

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2002

2001 SENATE APPROPRIATIONS
SB 2002

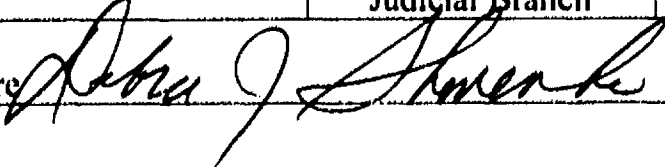
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2002

Senate Appropriations Committee

Conference Committee

Hearing Date January 17, 2001

Tape Number	Side A	Side B	Meter #
1	Judicial Branch		0.0-55.1
1		Judicial Branch	0.0-50.7
2	Judicial Branch		0.0-54.3
2		Judicial Branch	0.0-16.5
Committee Clerk Signature 			

Minutes:

Senator Nething opened the hearing on the Judicial Branch.

Chief Justice Gerald Vandewalle, appeared in support and on behalf of the Judicial Branch, stating the new item for clerk of courts of \$11 million. Last legislature the Supreme Court assumed the clerk of courts with county courts having the option. The main reason for this was in relations to collection of restitution mainly bad checks. Most of the larger counties were taken over but some of the smaller counties are contracted. We are willing to collect restitution if money is appropriated for staffing.

Jana Thielges, Director of Finance of the Judicial Branch, gave an overview of the budget. One other request is Juvenile tracking. Federal block grants administered through Association of Counties. Right now we have a transition for 11 counties and modified the system.

Deb Simenson, Clerk of Burleigh County District Court, appeared in support of this bill

(testimony attached.)

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Faye McIntyre, Ramsey County Clerk of District Court, appeared in support of this bill

(testimony attached.)

Kay Newell Braget, Pembina County Clerk of District Court, appeared in support of this bill

(testimony attached.)

Terry Traynor, NDACo, Assistant Director, appeared in support of this bill (testimony attached.)

Senator Grindberg: Numbers to look at on size of counties; your perspective?

Terry Traynor: Looking at PSE study; nothing better than there; study complete.

Senator Andrist: The fees for the state used to be for county; now judicial costs?

Terry Traynor: Prior counties maintained costs, criminal as bond forfeitures (didn't appear).

Review stayed in county; county judge shifted to state; filing fee increased which was split between state and counties; gradually reduced county to state.

Senator Andrist: Amount transferred \$1.8 million to counties?

Terry Traynor: \$5 million for administration fees and bond forfeitures.

Senator Tallackson: Was \$10 million funds for clerk of courts?

Justice Vandewalle: \$11 million plus \$638,000; rest of money in budget; not accounted for FTE's; contracts to counties who didn't agree to state employment; 11 counties into state for financing.

Senator Bowman: Demand FTE; savings by consolidation; more FTE's larger cities; smaller cities taking away; costs what gaining to state?

Justice Vandewalle: Took total FTE's that counties had; state has reduced all together for restitution mainly; states attorneys that are collecting pay some not all to counties; issue, not sure judicial function.

Senator Bowman: Point, FTE less today; future FTE to grow because of change; current demands may increase; do we save or does this cost us more?

Justice Vandewalle: I agree; revenue sharing with counties, depending on how much help from is received from counties; motivation costs.

Judge Schmalenberg, District Judge, stating a unified proposal for case management by trial court through this system, docket/index; 29 counties use, 10 additional inquired. Data base location of AS 400 electronically transfers information to correct departments. Digital audio recording proceeding hard disk, record and easily retrieved. Network environment stored in Web base. Interactive television for non chambered areas to deliver services, reduce travel, incarcerated individuals appear this way, reduce expert witness appearance. Enhanced records management for storage, imaging system with Judicial Branch storing cases electronically, accessible to all, can transmit documents to law enforcement/court, is in IT Plan budget of Judicial Branch.

Dale Sandstrom, Justice of Supreme Court, appeared on technology, gave highlights and strongly urged support. The electronic exchange of criminal justice systems as info readily available for current information, decisions and would be efficient with staff. Supreme Court leader with information on web site with current opinions. Access hits of 37,000 daily to Supreme Court web site. Also notification notices are sent by e-mail saving time and money.

Senator Solberg: The statewide network; see this benefiting around the State Judicial system; affect of law administration down the road, any savings with personnel?

Justice Sandstrom: This is the back bone to work done with high speed communications and all in one computer. Crimes access with all in state, printed auto forms. Also interactive video

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project is Internet based to video witnesses from anywhere which will benefit and substantial savings on expert witnesses. It will create flexibility to counties and will not take away.

Judge Kleven, District Court Judge Grand Forks, testified in support of the bill and spoke on the indigent budget with a 17% increase but actually a 10% increase as 7% received from Human Services. Tape #1, end Side A, meter 55.1

Tape #1, start Side B, meter 0.0

Court appointed attorneys are reimbursed \$65 per hour, indigent counsel. SB 2081 proposed services pay increase \$25 filing fee, waived if judgment delayed and tacked on end, passed with additional \$172,000, if state collected costs. Looking at contract system with indigent counsel; committee working to review concurrent resolution on services.

Senator Nething: Is this criminal or civil defense counsel?

Judge Kleven: Civil legal aid.

Senator Robinson: Where do you find the budget for defense indigent counsel?

OMB: Operation line item District Court.

Senator Robinson: Is this falling short or satisfied?

Judge Kleven: Satisfied.

Judge Ralph R. Erickson, Co-Chair Judicial Compensation Committee and North Dakota Judicial Conference, appeared in support of bill (testimony attached, hard copy power point presentation).

Tape #1, Side B, meter 26.2

Senator Bowman: How much does a campaign costs for judges in correlation with wages?

Judge Erickson: Last race around \$50,000.

Senator Holmberg: Interest in judicial position for Northeast District; how do you answer critics concerning qualified candidates?

Judge Erickson: Economic factors; law school is there brings greater interest. Concerns and factors with younger inexperienced verses older more qualified judges.

Senator Schobinger: Comparisons with judges; what attorneys make this salary?

Judge Erickson: That is a hard survey with attorney comparison, as there is a high and low salary for attorneys as well as urban and rural incomes for attorneys.

Senator Tomac: Competition not out of state but in state; pool judges from attorneys; is the competition there? Regional?

Judge Erickson: Numbers are not there; rely on labor department, but not accurate. Attorney salaries still more than judges in urban areas; judges stay at work for expertise.

Senator Nething: Judges have a hard job; a lot of attorneys would not consider as money is important looking at judges.

Senator Holmberg: Standard rating service; ABC ratings from attorney to bench.

Judge Erickson: Ratings vary; State Bar historically accurate; 20 years ago judges were older now younger.

Justice Carol Kapsner, from Supreme Court: appeared to testify on the funding for legal research and budget changes. 12% increase as we are paying more for less. Increases because vendors are increasing 8% a year.

Senator Andrist: Do you have assistance on the material?

Justice Kapsner: Yes with exiting statistics which are not available from secondary sources. Treatise, periodicals, advanced Internet are not our needs.

Justice Mary Maring, from Supreme Court testified on Juvenile Day Courts. The specialized dockets, goals. Program keeps kids clean and sober. Program for kids mainly with criminal behavior problems and substance abuse. Program patterned after Adult Courts. Explained starting of these courts.

Tape #1, end Side B, meter 50.7

Tape #2, Side A, meter 0.0

Drugs courts are now in 42 states and the program is highly successful. Stated that there were 68 violations by juveniles in 1995 and had risen to 504 by 1999. Alcohol cases from 1700 to 3079. Chose Fargo and Grand Forks for pilot programs. Idea program requires kids average age from 14-18 years old and not with violent offenses. Operations are is supervision of kids weekly and daily, alcohol and drug screening weekly at random, electronic monitoring, community service, restitution required. There is a weekly review of the kids with incentives to graduate from program. Charge will be dismissed if clean for two years and court juvenile record dismissed. Program is funded through matched grants and is in the budget for \$33,000 for next biennium. An Adult Drug Court was started in Burleigh County in 2000 through the Department of Corrections and it is in their budget. She read a letter from the mother of a juvenile who went through the program and how success it was.

Senator Bowman: Is there statistics gathered to see how many kids stayed clean?

Judge Kapsner: Yes there will be statistics by Dr. Kevin Thompson; hopefully in 2 years there will be data.

Senator Robinson: Can you provide us with a hard copy of your presentation?

Judge Kapsner: Yes I will. (attached with letter).

Senator Solberg: Where on the budget is the \$33,000?

Judge Kapsner: Under District Court operations.

