation package. These amendments correct this and make the bill and the legislative budget status the same.

Detail of House changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	DECREASE OPERATING EXPENSES	INCREASE EQUIPMENT FUNDING	TOTAL HOUSE CHANGES
Salaries and wages	(\$149,092)	\$12,830			(\$136,262)
Operating expenses			(\$149,752)		(149,752)
Equipment				\$72,563	72,563
Judges retirement	<u>(12,549)</u>	_____	_____	_____	<u>(12,549)</u>
Total all funds	(\$161,641)	\$12,830	(\$149,752)	\$72,563	(\$226,000)
Less special funds	_____	_____	_____	_____	_____
General fund	(\$161,641)	\$12,830	(\$149,752)	\$72,563	(\$226,000)
FTE	0.00	0.00	0.00	0.00	0.00

House changes narrative:

REPORT OF STANDING COMMITTEE (410)
February 16, 1999 3:39 p.m.

Module No: HR-31-3185
Carrier: Tollefson
Insert LC: 98002.0104 Title: .0200

This amendment provides for the following salaries for the Supreme Court justices:

	JULY 1, 1999	JULY 1, 2000
Chief Justice	\$86,172	\$87,895
Justices	\$83,807	\$85,483

DEPARTMENT 182 - DISTRICT COURTS

	AGENCY REQUEST*	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$23,500,870	(\$974,801)	\$22,526,069
Operating expenses	9,178,319	(844,281)	8,334,038
Equipment	788,600	(113,997)	674,603
Judges retirement	851,889	(37,328)	814,561
Alternative dispute resolution	60,000	(20,000)	40,000
UND - Central legal research		80,000	80,000
Total all funds	\$34,379,678	(\$1,910,407)	\$32,469,271
Less special funds	<u>774,115</u>	<u>5,788</u>	<u>779,943</u>
General fund	\$33,605,523	(\$1,916,195)	\$31,689,328
FTE	191.00	(1.50)	189.50

* The numbers listed as the agency request are the amounts included in the Governor's budget and the legislative budget status. These amounts do not agree with the bill because the bill does not include the compensation package. These amendments correct this and make the bill and the legislative budget status the same.

Detail of House changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	REDUCE OPERATING EXPENSES	REDUCE EQUIPMENT FUNDING	REMOVE .5 FTE SECRETARIAL POSITION	REMOVE 1 FTE COMPUTER SUPPORT POSITION
Salaries and wages	(\$937,863)	\$54,743			(\$29,663)	(\$62,018)
Operating expenses			(\$844,281)			
Equipment				(\$113,997)		
Judges retirement	(37,328)					
Alternative dispute resolution						
UND - Central legal research						
Total all funds	(\$975,191)	\$54,743	(\$844,281)	(\$113,997)	(\$29,663)	(\$62,018)
Less special funds	<u>5,759</u>	<u>29</u>				
General fund	(\$980,950)	\$54,714	(\$844,281)	(\$113,997)	(\$29,663)	(\$62,018)
FTE	0.00	0.00	0.00	0.00	(0.50)	(1.00)

	PROVIDE GRANT FUNDS FOR UND-CENTRAL LEGAL RESEARCH	REDUCE ALTERNATIVE DISPUTE RESOLUTION FUNDING	TOTAL HOUSE CHANGES
Salaries and wages			(\$974,801)
Operating expenses			(844,281)
Equipment			(113,997)
Judges retirement			(37,328)
Alternative dispute resolution		(\$20,000)	(20,000)
UND - Central legal research	\$80,000		80,000
Total all funds	\$80,000	(\$20,000)	(\$1,910,407)
Less special funds			<u>5,788</u>
General fund	\$80,000	(\$20,000)	(\$1,916,195)
FTE	0.00	0.00	(1.50)

**REPORT OF STANDING COMMITTEE (410)
February 16, 1999 3:39 p.m.**

**Module No: HR-31-3185
Carrier: Tollefson
Insert LC: 98002.0104 Title: .0200**

House changes narrative:

This amendment provides for the following salaries for district court judges:

	JULY 1, 1999	JULY 1, 2000
Presiding judges	\$79,171	\$80,754
District court judges	\$77,340	\$78,886

DEPARTMENT 183 - JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

	AGENCY REQUEST*	HOUSE CHANGES	HOUSE VERSION
Judicial Conduct Commission and Disciplinary Board	\$499,562	\$12,363	\$511,925
Total all funds	\$499,562	\$12,363	\$511,925
Less special funds	<u>271,781</u>	<u>(1,781)</u>	<u>270,000</u>
General fund	\$227,781	\$14,144	\$241,925
FTE	4.00	0.00	4.00

* The numbers listed as the agency request are the amounts included in the Governor's budget and the legislative budget status. These amounts do not agree with the bill because the bill does not include the compensation package. These amendments correct this and make the bill and the legislative budget status the same.

Detail of House changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	TOTAL HOUSE CHANGES
Judicial Conduct Commission and Disciplinary Board	\$11,223	\$1,140	\$12,363
Total all funds	\$11,223	\$1,140	\$12,363
Less special funds	<u>(1,781)</u>		<u>(1,781)</u>
General fund	\$13,004	\$1,140	\$14,144
FTE	0.00	0.00	0.00

DEPARTMENT 184 - CLERK OF DISTRICT COURT

	AGENCY REQUEST*	HOUSE CHANGES	HOUSE VERSION
Clerk of district court	\$3,035,898	\$93,448	\$3,129,346
Total all funds	\$3,035,898	\$93,448	\$3,129,346
Less special funds			
General fund	\$3,035,898	\$93,448	\$3,129,346
FTE	129.00	0.00	129.00

* The numbers listed as the agency request are the amounts included in the Governor's budget and the legislative budget status. These amounts do not agree with the bill because the bill does not include the compensation package. These amendments correct this and make the bill and the legislative budget status the same.

Detail of House changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	TOTAL HOUSE CHANGES

REPORT OF STANDING COMMITTEE (410)
February 16, 1999 3:39 p.m.

Module No: HR-31-3185
Carrier: Tollefson
Insert LC: 98002.0104 Title: .0200

Clerk of district court	\$83,825	\$9,623	\$93,448
Total all funds	\$83,825	\$9,623	\$93,448
Less special funds			
General fund	\$83,825	\$9,623	\$93,448
FTE	0.00	0.00	0.00

1999 SENATE APPROPRIATIONS

HB 1002

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1002

Senate Appropriations Committee

Conference Committee

Hearing Date 3-5-99

Tape Number	Side A	Side B	Meter #
1	X		320 - end
1		X	1 - 4331
3/31/99 1	X		3429-4795
4/1/99 1	X		1-673
Committee Clerk Signature <i>Kathleen C. Kottelnerock</i>			

Minutes:

SENATOR NETHING: Opened hearing on HB1002; A BILL FOR AN ACT TO PROVIDE AN APPROPRIATION FOR DEFRAYING THE EXPENSES OF THE JUDICIAL BRANCH; AND TO AMEND ND REENACT SECTIONS 27-02-02 AND 27-05-03 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO SALARIES OF SUPREME AND DISTRICT COURT JUDGES.

KEITHE NELSON: Court Administrator to testify in support of HB1002 (testimony attached (tape 1, side A, meter 325-690).

SENATOR NETHING: Do you want to talk about the reductions in operating expenses? I noticed it is a big item that the House reduced.

KEITHE NELSON: The areas of concern are in the attachment handed out (attachment enclosed).

SENATOR NETHING: Did you have any conversations with the House on the reductions?

KEITHE NELSON: No I did not. I was present.

SENATOR NETHING: Did they ask you what would happen when they would take out \$844,000 in your budget? Did they identify what they were trying to take out?

KEITHE NELSON: No, they took our budget from last year and added 3% on. There was not 3% added because 2% plus is federal dollars and we have to spend those in two specified areas of judicial court and foster care. Our budget increase was less than 1% across the board.

SENATOR NETHING: If the reduction is to stand, what are we affecting in your budget. What is the impact to your court system by losing those dollars?

KEITHE NELSON: As attached; the \$486,000 technology project would go down the tubes. We cannot go ahead with our number one project which is the integrated case management system. We are trying to integrate the systems that the court presently has into a common system and we will then have the ability to provide information to other agencies and the public that need it. Our current systems are not compatible.

SENATOR NETHING: You have not had the system up to this time so if the money is not received, will everything be status quo?

KEITHE NELSON: Correct, we do have case management systems for all separate operations.

SENATOR NETHING: Who helped you arrive at the \$486,000.

KEITHE NELSON: They were put together in our technology plan, working with Janet Daljus, our fiscal officer and our IT chair. Our IT program is less than 1% of the total state's IT program. The \$486,000 sounds like a large amount, but it is a one time expense that will get us on track to provide better service.

SENATOR NETHING: Are the Indigent Defense Contracts bid by lawyers who want to enter into that type of work? Is that still true?

KEITHE NELSON: Others can better answer that question. The dollars in the contract are derived from how much is given to us by the legislature.

SENATOR KRAUTER: For the Integrated Case Management system, explain to me the process of other agencies needing your information, and is there a breakdown where other agencies are not getting this information?

KEITHE NELSON: Yes, they are not getting this information and we are operating a very archaic system.

SENATOR KRAUTER: The \$486,000 is at the state level. What about the local levels.

KEITHE NELSON: The Attorney General has a system called SAMS, which is a States Attorney Management System. We want to provide a format in our data so they State's Attorney can extract the judgment off the machine without having to come down and make copies. I have a statement from Judge Jahnke and he has a lot discussion there on the use of SAMS connection and how it is working in that county.

WILLIAM A. NEUMANN: Justice, Supreme Court, North Dakota, handed out statement and asked to be excused.

ALLAN SCHMALENBERGER: Presiding Judge of the Southwest Judicial District to testify in support of HB1002 (tape 1, side A, meter 1806-2824). I am also the chair of the Court Technology Committee and for us to keep current, we rely heavily on technology. Part of the good news is that we are testing for the Y2K compliance, our UCIS system works and I am already scheduling next year and it is putting in the year 2000. That will all be completed by the end of the year. On our PCs, we are on a 4-year cycle of replacing those and for the next budget, 40% of those are planned to be upgraded as well as upgrades to our services and AS 400. A few years ago they developed in the South-central District a Unified Court Information System. We call it UCIS. The program runs on an AS 400 computer and it allows us to track and schedule cases. This system has become the standard for the trial courts and has now been expanded to 23 counties which includes all of the chambered counties except for Cass County. Originally the system ran on multiple AS 400's but, we have been consolidating those. By April they will be running only on 2 AS 400s. This consolidation simplifies our support and operations and provides for information sharing throughout the trial courts. If the information is on the same system, it allows us to have information sharing, so if I want to do a check regarding someone if I am in Dickinson, and if I type the name in, the name will pop up on anyone in the state of North Dakota who is also on this system. We have that capability within our system. We don't have that capability outside of our system. That is the system that was developed by the Attorney General's office and it was originally developed to reside on the same box where the judges had their program. We have been moving towards one system. We are working on a process of making the two boxes talk to each other and that was the area of our technology priority. In addition to that, we also have different systems. We have the UCIS which is for the trial courts, the supreme court has their own system and we are in the process of developing JUSIC which is being developed statewide. We have a jury management system which is a PC based system for the clerks which basically operates on stand alone. None of these systems talk to each other much less with anyone outside of the judiciary at this time. As a result of the House budget reductions, there will be insufficient funds in our budget to implement this integrated management system. This project involved data collection and sharing between the supreme court, district court, and juvenile court. Our focus was to have a point of entry for all of our data. Once the data is entered, it would only have to be entered once. Before we can proceed with the information sharing with the state's attorneys and the law enforcement, we need to integrate our own system. The type of data sharing we are looking at with others is the electronic transfer of criminal history data to the attorney general's bureau of criminal investigation as well as allowing local criminal justice agencies inquiry into our system. The analysis for this project is underway but the implementation will not be accomplished with the present level of funding. In order for us to accomplish that, the \$468,000 that was deleted from the trial court budget needs to be restored. That is \$408,000 in the operating line and \$60,000 in the equipment line. A question was asked about the cost of the SAMS system from the state's attorney. My understanding is that the attorney general developed the SAMS system and provides it for the state's attorney at no additional cost to them. Obviously, they're going to need PCs to operate the system, if they don't have the PCs, they would need that. If we can integrate it, they are

going to need a connection through the state's backbone to be able to obtain the information from our system.

One of the other areas where there was a cut, and that was with our request for 1 FTE to provide an operator of a help desk and administrative support for our 5 technology specialists. That was also turned down by the House. The Judiciary Information System consists of about 200 users of the UCIS for developing the Juvenile Court Information System which will include all of the juvenile court personnel statewide. We have the jury management system which is used by 30 clerks of district court and the Supreme Court docketing system. Most of these systems run on networks, and we also have network-related issues such as Internet connectivity, mainframe connectivity, file sharing, printer sharing, and e-mail. In addition to these informational systems, the judiciary uses other desktop applications for word processing, spreadsheets, and other small databases. If you look at the current users of our system, Supreme Court justices, their secretaries, the law clerks, Supreme Court clerk, her staff, state court administrator, his staff, central legal, the law library, all of the district court judges and their support staff, all of the district court administrative personnel, their support staff, all of the juvenile court staff, district court clerks, some states attorneys offices, general public through public terminals. In addition to having uses in the district court, we have also made this software available to the municipalities in Bismarck, Jamestown, and Mandan, which are currently using that system. If you add up all these users who are accessing these various different systems that we currently have, you are probably talking about 500 users generating technical problems, concerns, and questions. The only way to centralize that is by setting up a help desk. The help desk provides a central location and contact point for these technical questions and assistance. The help desk operator is their initial point of contact. If she cannot answer their questions or solve their problems, she assigns that problem to appropriate support staff. The other five support staff are responsible also for traveling throughout the state of North Dakota when we need their assistance. In 1998, the help desk logged over 2,600 calls. Of those, the help desk operator resolved 25%. I am asking that the technology dollars be put back in and also that the FTE position be put back.

SENATOR ANDRIST: Why can't information be constructed on a well-constructed web page?

ALLAN SCHMALENBERGER: It is my understanding, as far as technology is concerned, you can do anything you want if you want to pay for it. Yes, you can do that. We looked at another system three years ago that would be PC based. For us to just get the software in the state of North Dakota, they wanted \$1 million. That price did not include equipment or any changes needed. Web site is something in the future that can be done as costs go down. Our staff communicates often with IBM and the possibilities of how to do that.

SENATOR ANDRIST: You can put anything on the Web, basically for free.

ALLAN SCHMALENBERGER: Kurt could answer that question better for you.

SENATOR NETHING: How will that taxpayer benefit from this?

ALLAN SCHMALENBERGER: One point of entry in the state's attorneys office. Currently they are entered by many people in their own systems. It would reduce overall costs. For the general public, when inquiries are made, they are getting the most current, accurate information that is available.

SENATOR NETHING: Would this system be open to the press?

ALLAN SCHMALENBERGER: We have public access terminals in our system where the press can access the information.

SENATOR NETHING: The press would be working from up-to-date information and there would not be any gaps in it. That seems to me to be a public benefit to have the press with current information.

DALE SANDSTROM: Justice, Supreme Court, North Dakota presented information on technology (tape 1, side A, meter 3670-4188). My first comment as far as the integration system and who it would benefit, I think the answer really is that the benefit would come to the courts, the prosecutors, and to law enforcement. One of the really important things to understand is that it will help law enforcement do their job better and prosecutors do their job better. One of the things they are talking about at this level is that once the information is entered in, the information moves through the system connected. From the state's attorneys office to the judicial system back into the criminal justice system, the information is moving through and it won't be reentered. You won't have the delays of the information being available to the next time the person committed an offense in another county or district sometimes three days later. There are systems that are developed in some of the courts around the country where docket information is posted to the web or you can inquire into the system and it will generate a web page based on that information. It can be done and the cost would probably be more to do it.

One other issue that has come up in the technology area, there is certain information that prosecutors are entitled to that is in the court system and not available to the general public. Prosecutors have access to certain information that would be generally confidential. We are trying to become more efficient, certainly that has been the legislative direction. The number of judges is going down. We are very concerned about what is happening in the criminal justice system. The judges don't make decisions not knowing that somebody has other convictions out there or other cases that are setting bond that they are aware of, the prosecutors are aware of it, and the law enforcement has that information. It is really for the whole law enforcement, criminal justice, judicial system that would benefit from this integration. From the web, I can tell you that I think there is more information that should be there and potentially from the trial court level as well, but the price tag would be quite a bit higher. On the supreme court web site, it started out very small and we are now to a point where, on an average day, we have about 20,000 visits to our web site. We have over 1,500 opinions on there and we have well over 1,000 people who have e-mail notices whenever new opinions are filed. People are moving to the Internet. It is not just lawyers on our system, we have legislators, news media, members of the general public, teachers; it is great technology and it has really moved along well and I think we need to continue to take advantage of what technology can do to efficient judicial administrative

and efficient law enforcement. That is why I think it would be foolish to cut out the money to continue to take advantage of technology to help everyone to do their job better.

SENATOR NETHING: Will this have an impact on accelerating the time that it takes to move a criminal complaint and the individual involved through the system faster?

DALE SANDSTROM: It will make things more efficient, easier to move information along, easier for people to obtain information quicker, law enforcement and prosecutors can make quicker decisions, judges can decide to sentence knowing the full record. It can help us make better decisions by having better information.

SENATOR BOWMAN: Can we call this a benefit instead of a luxury?

DALE SANDSTROM: You hit on two very important factors. I think they are both important. A good criminal justice information system is a definite benefit to everyone who wants to see criminals appropriately prosecuted, convicted and sentenced. We have developed a very comprehensive technology plan and we very consciously, in the process, cut back things that we even thought were not appropriate to do. We cut the supreme court technology budget request by \$150,000. Are judicial salaries important, they are. North Dakota without something dramatic will have the lowest judicial salaries in the Nation after Montana's scheduled raises goes into effect.

SENATOR SOLBERG: Is the technology coming out of the operating expense line item?

DALE SANDSTROM: It is my understanding that most of it is operating expense and some is in equipment.

SENATOR SOLBERG: Even with the cuts, the supreme court still has a \$1.5 million operating expense and district courts \$8.3 million. It still looks like a fair line item. There is only so much to go around.

DALE SANDSTROM: The percentage of our budget for technology as compared across the board, is low. The question is are we going to make use of the efficiency or not. We have looked very closely and hard and we have made substantial cuts. We do realize that there are limits on all of us.

SENATOR ROBINSON: What would be the cost of ongoing maintenance and upkeep and what type of life expectancy would you estimate for a system like this?

DALE SANDSTROM: After the connections are made, the system needs to be maintained. It is very efficient to have a help desk. There will be an offsetting savings from the maintenance area because you will not be redoing work that has already been done. We have started using the UCIS in 1991 and are still with it; we have no plans to change that system in the future. A new system exceeded what we are asking here and found that it the most efficient way we could find.

SENATOR KRAUTER: With your web site, you mentioned 20,000 hits a day, can you explain how you have been able to manage that without raising any additional expenses in your department?

DALE SANDSTROM: I created it in my spare time. Creating it outside would have cost about \$500,000. Some of it has been through programming.

SENATOR KRAUTER: My point is that you have used technology and it has created more work within the court as far as e-mail's. How do you manage that?

DALE SANDSTROM: We mail fewer copies of opinions. We had a long list of people who got paper copies and now it is sent through e-mail. Lawyers, judges, and others have access to what those decisions are immediately to make decisions better. It takes about 10 - 15 minutes to send about 1,000 e-mail messages.

WILLIAM MCLEES: Justice, Supreme Court, North Dakota to testify in support of (tape 1, side A, meter 5836 - end, side B, meter 1-420). I am standing in today for our Presiding Judge Robert Holte who is in jury trial in Minot. I will be talking about the indigent defense budget request. The action taken by the House allows for no increase in the indigent defense budget, and we are asking that \$135,000 be restored which would be the amount commensurate with the 2% per year increase for state employee's salaries. In 1981, the Judicial Conference did establish reimbursement rates of \$50 per hour for indigent defense attorneys, and as we have gone forward through the years, all of our indigent defense matters are handled by contracts in the various districts now. What we have found is when you take a look at the number of hours our indigent attorneys are putting in on cases and you take a look at what they are being compensated for it at the contract rate, the effective hourly rate is around \$40 an hour depending on the county. The North Dakota Legal Council for Indigents Commission has recommended that the hourly rate be \$75 per hour. That is basically what we are looking at in terms of our request. At this point and time we are requesting that the \$135,000 be restored to our budget. There are a number of factors which support such a rate increase. You should understand that these are contract rates that are paid to our attorneys. They don't cover office expenses like copies, phone charges and other charges which are normal expenses of operating a legal practice. Mandatory sentencing has impacted the amount of time that indigent defense council is required to spend on cases. Also, I did get a chance to talk with one of our contracted law firm in Williston and I asked them to tell me what their overhead would be, it was \$50.51. So you can see, we are coming up short. When you look at the bidding process, we are seeing less interest in those contracts. I really have a concern, if we don't keep pace in some fashion with providing appropriate increases, we are not going to attract the experienced, well qualified attorneys we need. I have worked with a number of the indigent defense attorneys and I have been very pleased with their service. I do know that when the indigent defense commission conducted a survey of contract councils, back in 1992, they have repeated the survey and a report was made. Some of the concerns were contract compensation and expense reimbursement, risks of ethical lapses or ineffective assistance are aggravated by the effects of low compensation, high case loads, type scheduling, and overhead costs. It was also noted disparate compensation levels among judicial districts. Another concern was that contract council should not be responsible for prosecuting appeals

which they consider to be without merit. Right now, they don't have the option. Finally, in terms of compensation, we might consider at least being able to pay for continuing legal education for our contract council or pay for their memberships in appropriate professional organizations. The survey indicated that 26 of 41 attorneys responded. Out of 26, 21 said they didn't feel that they were being fairly compensated for their services. That is a concern. It's absolutely critical that we have competent representation.

SENATOR ANDRIST: I would like to challenge your system of paying buy the hour. Have you ever examined a different system of payment such as paying on a case basis?

WILLIAM MCLEES: We are not currently paying on a per hour basis at this point and time because of the contracts in place. We reimburse the council outside the contracts if we have to hire council, and we pay them on a per hour basis. Attorneys are ethically bound to zealously defend their clients and they make a number of judgment calls throughout the trial. It is frustrating at times, but you have to understand that if they don't approach the task in that fashion, the people they represent can go back and find ways that their attorney didn't perform on their behalf.