Senator Solberg: Federal moneys to stop and for how long? Jurisdictional dollars down the road from tax payers?

Judge Kapsner: There are two pilots now and we would like to see this expand to Bismarck and Minot not much more than that. Grants are matched by state and we are also looking for other eligible grants for next two years. If outcome of evaluation is successful, will have state fund the program.

Senator Heitkamp: My concerns are the success on numbers and is this new only in major cities where rural areas are just as important to aid with this problem?

Judge Kapsner: Your are correct about rural areas; the model used like across the country found it hard with rural areas with support and without resources.

Senator Heitkamp: Important concerns with the rural areas in the future?

Judge Kapsner: It depends on treatment with the communities, it is not always there. Trial judges are running the courts without reduction of their case load with no extra money.

Senator Nething: Coordination, then involved? Can we expand group to rural model or look at it. Good dollar info?

Judge Kapsner: An excellent advisory team to consider next meeting in March, 2001.

Senator Bowman: The problem, legal age and buyer for the juveniles; find the source and set an example with the suppliers?

Judge Kapsner: Not with this program; the Aware Underage Drinking Grant programs setup to pursue buyers; local law enforcement to pursue.

Senator Andrist: Are kids sentenced to this program?

Judge Kapsner: Both voluntary and by sentence.

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Senator Thane: Do parents contact this program before trouble happens?

Judge Kapsner: There are referrals and parents are possible; its not only the law enforcement.

Tape #2, Side A, meter 24.4

Justice Neuman, Supreme Court, gave an overview of the Alternative Dispute Resolution (ADR).

A study was done on civil actions and there is strong support with family law cases. Explained current rules and committee studies.

Senator Solberg: These court employees; do they set up and run hearings; are they judges?

Justice Neuman: Some cases they are court employees; varies on cases; example divorces mediating verses adversary way; need training as mediators and judges are more decision makers than mediators.

Senator Heitkamp: Mediation then to judges; takes skilled mediator, save costs?

Justice Neuman Deciding differently; not as many returned cases for possible savings and better served.

Judge Holte, Stanley, ND, spoke on jurors fees; jurors fees of \$25 was established in 1977; with projected increase costs jurors fee to \$50 per day; budget \$136,500.

Senator Andrist: Are jurors for civil or criminal cases? Why not assess fees to civil loser?

Judge Holte: They are both; and no fees cannot be assessed to loser.

Senator Robinson: Dollars for Jurors; increase reflected in the budget and where?

Judge Holte: Operation for District Court budget; \$640,00 \$50 per day; \$136.118 \$25 per day.

Tape #2, Side A, meter 43.3

Chief Justice Vandewalle: Responses and comments; contest for judge elections, not popular in ND or salary to attract. Issue comparison costs will discourage on contested elections verses uncontested. Spending amount not there. Justice Maring's dynamic Kids Drug Court and rural

has been asked and efforts are there with court. Just reduced Judges in ND now program judges time is important. Caution Judicial resources after cut. Commented on pilot projects. There is a constitution problem if we were to charge civil parties for juror fees. Judge Vandewalle handed out chart (attached) for proposed FTE comparison by county.

Tape #2, end Side A, meter 43.3.

Tape #2, start Side B, meter 0:0

Senator Nething: Correlation between Corrections and Drug programs.

Senator Solberg: Budget questions; summary of restitution.

Jana Thielges: \$639,000 cost 11 office clerk of court services, first time \$564,00 and \$75,000 contracted counties that receive collection; explained restitution.

Senator Solberg: Was this budget for counties before?

Jana Thielges: Yes, larger counties from states attorney. Budget for equipment, computers (4 year replacement), copiers.

Senator Solberg: How about operating increase?

Jana Thielges: With original budget cost charge 3 month funding to full 24 month funding. Single line item \$1 million breakdown of positions, will know more by April, 2001.

Chief Justice Vandewalle: We will be absorbing \$300,000 out of our budget; we pay contract to smaller counties with no equipment costs.

Senator Solberg: All the counties had their choice; were they told this and did they understand?

Chief Justice Vandewalle: Yes, this was explained this; to pay only for personnel.

Senator Andrist: In Canada, bad checks were decriminalized; states decriminalized?

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this is not a judicial issue but a political decision. He handed in a part of the record a letter to Honorable Wayne Stenehjem with letter of support for the Judicial regional pay increase for judges. (attached).

Hearing closed.

Tape #2, Side B, meter 16.5

February 15, 2001 Full Committee (Tape 1, Side A, Meter No. Fourth of four bill actions 0.0-54.1)

Senator Nething reopened the hearing on SB2002.

Senator Nething, Chair of the Judicial Subcommittee, presented proposed amendment (18028.0102); and explained the committee's recommendations. Discussion followed.

Senator Tallackson moved the adoption of the amendments; Senator Andrist seconded. Motion carried. No discussion on the bill.

Senator Tallackson moved a DO PASS AS AMENDED; Senator Kringstad seconded the motion.

Roll Call Votes: 12 yes; 1 no; 1 absent and not voting.

Senator Nething will take the floor assignment.

FISCAL NOTE

Requested by Legislative Council

04/24/2001

Bill/Resolution No.:

Amendment to: Engrossed
 SB 2002

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$1,029,634			
Appropriations			\$1,029,634			

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The bill provides funds for the operation of the Judicial Branch of Government. It includes proposed statutory salary changes for judges salaries. The amounts shown above relate to judges proposed salary increases as passed by the Senate and House.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Supreme Court (5 justices)

Salaries and wages \$124,441

District Court (42 judges)

Salaries and wages \$905,193

Total \$1,029,634

C. Appropriations: *Explain the appropriation amounts. Provide detail, where appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Appropriation amounts are included in the bill draft by line item.

Name:	Keith E. Nelson	Agency:	Supreme Court
Phone Number:	328-4216	Date Prepared:	04/25/2001

FISCAL NOTE

Requested by Legislative Council
01/03/2001

REVISION

Bill/Resolution No.: SB 2002

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0		
Expenditures	\$0	\$0	\$1,118,460	\$0		
Appropriations	\$0	\$0	\$1,118,460	\$0		

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0			\$0					

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The bill provides funds for the operation of the Judicial Branch of Government. It includes proposed statutory salary changes for judges salaries. The amounts shown above relate to judges proposed salary increases.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The amounts shown relate to judges proposed salary increases and are included in the line items indicated below:

Detail:

Supreme Court (5 justices)

Salaries and wages \$126,337

District Court (42 judges)

Salaries and wages \$992,123

Total \$1,118,460

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Appropriation amounts are included in the bill draft by line item.

Name:	Kelthe E. Nelson	Agency:	Supreme Court
Phone Number:	328-4216	Date Prepared:	01/11/2000

FISCAL NOTE
 Requested by Legislative Council
 12/14/2000

Bill/Resolution No.: SB 2002

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$40,640,576	\$1,049,943	\$54,705,850	\$2,217,821		
Expenditures	\$40,640,576	\$1,049,943	\$54,705,850	\$2,217,821		
Appropriations	\$40,640,576	\$1,049,943	\$54,705,850	\$2,217,821		

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
(\$1,000,000)			(\$11,493,326)					

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The bill provides funds for the operation of the Judicial Branch of Government. Funding for clerk of court offices as required by NDCC 27-05.2 is included.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*
A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Revenues include \$1,577,851 of federal funds and \$639,970 of special funds.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Expenditures total \$56,923,671 with detail provided in the bill draft. FTE positions included in the bill total 343.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for*

expenditures and appropriations.

Appropriation amounts are included in the bill draft by line item. There is a direct relationship between planned expenditures and appropriations requested. All amounts requested are included in the executive budget.

Name:	Keith E. Nelson	Agency:	Supreme Court
Phone Number:	328-4216	Date Prepared:	12/29/2000

PROPOSED AMENDMENTS TO SENATE BILL NO. 2002

Page 1, line 2, remove the first "and"

Page 1, line 3, after "judges" insert "; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; and to provide for a legislative council study"

Page 1, line 13, replace "5,659,939" with "5,637,102"

Page 1, line 17, replace "7,667,669" with "7,644,832"

Page 1, line 20, replace "25,143,950" with "24,953,025"

Page 2, line 2, replace "37,234,414" with "37,043,489"

Page 2, line 4, replace "36,040,343" with "35,849,418"

Page 2, line 15, replace "382,650" with "382,650"

Page 2, remove line 16

Page 2, line 17, replace "11,493,326" with "10,854,353"

Page 2, line 19, replace "10,743,326" with "10,104,353"

Page 2, line 20, replace "54,705,850" with "53,853,115"

Page 2, line 22, replace "56,923,671" with "56,070,936"

Page 3, after line 2, insert:

"SECTION 4. EXEMPTION. The district courts appropriation contained in subdivision 2 of section 1 of chapter 2 of the 1999 Session Laws is not subject to the provisions of section 54-44.1-11 for up to an amount of \$350,000 and any unexpended funds from this appropriation are available to be used to consolidate and integrate the east central judicial district's case management system with the unified court information system used by the other six judicial districts during the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 5. JUDICIAL BRANCH - RECORDS MANAGEMENT. The judicial branch is encouraged to explore the opportunities of using the electronic document management system services provided by the information technology department for enhanced records management and data storage.

SECTION 6. LEGISLATIVE COUNCIL STUDY - CLERK OF COURT. The legislative council shall consider studying, during the 2001-02 interim, the implementation of the clerk of court unification including a review of the delivery of services by clerks of court and the responsibility for restitution collection and enforcement activities."

Page 3, line 6, replace "ninety-four" with "ninety-one", remove "seven", and overstrike "hundred"

Page 3, line 7, replace "twenty-seven" with "thirty-nine"

Page 3, line 9, replace "eight" with "five" and replace "forty-three" with "sixty-nine"

Page 3, line 15, replace "eighty-seven" with "eighty-four", remove "four", overstrike "hundred", and replace "twenty-two" with "fifteen"

Page 3, line 21, remove the overstrike over "one", remove "two", replace "six" with "nine", and replace "twenty-one" with "eighty-nine"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Supreme Court			
Total all funds	\$7,667,669	(\$22,837)	\$7,644,832
Less estimated income			
General fund	\$7,667,669	(\$22,837)	\$7,644,832
District Courts			
Total all funds	\$37,234,414	(\$190,925)	\$37,043,489
Less estimated income	1,194,071		1,194,071
General fund	\$36,040,343	(\$190,925)	\$35,849,418
Judicial Conduct Commission			
Total all funds	\$528,262		\$528,262
Less estimated income	273,750		273,750
General fund	\$254,512	\$0	\$254,512
Clerk of District Court			
Total all funds	\$11,493,326	(\$638,973)	\$10,854,353
Less estimated income	750,000		750,000
General fund	\$10,743,326	(\$638,973)	\$10,104,353
Bill Total			
Total all funds	\$56,923,671	(\$852,735)	\$56,070,936
Less estimated income	2,217,821		2,217,821
General fund	\$54,705,850	(\$852,735)	\$53,853,115

Senate Bill No. 2002 - Supreme Court - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$5,659,939	(\$22,837)	\$5,637,102
Operating expenses	1,845,411		1,845,411
Equipment	153,250		153,250
Judges retirement	209,069		209,069
Total all funds	\$7,667,669	(\$22,837)	\$7,644,832
Less estimated income			
General fund	\$7,667,669	(\$22,837)	\$7,644,832
FTE	44.50	0.00	44.50

Dept. 181 - Supreme Court - Detail of Senate Changes

	ADJUST FUNDING FOR JUDGES' SALARY INCREASES ¹	TOTAL SENATE CHANGES
Salaries and wages	(\$22,837)	(\$22,837)
Operating expenses		
Equipment		
Judges' retirement		
Total all funds	(\$22,837)	(\$22,837)
Less estimated income		
General fund	(\$22,837)	(\$22,837)
FTE	0.00	0.00

¹ This amendment adjusts the salary increases for Supreme Court judges from an 11 percent increase for the first year and a two percent increase for the second year to approximately a 6.5 percent increase each year of the biennium which results in judges' salaries for the second year of the biennium being the same as the salaries requested in the executive budget.

Senate Bill No. 2002 - District Courts - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$25,143,950	(\$190,925)	\$24,953,025
Operating expenses	10,216,933		10,216,933
Equipment	875,150		875,150
Judges' retirement	878,381		878,381
UND - Central legal research	80,000		80,000
Alternative dispute resolution	40,000		40,000
Total all funds	\$37,234,414	(\$190,925)	\$37,043,489
Less estimated income	1,184,071		1,184,071
General fund	\$36,040,343	(\$190,925)	\$35,849,418
FTE	191.50	0.00	191.50

Dept. 182 - District Courts - Detail of Senate Changes

	ADJUST FUNDING FOR JUDGES' SALARY INCREASES ¹	TOTAL SENATE CHANGES
Salaries and wages	(\$190,925)	(\$190,925)
Operating expenses		
Equipment		
Judges' retirement		
UND - Central legal research		
Alternative dispute resolution		
Total all funds	(\$190,925)	(\$190,925)
Less estimated income		
General fund	(\$190,925)	(\$190,925)
FTE	0.00	0.00

¹ This amendment adjusts the salary increases for district court judges from an 11 percent increase for the first year and a two percent increase for the second year to approximately a 6.5 percent increase each year of the biennium which results in judges' salaries for the second year of the biennium being the same as the salaries requested in the executive budget.

Senate Bill No. 2002 - Clerk of District Court - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$7,132,966		\$7,132,966
Operating expenses	3,338,737		3,338,737
Equipment	382,650		382,650
Collection of restitution	838,973	(\$638,973)	
Total all funds	\$11,493,326	(\$638,973)	\$10,854,353
Less estimated income	750,000		750,000
General fund	\$10,743,326	(\$638,973)	\$10,104,353
FTE	103.00	(7.00)	96.00

Dept. 184 - Clerk of District Court - Detail of Senate Changes

	REMOVE FUNDING FOR COLLECTION OF RESTITUTION	TOTAL SENATE CHANGES
Salaries and wages		
Operating expenses		
Equipment		
Collection of restitution	(\$638,973)	(\$638,973)
Total all funds	(\$638,973)	(\$638,973)
Less estimated income	_____	_____
General fund	(\$638,973)	(\$638,973)
FTE	(7.00)	(7.00)

Senate Bill No. 2002 - Other Changes - Senate Action

This amendment also:

- Adds a section allowing the judicial branch to carry over up to \$350,000 of general fund appropriation authority from the 1999-2001 biennium to the 2001-03 biennium to consolidate and integrate the east central judicial district's case management system with the unified court information system (UCIS) used by the other six judicial districts.
- Adds a section that encourages the judicial branch to explore the possibility of using the electronic document management system services provided by the Information Technology Department for enhanced records management and data storage.
- Provides for a Legislative Council study of the implementation of the clerk of court unification including the responsibility for restitution collection and enforcement activities.

The following schedule provides information regarding Supreme Court and district court judges' salaries including current salaries, salaries proposed in the judicial branch budget request, and salaries proposed in the amendment:

	STATUTORY ANNUAL SALARY AUTHORIZED BY 1999 LEGISLATIVE ASSEMBLY	PROPOSED ANNUAL SALARY INCLUDED IN THE 2001-03 JUDICIAL BRANCH BUDGET REQUEST		PROPOSED ANNUAL SALARY INCLUDED IN PROPOSED AMENDMENT	
	JULY 1, 2000	JULY 1, 2001	JULY 1, 2002	JULY 1, 2001	JULY 1, 2002
Supreme Court	\$87,895	\$97,570	\$99,621	\$93,608	\$99,521
Chief Justice					
Other Supreme	\$85,483	\$94,727	\$96,622	\$91,039	\$96,622
Court justices					
District court	\$80,755	\$90,043	\$91,843	\$86,004	\$91,843
presiding judges					
Other district court	\$76,887	\$87,422	\$89,171	\$84,015	\$89,171
judges					

Date: 2-15-01

Roll Call Vote #: _____

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB2002

Senate Appropriations Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number 18028.0102

Action Taken all pass as amended

Motion Made By Sen Tallackson Seconded By Sen Humphreys

Senators	Yes	No	Senators	Yes	No
Dave Nething, Chairman	✓				
Ken Solberg, Vice-Chairman	✓				
Randy A. Schobinger					
Elroy N. Lindaas	✓				
Harvey Tallackson	✓				
Larry J. Robinson	✓				
Steven W. Tomac	✓				
Joel C. Heitkamp	✓				
Tony Grindberg	✓				
Russell T. Thane	✓				
Ed Kringstad	✓				
Ray Holmberg	✓				
Bill Bowman		✓			
John M. Andrist	✓				

Total Yes 12 No 1

Absent 1

Floor Assignment Senator Nething

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

REPORT OF STANDING COMMITTEE

SB 2002: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2002 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the first "and"