LARRY LECLAIR: District Judge, Fargo to testify in support of HB1002 (tape 1, side B, meter 848-1351). I am substituting for Judge Backes. I want to talk about indigent defense. You don't bid on an indigent defense contract. What we do when we get our budget, which is first of all generated by our districts with help from the Supreme Court fiscal officer on the basis of what happened last biennium and how many hours we got for the dollars we paid. We generate a budget based upon what we expect to need the next biennium, and that goes into a budget. In Cass County, our indigent defense budget gets, first of all, we take 10% off the top of our allotment for things that come up such as assignments that we can't make within our contracts, specialized cases that take four-five lawyers, and then we divide up the rest of the money into 4 pots. We send a notice to all the lawyers that we have four pots. We will pay you somewhere around \$60,000 a year for you to handle ¼ of our cases, and we assign the cases. Historically, our costs on a reported basis by those public defenders has been about \$53 an hour. We have the mandated responsibility to provide competent and fair, meaningful defense by the US Constitution, North Dakota Constitution, and by statute to not only criminal defendants but juvenile court in the much growing field of child deprivation cases. We have found that our projections in regards to child depravation cases eats up three lawyers for eight to ten days each. That is something you all mandate and your following a mandate from somebody else. So, we must provide those services. We will have a 100 case increase in child deprivation cases in the next year. Those cases eat up dollars. Lawyers overhead runs about 30-40%. Civil lawyers in our town are charging \$125 per hour unless they're a Minneapolis law firm with a branch in Fargo, in which is \$250. We have to provide competent services, and we are not. I am real nervous about certain public defenders but we can't get anybody else.

SENATOR NETHING: On this issue of indigent defense, there was a time when there was a process where some of these people would ultimately pay back to the system part of or all of the money that was spent. Is that still in effect?

LARRY LECLAIR: We see some of it. It's a relatively insignificant because felons usually don't have any money to pay us back. People in juvenile court, where we have to provide on a typical child deprivation case, three lawyers; one for each parent and one for the child. That is normally a complete write-off.

SENATOR NETHING: Some of those people may have resources. If they do, is there a method in place that you can go after those resources.

LARRY LECLAIR: There are some for child deprivation cases. We can't sue them but we can have the state's attorney enforce that.

SENATOR NETHING: There should be more publicity on this.

SENATOR HOLMBERG: I was given information from an attorney in Grand Forks that one of the reasons that the judicial district is behind in money, has to do with some historical decisions made years ago as far as what the level of payment would be and as the legislature adds money, that judicial district is always behind.

LARRY LECLAIR: The rate of reimbursement has not, at all, kept up with the increase in the price the lawyers are getting for their services. Our indigent defense council suffer in terms of their own profession and their place in that profession.

SENATOR NETHING: Now, you had another subject you wanted to touch on.

LARRY LECLAIR: I want to talk quickly about law clerks. We have reduced our numbers about 20% and part of the way we have been able to do that along with a 20% increase in caseloads, is by using law clerks in district courts. We have two in Fargo and one in each district, except three, have full-time law clerks. That is, in my opinion, an absolute necessity. Our district court judges in the federal system each have two law clerks. In Minnesota, each have a law clerk a piece, per judge. Our Supreme Court justices each have a law clerk. Those law clerks with the expanding rate of litigation appeals work are absolutely a necessity. I went to law school thirty-five years ago and that computer is something I don't want to deal with. All the records are now on computers. I'm a curmudgeon and I have to deal with the books. I don't have time to do that research that's necessary. We need them and have asked for two more.

SENATOR NETHING: I noticed the House left those.

LEE CHRISTOFFERSON: Judge from the Northeast Judicial District in Devils Lake to testify in support of HB1002 (tape 1, side B, meter 1860 - 2465). I would like to talk about a couple of things, but before that I would like to thank you for something. Two years ago we asked for three FTE's in the juvenile courts. We were going to share those positions between judicial districts. They have worked well, and I thank you on behalf of our juvenile court. I will be talking about our juvenile system and the recoupment on indigent defense funds. Our juvenile cases continue to stay high. We have the dilemma in this state of not enough juveniles but too many juvenile delinquents and other juvenile cases. We have been doing some different things

in the philosophy of how we work with juveniles. How to make them more responsible, how to hold them accountable, etc. Our philosophy and actions of our juvenile court personnel are to do that. For example, juvenile courts collected over \$100,000 in restitution in the last biennium as well as having juveniles do 20,000 hours of community service. These are the kinds of things we are working on to make juveniles more responsible as well as parents in offering programs for juveniles and, also their parents. We call it a balanced and restorative justice. It is a trend that is national and it is holding people accountable.

Indigent defense recoupment. We have in our state recouped money that has been spent on behalf of the state for contract council. We have collected in the first 18 months of this biennium \$202,000 back to the State of North Dakota. We expect it will be close to \$300,000 in this biennium, about 10% of the indigent defense budget. We spend around \$3 million. In addition to that, there are numerous hours of community service that are spent and conducted by defendants who do not have real money. As indicated earlier, these are not the people with lots of money, but some do have money and some have jobs. When they do, in our area, they are assessed attorneys fees at a reasonable rate in the amount of work put in by the contract attorney. That is not a high percent, but I would suggest to you that nationally and based on projections of what you should get back, we are doing quite well. We have a process for collecting indigent defense recoupment money but, again, it cannot be the primary goal of getting that back. The primary goal is to get the person so they are not back in the court system using the indigent defense council again.

I have a couple of other things to mention. One, on the indigent defense contracts, we are seeing less and less people interested in the contracts in are area. With the increased termination of parental rights cases that are going to come about, if you pass the Adoption and Safe Families Act (ASFA), there are going to be more cases of termination of parental rights based on the mandate of the federal government and legislation you will consider passing in some respect. These are the most difficult cases for indigent defense contract council. They are long protracted kinds of cases, we are terminating parental rights. You know these parents will fight to keep the rights of their children for the most part when it is being done involuntarily. As a result, we need good, confident council to represent them and to make sure the job is done correctly at the trial court of the juvenile court level, because you can see the dilemmas that come when it isn't done well and we don't have good attorneys. So, I ask you to consider funding the indigent defense contract and increasing the amount as requested. I would like a half time FTE clerical position in the Devils Lake area. We are the only area that does not have someone helping the administrative position in our district and that was deleted by the House. I would at least ask you for that but, I would give priority to the indigent defense contract as well as the other positions that have been asked.

The last thing is that I know you don't have enough money and you have to move them around and give them to all different agencies. Please remember two things; one, we are the third branch of government so it is important that we be funded appropriately so that the checks and balances of our government continue; second, there has not been anything mentioned about the clerks matter. I don't think it is a top priority in the changes of state government right now. There are other things that need to be funded instead of changing the clerk system.

SENATOR NETHING: Did you have a chance to make a pitch for the half time FTE to the House?

LEE CHRISTOFFERSON: I was absent but I sent Judge Fouty. Someone did speak about it but it was not included.

MIKAL SIMONSON: Judge in Valley City, to testify in support of HB1002 (tape 1, side B, meter 2580-2930). I am speaking about the reduction in judges. Approximately 10 years ago I spoke here. At that time there were 54 district judges in the state and the goal was to decrease this to 42 by the year 2001. We are now at 43. It has been surprising over the years through various moves and various people retiring, unfortunately a death, these types of things, the Supreme Court has made decisions that have been wise and appropriate and have reduced these numbers to where the legislature thought we should be. During that time, that is a reduction of 19% of the trial judges in North Dakota. Also, the case load increased by 21%. You can see that each judge who survived this cut has had to pick up that extra case load and get that work done. My district had 9 district judges, 9 trial judges. We now have six. We have had to adjust and make sure that we still provide those services. We spend more time on the highway. Right now, the other issue is the judgeship in Jamestown. I personally would like to see us remain at 6 judges and not go to 5, but this is something that the Supreme Court has to decide. In 1989 there were 54 judges and process was somewhat slow. We got down to 50 in 1994, and in 1995, we dropped to 47, 1996 to 46, 1997 to 45 and now down to 43. The average case filings in 1988 were about 2,300 and now are about 2,800 per judge. I am not the presiding judge in my district so I don't know the intricacies of the budget, but I do know that over the years because of these reductions, it has been quite a savings to the State as a whole.

SENATOR NETHING: I am interested in the current status. As I understand the law, we have to be down to 42 judges by January 1, 2001. Would there be a benefit to extend the law for 2 more years to arrive at the final reduction?

MIKAL SIMONSON: I believe it would be a benefit. I think that someday when we do hit forty-two that we still may want to reorganize in some manner and move a judge from one place to another. Unfortunately the State is losing a lot of people in the rural areas and there becomes an imbalance.

SENATOR SOLBERG: When you start moving your judicial services to the metropolitan areas is one of the reasons we are probably losing population. I want you to think about that also.

CHIEF JUSTICE VANDE WALLE: The operations budget does contain indigent defense, jury expense, travel, education, it is everything except salaries and equipment. We were asked to zero in on the changes that were made by the House. The House did grant 3% but, they based it on federal funds that we can't use except in the juvenile area.

On the technology, I sat in Judge Raceik's court in Fargo a couple of years ago. He showed me a case involving a man abusing his wife. It came before the judge and the judge said not to be doing this and told him to stay away from her and released him on bail. The same thing happened again, he didn't beat her but violated the order. The judge let him out again. The third time he severely injured her. By that time finally, Judge Raceik had before him the criminal history of that individual which indicated this had been going on for years in other State's as well as this State. If Judge Raceik had that history to begin with, that person would never been released the first time. That is the type of thing an integrated information system can bring to our people.

There is also some irony that we are being asked to take over the clerks of court and we can't get the information system up and running. One of the advantages if the court assumes the clerks of court is that we will have clear case statistics that are uniform all the way through the jurisdictions. Right now that is not necessarily true. It isn't that any counties are doing it wrong it's just that they don't count cases in the same way others counties do.

There is no doubt that as we reduce the number of judges, the use of technology becomes more significant. They use the technology to make up for their increasing case load in their lack of numbers.

Indigent defense, I have a resolution to study this and I would be delighted if it would be taken away from the judiciary, it does not belong there. The judges should not be the ones that are determining what kind of defense that the defendant is going to get, anymore than they should be selecting who is going to prosecute that defendant. That is not a good system. If the state can do it better and cheaper I would be delighted for them to take it and that's the point of study I have suggested. I am concerned that if we don't give any increase to indigent defense, there will be people right out of law school that will take it. They become entry level jobs at that state of the game. That's not a good defense necessarily, not they are not well trained good lawyers but, they need some experience in some of these cases before they start defending. That is an issue also with Judges. Experience in both positions is necessary.

The Safe Families Act is an issue. Our projections are 110 cases in North Dakota. They will need three attorney's for each one of those cases.

Clerk of Court, I will answer any questions you may have. There is not much more to say that hasn't been said. I think the Clerks of Court should be part of the Judicial system. They provide great services to us. The fact that they have not been part of the integrated judicial system does not mean they haven't been doing good work. They have been doing excellent work for us. I think the decision of whether they remain elected county officials or come into the state system is a political issue for the Legislature to make. Senator Solberg, I know the concerns in the rural areas. I still read Senator Andrist's column and I hear concerns from my cousins and Aunt's that live in Divide County. When you give us a limited amount of money to operate the system, then I have to put the dollars where the need is the greatest. I think you're right and it does hasten the demise of the rural areas.

SENATOR NETHING: I will be appointing a subcommittee to work with you on the requests. I don't want this committee to recommend particular cuts that are not going to be effective or damaging and we will need your help with that. I will chair that subcommittee and Senator Kringstad and Senator Robinson will serve on it.

CHIEF JUSTICE VANDE WALLE: On the judgeship, we have one to cut. There is a vacancy pending in the court. The last one is the toughest one of all. My personal opinion is that Jamestown has to have a judge in their chamber and that means we have to roll someone else's head to do that.

SENATOR NETHING: Closed hearing on HB1002.

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3/31/99 **Tape 1, Side A, Meter 3429-4795**

SENATOR NETHING: Reopened the hearing on HB1002.

PAUL KRAMER: Legislative Council , explained the amendments.

SENATOR NETHING: Gave an overview of the amendments.

SENATOR NETHING: Called for the motion on HB1002.

SENATOR KRINGSTAD: Moved a Do Pass on the amendment to HB1002.

SENATOR ROBINSON: Seconded the motion.

ROLL CALL: VOICE VOTE: UNANIMOUS.

SENATOR KRINGSTAD: Moved a Do Pass as Amended to HB1002.

SENATOR NAADEN: Seconded the motion.

ROLL CALL: 13 YEAS; 1 NAY; 0 ABSENT & NOT VOTING.

Nay: Senator Bowman.

The motion of Do Pass as Amended carried on HB1002.

CARRIER: SENATOR NETHING

SENATOR NETHING: Closed the hearing on HB1002.

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4/1/99 **Tape 1, Side B, Meter 1-673**

SENATOR NETHING: Reopened the hearing on HB1002.

4-1-99

SENATOR NETHING: Gave a brief explanation on the new proposed amendments.

SENATOR NETHING: Called for the motion to reconsider previous action.

SENATOR SOLBERG: Moved to Reconsider the Previous Action. \

SENATOR ANDRIST: Seconded the motion.

VOICE VOTE: UNANIMOUS.

SENATOR SOLBERG: Moved to Reconsider the Amendment on HB1002. ✓

SENATOR HOLMBERG: Seconded the motion.

VOICE VOTE: UNANIMOUS.

SENATOR HOLMBERG: Moved to Reconsider the Previous Action on HB1002. 3

SENATOR SOLBERG: Seconded the motion.

VOICE VOTE: UNANIMOUS.

PAUL KRAMER: Legislative Council explained the amendments.

SENATOR NETHING: Called for the motion on HB1002.

SENATOR KRINGSTAD: Moved a Do Pass on the amendment to HB1002.

SENATOR HOLMBERG: Seconded the motion.

ROLL CALL: 9 YEAS; 5 NAY; 0 ABSENT & NOT VOTING.

Yeas: Nething; Naaden; Solberg; Tallackson; St. Aubyn; Grindberg; Holmberg; Kringstad; Andrist.

Nay: Lindaas; Tomac; Robinson; Krauter; Bowman.

SENATOR KRINGSTAD: Moved a Do Pass as Amended to HB1002.

SENATOR HOLMBERG: Seconded the motion.

ROLL CALL: 9 YEAS; 5 NAY; 0 ABSENT & NOT VOTING.

Yeas: Nething; Naaden; Solberg; Tallackson; St. Aubyn; Grindberg; Holmberg; Kringstad; Andrist.

Nay: Lindaas; Tomac; Robinson; Krauter; Bowman.

The motion on HB1002 of a Do Pass as Amended carried.

SENATOR NETHING: Closed the hearing on HB1002.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1002

Page 1, line 1, after the semicolon insert "to provide for a legislative council study;"

Page 1, line 2, after "27-02-02" insert ", 27-05-01, subdivision c of subsection 3 of section 27-05-02.1," and after the third "and" insert "section"

Page 1, line 3, after "judges" insert "and the number of district court judges"

Page 1, line 21, replace "8,334,038" with "8,937,038"

Page 2, line 2, replace "32,469,271" with "33,072,271"

Page 2, line 4, replace "31,689,328" with "32,292,328"

Page 2, line 13, replace "3,129,346" with "56,619"

Page 2, line 14, replace "3,129,346" with "56,619"

Page 2, line 15, replace "42,166,922" with "39,697,195"

Page 2, line 17, replace "43,216,865" with "40,747,138"

Page 2, after line 27, insert:

"SECTION 4. LEGISLATIVE COUNCIL STUDY OF UNIFIED COURT SYSTEM. The legislative council shall study during the 1999-2000 interim the impacts of court unification on the judicial system and on the effective provision of judicial services to state residents."

Page 3, after line 5, insert:

"SECTION 6. AMENDMENT. Section 27-05-01 of the North Dakota Century Code is amended and reenacted as follows:

27-05-01. Judicial districts - Number of judges.

1. The judicial districts in this state are as designated by rule of the supreme court. The number of judges in each of the judicial districts is as follows:
 - a. The northwest judicial district shall have five judges.
 - b. The northeast judicial district shall have three judges.
 - c. The northeast central judicial district shall have four judges.
 - d. The east central judicial district shall have four judges.
 - e. The southeast judicial district shall have three judges.

- f. The south central judicial district shall have five judges.
 - g. The southwest judicial district shall have three judges.
2. Each judicial district has that number of additional judges as designated by rule of the supreme court pursuant to subsection 3 of section 27-05-00.1. The supreme court shall reduce the number of district judges pursuant to section 27-05-02.1 to forty-two before January 2, ~~2004~~ 2003.

SECTION 7. AMENDMENT. Subdivision c of subsection 3 of section 27-05-02.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- c. From July 1, 1999, until December 31, ~~2000~~ 2002, if on July 1, 1999, the number of district court judges is more than forty-two."

Page 3, line 9, replace "seventy-nine" with "seventy", replace "one" with "three", and replace "seventy-one" with "forty"

Page 3, line 10, replace "eighty" with "seventy-eight", remove the overstrike over "eight", and remove "seven"

Page 3, line 11, replace "fifty-four" with "eighty-seven"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 182 - DISTRICT COURTS

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$23,500,870	\$22,526,069		\$22,526,069
Operating expenses	9,178,319	8,334,038	\$603,000	8,937,038
Equipment	788,600	674,603		674,603
Judges retirement	851,889	814,561		814,561
Alternative dispute resolution	60,000	40,000		40,000
UND - Central legal research		80,000		80,000
Total all funds	\$34,379,678	\$32,469,271	\$603,000	\$33,072,271
Less special funds	<u>774,155</u>	<u>779,943</u>		<u>779,943</u>
General fund	\$33,605,523	\$31,689,328	\$603,000	\$32,292,328
FTE	191.00	189.50	0.00	189.50

Detail of Senate changes to the House version includes:

	RESTORE A PORTION OF THE INDIGENT DEFENSE FUNDING	RESTORE FUNDING FOR INTEGRATED CASE MANAGEMENT SYSTEM	TOTAL SENATE CHANGES
Salaries and wages			
Operating expenses	\$135,000	\$468,000	\$603,000
Equipment			
Judges retirement			
Alternative dispute resolution			
UND - Central legal research			
Total all funds	\$135,000	\$468,000	\$603,000
Less special funds			
General fund	\$135,000	\$468,000	\$603,000

FTE 0.00 0.00 0.00

Senate changes narrative:

This amendment also corrects the salaries of district court judges, which are as follows under the 2/2 compensation plan:

	PRESIDING JUDGE	DISTRICT COURT JUDGE
Current	\$77,619	\$75,824
July 1, 1999	\$79,171	\$77,340
July 1, 2000	\$80,755	\$78,887

The amendment also adds the following new sections:

Section 4 - Requires a Legislative Council study of the unified court system.

Sections 6 and 7 - Extend, by two years, the deadline for reducing the number of district court judges to 42.

DEPARTMENT 184 - CLERK OF DISTRICT COURT

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Clerk of district courts	<u>\$3,035,898</u>	<u>\$3,129,346</u>	<u>(\$3,072,727)</u>	<u>\$56,619</u>
Total all funds	\$3,035,898	\$3,129,346	(\$3,072,727)	\$56,619
Less special funds	_____	_____	_____	_____
General fund	\$3,035,898	\$3,129,346	(\$3,072,727)	\$56,619
FTE	129.00	129.00	(127.00)	2.00

Detail of Senate changes to the House version includes:

	REDUCE FUNDING	TOTAL SENATE CHANGES
Clerk of district courts	<u>(\$3,072,727)</u>	<u>(\$3,072,727)</u>
Total all funds	(\$3,072,727)	(\$3,072,727)
Less special funds	_____	_____
General fund	(\$3,072,727)	(\$3,072,727)
FTE	(127.00)	(127.00)

Senate changes narrative:

This amendment removes all clerk of court funding except for the following:

Operating expenses	\$50,000
1 FTE human services clerk (1 month)	2,586
1 FTE accountant (1 month)	<u>4,033</u>
Total	\$56,619

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PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1002

Page 1, line 1, after the semicolon insert "to provide for a legislative council study;"

Page 1, line 2, after "27-02-02" insert ", 27-05-01, subdivision c of subsection 3 of section 27-05-02.1," and after the third "and" insert "section"

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Page 1, line 21, replace "8,334,038" with "8,937,038"

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Page 2, line 17, replace "43,216,865" with "40,747,138"

Page 2, after line 27, insert:

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Page 3, line 11, replace "fifty-four" with "eighty-seven"

Renumber accordingly

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Less special funds	<u>774,155</u>	<u>779,943</u>		<u>779,943</u>
General fund	\$33,605,523	\$31,689,328	\$603,000	\$32,292,328
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Detail of Senate changes to the House version includes:

	RESTORE A PORTION OF THE INDIGENT DEFENSE FUNDING	RESTORE FUNDING FOR INTEGRATED CASE MANAGEMENT SYSTEM	TOTAL SENATE CHANGES
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Equipment			
Judges retirement			
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UND - Central legal research			
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FTE 0.00 0.00 0.00

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General fund	\$3,035,898	\$3,129,346	(\$3,072,727)	\$56,619
FTE	129.00	129.00	(127.00)	2.00

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Clerk of district courts	<u>(\$3,072,727)</u>	<u>(\$3,072,727)</u>
Total all funds	(\$3,072,727)	(\$3,072,727)
Less special funds	_____	_____
General fund	(\$3,072,727)	(\$3,072,727)
FTE	(127.00)	(127.00)

Senate changes narrative:

This amendment removes all clerk of court funding except for the following:

Operating expenses	\$50,000
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1 FTE accountant (1 month)	<u>4,033</u>
Total	\$56,619

Date: 3/30/99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. Engrossed HB 1002

Senate APPROPRIATIONS Committee

Subcommittee on _____

or

Conference Committee

✓ Legislative Council Amendment Number 98002.0206

Action Taken DO PASS

Motion Made By Senator Kringstad Seconded By Senator Robinson

Senators	Yes	No	Senators	Yes	No
Senator Nething, Chairman					
Senator Naaden, Vice Chairman					
Senator Solberg					
Senator Lindaas					
Senator Tallackson					
Senator Tomac					
Senator Robinson					
Senator Krauter					
Senator St. Aubyn					
Senator Grindberg					
Senator Holmberg					
Senator Kringstad					
Senator Bowman					
Senator Andrist					

Total (Yes) VOICE VOTE UNANIMOUS No _____

Absent _____

Floor Assignment Senator _____

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

Date: 3/31/99
 Roll Call Vote #: _____

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. Engrossed HB 1002

Senate APPROPRIATIONS Committee

Subcommittee on _____
 or
 Conference Committee

✓ Legislative Council Amendment Number 98002.0206

Action Taken DO PASS AS AMENDED

Motion Made By Senator Kringstad Seconded By Senator NAADEN

Senators	Yes	No	Senators	Yes	No
Senator Nething, Chairman	✓				
Senator Naaden, Vice Chairman	✓				
Senator Solberg	✓				
Senator Lindaas	✓				
Senator Tallackson	✓				
Senator Tomac	✓				
Senator Robinson	✓				
Senator Krauter	✓				
Senator St. Aubyn	✓				
Senator Grindberg	✓				
Senator Holmberg	✓				
Senator Kringstad	✓				
Senator Bowman		✓			
Senator Andrist	✓				

Total (Yes) 13 No 1

Absent 0

Floor Assignment Senator NETHING

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

2 of 4

- a. The northwest judicial district shall have five judges.
 - b. The northeast judicial district shall have three judges.
 - c. The northeast central judicial district shall have four judges.
 - d. The east central judicial district shall have four judges.
 - e. The southeast judicial district shall have three judges.
 - f. The south central judicial district shall have five judges.
 - g. The southwest judicial district shall have three judges.
2. Each judicial district has that number of additional judges as designated by rule of the supreme court pursuant to subsection 3 of section 27-05-00.1. The supreme court shall reduce the number of district judges pursuant to section 27-05-02.1 to forty-two before January 2, ~~2004~~ 2003.

SECTION 8. AMENDMENT. Subdivision c of subsection 3 of section 27-05-02.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- c. From July 1, 1999, until December 31, ~~2000~~ 2002, if on July 1, 1999, the number of district court judges is more than forty-two."

Page 3, line 9, replace "seventy-nine" with "seventy-seven", replace "one" with "three", and replace "seventy-one" with "forty"

Page 3, line 10, replace "eighty" with "seventy-eight", remove the overstrike over "eight", and remove "seven"

Page 3, line 11, replace "fifty-four" with "eighty-seven"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 182 - DISTRICT COURTS

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$23,500,870	\$22,526,069		\$22,526,069
Operating expenses	9,178,319	8,334,038	\$603,000	8,937,038
Equipment	788,600	674,603		674,603
Judges retirement	851,889	814,561		814,561
Alternative dispute resolution	60,000	40,000		40,000
UND - Central legal research		80,000		80,000
Total all funds	\$34,379,678	\$32,469,271	\$603,000	\$33,072,271
Less special funds	<u>774,155</u>	<u>779,943</u>		<u>779,943</u>
General fund	\$33,605,523	\$31,689,328	\$603,000	\$32,292,328
FTE	191.00	189.50	0.00	189.50

Detail of Senate changes to the House version includes:

	RESTORE A PORTION OF THE INDIGENT DEFENSE FUNDING	RESTORE FUNDING FOR INTEGRATED CASE MANAGEMENT SYSTEM	TOTAL SENATE CHANGES
Salaries and wages			
Operating expenses	\$135,000	\$468,000	\$603,000
Equipment			
Judges retirement			
Alternative dispute resolution			
UND - Central legal research			
Total all funds	\$135,000	\$468,000	\$603,000
Less special funds			
General fund	\$135,000	\$468,000	\$603,000
FTE	0.00	0.00	0.00

Senate changes narrative:

This amendment also corrects the salaries of district court judges, which are as follows under the 2/2 compensation plan:

	PRESIDING JUDGE	DISTRICT COURT JUDGE
Current	\$77,619	\$75,824
July 1, 1999	\$79,171	\$77,340
July 1, 2000	\$80,755	\$78,887

The amendment also adds the following new sections:

Section 4 - Requires a Legislative Council study of the unified court system.

Sections 6 and 7 - Extend, by two years, the deadline for reducing the number of district court judges to 42.

DEPARTMENT 184 - CLERK OF DISTRICT COURT

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Clerk of district courts	\$3,035,898	\$3,129,346	(\$2,729,745)	\$399,601
Total all funds	\$3,035,898	\$3,129,346	(\$2,729,745)	\$399,601
Less special funds				
General fund	\$3,035,898	\$3,129,346	(\$2,729,745)	\$399,601
FTE	129.00	129.00	(16.00)	113.00

Detail of Senate changes to the House version includes:

	REDUCE FUNDING	TOTAL SENATE CHANGES
Clerk of district courts	(\$2,729,745)	(\$2,729,745)
Total all funds	(\$2,729,745)	(\$2,729,745)
Less special funds		
General fund	(\$2,729,745)	(\$2,729,745)
FTE	(16.00)	(16.00)

Senate changes narrative:

This amendment removes all clerk of court funding except for the following:

Operating expenses	\$50,000
111 FTE clerks (1 month)	342,982
1 FTE human services clerk (1 month)	2,586
1 FTE accountant (1 month)	<u>4,033</u>
Total	\$399,601

Date: 4-1-99
 Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1002

Senate APPROPRIATIONS Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number 98002.0207

Action Taken DO PASS

Motion Made By Senator Kringstad Seconded By Senator Holmberg

Senators	Yes	No	Senators	Yes	No
Senator Nething, Chairman	✓				
Senator Naaden, Vice Chairman	✓				
Senator Solberg	✓				
Senator Lindaas		✓			
Senator Tallackson	✓				
Senator Tomac		✓			
Senator Robinson		✓			
Senator Krauter		✓			
Senator St. Aubyn	✓				
Senator Grindberg	✓				
Senator Holmberg	✓				
Senator Kringstad	✓				
Senator Bowman		✓			
Senator Andrist	✓				

Total (Yes) 9 No 5

Absent 0

Floor Assignment Senator _____

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

Date: 4-1-99
 Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. HB1002

Senate APPROPRIATIONS Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number PREVIOUS

Action Taken RECONSIDER Action

Motion Made By Senator Solberg Seconded By Senator Andrist

Senators	Yes	No	Senators	Yes	No
Senator Nething, Chairman					
Senator Naaden, Vice Chairman					
Senator Solberg					
Senator Lindaas					
Senator Tallackson					
Senator Tomac					
Senator Robinson					
Senator Krauter					
Senator St. Aubyn					
Senator Grindberg					
Senator Holmberg					
Senator Kringstad					
Senator Bowman					
Senator Andrist					

Total (Yes) VOICE VOTE - UNANIMOUS No _____

Absent _____

Floor Assignment Senator _____

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

Date: 4-1-99
Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1002

Senate APPROPRIATIONS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number PREVIOUS

Action Taken RECONSIDER ACTION ON THE AMENDMENT

Motion Made By Senator Solberg Seconded By Senator Holmberg

Senators	Yes	No	Senators	Yes	No
Senator Nething, Chairman					
Senator Naaden, Vice Chairman					
Senator Solberg					
Senator Lindaas					
Senator Tallackson					
Senator Tomac					
Senator Robinson					
Senator Krauter					
Senator St. Aubyn					
Senator Grindberg					
Senator Holmberg					
Senator Kringstad					
Senator Bowman					
Senator Andrist					

Total (Yes) VOICE VOTE - UNANIMOUS No _____

Absent _____

Floor Assignment Senator _____

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

Date: 4-1-99
Roll Call Vote #: 3

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1002

Senate APPROPRIATIONS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number PREVIOUS

Action Taken RECONSIDER ACTION ON THE BILL

Motion Made By Senator Holmberg Seconded By Senator Solberg

Senators	Yes	No	Senators	Yes	No
Senator Nething, Chairman					
Senator Naaden, Vice Chairman					
Senator Solberg					
Senator Lindaas					
Senator Tallackson					
Senator Tomac					
Senator Robinson					
Senator Krauter					
Senator St. Aubyn					
Senator Grindberg					
Senator Holmberg					
Senator Kringstad					
Senator Bowman					
Senator Andrist					

Total (Yes) VOICE VOTE - UNANIMOUS No _____

Absent _____

Floor Assignment Senator _____

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

Date: 4-1-99
Roll Call Vote #: 4

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1002

Senate APPROPRIATIONS Committee

Subcommittee on _____
or

Conference Committee

Legislative Council Amendment Number 98002.0207

Action Taken NO PASS AS AMENDED

Motion Made By Senator Kringstad Seconded By Senator Holmberg

Senators	Yes	No	Senators	Yes	No
Senator Nething, Chairman	✓				
Senator Naaden, Vice Chairman	✓				
Senator Solberg	✓				
Senator Lindaas		✓			
Senator Tallackson	✓				
Senator Tomac		✓			
Senator Robinson		✓			
Senator Krauter		✓			
Senator St. Aubyn	✓				
Senator Grindberg	✓				
Senator Holmberg	✓				
Senator Kringstad	✓				
Senator Bowman		✓			
Senator Andrist	✓				

Total (Yes) 9 No 5

Absent 0

Floor Assignment Senator NETHING

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

REPORT OF STANDING COMMITTEE

HB 1002, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1002 was placed on the Sixth order on the calendar.

Page 1, line 1, after the semicolon insert "to provide for a legislative council study;"

Page 1, line 2, after "27-02-02" insert ", 27-05-01, subdivision c of subsection 3 of section 27-05-02.1," and after the third "and" insert "section"

Page 1, line 3, after "judges" insert "and the number of district court judges"

Page 1, line 21, replace "8,334,038" with "8,937,038"

Page 2, line 2, replace "32,469,271" with "33,072,271"

Page 2, line 4, replace "31,689,328" with "32,292,328"

Page 2, line 13, replace "3,129,346" with "399,601"

Page 2, line 14, replace "3,129,346" with "399,601"

Page 2, line 15, replace "42,166,922" with "40,040,177"

Page 2, line 17, replace "43,216,865" with "41,090,120"

Page 2, after line 27, insert:

"SECTION 4. LEGISLATIVE COUNCIL STUDY OF UNIFIED COURT SYSTEM. The legislative council shall consider studying, during the 1999-2000 interim, the impacts of court unification on the judicial system and on the effective provision of judicial services to state residents.

SECTION 5. ALLOCATION FOR INDIGENT DEFENSE FUNDS. The supreme court shall develop criteria for the equitable allocation of indigent defense funds contained in the operating expenses line item for district courts. The criteria must be based on number of cases, complexity of cases, the level of efficiency in handling cases, and the historical funding levels in different districts. The supreme court may use any other factors deemed appropriate by the supreme court. The historical funding levels may be used as one factor of many and may not be given consideration in excess of any other factor. The supreme court shall use these criteria in the allocation of indigent defense funds appropriated under this Act."

Page 3, after line 5, insert:

"SECTION 7. AMENDMENT. Section 27-05-01 of the North Dakota Century Code is amended and reenacted as follows:

27-05-01. Judicial districts - Number of judges.

1. The judicial districts in this state are as designated by rule of the supreme court. The number of judges in each of the judicial districts is as follows:
 - a. The northwest judicial district shall have five judges.
 - b. The northeast judicial district shall have three judges.

- c. The northeast central judicial district shall have four judges.
 - d. The east central judicial district shall have four judges.
 - e. The southeast judicial district shall have three judges.
 - f. The south central judicial district shall have five judges.
 - g. The southwest judicial district shall have three judges.
2. Each judicial district has that number of additional judges as designated by rule of the supreme court pursuant to subsection 3 of section 27-05-00.1. The supreme court shall reduce the number of district judges pursuant to section 27-05-02.1 to forty-two before January 2, ~~2004~~ 2003.

SECTION 8. AMENDMENT. Subdivision c of subsection 3 of section 27-05-02.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- c. From July 1, 1999, until December 31, ~~2000~~ 2002, if on July 1, 1999, the number of district court judges is more than forty-two."

Page 3, line 9, replace "seventy-nine" with "seventy-seven", replace "one" with "three", and replace "seventy-one" with "forty"

Page 3, line 10, replace "eighty" with "seventy-eight", remove the overstrike over "~~eight~~", and remove "seven"

Page 3, line 11, replace "fifty-four" with "eighty-seven"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 182 - DISTRICT COURTS

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$23,500,870	\$22,526,069		\$22,526,069
Operating expenses	9,178,319	8,334,038	\$603,000	8,937,038
Equipment	788,600	674,603		674,603
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UND - Central legal research		80,000		80,000
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Less special funds	<u>774,155</u>	<u>779,943</u>		<u>779,943</u>
General fund	\$33,605,523	\$31,689,328	\$603,000	\$32,292,328
FTE	191.00	189.50	0.00	189.50

Detail of Senate changes to the House version includes:

	RESTORE A PORTION OF THE INDIGENT DEFENSE FUNDING	RESTORE FUNDING FOR INTEGRATED CASE MANAGEMENT SYSTEM	TOTAL SENATE CHANGES
Salaries and wages			
Operating expenses	\$135,000	\$468,000	\$603,000
Equipment			
Judges retirement			
Alternative dispute resolution			
UND - Central legal research			
Total all funds	\$135,000	\$468,000	\$603,000
Less special funds			
General fund	\$135,000	\$468,000	\$603,000
FTE	0.00	0.00	0.00

Senate changes narrative:

This amendment also corrects the salaries of district court judges, which are as follows under the 2/2 compensation plan:

	PRESIDING JUDGE	DISTRICT COURT JUDGE
Current	\$77,619	\$75,824
July 1, 1999	\$79,171	\$77,340
July 1, 2000	\$80,755	\$78,887

The amendment also adds the following new sections:

Section 4 - Requires a Legislative Council study of the unified court system.

Sections 6 and 7 - Extend, by two years, the deadline for reducing the number of district court judges to 42.

DEPARTMENT 184 - CLERK OF DISTRICT COURT

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Clerk of district courts	\$3,035,898	\$3,129,346	(\$2,729,745)	\$399,601
Total all funds	\$3,035,898	\$3,129,346	(\$2,729,745)	\$399,601
Less special funds				
General fund	\$3,035,898	\$3,129,346	(\$2,729,745)	\$399,601
FTE	129.00	129.00	(16.00)	113.00

Detail of Senate changes to the House version includes:

	REDUCE FUNDING	TOTAL SENATE CHANGES
Clerk of district courts	(\$2,729,745)	(\$2,729,745)
Total all funds	(\$2,729,745)	(\$2,729,745)
Less special funds		
General fund	(\$2,729,745)	(\$2,729,745)

FTE (16.00) (16.00)

Senate changes narrative:

This amendment removes all clerk of court funding except for the following:

Operating expenses	\$50,000
111 FTE clerks (1 month)	342,982
1 FTE human services clerk (1 month)	2,586
1 FTE accountant (1 month)	<u>4,033</u>
Total	\$399,601

1999 HOUSE APPROPRIATIONS

CONFERENCE COMMITTEE

HB 1002

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1002

House Appropriations Committee

Conference Committee

Hearing Date April 7, 1999

Tape Number	Side A	Side B	Meter #
1	x		0-25.7
Committee Clerk Signature <i>Roxanne Kone</i>			

Minutes:

Chairman Byerly opened the discussion on House Bill 1002.

1A: .4 Senator Nething described the changes from the Senate Bill to House Bill 1002.

Distributed handout regarding priorities of Supreme Court. Also handed out copy of evaluation from Inteliant regarding technology request from Supreme Court. The Senate gave them the top priority which was the Indigent Defense dollars of \$135,000. Did not deal with salaries priority.

1A: 3.3 Rep. Dorso asked what is the total funding of indigent defense in general funds.

Senator Nething said the Indigent Defense costs were \$79,979 with \$3 million and in the engrossed bill it is the same level. This is an increase of \$135,000 with the equivalent of a 2 and 2. **Rep. Dorso** asked if they are having problems hiring lawyers. **Senator Nething** said that the problems are two fold. Number one they don't get the experienced people. And the experienced people they get then are people who, I don't want to say they are totally inept, but they are not at the level they that they would have if they were paying more. There are a lot of applicants who are graduates that end up with these contracts. The idea is to make sure you have adequate dollars out there to contract competent people to represent these indigent defendants that need legal council. It will save you money in the long run because if they do the job right, your appeal process is somewhat limited. From the courts perspective they see many of these appeals and raise the question of inadequate council. That then has to be a question that has to be determined. There interest was providing funding to stay at a given level equivalent with what we are doing with other folks in the system. Since they gave it a high priority and it became their number one priority we felt it was worthy of it. Priority number three was a FTE computer support position in the district courts budget. We didn't do that one. We were focusing more on priority number four which was the integrated case information system: \$408,000 and one at \$60,000, one relates to operating expenses and the other to the equipment portion. That was the \$468,000 that we put back. Our concern there was whether or not we could do that in stages.

That is why we had Inteliant come in and review just exactly what they wanted. That is the information we provided you. We were satisfied that this is important. It permits the judges, states attorneys, law enforcement people, and district court clerk. Everyone has access to the same information which is extremely important when you go to sentence someone, set bail bond. It will all be interchangeable after completion. We wanted to make sure that this was compatible with 2043 and it will be. That is far as we went with their priority list.

1A: 8.0 Rep. Byerly asked about the extension of deadline of reducing judges. **Senator Nething** said regarding the reduction of judges, we're down to where they need to make a decision on the last judge. As I understand there is a situation out there that is possible that decision can resolve itself. There is a potential retirement that will occur within the next two years if we do the extension. To do the study at this time would seem appropriate to find out where we are with judicial services out in the entire state - are we getting the services to the right places. We have not done a study as I understand it.

1A: 9.0 Rep. Dorso said there is already a study on the Clerk of Court issue. (cannot hear tape)

1A: 9.8 Rep. Byerly asked Legislative Council on extending the deadline for the judges, basically that would have a fiscal impact of about \$150,000. Legislative Council replied potentially yes. There is the potential to fund the position through 2001. For appropriating purposes we have to assume that there is going to be somebody occupying that position for a period of time. We can't assume that somebody is going to retire. Especially if we extend the deadline. The exact wording would not preclude someone to be appointed as a judge for that period of a time too. **Senator Nething** said that they felt that the funding was there for the amount of judges we have and would stay there.

1A: 10.9 Rep. Dorso said I have a real problem with that. We set this way back in 91. (cannot hear tape very well) Thinks the judge number of 42 is fine. (cannot hear tape)

1A: 13.1 Rep. Byerly said he has no problem with retaining the number of judges we have but if one goes away then the reduction indeed occurs. **Senator Nething** asked is that the way it is currently. **Rep. Byerly** said no the way this is worded right now if someone did retire a judge would be appointed to fill that position all the way out to the year 2003 the way this amendment is set up. I think what I heard you saying Senator Nething is that you want to maintain the current number of judges out there unless somebody decides to retire or something like that. And all I am saying is that the way the amendment is drafted on the Senate side if someone did decide to retire they can fill that spot. **Senator Nething** said I talked to both Judiciary Chairman and both of them agreed this would be the time to do that and I would want to run any amendment by them because they understand this whole system better than I do. I would have no objections doing it. **Rep. Byerly** said his only concern is that if a position does become vacant he doesn't want them to fill it based on this Senate amendment.

1A: 15.5 Senator Nething handout on Clerk of Court. This is information from the court concerning the FTEs that were requested and a breakdown of there funding startup. The way the bill is in front of us with the Senate amendments is that we allowed for 111 clerks. We did not allow for the seven district supervisory clerks. We did not allow for the floater clerk. We allowed for an accountant. We did not allow for an accountant technician. We allowed for a Human Services Clerk. We did not allow for a computer specialist. There is a six month estimate of FTEs and salaries. We took one sixth of it for one month and used that figure. It was very difficult to put together an appropriate amount of what we thought the operating money would be. We arrived at the \$50,000 lump sum amount to do with as they see fit to get that first month going. This bill does need some clarity put into it so far as where we start the 1st of June of 2001 or January 1. The reduction of this is: \$2,729,745. The weakness as I see it is there was not a careful analysis of the operating expenses. I have to admit that when you look at the break down there was more put into it then I put into it.

1A: 18.8 Rep. Byerly asked Senator Nething to give them a feel for why you had one month. **Senator Nething** replied if you don't start it at the end of this biennium and you wait until the next biennium, you run into an effective date. You've got a time gap there. So one month implements everything without future legislative action. And if you want a future legislative action and didn't fund it then you would have those local units of government having to fund.

(cannot hear Rep. Dorso's comments)

1A: 19.8 Senator Nething said those smaller counties that objected to it in the first place are going to continue to object. As far as the counties are concerned, by a bill being in effect, it gives them time to put their budget together for five months of paying before the state takes over the system. And when you are in a dollar crunch you do some of those things.

1A: 20.2 Rep. Byerly said the drawback is that the people that show up next session run into multi million brick wall right up front. At the expense of being prepared for next time we've moved some money to the bottom line this session.

(cannot hear Rep. Dorso's comments)

The meeting adjourned.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1002

House Appropriations Committee

Conference Committee

Hearing Date April 8, 1999

Tape Number	Side A	Side B	Meter #
1	x		18.0-46.7
Committee Clerk Signature <i>Roxanne Kone</i>			

Minutes:

Chairman Byerly opened the discussion on House Bill 1002.

1A: 18.2 Rep. Byerly said you now have an amendment that addressed my concerns of the section of the bill that talks about the extension of the time before we would decrease the number of judges. Any discussion on that?

1A: 18.5 Senator Nething said I guess I would like you to explain how you see this working. I presume this is in addition to what we have. **Rep. Byerly** said yes. My concerns was if there we extend that deadline and there are openings that somebody would end up getting appointed to those openings over and above the original 42 that we are supposed to be going to. My concern is that I don't want us to be revisiting this in two years with the same situation.

1A: 19.2 Senator Nething said I did get a chance to run this briefly by the Chairman of our Judiciary Committee. He left me some information and this is where I don't understand the application. But the current law says that a vacancy is deemed to have occurred in the office of district judge if the judge in the affected office declares intention not to seek reelection or if the judge fails to file a petition for candidacy. His concern was that while there may be districts where that may occur and it wouldn't impact anything, there would be a district where it would impact.

1A: 20.8 Rep. Byerly said fundamentally I have a problem with extending the deadline. Obviously this isn't the only way I'm proposing to address that particular concern that I have. I don't want to get into situation where every session we extend it another two years.

1A: 22.0 Rep. Dorso said the decision is going to have to be made and some people are going to have to say we are not putting the judge back in the judgeship because we need another one over there. (can't here Rep. Dorso's comments)

1A: 22.7 Senator Nething said I have no objection trying to make what we're trying to do work. I just want to make sure we get the bases covered. My problem is I'm not totally familiar enough with all the locations of the judges and what is on the horizon. I guess we are going to have to get familiar with it.

1A: 23.1 Rep. Byerly said the drawback is that as we get close to whatever the magic number is at some point in time when you have existing judges sitting in existing places somebody at some point in time is going to probably end up in a situation where they are forced to move if we are wetted to a certain number of judges. And it doesn't matter what that number is. At some point in time we are going to end up with a judge where we flat just don't need a judge. I understand the dilemma that puts the Supreme Court in. It is not comfortable to be put in that position but it's a fact of life you run up against that brick wall. And it is a question of how do we deal with that when that occurs. Do we just keep putting it off? Do we expand the number of judges? At some point in time we have to bite the bullet and implement court unification.