Page 1, line 3, after "judges" insert "; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; and to provide for a legislative council study"

Page 1, line 13, replace "5,659,939" with "5,637,102"

Page 1, line 17, replace "7,667,669" with "7,644,832"

Page 1, line 20, replace "25,143,950" with "24,953,025"

Page 2, line 2, replace "37,234,414" with "37,043,489"

Page 2, line 4, replace "36,040,343" with "35,849,418"

Page 2, line 15, replace "382,650" with "382,650"

Page 2, remove line 16

Page 2, line 17, replace "11,493,326" with "10,854,353"

Page 2, line 19, replace "10,743,326" with "10,104,353"

Page 2, line 20, replace "54,705,850" with "53,853,115"

Page 2, line 22, replace "56,923,671" with "56,070,936"

Page 3, after line 2, insert:

"SECTION 4. EXEMPTION. The district courts' appropriation contained in subdivision 2 of section 1 of chapter 2 of the 1999 Session Laws is not subject to the provisions of section 54-44.1-11 for up to an amount of \$350,000 and any unexpended funds from this appropriation are available to be used to consolidate and integrate the east central judicial district's case management system with the unified court information system used by the other six judicial districts during the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 5. JUDICIAL BRANCH - RECORDS MANAGEMENT. The judicial branch is encouraged to explore the opportunities of using the electronic document management system services provided by the information technology department for enhanced records management and data storage.

SECTION 6. LEGISLATIVE COUNCIL STUDY - CLERK OF COURT. The legislative council shall consider studying, during the 2001-02 interim, the implementation of the clerk of court unification including a review of the delivery of services by clerks of court and the responsibility for restitution collection and enforcement activities."

Page 3, line 6, replace "ninety-four" with "ninety-one", remove "seven", and overstrike "hundred"

Page 3, line 7, replace "twenty-seven" with "thirty-nine"

Page 3, line 9, replace "eight" with "five" and replace "forty-three" with "sixty-nine"

Page 3, line 15, replace "eighty-seven" with "eighty-four", remove "four", overstrike "hundred", and replace "twenty-two" with "fifteen"

Page 3, line 21, remove the overstrike over "one", remove "two", replace "six" with "nine", and replace "twenty-one" with "eighty-nine"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Supreme Court			
Total all funds	\$7,667,669	(\$22,837)	\$7,644,832
Less estimated income			
General fund	\$7,667,669	(\$22,837)	\$7,644,832
District Courts			
Total all funds	\$37,234,414	(\$190,925)	\$37,043,489
Less estimated income	1,194,071		1,194,071
General fund	\$36,040,343	(\$190,925)	\$35,849,418
Judicial Conduct Commission			
Total all funds	\$528,262		\$528,262
Less estimated income	273,750		273,750
General fund	\$254,512	\$0	\$254,512
Clerk of District Court			
Total all funds	\$11,493,328	(\$638,973)	\$10,854,353
Less estimated income	760,000		760,000
General fund	\$10,743,328	(\$638,973)	\$10,104,353
Bill Total			
Total all funds	\$56,923,671	(\$852,735)	\$56,070,936
Less estimated income	2,217,821		2,217,821
General fund	\$54,705,850	(\$852,735)	\$53,853,115

Senate Bill No. 2002 - Supreme Court - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$5,659,939	(\$22,837)	\$5,637,102
Operating expenses	1,645,411		1,645,411
Equipment	153,250		153,250
Judges retirement	209,069		209,069
Total all funds	\$7,667,669	(\$22,837)	\$7,644,832
Less estimated income			
General fund	\$7,667,669	(\$22,837)	\$7,644,832
FTE	44.50	0.00	44.50

Dept. 181 - Supreme Court - Detail of Senate Changes

	ADJUST FUNDING FOR JUDGES' SALARY INCREASES 1	TOTAL SENATE CHANGES
Salaries and wages	(\$22,837)	(\$22,837)
Operating expenses		

REPORT OF STANDING COMMITTEE (410)
February 16, 2001 9:38 a.m.

Module No: SR-29-3624
Carrier: Nething
Insert LC: 18028.0102 Title: .0200

Equipment		
Judges' retirement		
Total all funds	(\$22,837)	(\$22,837)
Less estimated income		
General fund	(\$22,837)	(\$22,837)
FTE	0.00	0.00

¹ This amendment adjusts the salary increases for Supreme Court judges from an 11 percent increase for the first year and a two percent increase for the second year to approximately a 6.5 percent increase each year of the biennium which results in judges' salaries for the second year of the biennium being the same as the salaries requested in the executive budget.

Senate Bill No. 2002 - District Courts - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$25,143,950	(\$190,925)	\$24,953,025
Operating expenses	10,216,933		10,216,933
Equipment	875,150		875,150
Judges' retirement	878,381		878,381
UND - Central legal research	80,000		80,000
Alternative dispute resolution	40,000		40,000
Total all funds	\$37,234,414	(\$190,925)	\$37,043,489
Less estimated income	<u>1,194,071</u>		<u>1,194,071</u>
General fund	\$38,040,343	(\$190,925)	\$35,849,418
FTE	191.50	0.00	191.50

Dept. 182 - District Courts - Detail of Senate Changes

	ADJUST FUNDING FOR JUDGES' SALARY INCREASES ¹	TOTAL SENATE CHANGES
Salaries and wages	(\$190,925)	(\$190,925)
Operating expenses		
Equipment		
Judges' retirement		
UND - Central legal research		
Alternative dispute resolution		
Total all funds	(\$190,925)	(\$190,925)
Less estimated income		
General fund	(\$190,925)	(\$190,925)
FTE	0.00	0.00

¹ This amendment adjusts the salary increases for district court judges from an 11 percent increase for the first year and a two percent increase for the second year to approximately a 6.5 percent increase each year of the biennium which results in judges' salaries for the second year of the biennium being the same as the salaries requested in the executive budget.

Senate Bill No. 2002 - Clerk of District Court - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$7,132,868		\$7,132,868
Operating expenses	3,338,737		3,338,737
Equipment	382,850		382,850
Collection of restitution	838,973	(\$838,973)	
Total all funds	\$11,493,328	(\$838,973)	\$10,654,353
Less estimated income	<u>750,000</u>		<u>750,000</u>
General fund	\$10,743,328	(\$838,973)	\$10,104,353
FTE	103.00	(7.00)	96.00

Dept. 184 - Clerk of District Court - Detail of Senate Changes

	REMOVE FUNDING FOR COLLECTION OF RESTITUTION	TOTAL SENATE CHANGES
Salaries and wages		
Operating expenses		
Equipment		
Collection of restitution	(\$638,973)	(\$638,973)
Total all funds	(\$638,973)	(\$638,973)
Less estimated income		
General fund	(\$638,973)	(\$638,973)
FTE	(7.00)	(7.00)

Senate Bill No. 2002 - Other Changes - Senate Action

This amendment also:

- Adds a section allowing the judicial branch to carry over up to \$350,000 of general fund appropriation authority from the 1999-2001 biennium to the 2001-03 biennium to consolidate and integrate the east central judicial district's case management system with the unified court information system (UCIS) used by the other six judicial districts.
- Adds a section that encourages the judicial branch to explore the possibility of using the electronic document management system services provided by the Information Technology Department for enhanced records management and data storage.
- Provides for a Legislative Council study of the implementation of the clerk of court unification including the responsibility for restitution collection and enforcement activities.

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	JULY 1, 2000	JULY 1, 2001	JULY 1, 2002	JULY 1, 2001	JULY 1, 2002
Supreme Court Chief Justice	\$97,895	\$97,670	\$99,621	\$93,608	\$99,621
Other Supreme Court Justices	\$85,483	\$94,727	\$96,822	\$81,039	\$96,822
District court presiding judges	\$80,755	\$90,043	\$91,843	\$86,004	\$91,843
Other district court judges	\$76,887	\$87,422	\$89,171	\$84,016	\$89,171

2001 HOUSE APPROPRIATIONS

SB 2002

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2002

House Appropriations Committee
Government Operations Division

Conference Committee

Hearing Date March 6, 2001

Tape Number	Side A	Side B	Meter #
03-06-01 tape #1	0 - 6210	0 - 6210	
03-06-01 tape #2	0 - 3863		
Committee Clerk Signature <i>Kathie Hall</i>			

Minutes:

The committee was called to order, and opened the hearing on SB 2002, budget for the courts.