1A: 24.8 Senator Robinson said I think we all agree that we have court unification I guess the question is timing here. And we are looking at 1991 when we get back here in 2001 we are going to be looking at a 10 year time period. There has been a whole lot of changes in the country side out there and we might find ourselves in a situation where we need another judge. I don't know and I'm not suggesting that we got to go that route. I'm not so certain we should close that door completely. I don't know if there is anything wrong with a bit of flexibility. I guess what Senator Nething is suggesting would provide just that little bit of elbow room. I'm wondering if we can't craft some language here that would accomplish that.

1A: 25.8 Senator Nething said I would like to get the Judiciary Chairman and Chief Justice together and I would like to sit down and know where the feelings are here. What is it that might make this work? We may have it here, I just don't know.

1A: 26.4 Rep. Byerly said the only question I have here about this whole area is when do we actually make the situation that court unification is going to come to its closure. Right now the situation is that we've got one more judge then the limit is and the date is rapidly approaching. Do we keep pushing it back?

1A: 27.5 Senator Nething said I am saying that I can't say yes it is the answer right now. I am going to have to check it out with our Chairman and I am going to sit down with the Chief Justice.

1A: 28.0 Rep. Byerly said okay we will move on. We still have some questions about the funding of the Clerk of Courts. With the Senate amendment it still goes on for one month of the biennium. There is not a problem because of elections or anything like that with the clerks. So

Page 3

House Appropriations Committee

Bill/Resolution Number 1002

Hearing Date April 8, 1999

that January 1st date doesn't come into play like we thought it might have. We just need to decide if the one month is an acceptable number.

1A: 28.9 Rep. Dorso (cannot hear comments)

1A: 29.5 Senator Nething said as you look at that information I handed you on that chart you will note that we funded the clerks for one month at the full amount. That assumes that every county comes into the system. That is 100% funding the amount we have allowed for that one month. Those dollars assume that every single county will go into that system. My point is that it probably won't happen and if that \$50,000 that is short there for operating expenses there would be additional dollars in that structure of \$399,000. We would be somewhat reluctant to fund a month trying to plug in any additional dollars. The problem is that if you go more than that you would have to fund some additional FTEs. That's why we just did it at a minimum. Further comments on start up costs and explanation of start up costs. Please refer to tape.

The meeting adjourned.

1999 CONFERENCE COMMITTEE MINUTES

BILL/RESOLUTION NO. 1002

Appropriations Committee

Conference Committee

Hearing Date April 10, 1999

Tape Number	Side A	Side B	Meter #
1	x		0-31.0
Committee Clerk Signature <i>Casey Davis</i>			

Minutes:

Chairman Byerly opened the meeting on HB 1002.

1A: 1.0 Sen. Nething handed out Clerk of Court funding handouts entitled "Clerk of District Court Funding. Estimated Minimal Operational Costs".

1A: 2.3 Rep. Byerly noted that it would be \$661,000, and said that it would give them the last six months of the biennium.

1A: 3.2 Sen. Nething said that earlier he had handed out a sheet that said \$357,495 was for the six months.

1A: 4.0 Rep. Dorso asked if the committee was ready to accept \$661,000. Sen. Nething said no. They were not ready to accept a six month starting date.

1A: 4.6 Rep. Dorso said that the county contracts were already for \$130,000. Sen. Nething said they should ask the people from the courts.

1A: 6.5 Rep. Dorso offered that the Senate recede, delete anything to do with the judges additions, add \$468,000 for integrated case management, and the \$1 million for the clerk of courts.

1A: 8.0 Rep. Byerly explained that the offer gets rid of extension to the judges and the \$135,000 to the indigent defense, but they get the \$468,000 for the computer system, and the \$80,000 for UND.

1A: 10.5 Sen. Robinson said that he came away from the hearing on the Senate side feeling that the \$135,000 for the indigent defense fund was quite important. He believed they would get a great deal of mileage for the additional \$135,000.

1A: 11.0 Sen. Nething said there was a two-fold reason they went with the indigent defense fund. The \$135,000 was a high priority because it relates back to an increase in the amount for the defense contract. The Senate didn't put in priority #5, which was for \$286,000 for indigent defense. That was the indigent defense that was allocated because of SB 2171. In that bill is a requirement that each parent and the child have separate counsel if they request it and they have to be appointed within the system. It is new and they do not know what the dollars will be. On the issue of the extension, a year ahead of time the decision must be made as to which judge will be fired. This would be January 1, 2000. The information presented to the Senate indicated that if the extension were available, it would relieve itself of firing anybody. A retirement would occur and the whole situation would resolve itself.

1A: 16.2 Rep. Byerly said that the House Appropriations committee took a very close look at the budget and did not feel the increase was warranted. They also felt the computer system was not an acceptable option. The House is willing to give them back the computer system, but not the indigent defense funds. It's not a tremendous amount of money, but rather it is the principle.

1A: 17.4 Sen. Nething asked how the House dealt with the new legislation that passed the House in SB 2171.

1A: 17.8 Rep. Dorso said that it had \$1.2 million in it when it left the House. They perceived it as costing the counties and not so much the state.

1A: 18.6 Sen. Nething said that the county does not appoint indigent defense counsel. That is done through the judicial system.

1A: 19.9 Rep. Byerly repeated that the budget as it left the House was \$1.2 million. The fiscal note on it was \$946,000 from Dept. of Human Services, \$946,000 in general funds, \$1.3 in special funds, and \$1.1 from the counties. There was no fiscal not from the court system.

1A: 21.5 Rep. Dorso said it is the committee's assumption that the counties are paying the bill.

1A: 21.7 Sen. Nething said this is an erroneous assumption until they can get the right information. They asked for \$286,000 for that purpose, and they would not ask for it if it weren't an obligation they have.

1A: 22.0 Rep. Byerly explained that it is not an individual line item in the budget. It is part of their overall operating expense line item. From the House perspective, the operating line item has already been increased with the proposal Rep. Dorso made. The House feels the court can absorb the increase in the cost for indigent defense, because they literally have the option to spend the money as they wish.

1A: 23.1 Sen. Nething said the Senate came over with minimum budget changes of \$468,000 and \$135,000. The House wants to take that out but they have no compunction about adding \$600,000 to the Clerk of Courts budget.

1A: 23.5 Rep. Byerly explained that the legislature had made a commitment to the Clerk of Courts funding. There were some representatives that did not like that, but they have to get the process started sooner rather than later. The sooner it is started, the fewer clerks of court that will be here pounding on the door.

1A: 24.2 Sen. Nething said the Senate tried to hold the budget down. They believe they can get along with one month. It is important to have the indigent defense money and the technology there. He said that if the House wanted to do that, it could be all wrapped up.

1A: 24.8 Rep. Byerly asked if Sen. Nething expected the House to just accede to the Senate amendments and be done with it.

1A: 25.1 Sen. Nething no. He would expect the House to accept the \$135,000 for indigent defense fund and \$468,000 for case management. The Senate would accept the House \$1 million and the April 1 start date. The Senate would back off on the extension time.

1A: 27.9 Sen. Nething moved that the Senate recede from its amendments and adopt amendments to keep Sections 4 and 5 of the amendments, delete Sections 7 and 8, restore \$135,000 and \$468,000. Restore the item where they corrected the district judge salary item. A total package of \$1 million would be for the clerks of courts.

1A: 29.3 Paul Kramer asked if they wanted a section with the start date in it. Sen. Nething suggested April 1 so everyone knows the legislature set the date.

1A: 30.1 Sen. Robinson seconded the motion. A roll call vote was taken and the motion carried unanimously.

April 7, 1999

POSSIBLE AMENDMENTS TO HOUSE BILL NO. 1002 REGARDING THE REDUCTION OF DISTRICT COURT JUDGES

The following section regarding the reduction in the number of district court judges could be added to House Bill No. 1002:

SECTION _____. **VACANT DISTRICT COURT JUDGESHIPS.** Notwithstanding North Dakota Century Code sections 27-05-01 and 27-05-02.1, the supreme court may not fill a vacant district court judgeship during the period beginning July 1, 1999, and ending January 2, 2003, if the filling of that vacancy would result in more than forty-two district court judges.

Date: 4-10-99
Roll Call Vote #: 1

1999 CONFERENCE COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1002

House Appropriations

Subcommittee on _____
or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Senate recede + further amend.

Motion Made By Netting Seconded By Robinson

Representatives	Yes	No	Senators	Yes	No
Byerly	X		Netting	X	
Darso	X		Kringstad	X	
Huetner	X		Robinson	X	

Reps. (Yes) 3 No _____

Sen. (Yes) 3 (No) _____

Floor Assignment _____

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

REPORT OF CONFERENCE COMMITTEE

HB 1002, as engrossed: Your conference committee (Sens. Nething, Kringstad, Robinson and Reps. Byerly, Dorso, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1189-1192, adopt further amendments as follows, and place HB 1002 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1189-1192 of the House Journal and pages 1059-1061 of the Senate Journal and that Engrossed House Bill No. 1002 be amended as follows:

Page 1, line 1, after the semicolon insert "to provide for a legislative council study;"

Page 1, line 21, replace "8,334,038" with "8,937,038"

Page 2, line 2, replace "32,469,271" with "33,072,271"

Page 2, line 4, replace "31,689,328" with "32,292,328"

Page 2, line 13, replace "3,129,346" with "1,000,000"

Page 2, line 14, replace "3,129,346" with "1,000,000"

Page 2, line 15, replace "42,166,922" with "40,640,576"

Page 2, line 17, replace "43,216,865" with "41,690,519"

Page 2, after line 27, insert:

"SECTION 4. LEGISLATIVE COUNCIL STUDY OF UNIFIED COURT SYSTEM. The legislative council shall consider studying, during the 1999-2000 interim, the impacts of court unification on the judicial system and on the effective provision of judicial services to state residents.

SECTION 5. ALLOCATION FOR INDIGENT DEFENSE FUNDS. The supreme court shall develop criteria for the equitable allocation of indigent defense funds contained in the operating expenses line item for district courts. The criteria must be based on number of cases, complexity of cases, the level of efficiency in handling cases, and the historical funding levels in different districts. The supreme court may use any other factors deemed appropriate by the supreme court. The historical funding levels may be used as one factor of many and may not be given consideration in excess of any other factor. The supreme court shall use these criteria in the allocation of indigent defense funds appropriated under this Act.

SECTION 6. CLERK OF COURT UNIFICATION. Notwithstanding the provisions of 1999 House Bill No. 1275, the supreme court shall implement the clerk of court unification effective April 1, 2001."

Page 3, line 9, replace "seventy-nine" with "seventy-seven", replace "one" with "three", and replace "seventy-one" with "forty"

Page 3, line 10, replace "eighty" with "seventy-eight", remove the overstrike over "~~eight~~", and remove "seven"

Page 3, line 11, replace "fifty-four" with "eighty-seven"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 182 - DISTRICT COURTS

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMPARISON TO SENATE VERSION
Salaries and wages	\$23,500,870	\$22,526,069		\$22,526,069	\$22,526,069	
Operating expenses	9,178,319	8,334,038	\$603,000	8,937,038	8,937,038	
Equipment	788,600	674,603		674,603	674,603	
Judges retirement	851,889	814,561		814,561	814,561	
Alternative dispute resolution	60,000	40,000		40,000	40,000	
UND - Central legal research		80,000		80,000	80,000	
Total all funds	\$34,379,678	\$32,469,271	\$603,000	\$33,072,271	\$33,072,271	\$0
Less special funds	<u>774,155</u>	<u>779,943</u>		<u>779,943</u>	<u>779,943</u>	
General fund	\$33,605,523	\$31,689,328	\$603,000	\$32,292,328	\$32,292,328	\$0
FTE	191.00	189.50	0.00	189.50	189.50	0.00

Detail of Conference Committee changes to the House version includes:

	RESTORE A PORTION OF THE INDIGENT DEFENSE FUNDING	RESTORE FUNDING FOR INTEGRATED CASE MANAGEMENT SYSTEM	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages			
Operating expenses	\$135,000	\$468,000	\$603,000
Equipment			
Judges retirement			
Alternative dispute resolution			
UND - Central legal research			
Total all funds	\$135,000	\$468,000	\$603,000
Less special funds			
General fund	\$135,000	\$468,000	\$603,000
FTE	0.00	0.00	0.00

Conference Committee changes narrative:

This amendment also corrects the salaries of district court judges, which are as follows under the 2/2 compensation plan:

	PRESIDING JUDGE	DISTRICT COURT JUDGE
Current	\$77,619	\$75,824
July 1, 1999	\$79,171	\$77,340
July 1, 2000	\$80,755	\$78,887

The amendment also adds the following new sections:

Section 4 - Requires a Legislative Council study of the unified court system.

Section 5 - Provides guidelines for the allocation of district court indigent defense funds.

DEPARTMENT 184 - CLERK OF DISTRICT COURT

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMPARISON TO SENATE VERSION
Clerk of district courts	<u>\$3,035,898</u>	<u>\$3,129,346</u>	<u>(\$2,129,346)</u>	<u>\$1,000,000</u>	<u>\$399,601</u>	<u>\$600,399</u>
Total all funds	\$3,035,898	\$3,129,346	(\$2,129,346)	\$1,000,000	\$399,601	\$600,399
Less special funds						
General fund	\$3,035,898	\$3,129,346	(\$2,129,346)	\$1,000,000	\$399,601	\$600,399
FTE	129.00	129.00	(16.00)	113.00	113.00	0.00

Detail of Conference Committee changes to the House version includes:

	REDUCE FUNDING	TOTAL CONFERENCE COMMITTEE CHANGES
Clerk of district courts	<u>(\$2,129,346)</u>	<u>(\$2,129,346)</u>
Total all funds	(\$2,129,346)	(\$2,129,346)
Less special funds		
General fund	(\$2,129,346)	(\$2,129,346)
FTE	(16.00)	(16.00)

Conference Committee changes narrative:

The amendment reduces clerk of court funding by \$2,129,346, to \$1,000,000 of general fund moneys, due to delaying the implementation date from January 1, 2001, to April 1, 2001.

The amendment also adds a section providing for an April 1, 2001, implementation date for the clerk of court unification.

Engrossed HB 1002 was placed on the Seventh order of business on the calendar.

1999 TESTIMONY

HB 1002

Department 180 - Judicial Branch
House Bill No. 1002

	FTE Positions	General Fund	Other Funds	Total
1999-2001 Executive Budget	368.50	\$44,201,525	\$1,045,936	\$45,247,461
1997-99 Legislative Appropriations	239.00	37,605,551	618,052	38,223,603
Increase (Decrease)	129.50	\$6,595,974	\$427,884	\$7,023,858

* This amount has been adjusted to \$38,520,168 as a result of adjustments relating to carryover authority and additional other fund receipts.

Major Items Affecting Judicial Branch 1999-2001 Budget

	General Fund	Other Funds	Total
1. Provides for the following Supreme Court changes:			
Provides funding for annual salary increases of five percent for the justices (The House reduced to annual salary increases of two percent.)	\$77,747		\$77,747
Decreases funding for former justices' retirement	(47,996)		(47,996)
Increases professional supplies for the law library	64,380		64,380
Increases travel (\$11,848), postage (\$3,570), professional development (\$36,450), repairs (\$14,309), professional services (\$24,896), office supplies (\$45,375), and miscellaneous supplies (\$8,666) (The House reduced operating expenses by \$149,752.)	145,114		145,114
Increases equipment (The House increased by \$72,563.)	9,250		9,250
Eliminates the dispute resolution options line item	(20,000)		(20,000)
2. Provides for the following district court changes:			
Eliminates 3 FTE judgeships (provides funding for 43 judgeships; the number of judges needs to be reduced to 42 by January 2, 2001)	(672,207)		(672,207)
Adds the following 3.5 new FTE positions:			
2.00 FTE other - Not classified	183,394		183,394
0.50 FTE other - Not classified (The House removed.)	29,663		29,663
1.00 FTE other - Not classified (The House removed.)	62,018		62,018
Provides funding for annual salary increases of five percent for the district court judges (The House reduced to annual salary increases of two percent.)	611,000		611,000
Decreases funding for former judges' retirement	(107,343)		(107,343)
Increases operating expenses including data processing (\$43,509), travel (\$8,531), postage (\$12,354), professional development (\$34,200), operating fees and services (\$384,107), repairs (\$13,666), professional services (\$416,750), office supplies (\$139,860), professional and miscellaneous supplies (\$60,331), and printing (\$9,835) (The House reduced by \$844,281.)	871,779	\$215,241	1,087,020
Increases equipment (The House reduced by \$113,997.)	133,646		133,646
Removes the clerk of court consolidation funding	(100,000)		(100,000)
Provides for an alternative dispute resolution program (The House reduced by \$20,000.)	60,000		60,000
3. Provides for a funding source change for the Judicial Conduct Commission	(9,000)	9,000	
4. Provides funding for the consolidation of the clerks of court, including the addition of 129 FTE positions	3,005,847		3,005,847

Major Legislation Affecting the Judicial Branch

Section 5 of 1999 Engrossed House Bill No. 1002 needs to be amended to provide for the correct salaries for district court judges. The section needs to be amended to provide for annual salaries of \$77,340 and \$78,887 for the district court judges and \$79,171 and \$80,754 for presiding judges. The section currently provides annual salaries of \$79,171 and \$80,754 for district court judges and \$81,002 and \$82,622 for presiding district court judges.

House Bill No. 1121 transfers the responsibility for issuing notices of arrears and administering income withholding orders for child support from the state disbursement unit to the clerks of court.

House Bill No. 1275 requires the Supreme Court to provide, within the limits of legislative appropriations, state funding for clerk of district court services in certain counties, unless the county elects to provide the services at county expense.

LEGISLATIVE COUNCIL
ANALYSIS OF LEGISLATIVE CHANGES
AS OF FEBRUARY 18, 1999

FEBRUARY 19, 1999

BILL #/DEPARTMENT	LINE	EXECUTIVE BUDGET	HOUSE VERSION	HOUSE DIFF TO EXEC BUDGET	SENATE VERSION	SENATE DIFF TO EXEC BUDGET	DIFF BETWEEN HOUSE & SENATE
HB1002 SUPREME COURT	SALARIES AND WAGE	5,215,698	5,079,436	136,262-	0	0+	0+
	OPERATING EXPENSE	1,685,266	1,535,514	149,752-	0	0+	0+
	EQUIPMENT	141,950	214,513	72,563+	0	0+	0+
	SUPREME COURT- JU	289,409	276,860	12,549-	0	0+	0+
181	TOTAL	7,332,323	7,106,323	226,000-	0	0+	0+
	SPECIAL FUNDS	0	0	0+	0	0+	0+
	GENERAL FUND	7,332,323	7,106,323	226,000-	0	0+	0+
HB1002 DISTRICT COURTS	SALARIES AND WAGE	23,500,870	22,526,069	974,801-	0	0+	0+
	OPERATING EXPENSE	9,178,319	8,334,038	844,281-	0	0+	0+
	EQUIPMENT	788,600	674,603	113,997-	0	0+	0+
	DISTRICT COURT- J	851,889	814,561	37,328-	0	0+	0+
	ALT. DISPUTE RESO	60,000	40,000	20,000-	0	0+	0+
	UND-LEGAL RESEARC	0	80,000	80,000+	0	0+	0+
182	TOTAL	34,379,678	32,469,271	1,910,407-	0	0+	0+
	SPECIAL FUNDS	774,155	779,943	5,788+	0	0+	0+
	GENERAL FUND	33,605,523	31,689,328	1,916,195-	0	0+	0+
HB1002 JUDICIAL CONDUCT COMMISSION	JUDICIAL CONDUCT	499,562	511,925	12,363+	0	0+	0+
183	TOTAL	499,562	511,925	12,363+	0	0+	0+
	SPECIAL FUNDS	271,781	270,000	1,781-	0	0+	0+
	GENERAL FUND	227,781	241,925	14,144+	0	0+	0+
HB1002 CLERK OF DISTRICT COURT	CLERK OF DISTRICT	3,035,898	3,129,346	93,448+	0	0+	0+
184	TOTAL	3,035,898	3,129,346	93,448+	0	0+	0+
	SPECIAL FUNDS	0	0	0+	0	0+	0+
	GENERAL FUND	3,035,898	3,129,346	93,448+	0	0+	0+
BILL TOTAL	TOTAL	45,247,461	43,216,865	2,030,596-	0	0+	0+
31002	SPECIAL FUNDS	1,045,936	1,049,943	4,007+	0	0+	0+
	GENERAL FUND	44,201,525	42,166,922	2,034,603-	0	0+	0+

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 181 - SUPREME COURT

HOUSE - This amendment makes the following changes:

	AGENCY REQUEST*	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$5,215,698	(\$136,262)	\$5,079,436
Operating expenses	1,685,266	(149,752)	1,535,514
Equipment	141,950	72,563	214,513
Judges retirement	289,409	(12,549)	276,860
Total all funds	\$7,332,323	(\$226,000)	\$7,106,323
Less special funds			
General fund	\$7,332,323	(\$226,000)	\$7,106,323
FTE	44.50	0.00	44.50

* The numbers listed as the agency request are the amounts included in the Governor's budget and the legislative budget status. These amounts do not agree with the bill because the bill does not include the compensation package. These amendments correct this and make the bill and the legislative budget status the same.

LEGISLATIVE COUNCIL
ANALYSIS OF LEGISLATIVE CHANGES
AS OF FEBRUARY 18, 1999

Detail of House changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	DECREASE OPERATING EXPENSES	INCREASE EQUIPMENT FUNDING	TOTAL HOUSE CHANGES
Salaries and wages	(\$149,092)	\$12,830			(\$136,262)
Operating expenses			(\$149,752)		(149,752)
Equipment				\$72,563	72,563
Judges retirement	(12,549)				(12,549)
Total all funds	(\$161,641)	\$12,830	(\$149,752)	\$72,563	(\$226,000)
Less special funds					
General fund	(\$161,641)	\$12,830	(\$149,752)	\$72,563	(\$226,000)
FTE	0.00	0.00	0.00	0.00	0.00

House changes narrative:

This amendment provides for the following salaries for the Supreme Court justices:

	JULY 1, 1999	JULY 1, 2000
Chief Justice	\$86,172	\$87,895
Justices	\$83,807	\$85,483

DEPARTMENT 182 - DISTRICT COURTS

	AGENCY REQUEST*	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$23,500,870	(\$974,801)	\$22,526,069
Operating expenses	9,178,319	(844,281)	8,334,038
Equipment	788,600	(113,997)	674,603
Judges retirement	851,889	(37,328)	814,561
Alternative dispute resolution	60,000	(20,000)	40,000
UND - Central legal research		80,000	80,000
Total all funds	\$34,379,678	(\$1,910,407)	\$32,469,271
Less special funds	774,115	5,788	779,943
General fund	\$33,605,523	(\$1,916,195)	\$31,689,328
FTE	191.00	(1.50)	189.50

The numbers listed as the agency request are the amounts included in the Governor's budget and the legislative budget status. These amounts do not agree with the bill because the bill does not include the compensation package. These amendments correct this and make the bill and the legislative budget status the same.