Chief Justice Gerald Vande Walle: They have provided the committee with a packet of papers. They will try to go closely to that schedule. We usually do our presentation by district, and this year they are doing the presentation by project and topic. They think its more pertinent to do it this way. This is the first time the clerk of court operation is broken out separately in the bill. It will give them a better idea of cost accounting. They haven't taken on the clerks of court, that happens April 1, 2001, and so they don't know all the numbers yet. They know more than they did two years ago, however.

Jana Thielges, Director of Finance for ND Judicial Branch of Government: The presenters are to speak on all items in the budget that are resulting in an increase in the budget proposed, with one exception, which is a request for funds to allow the judiciary to continue to use tracking services and provide for victim and offender conferencing in the juvenile courts.

This is a service currently being provided and the funding is being provided by several block grant funds, administered by the Association of Counties. She commented on the funding steps used in preparing the budget for the Clerk of Court funding, including the option given to the counties to make their selection and options. Three counties opted for no state funding. One county, Sheridan, did not respond at all. They first began with a staffing study and setting staff numbers. Personnel decisions were handled by a board committee. 11 counties are now state funded. There were various other committees formed to deal with a lot of the transition issues.

Chairman Byerly: On the clerks of court, do you have a sheet that shows which counties opted for what? Also then by county, the workload, number of employees before and after, etc.

Jana Thielges: Will get that together. There are some changes being made in beginning some duties previously done by the County Treasurers. The Clerks of Court have played a big role in getting ready for these changes. Just recently they have determined that the budget request may actually be a little short, but they will not ask for additional money at this time.

Rep. Skarphol: Is looking at the budget detail, at the operating fees and services of the clerks of court. He would like a more significant breakdown of that.

Jana Thielges: Included in the operating costs is the payment to the counties that are operating the clerk offices. That is a significant part of that line. That goes straight from this budget to the counties. Other than that there are the expenses like postage, office supplies, printing, travel, general misc.

Rep. Skarphol: In this particular instance it might be helpful to us as a committee to have this broken down more. About the bank accounts being set up, he assumes that they will have some reserves in those accounts, and how do you deal with the requirement that funds be required to be transferred to the Bank of ND within 24 hours.

Jana Thielges: There is legislation in place, and that clears that up.

Deb Simenson, Clerk of Court, Burleigh County: Read from her prepared written testimony.

Rep. Thoreson: You say that Burleigh County is left with 11 employees. After the reductions in Cass, Ward, and Grand Forks, do you know how many are left in those counties?

Deb Simenson: Believes that Cass will have 22 or 23, 16 in Grand Forks, and 9 in Ward.

Faye McIntyre, Clerk of Court, Ramsey County: Read from her prepared written testimony.

Rep. Skarphol: Asked her to state again how many employees in how many counties.

Faye McIntyre: Throughout the whole state, those 11 and all the other too.

Rep. Glassheim: It was reduced by 9% in larger counties, and 20% in midsize counties. But this reduction is almost 40%.

Faye McIntyre: She called the Court Administrator's office and got the beginning number of staff and the ending number of staff, and did not go back and figure out the math.

Kay Brager, Clerk of Court, Pembina County: Read from her prepared written testimony.

Rep. Skarphol: Do you think the changes the Senate made were inappropriate? Do you think we need to go back to the original funding level?

Kay Brager: Explains the restitution issue in her office, and the problems they face.

Chairman Byerly: In the Senate they put in another study of the clerk of court conversion. Did you discuss that with them, and can you explain their reasoning.

Chief Justice Vande Walle: There was not a lot of discussion. It reflects an interest in seeing what has happened. They have no experience, and cannot now report anything on this issue. They took the money out of restitution in order to study. There are those counties that do

restitution in the clerks office that feel that we should continue to do it that way, and there are those counties that do it through the states attorneys office who feel we ought to do it that way.

Chairman Byerly: Is the Senate having second thoughts about the clerk of courts being put into the court system?

Chief Justice Vande Walle: No, he didn't get that sense at all.

Rep. Skarphol: Do you think there is a more appropriate way to handle this during this biennium, since it is the first. Rather than study it?

Chief Justice Vande Walle: He thinks its a day by day reporting thing leading up to the next session. We may learn a lot more when we actually take over the clerks offices. He is not adverse to the legislative committee walking through this for the next biennium. Next session we will be more prepared, and we will be studying this on our own, without the Senate requested study. Does welcome the study somewhat, because it will be helpful next session at this time.

Justice Dale Sandstrom: Is here to speak for himself and Judge Schmallenberger who is the chairman of the technology committee for the judicial branch. We wanted to highlight some for the state systems. We have the Unified Court Information System (UCIS), the juvenile court management system, and the jury management system. We have also completed two pilot projects involving digital recording and interactive television and are proposing a future project of enhanced records management. I will also talk about integration and the internet. He explains the UCIS system. There are 29 counties currently online on this system along with some states attorneys and law enforcement officers. Many different court informations are on this system. The digital audio recording project was a pilot project in Stark County. It stores judicial proceedings on computer hard disk. This has numerous advantages on retrieval of information. The interactive tv is another pilot project that is under way, in this (South Central) judicial

district. There is interactive capabilities in Burleigh, Morton, Mercer, and McLean Counties. People can appear and judges can appear in other courthouses and interact through the tv. The system being used in the judicial branch is internet based and not telephone lines. An expert witness could testify from another state through this system. They expect this project to expand to the State Hospital as well as the courthouse in Jamestown for mental health proceedings.

There is also an enhanced records management project in this budget. This is not digital filing, but when the documents are received by the clerk of court they can be scanned into the system and stored in an image basis. The documents can be available in multiple locations at one time. The judge can look at the file in one location, and the clerk can have it in another. It should offer significant benefits in storage saving and providing more accurate and more timely information available. They also desire to work more closely with the law enforcement areas in providing more accurate information more efficiently. They have a very good internet site at the Supreme Court, getting 38,000 hits per day, about 1.1 million per month, from many other places other than just ND, including other countries.

Rep. Thoreson: You said that Cass County is on another system called PCIS. Other counties use other systems other than UCIS?

Justice Dale Sandstrom: Cass County is the only county on a different system as far as court information is concerned. It has been consolidated more and more, and Grand Forks County is on their own computer box. They are moving onto our system as well. There have been several studies to find the best way to consolidate them as well. The information Cass County has is not accessible to the UCIS system. There was no one system better than the other, we are just trying to get them all on the same system.

Rep. Skarphol: There is about \$364,000 of IT contractual services increase, and a \$360,000 increase in equipment. Is wondering how much of that is necessary and how much could be delayed? Can you give us a cost on the audio-video project in Burleigh County and the interactive project in the other counties also?

Justice Dale Sandstrom: He did mean to highlight the change in the budget, and of the total change in the budget, about 50% is related to the costs of the clerk of court. About the other 50% relate to the IT projects. Asks Jana to help with the numbers.

Rep. Skarphol: If we were to say you have to cut the IT request by 10 or 20%, do you have the ability to do that? Or do you consider your request 100% needed?

Justice Sale Sandstrom: We could decide that everyone would use computers. The question is how long can some things be delayed. I suspect some things could be delayed, but we cannot delay the payments for the connections with the clerks of court offices. The advantages of the pilot projects is not to replace, but to enhance. The net effect would be to be more efficient.

Rep. Skarphol: Asks this because we have nearly a doubling in the cost of the ITD department, and eventually we will have to deal with that. My question is if you believe 100% of your budget increase is necessary, or can you back off and help us find a method of reducing the cost of ITD.

Justice Dale Sandstrom: Would be happy to work with the committee to help identify what is appropriate to delay and what is not. May not be able to quantify some advantages, like saved storage costs and judicial advantages of having documents readily available from the enhanced document image system.

Rep. Skarphol: Are you anticipating to put just new documents on the enhanced imaging system, or to put old documents on as well.

Justice Dale Sandstrom: The final scope has not been identified. Potentially old files that had not yet been microfilmed yet would be imaged stored. We still would need to decide on how to store and maintain the old files. We would need to do a cost study on this, what would pay and what would not pay.

Jana Thielges: Explains the budget increases in the IT plans. (Her testimony barely picks up on the speakers).

Justice Dale Sandstrom: Even if we have a system in place for on-going process. Explains the project in Jamestown, and the efficiency and savings of resources with that project.

Chairman Byerly: Everyone who comes before us who has an IT plan, talks about how they will be much more efficient and be able to deliver a product better. Our problem is trying to balance the amount of available funds that we have to those efficiencies. IT is the area this time that everyone thinks will give significant savings. How do you come to us in two years, and quantify that savings? It is important to us, to be able to see and realize actual savings. No one ever comes back and says we now need less people, or less travel money because of these great savings. How are you going to be able to quantify that to us?

Justice Dale Sandstrom: We understand the question. Some things are hard to quantify. The advantage of having a judge have the right information to make an informed decision is hard to quantify. We can give information on accessing, and possibly quantify how much electronic information scanned would cost to actually key that information in. Some things are quantifiable, but not all.

Chairman Byerly: If we look at the current system as a baseline, we seem to be getting the job done. It might take an extra day to don some things. But at what price do we pay to get the efficiency and is the change that significant that we should be spending that much money.

Justice Dale Sandstrom: We do have legal restrictions on timeliness on some issues. We also have very critical decisions needing to be made that should have the most and best information they can have. He supports technological changes to help efficiencies and supports movement into that direction.

Deb Klevin, Grand Forks County District Court Judge: She is to speak on the indigent defense contract system. They are requesting a 10% increase in the indigent defense budget. That is 10% from the general fund, and an additional 7% that comes from Human Services that comes from additional responsibilities that our indigent defense attorneys have taken on under the adoption and safe families act. We are just starting to see the influx of those cases. Per district the increase varies from 4% to 22%. The Cass County area actually requested more than the 22%, but the Supreme Court cut that back. The reason for the increase has to do with the reimbursement rate the attorneys are receiving. Our budget asks for a reimbursement rate of \$65 per hour to pay the attorneys. The attorneys feel that the actual amount they recover under the contract is about \$40 per hour. There is SB 2081 that provides for an application fee for persons asking for a contract attorney.

Chairman Byerly: With the indigent defense is this in addition to moneys that may flow in for legal services ND? Is there any funding in this budget for state contributions to Legal Services ND.

Deb Klevin: No. That is separate. The indigent defense provides services for courts for criminal and juvenile proceedings, and now termination of parental rights proceedings. You are talking legal services of ND which handles civil matters.

Chairman Byerly: Jana, do you know if there is any funding through any other agency for legal services ND.

Chief Justice Vande Walle: There is a fee that is charged in the filing fee apportioned through statute. A portion of that goes to civil legal services.

Rep. Glassheim: Although the rates are not high, are you finding there is competition when you put out bids for the indigent contract?

Deb Klevin: They are struggling in Grand Forks. They really do not have much competition.

Ralph Erickson, District Court Judge, Co-chairman Judicial Compensation Committee: Had prepared charts and graphs, and his testimony followed along those topics. He discussed the salaries of the judges and those of the neighboring areas. The state used to be 22nd in the nation for judicial salaries, and in the last 20 years they have dropped to 50th place. If they get the suggested state salary increases, they will remain in 59th place. In the budget they asked for as submitted to the Senate was the percentage of the state employee raises plus an additional 6% in the first year, and 3% in the second year of the biennium. The Senate did not object to the ending number. They felt that loading the front end of the biennium was unnecessary strain in the budget. They equally split the raise over the two years of the biennium. This will still put the judges behind South Dakota and the regional average in 49th place in the union.

Rep. Koppelman: The people in ND earn less than the average in ND, and they elect the legislators. How do we get away from looking at the neighboring states and competing with them and leapfrogging over each other in the years to come?

Ralph Erickson: Has no answers. SD recognized they had a problem, and they looked at their problem and tried to fix it as a whole. We have not done this. The issue is bigger than that. We really have to look at who we are attracting to the bench. We need to attract mature persons who have had life experiences. With the salaries we have, we will not be attracting these persons, and will not be getting the best of the best, they will be making much more money in practice.

Rep. Koppelman: If the primary motivation is income, people will not be attracted to public service. Do you know what the average attorney in ND earns?

Ralph Erickson: It is really hard to put a number on that. It varies so widely. We tried to get a handle on that about 10 years ago, and did a survey and the data we got was useful. Some make \$15,000 per year, and some make \$500,000 per year (Cass County examples). You cannot get an average from this data.

Rep. Huether: You have about 3600 cases per year per judge? That is a lot of cases per day.

Ralph Erickson: Yes. But you have to realize that there are a lot of routine stuff. They see the same thing every day. We have time every day to do our job, but we are pushed to the very edge. We couldn't take any kind of crisis right now, like a farm crisis with extra collections, etc. Just can't take on any more work.

Judge Pat Conmy, United States District Judge: read from his prepared written testimony.

Justice Carol Kapsner: She is to present the library research portion of the budget. The library and research portion of the budget does represent a 12% increase over the last biennium. This is totally an inflationary increase, and costs that are completely out of their control. She gave some examples of what materials have increased in costs.

Chairman Byerly: We talk about advances in technology, are we realizing any savings from those other places making advances in technology and making your research easier, cheaper and faster?

Carol Kapsner: We have begun doing so, by going from book based research and computer based research. It has realized some cost savings by eliminating some books for research.

Justice Mary Maring: She is testifying about the juvenile drug court, implemented this year. She had prepared written testimony. She explained the purpose of the juvenile drug court, and that it is patterned after the adult drug courts.

Rep. Skarphol: Asked about parental involvement in the drug court team.

Mary Maring: Stated parents are an important part of the team and play an important role.

Rep. Thoreson: Commends the court on this program. On page 2 of your testimony and the numbers of increases in the last few years. Are you seeing any increase of any particular substance?

Mary Maring: Those numbers are just drug use, not alcohol. States the drugs of choice of the kids.

Rep. Thoreson: On page 3, it says that the ages are between 14 and 18, What if someone is under the age of 14 and still fits the criteria?

Mary Maring: We could take that juvenile into the court, and they have some flexibility.

These are the age ranges they want to concentrate on.

Rep. Glassheim: This is a little beyond the juvenile program, but hearing about the prison system, and their figures of \$80,000 per cell, and \$35,000 per offender. Can you tell me if there is any mandatory sentencing that is not necessary. Are there categories of nonviolent crimes that we should begin to consider for financial reasons and societal reasons that we could not put these people in jail?

(Told that that is beyond this committee, and perhaps for an interim committee).

Mary Maring: She believes that there may be some legislation dealing with adult drug court and mandatory sentences, so that adult drug court can be run without these mandatory sentences.

Rep. Koppelman: Applauds the alternative methods. Do you as judges compare notes and communicate with others in other parts of the country, like law enforcement does in regard to certain issues.

Mary Maring: Yes we do. The drug court movement has done just this. Law enforcement and judges working together have made this happen.

Rep. Skarphol: You talked in your testimony about \$33,000 for a federal match. What is the match ratio, and that will just continue the current programs. To start any new programs, you would have to double your request?

Mary Maring: It is about 15%. We are looking for about \$200,000 of federal money which we have to match at 15% for juvenile drug court. We do not have to match on the under age drinking. Yes.

Rep. Carlisle: Notes that he is a sponsor of the adult drug court bill. Explains briefly. Says that the adult drug court bill expects a savings of 10 beds. How many bed savings does this propose?

Mary Maring: Cannot tell him. She would need to check with others who would have more information.

Justice Bill Neumann: We have a \$40,000 item in the budget for ADR, alternative dispute resolution. This is not a significant budget change, but it does signal a significant way that disputes can be resolved in the judicial system. ADR covers things like mediation, arbitration, and specialized settlement conferences. The judicial system is to provide ways to settle legal arguments. They have been working on this in the past, and prior years have been budgeted money for this. They have studied using ADR in civil actions, and the committee reported strong support for this especially in family law cases. The Supreme Court forwarded the committee reports to the rules committee who amended Rule 16, NDR CivP. On December 6, 2000 the court also promulgated NDRules of Court 8.8 and 8.9, which became effective 6 days ago. Rule 8.8 provides for ADR in the court system in the form of court sponsored mediation conducted by judicial employees in family law cases and also for specialized settlement conferences in complex cases. It also provides for private providers to conduct ADR in other cases. Rule 8.0 establishes the roster and training requirements for ADR providers. The Supreme Court and the State Bar Association recognizes ADR as a way to make less costly and more timely decisions in cases. Now we must monitor and follow these ADR cases, and make further rules, studies, and safeguards and improvements. Costs of this committee to follow and make further improvements are to be shared jointly by the Supreme Court and the State Bar Association. The initial \$20,000 appropriation approved by the legislature in 1995 was again

authorized in 1997. In 1999 the legislature increased the funding to \$40,000 for ADR, and we ask the funding to remain at that level to permit us to operate this joint committee.