LEGISLATIVE COUNCIL
ANALYSIS OF LEGISLATIVE CHANGES
AS OF FEBRUARY 18, 1999

FEBRUARY 19, 1999

Detail of House changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	REDUCE OPERATING EXPENSES	REDUCE EQUIPMENT FUNDING	REMOVE 5 FTE SECRETARIAL POSITION	REMOVE 1 FTE COMPUTER SUPPORT POSITION
Salaries and wages	(\$937,863)	\$54,743			(\$29,663)	(\$62,018)
Operating expenses			(\$844,281)			
Equipment				(\$113,997)		
Judges retirement	(37,328)					
Alternative dispute resolution						
UND - Central legal research						
Total all funds	(\$975,191)	\$54,743	(\$844,281)	(\$113,997)	(\$29,663)	(\$62,018)
Less special funds	<u>5,759</u>	<u>29</u>				
General fund	(\$980,950)	\$54,714	(\$844,281)	(\$113,997)	(\$29,663)	(\$62,018)
FTE	0.00	0.00	0.00	0.00	(0.50)	(1.00)

	PROVIDE GRANT FUNDS FOR UND-CENTRAL LEGAL RESEARCH	REDUCE ALTERNATIVE DISPUTE RESOLUTION FUNDING	TOTAL HOUSE CHANGES
Salaries and wages			(\$974,801)
Operating expenses			(844,281)
Equipment			(113,997)
Judges retirement			(37,328)
Alternative dispute resolution		(\$20,000)	(20,000)
UND - Central legal research	\$80,000		80,000
Total all funds	\$80,000	(\$20,000)	(\$1,910,407)
Less special funds			<u>5,788</u>
General fund	\$80,000	(\$20,000)	(\$1,916,195)
FTE	0.00	0.00	(1.50)

House changes narrative:

This amendment provides for the following salaries for district court judges:

	JULY 1, 1999	JULY 1, 2000
Presiding judges	\$79,171	\$80,754
District court judges	\$77,340	\$78,886

LEGISLATIVE COUNCIL
ANALYSIS OF LEGISLATIVE CHANGES
AS OF FEBRUARY 18, 1999

DEPARTMENT 183 - JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

	AGENCY REQUEST*	HOUSE CHANGES	HOUSE VERSION
Judicial Conduct Commission and Disciplinary Board	\$499,562	\$12,363	\$511,925
Total all funds	\$499,562	\$12,363	\$511,925
Less special funds	<u>271,781</u>	<u>(1,781)</u>	<u>270,000</u>
General fund	\$227,781	\$14,144	\$241,925
FTE	4.00	0.00	4.00

* The numbers listed as the agency request are the amounts included in the Governor's budget and the legislative budget status. These amounts do not agree with the bill because the bill does not include the compensation package. These amendments correct this and make the bill and the legislative budget status the same.

Detail of House changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	TOTAL HOUSE CHANGES
Judicial Conduct Commission and Disciplinary Board	\$11,223	\$1,140	\$12,363
Total all funds	\$11,223	\$1,140	\$12,363
Less special funds	<u>(1,781)</u>		<u>(1,781)</u>
General fund	\$13,004	\$1,140	\$14,144
FTE	0.00	0.00	0.00

DEPARTMENT 184 - CLERK OF DISTRICT COURT

	AGENCY REQUEST*	HOUSE CHANGES	HOUSE VERSION
Clerk of district court	\$3,035,898	\$93,448	\$3,129,346
Total all funds	\$3,035,898	\$93,448	\$3,129,346
Less special funds			
General fund	\$3,035,898	\$93,448	\$3,129,346
FTE	129.00	0.00	129.00

* The numbers listed as the agency request are the amounts included in the Governor's budget and the legislative budget status. These amounts do not agree with the bill because the bill does not include the compensation package. These amendments correct this and make the bill and the legislative budget status the same.

LEGISLATIVE COUNCIL
ANALYSIS OF LEGISLATIVE CHANGES
AS OF FEBRUARY 18, 1999

FEBRUARY 19, 1999

Detail of House changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	TOTAL HOUSE CHANGES
Clerk of district court	\$83,825	\$9,623	\$93,448
Total all funds	\$83,825	\$9,623	\$93,448
Less special funds			
General fund	\$83,825	\$9,623	\$93,448
FTE	0.00	0.00	0.00

**Statement of State Court Administrator
Keith E. Nelson
Concerning HB 1002**

Supreme
Court
Overview

It is my responsibility in about the next 10 minutes to give you a budget overview and in doing so I will attempt to highlight the areas where the major changes occur.

Initially, I would mention that we are showing an increase of 129.50 FTE positions. 129 of those FTE positions relate to state assumption of clerk of court expenses and taking over the funding of the clerks of court. I will talk to you about clerks of court later. At this time I will speak about the budget as you have traditionally known it, there is only a one-half FTE increase.

During the current biennium, 3 FTE judgeships were eliminated by the Supreme Court. This budget asks for three and a half new FTE positions. Two of those FTE positions are for law clerks. We have three judicial districts where they do not have any law clerk support. This request is to provide law clerks for two of the three districts that do not have any support. This will be addressed later by one of the presiding judges who will talk to you about the need for law clerks and their function. The third position is for secretarial support and primarily an individual to operate the help desk. This is absolutely essential if we are to maintain an orderly technology department. Without a help desk, calls go directly in to the specialists who are highly paid and in great demand. Their time would be wasted on help desk calls. With the help desk, we can better manage our statewide program and provide the services necessary in freeing up our technicians and our specialists to do the programming that is necessary. This is a district court function. The third FTE, one-half of an FTE, is for a part-time secretary in the Northeast Judicial District. This one half time person will provide secretarial support to the court administrator and to the presiding judge. Currently they do not have any secretaries in that office. The presiding judge from the Northeast Judicial District will talk further on this.

With respect to the Supreme Court budget, the request is for an increase of about 4% or 2% per year. Salary increases for judges and employees is not included in that increase. If you include judge's salaries in that, then it becomes a 6% increase over the biennium.

The biggest problem we faced with the Supreme Court budget is library costs. Library costs have escalated dramatically forcing the Court to cut back on the library account. This will be addressed later by one of the Justices.

We are also asking for an increase of approximately 4% for the district court budget. If judges salaries are added, then it becomes a 6% increase over the current biennium. The most significant budgetary issue with the district court is indigent defense costs. This will be addressed later by several of the presiding judges. Some of our districts are finding it exceeding difficult to get an attorney to take the contract. As you know, we cannot proceed in a felony case and some

misdemeanor cases without counsel. The Court has no alternative but to provide indigent defense counsel or dismiss charges.

There is also a request for \$60,000 for alternate dispute resolution test programs. There has been considerable interest shown by legislators collectively and individually to encourage the judiciary to get involved in ADR programs. What we really don't know at this stage is which ADR programs would work best. The request for the \$60,000 is to give us some funds so we can test some of these alternate dispute resolution programs, such as arbitration and mediation and what types of cases would get the best results with ADR.

The last area in our traditional budget is the Judicial Conduct Commission and the Disciplinary Board. I might note at this stage that the Bar Association is now paying for the Disciplinary Board, and the general fund is paying \$226,000 for the Judicial Conduct Commission. We are using joint staff for both which is an economical and logical way to proceed. About a year ago, the court established an operations committee for the oversight of the Judicial Conduct Commission and primarily the Disciplinary Board. You will hear more about the operations committee and about the budget of the Judicial Conduct Commission and primarily the Disciplinary Board from the chair, Malcolm Brown, who is here and will speak later.

The major increase in the judiciary budget is consolidation of clerks of court and clerk of court state funding. The judiciary was directed by the last legislature to include funding for the clerk of court operations in our budget presentation for this year. We have done that. There is a separate bill that has been introduced and in fact is being heard today by the House Judiciary Committee. HB 1275 provides the details with the appropriation in our budget. This bill provides for state funding of clerk of court offices in large counties. It provides for options for the county in medium size counties and provides for payments to small counties for clerk of court services. Small counties are defined as those which would require less than one-half FTE to function. The funding laid out in this budget, the \$3 million, is funding for the last quarter of the next biennium. It provides for the state to take over funding on January 1, 2001 and continue for the last quarter of the biennium. Costs for the following biennium would range slightly over \$11 million.

This concludes my remarks. Are there any questions?

Statement of State Court Administrator Keithe Nelson
Concerning H. B. No. 1002

I will restrict my remarks to the Background on Budget Requests paper Chief Justice VandeWalle furnished you earlier and consolidation of clerks of court.

Judicial Salaries - the Justices and Judges will address this issue.
FTE's - District Court Presiding Judges will address FTE's.

Operating Expenses:

Insufficient funds remain in our District Court budget to proceed with our number one technology priority the analysis and implementation of an integrated case management system. Judge Schmalenberger, who is chair of the Court Technology Committee, will provide background. There has been much criticism of the Judiciary and state agencies that we don't work together and develop integrated systems. This project is designed to get us going in the sharing mode. Judge Jahnke, who is unable to be with us because of the flue was going to talk about what we have done in Grand Forks on data sharing between UCIS and SAMS. We obtained a grant and redesigned UCIS so SAMS can read UCIS data. It works but the limitation is, and we knew it from the start, that AS 400's don't talk to each other. In Grand Forks, SAMS and UCIS reside on the same AS 400. The data sharing is working beautifully. We are now working with the Attorney General and IBM on an AS 400 data sharing program. We got the concept going now, AG or federal dollars must be used to finish the project. It's in their best interest--not ours. We want to do more data sharing and these funds will make it possible.

Indigent defense issues will be addressed by the judges.

The only relief we are asking for the Supreme Court budget is House Bill No. 1011, as revised, which specifies that the Supreme Court is to start paying the Highway Patrol \$30,000 for security services. We have no problem with the concept, but in fairness we should have been informed so we could budget for it. An increase of \$30,000 will cover this unforeseen expense, which is a budget cut for the Supreme Court.

Clerk of Court Consolidation

The judiciary was directed by the last legislature to include funding for the clerk of court operations in our budget presentation for this year. We have done that. There is a separate bill that has been introduced, HB 1275. This bill provides the details of the appropriation in our budget. This bill provides for state funding of clerk of court offices in large counties. It provides options for medium size counties and provides for payments to small counties for clerk of court services. Small counties are defined as those which would require less than one FTE to function. The funding laid out in this budget, the \$3 million plus, is funding for the last quarter of the next biennium. It provides for the state to take over funding on January 1, 2001 and continue for the last quarter of the biennium. Costs for the following biennium would range slightly over \$11 million.

Background on Budget Requests

Judicial Salaries

Our budget request included a 5% increase per year for judicial salaries in an attempt to gain equity with other states. The amount, as amended by the House, is 2% per year with no equity adjustment. Equity adjustments were approved by the House of Representatives for Executive Branch elected and appointed officials. We submitted evidence to show the same disparity of judicial pay exists as is the basis for equity adjustments in the Executive branch. This issue should be revisited.

FTEs

Our request for one FTE to provide operation of the help desk and administrative support for our five technology specialists was turned down. This division supports 40+ clerks of court offices and 24 locations where district judges are chambered. Every computer problem is called in, assigned a priority, and thereafter monitored through our help desk. This FTE is necessary for the efficient operation of the division and for quality support of district and clerk of court offices. There is no other administrative support for this Division separately located with its five specialists. Because we have no choice but to operate a help desk, we have been forced to hire a temporary employee who is paid by the hour and not provided fringe benefits. We budgeted temporary dollars for this purpose in the current biennium. We budgeted FTE dollars for this purpose in the 99/01 biennium.

Our modest request for a one-half FTE secretary position was turned down. This position is required for administrative support in Judge Christofferson's office. The Judiciary cut three judges this biennium and, in return, is asking for only three and one-half FTE's for administrative support.

Operating Expenses

The House Appropriations Committee and thereafter the House of Representatives reduced the State Court's general fund portion of the operating and equipment lines by \$1,035,467. What remains is a 3% total increase over the current biennium. However, the next biennium has significant federal and special fund increases (\$22,315 and \$182,000) which have to be spent on specialized foster care and juvenile programs. This leaves an increase of less than 1% for the remainder of the district court operating and equipment budgets.

As a result, there will be insufficient funds to proceed with our number one technology priority, the analysis and implementation of an integrated case management system. This project involves automated data collection and sharing between our largest information system supporting the districts courts and clerks of district court with the juvenile court information component and a supreme court component. Our focus is to move toward one point of entry for all data. This project is necessary to allow us to proceed with information sharing programs with state's attorneys and law enforcement. The data sharing being referred to is the electronic transfer of criminal history data to

the Attorney General's Bureau of Criminal Investigation. It is also necessary for public access to court data. One initiative included is electronic transfer of protection orders to the state registry maintained again, by the Bureau of Criminal Investigation, as well as allowing local criminal justice agency inquiry. This project costs \$486,000. This expenditure is necessary if we are going to move ahead with statewide data sharing.

Indigent defense contracts will not have a cost of living increase next biennium unless an increase is provided in the operating line. If employees receive a 2% per year increase it seems logical that indigent defense counsel should receive a 4% increase as a minimum. A 4% increase will require a budget increase of \$135,000.

Senate Bill No. 2171 will create a substantial workload increase for indigent defense counsel in some districts. This bill brings the state into compliance with The Adoption Safe Families Act of 1997. The portion which deals with termination of parental rights cases is estimated to double the number of cases each year. This means 110 new cases next biennium. Indigent defense counsel will typically be required for the child and one for each of the parents. The bill was passed after removal of the fiscal note showing a \$286,000 impact on the Judiciary. If there is no increase in indigent defense contract compensation for this increased amount of work, it is unlikely we will be able to get qualified attorneys to accept these contracts.

Last, House Bill No. 1011, as revised, specifies that the Supreme Court is to start paying the Highway Patrol \$30,000 for security services. We have no problem with the concept, but in fairness we should have been informed so we could budget for it. An increase of \$30,000 will cover this unforeseen expense.

North Dakota Judicial Branch
Amendments by House and Requested Senate Amendments*
1999-2001 Biennium

Description	Division	Amendments by House		Request for Senate Amendments	Priority/ Footnote	Net Change from Original Request
		Increase	Decrease			
Judges salaries from 5% & 5% to 2% & 2% increase	Supr. Ct.		(\$47,561)			(\$47,561)
from 2% & 2% to 4% & 4% increase	Supr. Ct.			\$30,586	Pri. # 1	\$30,586
from 4% & 4% to 5% & 5% increase	Supr. Ct.			\$16,975	Pri. # 6	\$16,975
Judges Retire. from 5% & 5% to 2% & 2% increase	Supr. Ct.		(\$12,549)			(\$12,549)
from 2% & 2% to 4% & 4% increase	Supr. Ct.			\$8,339	Pri. # 1	\$8,339
from 4% & 4% to 5% & 5% increase	Supr. Ct.			\$4,210	Pri. # 6	\$4,210
Staff salaries from 3% & 3% to 2% & 2% increase	Supr. Ct.		(\$52,064)			(\$52,064)
Health insurance cost	Supr. Ct.	\$12,830				\$12,830
Operating expense from 13% to 3% increase	Supr. Ct.					
Court case research - Law library & Westlaw	Supr. Ct.		(\$75,000)	\$72,563	Ftnt. - a	(\$2,437)
Travel, dues and professional development	Supr. Ct.		(\$35,000)			(\$35,000)
Postage and printing	Supr. Ct.		(\$10,752)			(\$10,752)
Miscellaneous supplies	Supr. Ct.		(\$29,000)			(\$29,000)
Security funding for highway patrol services	Supr. Ct.			\$30,000	Pri. # 8	\$30,000
Equipment from 32% decrease to 3% increase	Supr. Ct.	\$72,563		(\$72,563)	Ftnt. - a	\$0
Judges salaries from 5% & 5% to 2% & 2% increase	Dist. Cts.		(\$366,401)			(\$366,401)
from 2% & 2% to 4% & 4% increase	Dist. Cts.			\$240,422	Pri. # 1	\$240,422
from 4% & 4% to 5% & 5% increase	Dist. Cts.			\$125,979	Pri. # 6	\$125,979
Judges Retire. from 5% & 5% to 2% & 2% increase	Dist. Cts.		(\$37,328)			(\$37,328)
from 2% & 2% to 4% & 4% increase	Dist. Cts.			\$24,804	Pri. # 1	\$24,804
from 4% & 4% to 5% & 5% increase	Dist. Cts.			\$12,524	Pri. # 6	\$12,524
Staff salaries from 3% & 3% to 2% & 2% increase	Dist. Cts.		(\$180,026)			(\$180,026)
Health insurance cost	Dist. Cts.	\$54,743				\$54,743
1 Computer support position (help desk)	Dist. Cts.		(\$62,018)	\$62,018	Pri. # 3	\$0
1 E secretary position in Devils Lake	Dist. Cts.		(\$29,663)	\$29,663	Pri. # 7	\$0
Operating expense from 13% to 3% increase	Dist. Cts.					
IT project - integrated case information system	Dist. Cts.		(\$408,000)	\$408,000	Pri. # 4	\$0
IT project - interactive video	Dist. Cts.		(\$38,800)			(\$38,800)
Travel, dues and professional development	Dist. Cts.		(\$30,000)			(\$30,000)
Office and other miscellaneous supplies	Dist. Cts.		(\$34,363)			(\$34,363)
Indigent defense	Dist. Cts.		(\$333,118)	\$135,000	Pri. # 2	(\$198,118)
Indigent defense (workload - Senate bill # 2171)	Dist. Cts.			\$286,000	Pri. # 5	\$286,000
Equipment from 20% to 3% increase	Dist. Cts.					
IT project - integrated case information system	Dist. Cts.		(\$60,000)	\$60,000	Pri. # 4	\$0
IT project - interactive video	Dist. Cts.		(\$53,997)			(\$53,997)
Alternat. Dispute Resolution from \$60,000 to \$40,000	Dist. Cts.		(\$20,000)			(\$20,000)
Added funding for UND - Central Legal Research	Dist. Cts.	\$80,000				\$80,000
Staff salaries from 3% & 3% to 2% & 2% increase	JCC & DB		(\$5,667)			(\$5,667)
Health insurance cost	JCC & DB	\$1,140				\$1,140
Staff salaries from 3% & 3% to 2% & 2% increase	Clerk of Ct.		(\$42,400)			(\$42,400)
Health insurance cost	Clerk of Ct.	\$9,409				\$9,409
Total			(\$1,733,022)	\$1,474,520		(\$258,502)

* House changes exclude those made to correct errors in the initial budget request. (Errors related to 3% & 3% staff salary increases and health insurance premiums anticipated by OMB.)

Footnote a: Transfer amount added by House of Repr. from equipment to operating line

TESTIMONY
OF
JUSTICE NEUMANN
ON
HOUSE BILL NO. 1002

Good morning, Mr. Chairman, members of the Committee, my name is Bill Neumann, I'm one of the justices of the Supreme Court. My job this morning is to discuss judicial compensation, but I'm going to start with some observations about workload.

In 1989 we had 54 trial judges in North Dakota. Now we have 43. The court unification law requires us to be down to 42 judgeships by the year 2001. I believe we have done an excellent job of obeying the legislative mandate to reduce the number of state-funded judgeships in the past eight years, even though the process has caused much discomfort for citizens, lawyers and judges in many parts of the state.

At the same time we have been cutting the number of judgeships, the caseload in this state has increased. Two years ago I reported to you that between 1985 and 1995 total case filings had increased from 109,315 to 130,079 per year, a 19% increase. Filings per judge had gone from 2,063 to 2,768, a 34% increase. Since then, the trend has continued. In his State of the Judiciary Address this year the Chief Justice reported case filings had increased another 4% between 1995 and 1997. At the same time, the number of judgeships available to handle those cases has decreased. The number of cases to be handled every year by each judge has continued to grow.

Like other elected and appointed officials, the salaries of North Dakota judges lag significantly behind the salaries of judges in many other states in our area. I've attached some graphs to

Salaries

illustrate the gap. The two bar graphs compare North Dakota District Court and Supreme Court salaries with judicial salaries in ten other states in our area as of July, 1998. These are the same ten states referred to by the Executive Branch when it made its salary comparisons for other elected officials. The bar graphs clearly illustrate that among the states in our area, North Dakota's judicial salaries are very near the bottom. Only Montana's judges are paid slightly less than our own. The two line graphs compare North Dakota District Court and Supreme Court salaries against an average of judicial salaries for all of the same ten states, shown over the past ten years. As you can see, the gap is widening.

In May of 1983, salaries for North Dakota district judges ranked 20th among the 50 states, and were above the national median. Today our District Court salaries are 48th among the states, and our Supreme Court salaries are 49th, both far below the national median.

Our budget includes a request for 5% salary increases for our judges and justices in the years 1999 and 2000. These increases will return some salary compatibility with state judges in other states, though they will still leave us well below both the national and the regional medians. In evaluating our request, we ask you to consider the savings to be returned to the General Fund from three judgeships abolished in the 1997/99 biennium. These savings amount to \$316,000 in the current biennium alone. It seems only fair that the judges who are picking up the additional workload from the reduction in the number of judgeships in this state should receive some reward for their additional workload. Mr. Chairman, members of the Committee, I ask your favorable consideration of this bill, and of the salary increases requested.

Judges Salary Increase Request Justice Neumann

Requesting 5% July 1, 1999 and 5% July 1, 2000

* Salary data (as of July 1998)

	North Dakota <u>salary</u>	National <u>ave. salary</u>	National <u>Rank</u>	Ten-State <u>ave. salary#</u>	Rank within <u>eleven states</u>
Supreme Court justice	\$82,164	\$107,905	49th	\$96,675	10th##
District Court judge	\$75,824	\$96,475	48th	\$87,247	10th##

for ten-state data, used same states as executive branch

Montana is the only state in the ten-state survey lower than North Dakota. A July salary increase is already scheduled for Montana. After this increase, North Dakota will rank 11th.

* Approximately \$316,000 of general fund savings from three judgeships abolished in this biennium.