Judge Robert Holte, District Court Judge: Is here to talk about juror pay. In the budget there are two figures. Currently jurors are paid \$25 per day. The budget is set at \$25 per day, and then a second amount is included in the budget to increase the pay to \$50 per day for serving any second or more days. (They would get \$25 for the first day, and then \$50 for each day after that). The current rate of \$25 per day was set in 1977. The jurors have to complete a questionnaire after serving. Over the years this questionnaire has stated the jurors should get a pay increase. It is recommended by a judicial committee that this pay be increased. Reasons that the increases have been suggested by past jurors include rising daycare expenses and self employed persons needing some reimbursement. There is a separate bill going through the legislature on this issue also.

Rep. Koppelman: What is the average service of a juror in ND?

Robert Holte: Can't tell because they might not have those statistical numbers. But from his experience, most of the jurors called serve one day or less. They call 18 persons to serve a 6 person jury. 12 of those persons will go home right away. Most people serve less than half a day, but paid for the whole day. Most jurors serve just one day, and few go on more.

Rep. Koppelman: Do those that show up for the screening get paid the same as those who may go actually to serve on the trial? Would this be something we could change?

Robert Holte: Some states have changed this, but he doesn't recommend it. Some states require the employers to pay their employees for the first day of service. We have not discussed this.

Chief Justice Vande Walle: Thank you. Gave a few closing comments. The Senate put a provision in the bill that prevents bringing Cass County into UCIS. We did not complete the project, and they put the provision in that the money would not revert. On the technology issue, cannot answer right off the top of his head, but he would have to speak with the IT people, but his best guess is that if there would be a cut in technology, some programs would limp along and some would just be cut. Some we would maintain, and some would probably have to go. Would be concerned about the interactive tv project because that is very important in providing services to rural areas. Some we don't absolutely have to have. Doesn't think they will see a cut in savings but will see less growth of spending by doing IT projects. As to indigent defense, there is very little competition, and they have lost some good defense lawyers. It is not a pro bono program, and is very different from a civil legal suit. He supports the salary increases and is very concerned about the morale of the judges. Compare the salaries of the judges with other public employees and they are paid very low. If there are questions about mandatory sentencing, the committee should ask the trial lawyers, they have to deal with them. He applauds Justice Maring with her initiative in the drug courts, both adult and juvenile. The drug courts are very judge intensive however, and cannot keep cutting back the number of judges and expect these courts to expand. The reason is not to cut down costs, but to really have less people coming back into the system.

Rep. Koppelman: Isn't part of the idea with drug courts is the number of people would not be in other courts then, and wouldn't that offset some judge time?

Chief Justice Vande Walle: In the juvenile court that might be true. Not sure about the adult. The drug court is not to save judicial time, but to keep the people from recommitting crimes and to best protect society. Explained the drug court system briefly.

Rep. Skarphol: Has there been anything filed regarding the collection of fines?

Chief Justice Vande Walle: We could find out how much fines are collected. The obligation to collect fines has been placed with the states attorneys. This is not restitution, but criminal fines charged by law.

Rep. Skarphol: In regard to pilot projects, I think of them as trying it out, and if it works, to expand it. You talk about the interactive video as a pilot project, and the drug court as a pilot project. At some point in time, if these become full projects there will be a cost. What are your plans?

Chief Justice Vande Walle: They need to know not just costs, but cost/benefit ratios. Whether they can afford to use it or afford not to use it. We hope to know these answers in two years from now. They just don't have these numbers right now. Also comments on juror pay, and a study they are doing right now on the numbers of the juror pool.

Rep. Carlisle: Explains that the Burleigh County adult drug court now has 7 persons in the program, and targeting up to 25 possible. They would spend up to 5 - 7 hours per day doing this. The potential to society is great.

Chief Justice Vande Walle: Thinks this program is great, but worries about the judges and their schedules, and that some judges do this after hours, and will wear out quickly.

Wade Williams, ND Association of Counties: Had prepared written testimony. Made two comments not in writing. Commends the justices and court administrators and staff in the work they have done to alleviate the transfer of the clerks of court. The transition should be very smooth. Also addresses the issue of restitution. It is now in limbo, as it stands coming from the Senate. If the state does not fund restitution and the counties do not give the states attorneys

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Government Operations Division

Bill/Resolution Number SB 2002

Hearing Date March 6, 2001

extra money to staff to collect restitution, collecting restitution will basically go by the wayside.

That is only going to hurt the victims. Supports the bill otherwise.

Rep. Skarphol: Do you think that was the intention of the Senate, to have restitution go away?

Wade Williams: Cannot speak for the Senate. Questions who is responsible for restitution.

Christine Hogan, Executive Director of the State Bar Association: Had prepared written testimony. The state bar association strongly supports the bill, particularly with respect to the salary provisions.

The chairman closed the hearing on this bill.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2002

House Appropriations Committee
Government Operations Division

Conference Committee

Hearing Date March 9, 2001

Tape Number	Side A	Side B	Meter #
03-09-01 tape #1	3530 - 5330		
Committee Clerk Signature <i>Kathleen Hall</i>			

Minutes:

The committee was called to order, and opened committee work on SB 2002.

Chairman Byerly: There were really few changes by the Senate. There were some decreases in some areas, and an adjustment to the salaries and wages line item.

LC staff: Their request had 11% increase for the judges the first year, and 2% the second year. What the Senate did was take about 6½% each year. That gets them to the same level at the end of the second year, but it saves money the first year.

Chairman Byerly: We have talked informally among a few of us about actually increasing the salary and wages for the district judges above the governor's recommendation.

Rep. Koppelman: He received an e-mail from Judge Erickson after he testified. His sentiment is that the judiciary understands that money is tight, but they could find some room in the budget maybe to support these raises. It really is necessary to give them some raise.

Rep. Skarphol: If you look at the budget detail, there needs to be some explanation on the operating fees and services increasing by \$3.1 million. That's a big hike. They also have a \$364,000 increase in contractual services in ITD. We need to know more about this budget, so we can relate it to ITD.

Sandy, OMB: Actually to get that information it would be best to have Jana come down, when OMB reviews the budget, it is really just a cursory review. They are a separate branch of government.

Rep. Koppelman: While they are a separate branch of government, so are all the executive agencies we are talking about. We tend to draw a brighter line between the judiciary and our chamber and the other executive branches. Believes we should also do an increase in salaries, but there may be other areas that also need to be looked at.

Rep. Carlisle: Thought the judges were all very gracious and he did some comparison of the university salaries vs. the judicial salaries, and they are not comparable. He supports an increase.

Chairman Byerly: If you look at the judicial conduct and disciplinary board what you are talking about is a good half of that is the state bar association. We make no donation to any other disciplinary boards in the state. Years ago he fought with this group badly on this issue. People didn't like him in Bismarck. All we have to do is look at how little they get paid for the job that they do. WE not agree with them, but it is really sad that we have these constitutional equals of the governor who get paid less than many bureaucrats. Also we need to look at how their pay is comparable to the states around us.

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Rep. Koppelman: Also we need to consider the court unification and the decrease of judges. These judges now have increased case loads. He would like some information to justify the salary increases for constituents.

Chairman Byerly: Would like to have Jana come down, maybe on Monday afternoon, and would like to do this as a full subcommittee.

Sandy, OMB: Recommends that the committee ask Jana to bring her written documentation that she provided to the Senate. It is very detailed orientated as to the budget.

The chairman closed the hearing on this bill.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2002

House Appropriations Committee
Government Operations Division

Conference Committee

Hearing Date March 12, 2001

Tape Number	Side A	Side B	Meter #
03-12-01 tape #1	3529 - 6220	0 - 1770	
Committee Clerk Signature <i>Kathleen Hill</i>			

Minutes:

The committee was called to order, and opened committee work on SB 2002, the court budget.

Chairman Byerly: We have asked Jana and the Chief Justice to come and be here to visit with us. Jana handed out a bound information booklet, the same as what she gave the Senate, except it has a new cover. It gives more detail about the various programs?

Jana Thielges: What it consists of is information that the Senate asked for specifically. Everything they asked for was organized and put into this booklet.

Rep. Byerly: We talked a little bit earlier about this in just generalities. Our committee is not opposed to, if we can find some money, to actually go above the salary request for the judges. The big thing is going to be finding the money to do it.

Rep. Carlisle: Jana, in the turnback, what is your anticipated turnback this biennium?

Jana Thielges: We gave OMB an estimate of \$800,000 some time ago, maybe two months or so. The clerks of courts have been under funded compared to what we estimated out

costs to be, and some of this money may be used in bringing the clerks of court on board with us April 1. We can't do any better than the \$800,000.

Chief Justice Vande Walle: Says something about the Senate changing the bill on the UCIS integration spending to bring Cass County into the system, and it won't revert into the general fund.