Abolished Judgeship Savings

Jamestown - 17 mos.	\$141,000
Mandan - 15 mos.	\$124,000
Minot - 6 mos.	\$51,000
	\$316,000

JUDGE	AGE	JUSTICE	AGE
Anderson	47	*Kapsner	51
Backes	61	*Maring	47
Bekken	50	*Neumann	54
Berning	63	*Sandstrom	48
Bohlman	59	*VandeWalle	65
Christofferson	52	AVERAGE	53.0
Dawson	49		
Dill	57		
Erickson	39		
Foughty	43		
Geiger	47		
Goodman	51		
Graff	60		
Grosz	45		
Hagerty	45		
Haskell	41		
Hilden	53		
Hoffman	43		
Holte	57		
Hunke	59		
Jahnke	56		
Jorgensen	54		
Ketterling	58		
Kleven	40		
Leclerc	64		
Levitt	55		
McClintock	37		
McGuire	57		
McLees	47		
Medd	51		
Metelmann	47		
Olson	59		
Paulson	55		
Racek	41		
Riskedahl	58		
Rothe Seeger	50		
Rustad	54		
Schmalenberger	52		
Schneider	59		
Schneider	48		
Simonson	51		
Smith	68		
Vukelic	48		
AVERAGE	51.9		

TESTIMONY
OF
JUSTICE NEUMANN
ON
HOUSE BILL NO. 1002

Good morning, Mr. Chairman, members of the Committee, my name is Bill Neumann, I'm one of the justices of the Supreme Court. My job this morning is to discuss judicial compensation, but I'm going to start with some observations about workload.

In 1989 we had 54 trial judges in North Dakota. Now we have 43. The court unification law requires us to be down to 42 judgeships by the year 2001. I believe we have done an excellent job of obeying the legislative mandate to reduce the number of state-funded judgeships in the past eight years, even though the process has caused much discomfort for citizens, lawyers and judges in many parts of the state.

At the same time we have been cutting the number of judgeships, the caseload in this state has increased. Two years ago I reported to you that between 1985 and 1995 total case filings had increased from 109,315 to 130,079 per year, a 19% increase. Filings per judge had gone from 2,063 to 2,768, a 34% increase. Since then, the trend has continued. In his State of the Judiciary Address this year the Chief Justice reported case filings had increased another 4% between 1995 and 1997. At the same time, the number of judgeships available to handle those cases has decreased. The number of cases to be handled every year by each judge has continued to grow.

Like other elected and appointed officials, the salaries of North Dakota judges lag significantly behind the salaries of judges in many other states in our area. I've attached some graphs to

illustrate the gap. The two bar graphs, Exhibits 1 and 2, compare North Dakota District Court and Supreme Court salaries with judicial salaries in ten other states in our area as of July, 1998. These are the same ten states referred to by the Executive Branch when it made its salary comparisons for other elected officials. The bar graphs clearly illustrate that among the states in our area, North Dakota's judicial salaries are very near the bottom. Only Montana's judges are paid slightly less than our own. The two line graphs, Exhibits 3 and 4, compare North Dakota District Court and Supreme Court salaries against an average of judicial salaries for all of the same ten states, shown over the past ten years. As you can see, the gap is widening.

By law, Montana has taken an interesting approach to setting the salaries of its state officials. By legislative enactment, the salary of every state official in Montana, including its judges, is set by referring to an average of salaries for the same offices in the states adjacent to Montana. Exhibit 5 makes a similar comparison between judges' salaries in North Dakota and in our adjacent states. The first box in exhibit 5 shows that as of July, 1998, North Dakota justices' and judges' salaries are 7.7% and 6.8% behind those of our neighbor states. Our budget as it was submitted to the House included a request for 5% salary increases for our judges and justices in the years 1999 and 2000. The House amended our budget to reduce those requested increases to 2% and 2%. The second box in Exhibit 5 shows that if the salary increases in House Bill No. 1002 remain at 2% and 2%, as amended by the House, by July of 1999 our salaries will have slipped to 11.3% and 10.3%, respectively, below those of our neighbor states.

By any measure, salaries of North Dakota judges have declined. In May of 1983, salaries for

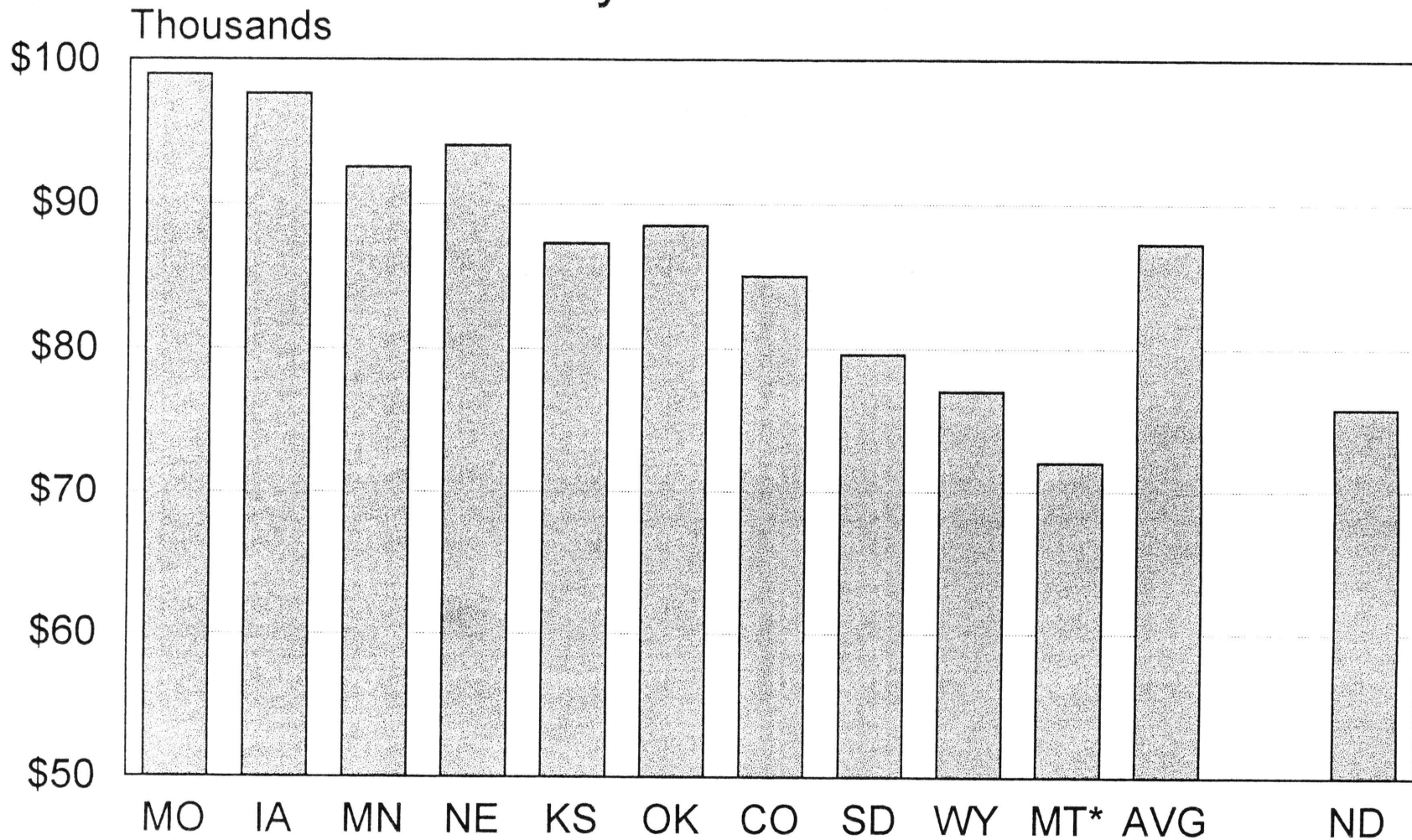
North Dakota district judges ranked 20th among the 50 states, and were above the national median. Today our District Court salaries are 48th among the states, and our Supreme Court salaries are 49th, both far below the national median. If salary increases are left at 2% and 2%, by July of 2000, our salaries will have slipped to dead last among all the 50 states.

As I mentioned, our budget as it was submitted to the House included a request for 5% salary increases for our judges and justices in the years 1999 and 2000. These increases would return some salary compatibility with state judges in other states, even though they would still leave us well below both the national and the regional medians. We ask you to reinstate the 5% increases. In evaluating our request, we ask you to consider the savings to be returned to the General Fund from three judgeships abolished in the 1997/99 biennium. As shown in Exhibit 6, these savings amount to \$316,000 in the current biennium alone. It seems only fair that the judges who are picking up the additional workload from the reduction in the number of judgeships in this state should receive some adjustment for that additional workload. Mr. Chairman, members of the Committee, I ask your favorable consideration of this bill, and of the 5% salary increases requested.

Exhibit 1

District Judges Salary Comparison

July 1998 Data

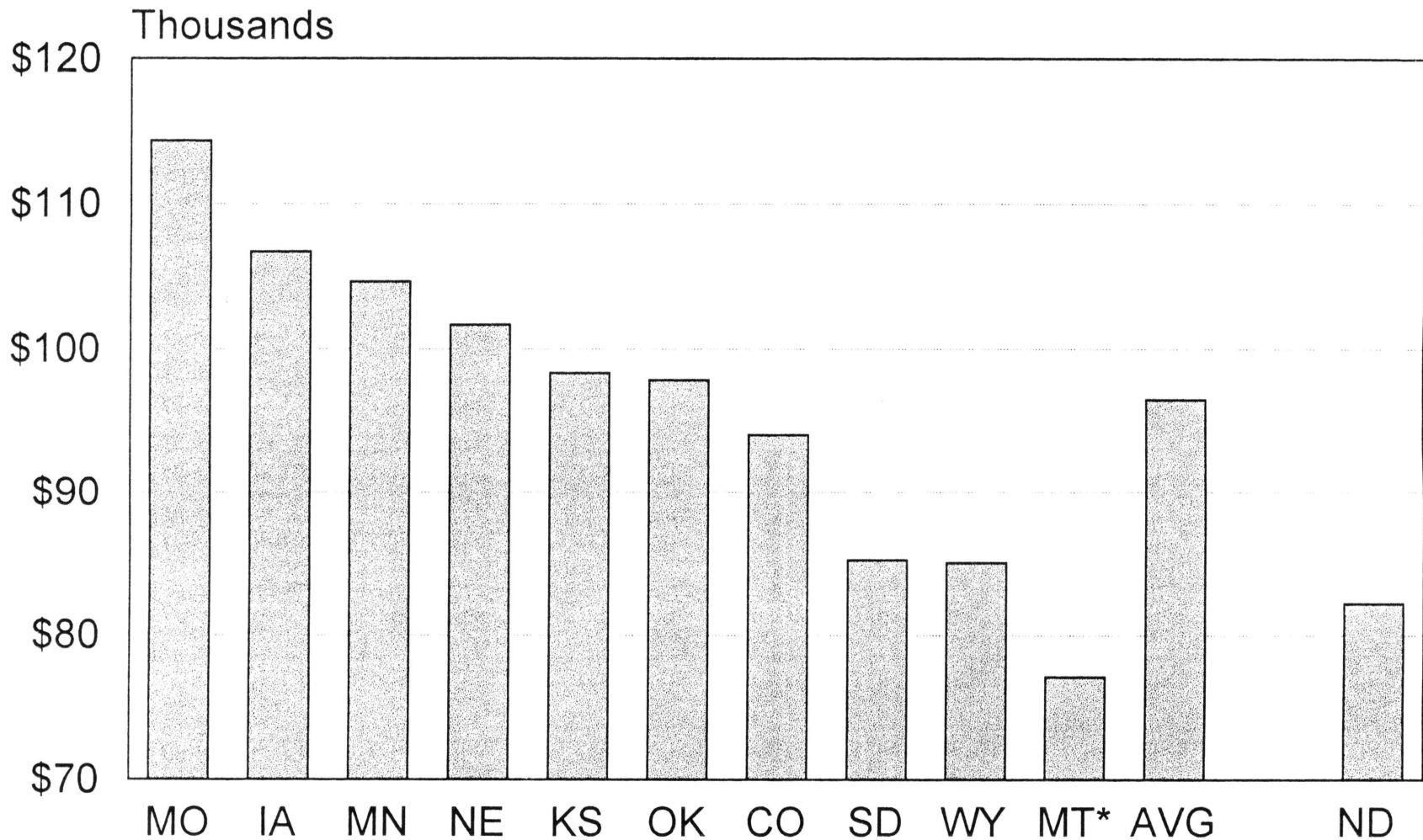


* On 7/1/99 Montana Judges will receive \$77,349

Exhibit 2

Justices Salary Comparison

July 1998 Data



* On 7/1/99 Montana Justices will receive \$83,550

Exhibit 3

District Judges Salary Comparison

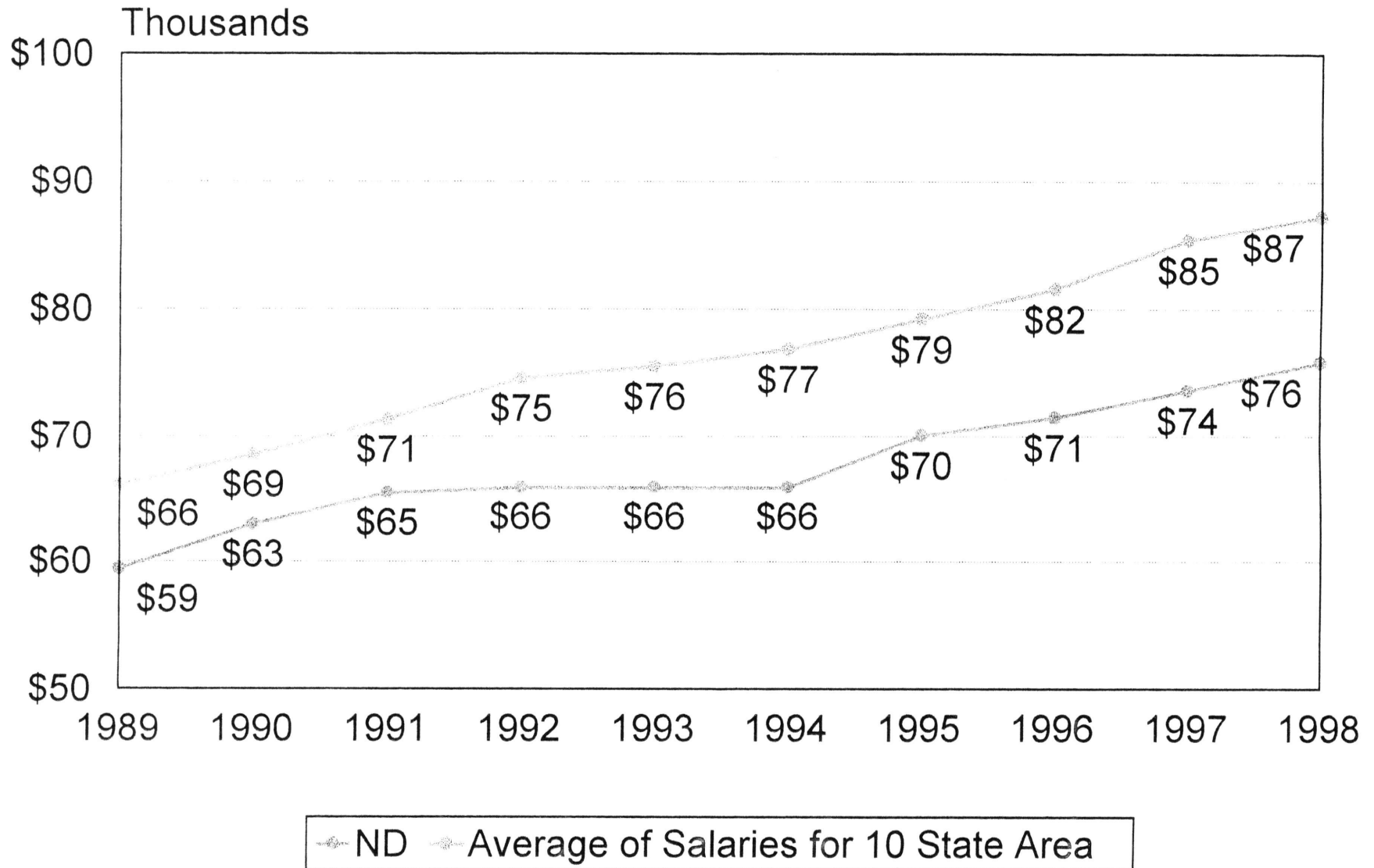


Exhibit 4

Justices Salary Comparison

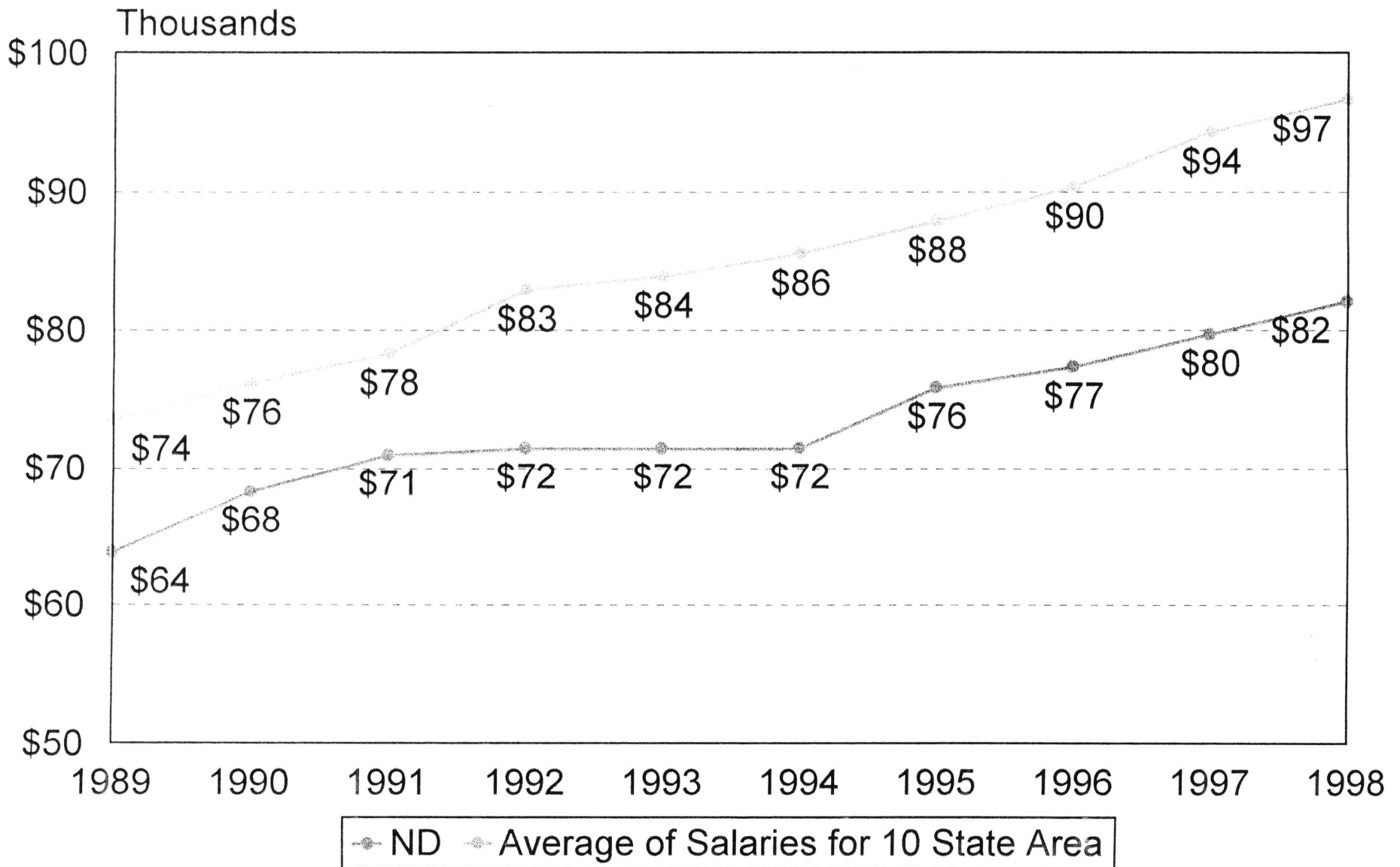


EXHIBIT 5

Justices and Judges Salary Information

as of July, 1998		
	Supreme Court	District Court
Minnesota	\$104,626	\$92,544
South Dakota	\$85,176	\$79,560
Montana	\$77,092	\$72,042
3-state average:	\$88,965	\$81,382
North Dakota	\$82,164	\$75,824
Amount below average:	\$6,801	\$5,558
Percent below average:	7.6%	6.8%

planned for July, 1999		
	Supreme Court	District Court
Minnesota	\$107,765	\$95,320
South Dakota	\$92,125	\$86,035
Montana	\$83,550	\$77,349
3-state average:	\$94,480	\$86,235
North Dakota (engrossed bill)	\$83,807	\$77,340
Amount below average:	\$10,673	\$8,894
Percent below average:	11.3%	10.3%

EXHIBIT #6

Judges Salary Increase Request

* Requesting 5% July 1, 1999 and 5% July 1, 2000

* Salary data (as of July 1998)

	North Dakota salary	National ave. salary	National Rank	Ten-State ave. salary##	Rank within eleven states	Percent less than ten-state ave. sal.
Supreme Court justice	\$82,164	\$107,905	49th	\$96,675	10th##	15.0%
District Court judge	\$75,824	\$96,475	48th	\$87,247	10th##	13.1%

for ten-state data, used same states as executive branch

Montana is the only state in the ten-state survey lower than North Dakota. A July salary increase is already scheduled for Montana. After this increase, North Dakota will rank 11th.

* Approximately \$316,000 of general fund savings from three judgeships abolished in this biennium.

Abolished Judgeship Savings

Jamestown - 17 mos.	\$141,000
Mandan - 15 mos.	\$124,000
Minot - 6 mos.	\$51,000
	<hr/>
	\$316,000

Chairman Byerly and members of the Government Operations Division of the Appropriation Committee, my name is Carol Kapsner. I am the newest member of the Supreme Court and since my appointment I have been assigned the library portfolio. I work on that assignment with Ted Smith, our librarian.

The library funding portion of the Supreme Court budget is \$451,217 for legal research and reference materials. This represents 6.4% of the total Supreme Court budget. Although this is a 17% increase over a budget of \$386,837 for legal research and reference materials for the last biennium, I do want to stress that this budget does not even permit the Court to maintain the library under its prior operating procedures. Instead it represents substantial cuts in the library's prior collections.

To maintain the library collections as in the past would have required a budget of \$551,217. This figure did not fit into the budgetary constraints under which the court was asked to develop its proposal. The figure of \$551,217 that would have allowed the Court to maintain its existing library collections has risen so substantially because of the rising costs of legal publications. Prices for legal publications have increased 15% per year in recent years and some basic sets have increased 100% from 1996 to 1997.

Contributing to the price increases of research and reference materials is the consolidation of legal publishers. There are only two major legal publishers, both of which are foreign owned. I mention this because, for example, our primary resource materials for North Dakota cases and statutes are the product of those two foreign publishers. Our North Dakota Century Code is published by Michie, which is owned by Reed-Elsevier, a Dutch company. And the Northwestern Reporter, in which the North Dakota decisions are published are a part of the West publishing system which is owned by Thomson, a British company.

Library

We are without the ability to control the rising costs of the legal publications and therefore have faced the realization that the library collections could not be maintained as they have been in the past.

Exercising fiscal restraint, the Court reduced the request from \$551,217 necessary to maintain the collections to the present \$451,217. This was done by prioritizing the cuts that would be made in light of the mission of the library. That mission requires that we support the legal information needs of the Court and its staff first, other state agencies secondly, and the needs of the legal community and the public to the extent that this service does not compromise the needs of the Court.

The Supreme Court library is used by many attorneys in public and private practice and also by many non-lawyers, particularly by pro se litigants. For example, in the 1997-98 fiscal year, the library:

- Answered 2666 patron informational requests,
- Handled 1692 patron research request
- Processed 192 interlibrary loan requests
- Processed 172 penitentiary requests
- Checked our 2228 books to non-court patrons
- Had 8042 books used by non-court personnel within the library.

With the priorities of the court's mission statement in mind the Court's proposed budget for reference and research materials has been reduced to the present \$451,217 by the following actions:

- Eliminating less-used duplicate copies of some publications
- Curtailing the purchase of some materials used primarily by trial attorneys and pro se patrons.
- Curtailing the purchase of some materials used primarily by general practitioners and state agencies.
- Networking C-D Roms and eliminating paper copies when

cost effective.

The purchase of new materials has been drastically reduced. We are just trying to maintain standardly ordered publications, However, some standard orders, such as Shepards, have been eliminated.

We regret that many of these measures will impact on the availability of such materials to the public and the legal community. However, such measures were necessary to keep the budget request at its proposed level.

The library is the heart of the Supreme Court. For the Court to effectively do its job, it must have adequate resources to research the law and its interpretation by other courts. Therefore, we request that you approve the budget of the Court including the \$451,217 necessary for legal research and reference materials. Thank you.



CHAMBERS OF
Carol Ronning Kapsner
JUSTICE

STATE OF NORTH DAKOTA
SUPREME COURT

January 19, 1999

Chairman Rex R. Byerly
Government Operation Division
House Appropriation Committee

Dear Chairman Byerly:

Enclosed are copies of some of the background information which I presented to the committee on the reason for the rising costs of legal publications. This background material relates to the Thomson Corporation, the British parent corporation which owns the West publishing system. I do not have a similar review of the Dutch parent company which owns Michie and publishes our North Dakota Century Code. However, I am sure that it could be located, if you feel that it would be helpful.

The materials that I have copied suggest that prices for legal publications have risen because the primary consumers - in this case lawyers - have not been appropriately motivated to ask the questions that would keep prices down. It also suggests that law librarians have been one countervailing influence. I hope this will provide some material for consideration of the issue which you have posed of whether the state has inadvertently contributed to decreasing numbers of publishing businesses that market legal materials.

Thank you for the opportunity to supplement the materials presented today.

Sincerely,


Carol Ronning Kapsner

Other players of significance outside the control of these major corporations include the Anderson Publishing Company, Bureau of National Affairs, Law Office Information Systems, Oceana, and Practising Law Institute. There was a time in the history of the legal publishing industry when its executives could be expected to enjoy a life-long tenure with one company. While that may be true in some instances, the market has seen a rise in the number management personnel who jump from one company to another, often to a chief competitor. Tracing the movements of managers between Lawyers Cooperative, Shepard's/McGraw-Hill, Matthew Bender & Company, and other companies is an interesting story in its own right. In an era of industry-wide consolidation, company loyalty to employees and employee loyalty to employers have reached new lows, swept aside by an overarching concern for bottom-line profits.

While these movements of personnel have stimulated a cross-fertilization of ideas and marketing strategies, they have also helped ensure a steady rise in both basic and supplementation costs, as well as the further refinement of practices designed to siphon an ever-increasing flow of dollars from the wallets of lawyers and other consumers of legal information to the publishers' bank accounts. Even without the movement of company personnel, legal publishers are quick to take note of what methods work to enhance sales and profitability. For example, while 19th century legal publishers were content to issue new editions of legal treatises every 6, 8 or 10 years, most legal publishers operating in the late 20th century have taken steps to maximize the income which flows from the sale of supplementation to standing order customers. Very few will let a year go by without issuing a pocket part or revised volume to one of their serial titles. Double-digit price increases, increases in supplementation frequency, and acceleration of bound volume revisions have all added fuel to the fire of law book price inflation in the current marketplace.

It should come as no surprise that inflation in the cost of legal publications easily outpaces that of the general economy. Lawyers are a largely captive market, require legal publications to carry on their practice, and are generally more affluent than the average consumer. They are far less likely to quibble when purchasing a book or other product essential to their work. And once that book is purchased, they are far less likely to question, or even to notice, the continuing cost to which that book will subject them. Quite frankly, many legal publishers think that lawyers are gullible when it comes to buying law books and other forms of legal information. This explains the high prices which the international conglomerates were willing to pay to acquire many of the domestic legal publishing companies in the late 1980's and 1990's. The characteristics of legal publishing which have made it particularly attractive to potential buyers include the following:

- (1) Legal and professional publishing companies offer higher profit margins than trade publishing, a fact not fully appreciated until recent years;
- (2) Lower risks in product development;
- (3) An identifiable audience;
- (4) No huge advances to authors;
- (5) The ability to test ideas in the marketplace before product development;
- (6) More favorable cash flow due to income from subscription sales;
- (7) Greater upward flexibility in pricing resulting from the fact that information provided to the professional market is often viewed as absolutely vital to the customer's business.
- (8) Costs for legal materials are often paid by the user's employer, i.e. the individual using the legal publishers' products is often not the individual paying the bills.

The dramatic increases in the prices and supplementation costs from some legal publishers are a direct result of policies instituted since their acquisition by the conglomerates. Their ability to continue on this road will largely depend on the passivity of lawyers in the face of such price increases. Law librarians, I am told by one former industry executive, are viewed as the major obstacle to the publishers' ability to roll over the lawyer market. During the period from 1973 to 1996, for example, when the Consumer Price Index showed an increase of 253%, the average cost of legal serials rose 495%. According to the **Price Index for Legal Publications 1996**, the mean cost of the average legal serial rose from \$50.08 in 1973/74 to \$297.89 in 1993/94, a 495% increase.¹ However, as the accompanying table will demonstrate, the most dramatic increase over that time frame took place in the category of legal continuations, which rose an astounding 1006%. In the past four years alone, the prices of legal continuations rose nearly 72%, much of that increase resulting from increased supplementation costs for Thomson-owned publications.² In the average law office, better than 95% of the law library expenditures consist of serial publications (as opposed to monographs which are not supplemented), and a high percentage of those serials fall into the category of legal continuations.³

**Price Increases of Legal Serial Publications,
1973/74-1995/96**

	<u>Legal Periodicals</u>	<u>Looseleaf Services</u>	<u>Commercially Published Court Reporters</u>	<u>Legal Continuations</u>	<u>All Serials</u>
1973/74	\$11.95	\$181.80	\$173.63	\$44.07	\$50.08
1995/96	\$60.50	\$970.59	\$722.10	\$487.55	\$297.89
% Increase	406%	434%	316%	1,006%	495%
C.P.I. Jan. 1973- June, 1996	253%	253%	253%	253%	253%

One significant dark cloud looming on the horizon is the impact of the Thomson Corporation upon the heretofore reasonable supplementation costs for West print publications. Some significant supplementation cost increases have already been recorded with the following West Group products since the merger has taken place:

	<u>1996</u>	<u>1997</u>	<u>Increase</u>
Blashfield. Automobile Law and Practice (17 vols.)	\$181.25	\$273.75	51.0%
Devitt. Federal Jury Practice & Instructions (4 vols.)	\$59.00	\$119.00	101.0%
West's Federal Forms (17 vols.)	\$169.00	\$317.00	87.5%
West's Legal Forms (36 vols.)	\$493.50	\$696.50	41.3%
Wright & Miller. Federal Practice & Procedure (46 vols.)	\$581.50	\$736.50	26.7%

Significant price increases have also affected the National Reporter System. For example, the Atlantic Reporter bound volumes have risen in cost from \$55.00 in March, 1996 to \$63.25 in March, 1998, a 15% increase. While, in isolation, this may not appear to be of great importance, it marks a significant departure from the pre-acquisition price increases tacked on annually by the West Publishing Company. And, spread out over the entire National Reporter System, its cumulative effect will be marked among law libraries which continue to buy the complete series in hardcopy.

The future of legal publishing is full of promise and pitfalls for both legal publishers and consumers of legal information. Technological advances, including CD-ROM and the Internet, present significant challenges to the established legal publishers who have relied heavily upon the publication and distribution of primary law, but offer great opportunity to consumers. The increasing success of Law Office Information Systems is a major indication of how ripe the market is for a company which can undercut the prices charged by the two major online legal services and still provide lawyers with a wide-range of primary law. As more courts, legislatures, and administrative agencies offer information on the World Wide Web, the role of the traditional primary law publishers will diminish.

The companies in the best position to prosper in the coming years will be those which can make effective use of technology to produce high quality "value-added" analytical materials packaged with the supporting primary law. The CD-ROM products of Matthew Bender and the West Group are excellent examples of this cutting-edge product development. Each company now has a huge online database upon which to draw. In fact, the strategic alliance between Matthew Bender and LEXIS-NEXIS is a critical ingredient in Matthew Bender's ability to compete with the West Group and its impressive combination of WESTLAW and a majority of the leading secondary materials. There are pitfalls for the consumer in this electronic environment, however. As more attorneys embrace CD-ROM and other electronic media, the publishers will be in a better position to dictate the terms under which those materials are used. For example, CD-ROMs with built-in time-expiration features preclude the buy and cancel strategy available with print.

March 23, 1999

Senator David Nething
Chairman
Senate Appropriations
ND State Capitol
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0240

Dear Senator Nething:

The Senate Appropriations Committee is studying the Court's appropriation request for information technology for the 99-01 biennium. Inteliant was asked to review the Court's information and provide feedback to the chairman specifically related to the request for new interfaces to the Court information systems.

In the course of this study, Inteliant staff studied the Judicial Branch Strategic Information Technology plan, the 1997 Management Review of the Court's technology plan and support strategies and the IT project appropriations review.

It is our conclusion that the request for new interfaces to the Court information systems is well founded based on the following:

- This project positions the court to proactively share data with other government agencies such as the Department of Transportation, Department of Human Services, and the Attorney General's office.
- Related specifically to Project II, three groups will benefit directly from the proposed approach:
 - Law Enforcement and State's Attorney offices through improved access to information.
 - The general public will have better information access to the court systems via the internet for information such as court schedules and hearing dates.
- Project II may also reduce the growth in the support demands placed on the court's information technology staff as proliferating the current methods of information access may require additional technical support.
- The proposed approach will reduce the workload of clerks that currently perform an information retrieval service.
- This approach positions the Court with a more current and efficient means of distributing information to the citizens of the state.
- The estimates presented are preliminary numbers that will be finalized through the RFP process.



If Project II is not funded, it is logical that the hardware and software costs could be reduced proportionally. The actual amounts would be determined upon completion of the final design.

The Court's IT Director confirmed that a final decision on the approach and scope of this initiative will be based on the RFP responses and a final cost/benefit analysis. This is a good, structured approach to assure the Court has adequate information to make a final decision.

In our review of the Court's technology plan, we do not see any inconsistencies with SB2043 or the statewide telecommunications plan.

Please contact me with any questions or comments.

Sincerely,

Robert J. Pope
Branch Manager

Estimated breakdown of \$468,000 for IT project.

General goals to be achieved by the project:

This project is to provide an analysis and implement solutions that allow for better data sharing within court systems, better data sharing between court systems and other government entities; and better data sharing of court systems by the public.

This could be accomplished by modification of existing systems, development new systems or purchase of new systems from vendors. Analysis efforts included and preceding this project are to identify the appropriate strategy.

Also, methods to improve efficiency are to be explored which allow electronic filing for court cases and that allow electronic case docketing via imaging systems.

Specific deliverables desired:

Development - Contract Services

320,000

- I. Integration between court information systems (85,000)
Integration for information to flow between the Supreme Court Docket System, Trial Court information system and the Juvenile Court information system and provide a single point of entry for data. Also, identification of potential interfaces with electronic filing and imaging.
- II. New interfaces into court information systems (100,000)
 - A. The ability to allow access to information systems and reports via the internet. This would reduce the workload of clerks who currently provide the information retrieval services. The public, attorneys and court employees could use and benefit from this initiative.
 - B. Develop modules that take advantage of the efficiencies provided by graphical interfaces. This increases productivity and makes learning these systems easier.
 - C. The ability to provide electronic access to court information systems by other criminal justice and law enforcement entities from remote locations. This would provide them with immediate access to appropriate case information.
- III. Data sharing initiatives with other government entities (125,000)
Alternatives that explore the ability to share data with other government entities. This is to eliminate the duplication of effort that takes place by each separate government entity. Examples of potential data sharing to be considered include:
 - A. Dept. of Transportation's drivers license database
 - B. Attorney General's State's Attorney Management System (SAMS)
 - C. Attorney General's Protection Order System
 - D. Attorney General's criminal history system
 - E. Dept. of Human Services Fully Automated Child Support Enforcement System (FACSES)
 - F. Other criminal justice systems
- IV. Maintenance and support plans (10,000)
 - A. It is critical to develop and implement effective maintenance and support plans to ensure the reliability of the systems.

Training - Contract Services

8,000

To successfully implement any initiatives developed, proper training is essential. The funds in this item are to provide such training. Based on actual solutions selected, the training needs and costs will vary.

468,000

Hardware**60,000**

The initiatives proposed will inevitably require additional computer hardware resources to operate effectively. The funds included in this area are to purchase or upgrade the appropriate computer hardware. Examples could include a database server to serve the data to the public via the internet or an upgrade to the existing mid-range computer.

Because the analysis of the proposed initiatives is not yet complete, specific hardware items and their associated costs are not known. Depending on the solution selected the hardware items and their cost will vary. Part of this project is to provide a cost benefit analysis of alternatives.

Software**80,000**

As with hardware, the initiatives proposed will require additional software. The funds in this area are to purchase the appropriate software. Examples of what could be needed include new development tools for the internet and graphical interfaces or new applications for electronic filing and imaging.

Again, as with hardware, Because the analysis of the proposed initiatives is not yet complete, specific software applications and their associated costs are not known. Depending on the software required, the cost will vary. Part of this project is to provide a cost benefit analysis of alternatives.

**TESTIMONY BEFORE THE HOUSE APPROPRIATIONS COMMITTEE,
GOVERNMENT APPROPRIATIONS SUB-COMMITTEE**

To: Chairman Rex Byerly and Members of the committee.

From: Constance Triplett, Chair, North Dakota Legal Counsel for Indigents Commission.

Re: Judiciary budget.

Date: January 19, 1999.

I am pleased to support the line item in the Judiciary's budget regarding compensation for indigent defense attorneys. The budget contains a 10% increase for indigent defense over the last biennium, from \$3.33 million to \$3.66 million. In this time of low inflation and tight budgets, 10% appears to be a large increase to request, but it is necessary in this instance because the attorneys who provide indigent defense have fallen behind through the years by every relevant comparison.

As you all know, the provision of attorneys to represent indigent defendants is mandated by the United States Constitution. There is no doubt that the work of indigent defense attorneys is vital to the integrity of the entire judicial system. I believe that the District Court judges will tell you that it is also essential to the efficient processing of cases through the courts. When a criminal defendant, for whatever reason, chooses to represent himself or herself, the process immediately bogs down, as the judges feel compelled to explain each procedure in much more detail than they would if there was a defense attorney available to discuss procedures outside the courtroom.

Criminal defense attorneys are every bit as important to the public's confidence in our system of justice as are prosecutors and judges. We strive mightily to provide regular raises to the judges and prosecutors, to keep their salaries in line with their professional status. Without question, the State and the Counties provide support services to judges and prosecutors in the form of clerical help, office space, utilities, office equipment, travel expenses, continuing education expenses, law books and computer-assisted legal research services.

The indigent defense attorneys have not been treated so well by the system. In his recent State of the Judiciary address, Chief Justice VandeWalle suggested again that it may be time to examine whether a public defender office should be established as an alternative to our current contract system. In fact, he will be requesting a formal study resolution in a separate bill during this legislative session. If this topic is selected by the Legislative Council for study during the next biennium, as I hope it will be, it is a foregone conclusion that a public defender office will cost considerably more than the current system. I say that with confidence because I know that, under the present system, we are essentially asking the contract attorneys to subsidize the real cost of providing indigent defense.

Judge Bohlman, from Grand Forks, has done some preliminary thinking about a public defender system. In a recent letter to the State Court Administrator's Office, he projected

that a public defender system in the Northeast Central Judicial District would cost approximately \$300,000 per year, compared to the district's request for the next biennium of \$387,660 (or \$193,830 per year) for contract counsel. That estimate represents an increase of 35%! And Judge Bohlman's estimate uses salary projections well below the average wages for prosecutors in our district.

If we wanted to pay indigent defense counsel at rates similar to those paid to prosecutors and provide the same level of support to them, we would have to double the indigent defense budget. (Being a Grand Forks County Commissioner, I used the Grand Forks States Attorney's budget for 1999 to make this comparison.)

You may well be asking how we got into this position. How did the indigent defense attorneys get themselves into such a fix and why has no one done anything about it? I think that all of us who are part of the system have to take some responsibility, including the contract attorneys themselves. Too often, experienced criminal attorneys have simply chosen not to bid on the contract again after they realize that they were not making money at this work; or, the same firm bids again, but internally, they assign the work to a new attorney. Some firms continue to do this work based on their sense of a moral obligation to do their share. No one believes that they are making money on the contract.

The Legal Counsel for Indigents Commission has collectively held the position for several years that there is a problem, but we limited our response to asking contract counsel to do a better job of documenting their time and asking the Council of Presiding Judges to distribute the moneys received from the legislature more equitably between the Districts. This year, however, we believe it is time to make an issue of this matter. The Legal Counsel for Indigents Commission has authorized me to tell you that we support an equitable level of funding for indigent defense (using the relevant comparisons cited above) and that we will continue to work to ensure equity within the indigent defense system. The 10% increase requested in the Judiciary budget is an absolute minimum to begin this process. We wish it could be more. Please do not let it be any less. The additional money in this budget will help to insure that experienced attorneys will continue to provide this invaluable service.

Thank you for considering this request. I apologize for not being present in person. Please feel free to call me or any member of the Commission if you have questions regarding this matter. The current members of the Commission are:

Leslie Johnson Aldrich, Fargo	234-0009
Wade Enget, Stanley	628-2965
Carl Flagstad, Minot	852-0121
John Greenwood, Jamestown	252-6688
Mary Norum Hoberg, Bismarck	223-9413
Rep. Rae Ann Kelsch, Bismarck	(legislative chamber)
Hon. Debbie Kleven, Grand Forks	795-3824
Constance Triplett, Grand Forks	746-8488

State of North Dakota

GRAND FORKS, NELSON
AND GRIGGS COUNTIES

NORTHEAST CENTRAL JUDICIAL DISTRICT
P.O. BOX 6347
GRAND FORKS, NORTH DAKOTA 58206-6347
PHONE (701) 795-3824

DAN BELCHE
OFFICE MANAGER

BRUCE E. BOHLMAN
DISTRICT JUDGE

LAWRENCE E. JAHNIKE
PRESIDING JUDGE

JOEL D. MEO
DISTRICT JUDGE

DEBBIE G. KLEVEN
DISTRICT JUDGE

March 4, 1999

KIRK SMIT
DISTRICT JUDGE

Senator David E. Nething, Chairman
North Dakota Senate Appropriations Committee
North Dakota State Capitol
Bismarck, North Dakota 58501

Dear Senator Nething and Members of the Senate Appropriations Committee:

I had hoped to be able to personally appear before the Senate Appropriations Committee budget hearing tomorrow morning but, unfortunately, will be unable to do so. I would, nonetheless, request the opportunity to present in writing for your consideration what I had until earlier today intended to present orally. There are three separate topics which I would like to comment upon as you deliberate on the judiciary budget for the next biennium: Indigent Defense Counsel contract funding, Senate Bill No. 2171 (Adoption and Safe Families Act), and the judiciary's unified court information system (UCIS).

Indigent Defense Counsel Contract Funding

As a taxpayer, it has always bothered me to provide funds to defend criminals. It still does as a judge. Nevertheless, the American criminal justice system is built upon the premise that every defendant in a criminal case is presumed innocent until the contrary is proven beyond a reasonable doubt. Recognizing that this constitutional protection applies to all, it then naturally flows that not only those who can afford legal counsel should have the benefit of this guarantee. Everyone should, regardless of social status and financial means. Hence, we must provide legal counsel to those accused of criminal conduct if they indeed cannot afford to retain counsel without undue financial hardship to themselves or their immediate family. This is our way of guaranteeing that the rights of all, innocent as well as guilty, are protected as mandated by our Constitution. Looking at the Indigent Defense Counsel program in this light certainly makes it much more palatable to me as a citizen as well as a judge.

The Northeast Central Judicial District encompasses Grand Forks, Nelson and Griggs counties. Over the past two calendar years, we have seen a net increase of 19% in criminal filings since 1996. Our juvenile court filings as well have dramatically increased, 60% over those in 1997. And during 1998, we had one of the highest volumes of in-custody (juvenile detention/shelter care) intakes in North Dakota. These increases have occurred in misdemeanor alcohol and drug-related offenses, as well as

in felony burglary, aggravated assault and methamphetamine cases.

In the Northeast Central Judicial District, we presently have five separate law firms under contract to represent indigent criminal defendants, mental health respondents, and those involved in juvenile court proceedings. These are firms with well-qualified and dedicated attorneys who provide the benefit of their training and experience at a fraction of what they could be charging and earning were they not committed to devoting hundreds of hours annually to the underprivileged.

To be very candid, we had a great deal of difficulty in recruiting five firms to provide this service. Last week, I was advised that one of the five would be no longer interested after the current contracts expire this summer. I doubt that we will be able to recruit another firm to fill this void. With fewer contract counsel to draw upon, increased workload is not the only factor to be considered. With fewer contract counsel to draw upon, when conflicts of interest occur which dictate that we go outside the contract to hire local counsel, we must pay \$80.00 to \$100.00 per hour. To put this in another perspective, two non-contract counsel in separate cases within the past two years have billed the State of North Dakota over \$20,000.00 for such representation. Without a full complement of at least five competent contracting firms during the next biennium, non-contract billing will of necessity become more commonplace.

On behalf of the judiciary, our indigent defense counsel, and our indigent citizens, I urge the Senate to re-examine the indigent defense contract budget requests. I assure you that this budget submission was made only after a very long and hard scrutiny by each and every presiding judge. It is indeed one of the most important line items in our budget. Without adequate funding, we certainly will not be able to recruit another firm to replace the one we are losing, and I fear that a second will soon be following the first.

Senate Bill 2171

I believe that perhaps some of the other judges appearing at the hearing will be addressing the Adoption and Safe Families Act, so I do not intend to belabor it. Suffice it to say that this bill goes hand and glove with my concerns about being able to continue to provide adequate and competent legal services for those who cannot otherwise afford them. The impact of this legislation will have a direct impact upon the current responsibilities of our indigent defense counsel. It will increase them. My comment in summary on this legislation is that its impact must be integrated into any meaningful discussion of the Indigent Defense Counsel program as a whole. If our legislature deems that this legislation needs to be implemented during the coming biennium, then the impact must be factored into the compensation package for that program as well. It was not factored into our earlier budget request at all.

UCIS

My comments in this regard are not in the form of a request for anything, but really in the form of a report. In 1997, the Northeast Central Judicial District began a major initiative (primarily funded by a federal grant) to share criminal judgment data between the judiciary's unified court information system (UCIS) and the state's attorney management system (SAMS). In December 1998, we became

able to move information electronically directly from our courtrooms and clerk of court offices to our state's attorney office. We can now also update on a real-time basis criminal judgment data into the Attorney General's criminal history files.

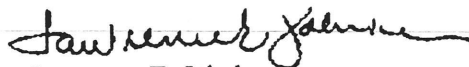
The question may be asked, of what real value is this electronically transmitted information? The response is simple and practical. Without such access, the trial judge and state's attorney really have no idea as to the current criminal history of the many defendants from outside our immediate geographical area who appear in our courts daily. This has a bearing on bond setting, no contact provisions with victims and other dispositions pending full hearing. It also has an immediate bearing on sentencing in those cases (non-felnoies) in which no formal pre-sentence investigation is required. Without access to such information electronically, we really have no way of checking real-time on whether or not a criminal defendant is being truthful when he asks for leniency based upon no prior criminal involvement elsewhere. Further, in the ever increasing number of domestic violence cases being heard, without such access, we have no capability of determining whether a given individual has a history of such involvement elsewhere in the state or other protection orders are in place. This information is critical.

Although the program is still in relative infancy, it has still has come a very long way since our initial implementation. Coordination between the North Dakota Attorney General's office, states's attorneys and the court systems throughout the state is being accomplished with a goal of attaining statewide implementation as quickly as possible. Real-time coordination between the court system and state's attorney offices is not simply a "nice to have" capability. It has proven to be an indispensable tool in our criminal justice administration. Adequate funding of the judiciary's technology budget is a must if we are to continue our progress in this area.

In conclusion, I wish to thank you for considering my written remarks. I truly wish that I would have been able to appear personally to answer any questions that you might have. I certainly welcome any following your hearing today, either telephonically or by letter.

This is a particularly tough session for each of you due to the fiscal outlook for North Dakota during the next biennium. We back home, however, certainly appreciate the scrutiny you are giving each and every budget request. My continuing personal thanks.

Sincerely yours,



Lawrence E. Jahnke
Presiding District Court Judge



CHAMBERS OF
Mary Muehlen Maring
JUSTICE

State of North Dakota

SUPREME COURT

600 EAST BOULEVARD AVENUE
BISMARCK, ND 58505-0530
(701) 328-4207

MEMORANDUM

TO: Representative Ron D. Carlisle
FROM: Justice Mary Muehlen Maring
DATE: January 25, 1999
RE: Juvenile Drug Court Program

Per your request, I have pulled together some information concerning the juvenile drug courts. I am enclosing six copies of the following:

1. The statistics provided by the Salt Lake City, Utah, Juvenile Drug Court.
2. A November 19, 1998, Minneapolis Star and Tribune article on Hennepin County's adult drug court and its success.
3. A copy of the Justice Department's booklet on juvenile drug court programs.
4. Copies of portions of the Drug Court Survey Report 1997.

We know at this time that Missoula, Montana, has implemented a juvenile drug court within the last year. We do not have any of their statistics, however. We also know that Madison, Wisconsin, has implemented a juvenile drug court recently, but we do not have any of their statistics either.

The amount of information concerning drug court programs, in general, is enormous. Most of the statistics that have been gathered and reported relate to adult drug court programs. What is evident is the success of these programs in terms of reductions in recidivism rates as well as an increase in the rates of success of the treatment for those who have gone through the program. No one can question the cost savings to a state if we can prevent a young person from a life of substance abuse and criminality.

Thank you for your interest in this program. Our committee continues to study the various models being used around the country to determine what would best fit North Dakota. If you have any other questions or would like additional information, please feel free to contact me.

Mary Muehlen Maring

Juvenile
Drug
Courts

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Recidivism rate for drug court graduates 10%

By Pauline "Tomi" Austin

Drug court for juveniles is a relatively new option for young offenders. It is one of the first in the nation. And, it seems to be far more successful in deterring recidivism than traditional punishment, usually involving community service and a fine. After nearly two years, the recidivism rate

"We try to focus on prevention, because treatment is more expensive."

for drug court graduates is only 10 percent. The program requires diligence, self-assessment and self-discovery, taking a "hard look" at the problems that have

prompted drug and/or alcohol abuse, accountability, and discipline from the youthful participants.

Judge Kimberly K. Hornak holds drug court Wednesday afternoon, and hears 10 to 20 cases per session. Because it is the sole juvenile drug court in the state, candidates and participants in the program come from throughout the valley, and from all socio-economic and ethnic backgrounds. Although the average age of juvenile offend-

Continued on page A-21

Juvenile Drug Court, 97-DRUG-40
3rd Quarter 1998 Statistics, July - September 1998
 Active Cases During Quarter: 52
 Additional Clients seen: 14

A.	New cases during quarter:	9	
B.	Average age, new clients:	15.3	
	Average age, all active:	15.6	
C.	Gender Breakdown, new clients:	89% Male / 11% Female	
	Gender Breakdown, all active:	71% Male / 29% Female	
D.	Ethnic Background, new clients:	100% Caucasian	
	Ethnic Background, all active:	90% Caucasian	
		8% Hispanic	
		2% Other	
E.	Stage of Addiction, new clients:	67% Prevention/Early Intervention*	
		33% Chemically Dependent**	
	Stage of Addiction, all active:	56% Prevention/Early Intervention*	
		44% Chemically Dependent**	
F.	Detention Time, new clients:	0%	Served time for non-compliance
	Detention Time, all active:	27%	Served time for non-compliance
G.	Prior Court History, new clients:	44%	Had prior convictions
	Prior Court History, all active:	29%	Had prior convictions
H.	Recidivism during program, new clients:	0%	Received new charges while in Drug Court
	Recidivism during program, all active:	17%	Received new charges while in Drug Court
I.	Graduated during quarter:	17	Participants completed all requirements
J.	Failed during quarter:	5	Failed due to chronic non-compliance

Data does not include cases screened after 09-30-98.

Program History Information

Total Graduates:	159
Graduates recidivating with non-drug offenses:	19
Graduates recidivating with drug/alcohol offenses:	28
Non-drug Recidivism Rate:	12%
Drug/Alcohol Recidivism Rate:	18%

*All of these clients required to participate in prevention education classes

**All of these clients required to participate in substance abuse treatment

Undergoing treatment, rather than serving time, helps nonviolent abusers come clean, reducing rearrest rates and curbing crime, says a report by health experts.

Drug courts working, study says

Associated Press

WASHINGTON, D.C. — Forcing drug abusers who commit nonviolent crimes into rehabilitation helps them come clean, according to studies released Tuesday by a bipartisan group of health experts.

From prison rehab programs to special drug courts that allow nonviolent abusers to undergo treatment rather than serve time, forced rehabilitation can effectively reduce rearrest rates and drug abuse, according to reports presented by the Physician Leadership on National Drug Policy.

"These drug court- and prison- and teen-treatment studies show a critically important alternative to strictly punitive approaches," said Dr. David Lewis, director of the Center for Alcohol and Addiction Studies at Brown University.

The research comes as the White House's drug-policy office seeks to tri-

ple the number of drug courts, which now total about 300, by 2000. With \$30 million set aside for drug-court grants in 1998, the Office of National Drug Control Policy believes it can cut the prison population by a quarter of a million in the next five years.

Hennepin County is in the second year of a two-year pilot project. Drug Court handles all felony cases in which a drug crime is the most serious allegation and, according to court officials, it has led to swifter consequences and decreased drug use among offenders.

Highlights of the court's first year:

► **Quicker consequences.** Defendants were in court within two days of arrest instead of four to six weeks under the old system.

► **More doing time.** Of those convicted of drug felonies, 82 percent were sentenced to prison or the workhouse, compared with 59 percent before.

► **Less drug use.** Ninety-five per-

cent of defendants failed a drug test when arrested; only 19 percent of those monitored by Drug Court failed later tests.

► **Treatment.** Half of those who went through Drug Court were referred to treatment; 53 percent finished successfully.

► **Recidivism.** Seven percent of offenders were rearrested for a drug felony in the court's first year.

Not everyone favors the drug-court approach when dealing with offenders. An analysis of public surveys published by the Journal of the American Medical Association last spring found waning enthusiasm for financing treatment for drug addicts, with the public believing tougher criminal penalties can solve the problem.

Still, the study on drug courts, conducted by the National Center on Addiction and Substance Abuse at Columbia University, showed "quite impressive" retention and completion

rates, said Steven Belenko, its author.

Sixty percent of those who enter drug-court programs are still in treatment after one year, and 50 percent graduate from the programs. One survey found 10 percent of urine tests for those enrolled in drug courts turned up positive compared with 31 percent for defendants under only supervised probation.

The study also found criminal behavior substantially lower during treatment.

The first drug court began operating in Dade County, Fla., in 1989, where an early champion was Janet Reno, then chief prosecutor. Her vocal support as attorney general and a 1994 law that calls for federal support for drug courts have aided the program's growth. Another 125 drug courts are planned.

— *Staff writer James Walsh contributed to this report.*



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CONTACT DRUG COURTS OFFICE AT JUSTICE



Looking at a Decade of Drug Courts

Prepared by the Drug Court Clearinghouse and Technical Assistance Project



AMERICAN UNIVERSITY

Funded by the Drug Courts Program Office,
Office of Justice Programs, U.S. Department of Justice

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Steven J. Lies
John D. Bullis, P.C.*

* Denotes a professional corporation

January 18, 1999

Honorable Duane DeKrey, Chairman
and Members of the House Judiciary Committee
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505-0530

RE: Clerk of Court Consolidation - House Bill 1002

Because of previously scheduled matters, I am unable to attend and testify at the House Judiciary Committee's hearing on House Bill 1002 on Tuesday, January 19, 1999. Having served on the Clerk of Court Consolidation Study Advisory Committee for the National Center for State Courts' proposal and having been a resource person to members of the Consensus Council Committee that studied this issue and having practiced law in North Dakota and having tried cases in many of its counties for the past 25 years, has given me considerable insight into the issues involved in this proposed legislation. As a part of my participation in these matters, I have spoken a number of times and for hours with the Honorable Chief Justice of the Supreme Court, the Supreme Court Administrator and staff members of his, legislators, and committee members. In addition, I have reviewed the minutes of the Legislature's Interim Judiciary Committee and of the Consensus Council.

From all I have experienced, seen, heard and read, a few key points stand out that need to be considered by you:

First, everyone publicly takes the position that the system is working well as it is;

Second, the sole issue driving any proposed change is money;

Third, there are no cost savings by any of the proposed changes, only a change as to which level of government pays all or a part of the costs of the clerks of court; and

Lastly, no one can explain the need for the mad rush to make changes to the current clerk of court system.

Clerk
of
Court

Honorable Duane DeKrey, Chairman and Members of the House Judiciary Committee

January 18, 1999

Page 2

I have been told that by initially opposing the National Center for State Courts' ill conceived proposal and more recently the Consensus Council proposal, that I oppose progress, but I pose to you that change for the sake of change is not progress, especially when the system being changed works well as is, when there is a lack of any factual basis for change, and when no study as to the consequences or justification of the costs has been undertaken, such a proposed change cannot be called progress.

To those of you on the committee that consider yourselves conservatives I ask, why would you create additional bureaucracy to manage a system that is working well, for you know all too well how poorly bureaucracy manages and ultimately tends to cost more? Is not decentralization and local control a fundamental tenet of conservatism?

To those of you on the committee who consider yourselves liberals I pose the question, why would you want to risk inadequate access to and unavailability of clerk of court services to the elderly, to the poor, to the young, and all of those who unfortunately find themselves in need of court services? Often times it is those who cannot drive or afford transportation that most need court services.

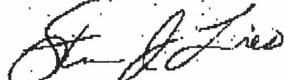
To those of you on the committee that consider yourselves moderates I pose the question, why would you want to make such proposed changes when the Chief Justice of the Supreme Court says he doesn't want the clerk of courts, the Supreme Court Administrator's office has said it doesn't want the clerk of courts, and when the clerks of court say they don't want to be administered by the State?

To the entire committee, rather than just rush into making changes to a system that has and is serving the public well, under the guise of progress, I ask the question, why not commission a study of the clerks of court such as the State of Iowa did. You are being asked to take a leap into the dark, carrying the people of North Dakota with you, not knowing upon what you will ultimately land and what the consequences to the people you serve will be.

If you do anything regarding this matter this session, I urge that you report this bill unfavorable and that you support the adoption of the House Bill being offered by Representative Pam Gulleason. The latter bill assures continued good services and local control at known reasonable cost.

Thank you for your consideration of the observations I have made and opinions I have reached.

Sincerely,



Steven J. Lies

SJL/amw

**General Fund Estimated Increase in Receipts
Due to change in NDCC 11-17-04
Effective April 1, 1999**

Court filing fee - Revenue from \$65 instead of \$45 going to state general fund.

1997 - 1999 biennium (3 months remaining) \$20 per case X 1,034 filings per month X 3 months	\$62,040
1999 - 2001 Biennium \$20 per case X approx. 24,800 filings per biennium	\$496,000

Divorce filing fee - Revenue from \$15 going to state general fund

1997 - 1999 biennium (3 months remaining) \$15 per case X 174 filings per month X 3 months	\$7,830
1999 - 2001 Biennium \$15 per case X approx 4,175 filings per biennium	\$62,625

1997 - 1999 Total estimated increase in General Fund receipts	\$69,870
1999 - 2001 Total estimated increase in General Fund receipts	\$558,625

**1997-99 RECEIPTS PER STATE TREASURER
BIENNIUM TO DATE
17 Months ending 11/30/98**

	Amount	Deposited Into
Indigent Defense Recoupements	\$ 196,092	General Fund
Court Filing Fees (Civil)	\$ 790,745 *	General Fund
Bail Bond Forfeitures	\$ 2,019,198	General Fund
District Court Costs	\$ 123,194	General Fund
Court Administration Fee	\$ 1,020,294	General Fund
Municipal Court Transfers	\$ 146,198	General Fund
Motion to Modify an Order	\$ 62,976	General Fund
Net Fines, Penalties, & Forfeit.	\$ 4,001,352	Special Fund
Domestic Violence Prevent.	\$ 194,043	General Fund
Displaced Homemaker	\$ 147,855 **	Special Fund
Indig. Civ. Leg. Serv. Fees	\$ 312,138	Special Fund
 Total Paid to State Treasurer	 \$ 9,014,085	

* Court Filing Fees (Civil) \$790,745 divided by \$45 = 17,572 filings
 Total filings of 17,572 divided by 17 months = 1,034 filings per month
 1,034 filings per month X 24 months = 24,808 cases per biennium
 (approximately 24,800 cases per biennium)

** Displaced Homemaker \$147,855 divided by \$50 = 2,957 divorce filings
 Total filings of 2,957 divided by 17 months = 174 filings per month
 174 filings per month X 24 months = 4,176 cases per biennium
 (approximately 4,175 cases per biennium)

March 29, 1999

CLERK OF DISTRICT COURT FUNDING

The \$3,129,346 of general fund moneys for clerk of district courts contained in Engrossed House Bill No. 1002 is for the following items:

Salaries and wages		\$2,442,601
Operating expenses		
Data processing	\$9,900	
Telecommunications - Information Services Division	588	
Travel	28,805	
Utilities	28,500	
Postage	51,713	
Professional development	4,360	
Operating fees and services	89,700	
Repairs	3,500	
Professional services	15,000	
Insurance	1,000	
Office supplies	73,229	
Printing	17,450	
Professional supplies and materials	1,500	
Miscellaneous supplies	32,250	357,495
Office equipment and furniture		329,250
Total		\$3,129,346

The salaries and wages line item contains funding for the following 129 FTE positions (for the six-month period beginning January 1, 2001, and ending June 30, 2001):

Clerks (111 FTE)	\$2,057,893
District supervisory clerks (7 FTE)	194,292
Floater office clerks (7 FTE)	108,612
Accountant (1 FTE)	24,198
Account technician (1 FTE)	15,516
Human services clerk (1 FTE)	15,516
Computer specialist (1 FTE)	26,574
Total (129 FTE)	\$2,442,601

Clerks of Court
Start-up and Operations Cost
If Funded for One Month of 1999-2001 Biennium

	Start-up Costs	One-month Costs	Total
Salary and Fringes		\$401,584	\$434,684
Accountant (6 mos.)	\$24,200		
Computer Specialist (2 mos.)	\$8,900		
Data Processing (ISD)		\$1,621	\$1,797
Accountant (6 mos.)	\$132		
Computer Specialist (2 mos.)	\$44		
Telecommunications (ISD)		\$58	\$298
Accountant (6 mos.)	\$180		
Computer Specialist (2 mos.)	\$60		
Travel		\$2,101	\$18,301
Accountant (\$100/day X 40 days)	\$4,000		
Computer Specialist (\$100/day X 16 days)	\$1,600		
53 clerks (\$100/day X 2 days)	\$10,600		
Utilities		\$4,750	\$4,750
Postage		\$8,619	\$8,619
Prof. Dev. (Training & related travel)		\$310	\$2,810
Accountant	\$1,000		
Computer Specialist	\$1,500		
Operating Fees & Services		\$7,450	\$52,450
Convert PCSS system in Fargo to UCIS	\$45,000		
Repairs		\$583	\$583
Professional Services	\$15,000		\$15,000
Convert PCSS system in Fargo to UCIS			
Insurance		\$167	\$167
Office Supplies (including software)			\$28,917
Supplies		\$8,863	
Software - Accountant	\$444		
Software - Computer Specialist	\$745		
Software - 77 software licenses	\$18,865		
Printing	\$500	\$2,825	\$3,325
Prof. Supplies & Materials (books, periodicals)		\$250	\$250
Misc. Supplies (equip. less than \$750 each)	\$479	\$5,295	\$5,775
Equipment			\$143,833
PC's (startup - 27, one-month 9)	\$64,250	\$19,667	
printers (one-month - 4)		\$5,000	
faxes (one-month - 4)		\$5,500	
copiers (startup - 2, one-month - 1)	\$40,000	\$6,667	
furniture (startup - accountant)	\$2,500	\$250	
Totals	\$240,000	\$481,558	\$721,558

INFORMATION CONCERNING FTEs INCLUDED FOR CLERK OF COURT OPERATIONS

There are currently 154 full-time clerk of court employees and 50 part-time employees for a total number of 177.8 FTEs paid by the counties.

The state court administrator's office developed staffing standards when the budget was developed. The staffing standard used was one employee for each 600 filings. We also recognized that just as the chief clerk in large offices is the supervising clerk we would also need one supervising clerk in each district. The supervising clerk will be designated from among existing clerks. This individual is responsible for assignment of duties, assuring quality control, training new employees, and approving leave, etc. If there is no one available to perform management responsibilities then the Presiding Judge who is the hiring authority would have to assume these duties. Someone has to authorize leave, assign duties, and train, etc.

Position	Estimated Salaries and Fringes Per Position Per Month
District Supervisory Clerk (7)	\$4,626

The study group also found there will be a number of one and two FTE offices. If an employee in a small office takes maternity leave, regular leave, or is ill, the office would not be covered. The study group recommended that an additional FTE be identified in each of the seven districts to work in a central location, but whose job description will require travel to cover absences in small offices.

Position	Estimated Salaries and Fringes Per Position Per Month
Office Clerk (7 floaters)	\$2,586

The total number of FTEs required to work in clerk of court offices is 125 (52.8 FTEs less than the counties currently pay). The people currently working in the clerk of court offices will be given first opportunity to fill these positions.

Support for organized statewide operations is also needed. Four positions are requested (3% overhead).

Accountant

Responsible for fiscal policy development, standardizing financial operating procedures and internal accounting controls for total revenue of approximately \$12 million each biennium..

Account Technician

The addition of the clerks of court will increase the size of the judiciary by approximately 50%. This person will develop payroll, account for leave, prepare all bills for payment, and issue checks.

Computer Specialist

The Judiciary will now be responsible for clerk of court technology and computer support in 53 counties. This cannot be done with existing staff.

Human Services Clerk

Assists in hiring and maintenance of new positions. Human services support for approximately 125 new clerk of court positions is a huge responsibility.

Position	Salaries & Fringes Per Month
Accountant	\$4,033
Account Technician	\$2,586
Human Services Clerk	\$2,586
Computer Specialist	\$4,429

HB 1002
Conf-Comm.

CLERK OF DISTRICT COURT FUNDING
Estimated Minimal Operational Costs*
for June, 2001

<u>Operating Expenses</u>	
ISD charges for 2 computers	\$41
Telephone expense	\$4,273
Travel - new employee orientation and accountant travel	\$12,100
Postage	\$7,653
County contracts	\$32,872
Convert Cass Co. case information system to uniform court information system (UCIS)	\$60,000
Office supplies	\$9,189
Computer software licensing	\$16,530
Printing	\$2,908
Miscellaneous minor equipment	<u>\$9,250</u>
Total Operating Expenses	<u>\$154,817</u>
<u>Equipment</u>	
PCs - 9	\$20,250
Printers - 1	\$1,500
Copiers - 1 or 2	\$20,000
Miscellaneous furniture or furnishings	<u>\$2,000</u>
Total Equipment	<u>\$43,750</u>
Total Operational Costs	<u>\$198,567</u>

* Based on 113 FTE's