Jana Thielges: Adds that the transition hasn't been done, and that is why the turnback is at that amount.

Rep. Skarphol: Under professional services in the budget, you have a \$426,000 increase. Why? There is also a \$599,054 operating fees and services increase.

Jana Thielges: The big ticket item in there is the indigent defense contract payments to the attorneys. The second increase is due to a variety of things, and one thing in there is the increase of the juror's rate of pay. Another thing in there is due to juvenile services and conference services, and the third big change is the drug court.

Rep. Koppelman: Knowing the state budget constraints, and our desire to increase judges salaries, are there other areas in your budget that we could save on to fund the raises?

Chief Justice Vande Walle: We had to do this for the Senate also. WE took out restitution. There are areas we could go through again, but we have not done that yet. There are some things that could be reduced. It probably would have to come up with some technology program. We did not resist the restitution money too much, we will do it as a study for now. There are some things in the budget that are necessary: the indigent defense and the drug court. On technology, I am not the one who is best prepared to decide this. The other justices would be better to decide this.

Chairman Byerly: We, however, want you to have this money in the judges pockets, not just take the money from you.

Rep. Skarphol: Do you feel like you are being gouged by ITD?

Chief Justice Vande Walle: Can't say. Several years ago, we used to pay our own telephone. The Legislature changed this, and we now pay through the state. Now we pay this through IT, and I can't tell if we are getting the best deal or not. We lost control when the legislature did their thing, and now its really between the legislature and ITD.

Rep. Skarphol: Are each of the district courts required to have their own T1 line, and pay the associated costs?

Chief Vande Walle: Yes, they are. They have to pay what ITD charges. We don't have the ability to go out and shop anymore.

Jana Thielges: Right now we have 29 lines. It depends on how far down the road we want to go to get all the courts this service.

Chief Vande Walle: States that the rural counties complain that they do not get the same support as the urban. The Chief Justice has asked why, and are told that the costs are major, and one of the biggest costs is training. This is part of our cost/benefit ratio we have implemented.

Chairman Byerly: One of the things we have talked about in regard to salaries, is over the course of the biennium, what amounts to be about \$5000 for the supreme court justices, and split it up \$2500/\$2500, over the course of the biennium it would really be \$7500 times 5 justices, that would be \$37,500. For the district judges, at \$4500 times 42, that would be \$189,000. That doesn't include any amounts for fringes, benefits yet. That's over and above the pay raise already given, already included in the budget.

Chief Justice Vande Walle: That would be wonderful.

Rep. Skarphol: Would that still leave you 50th in the nation?

Chief Justice Vande Walle: No, we would then move ahead of Montana. Maybe they would move ahead of us, because they have an automatic increase. Maybe even move ahead of South Dakota.

Chairman Byerly: That is what we would like to do, if we can find some way to make it happen. Thinks the committee feels strongly about this. Again, this is over and above the requested, and different from the Senate.

Chief Justice Vande Walle: Are you asking that we go back and see if we can find this money elsewhere in our budget?

Chairman Byerly: We are trying to find a way to do this. It doesn't have to be that you even find 100%, but it would be nice if you could.

Chief Justice Vande Walle: Will have to go back and discuss this with the other justices and Jana, and look really closely at their budget. There are some areas that cannot be cut, absolutely. He does have one idea in his head, but will have to go back and discuss this with the others. There is not a lot of room in the budget, but maybe some room in some technology project. Over the past few years, they have turned back a lot of money, sometimes because of jury costs not used, and other reasons.

Rep. Skarphol: Any help you can give us in finding some room in the budget will make our job much easier. Says the committee believes the judges deserve the increase.

Chief Justice Vande Walle: Their budget is kind of two parts. The supreme court and the district courts. When we get into some areas we have to be cautious.

Chairman Byerly: Would you have some consensus in a few days? We want you to have the opportunity to discuss this with the other judges and justices, before we move on with this.

Chief Justice Vande Walle: There may be some projects we can defer for a while. Not maintenance type things, but new programs in technology that we could put off for a year or two. We will have Jana give you the numbers we come up with then. She also has a handout to provide to the committee regarding the elimination of 11 district court judges.

Rep. Skarphol: Asks what the Senate did in their amendments.

Chief Justice Vande Walle: Says basically only two things: they changed the salary increase over two years instead of one and removed some money from the restitution fund.

Chairman Byerly: Agrees. The Senate changes almost would cover the increases they are looking at. Don't get your hopes up.

Rep. Carlisle: The court can move between the admin and operating lines. On the tumbback, you don't have to commit until when?

Sandy Paulson, OMB: There isn't really a commitment, it was used for estimating when putting together the governor's budget.

Rep. Koppelman: We discussed briefly in the hearing the fact that other states have tied a schedule of increases to the salaries. Do we want to do this?

Chairman Byerly: I don't think we can. If we try to tie this to something else, no. Really doesn't like to do that. The judges need to come back each session and justify their position.

Rep. Koppelman: To understand the numbers right, did we say \$1500 the first year, and \$3000 the second. This isn't paying \$1500 the first year, and then replacing that with \$3000.

Chairman Byerly: No its \$1500 the first year. Then you maintain that \$1500, and add another \$1500.

The chairman closed the committee work on this bill.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2002

House Appropriations Committee
Government Operations Division

Conference Committee

Hearing Date March 14, 2001

Tape Number	Side A	Side B	Meter #
03-14-01 tape #1	65 - 2900		
Committee Clerk Signature <i>Kathie Hall</i>			

Minutes:

The committee was called to order, and opened committee work on SB 2002, the budget of the Court System.

Chairman Byerly: We left off last time with the offer to increase salaries, if you could find some ways to cut the budget.

Jana Thielges: Handed out proposed reductions of the budget that they came up with. The judiciary decided that if they were to reduce technology now, these would be the ones that they would cut, including an enhanced records management project that they are doing nothing with in this biennium. They offer possible reduction #1 and #2, which she briefly explained.

Chairman Byerly: Did anyone write down a number that we need to come up with?

Rep. Skarphol: \$226,500.

Jana Thielges: Came up with her numbers, and gave them to Roxanne at LC. The total cost of the salary increase is \$273,997, which is the whole package.

Chairman Byerly: Coupled with the change that the Senate made, we have some room to now work with. Now we have to figure out how to handle this.

Jana Thielges: Handed out another document, a summary of costs to expand UCIS. She explained this document. Explains that the court did not expect to branch out to all the counties right away, but if they did, that would be their additional costs.

Rep. Skarphol: They must be charging you \$800 per county to be on line.

Jana Thielges: No, we have a different rate structure right now, paying \$350 per connection, plus overhead, \$367 per month for each connection. For 29 counties. Comfortable that that will stay that way.

Rep. Glassheim: Are you saying that you would save about \$80,000 from what you budgeted on the data processing service because of the difference of rates? Would the \$202,667 be reduced by \$75,000?

Jana Thielges: What would happen is that the rate structure proposed would add these additional counties at a lesser rate, at incremental cost increases. The additional costs on the handout is not included in the budget, but could do it if the committee directed them to do so.

Chief Justice Vande Walle: If we start expanding to the other counties, we have to start adding additional costs, beyond the hook up costs. Once we bring on those additional costs, we will have additional problems with the technical staff.

Rep. Skarphol: As to the enhanced records management project you would be paring down, how strongly do you feel about this?

Chief Justice Vande Walle: The enhanced records management project has two parts, one is the storage and the other is the current records and the availability to use it. He gives an example. He explains the project purpose briefly. They have not done planning and research

necessary even to begin the project yet. That is why this project was in his mind to cut, because they really are not ready to implement this yet. The Senate made them study the project in their amendments. Probably could not even complete this project in the next biennium.

Chairman Byerly: When we had the hearing on this bill, he asked the question of combining budget lines. The more he thinks about this, he thinks they have a somewhat unlimited capability already in the budget. With all the other things going on, maybe the court budget should only be one line. There would still be the salary and wages restrictions. Thinks this branch of government should be treated somewhat differently.

Chief Justice Vande Walle: Understands what is being said, but the district court would be very uncomfortable with that. We can transfer between lines now, but can't remember taking funds from the district court. Most of the budget is salary. We would still need to explain the budget as usual.

Rep. Skarphol: In regard to transferring between line items. If you have more than you need in the UCIS program, could you transfer funds to the records management program?

Chief Justice Vande Walle: Yes we could, but I just don't see us doing this program that soon. He doesn't like to move that quickly.

Rep. Skarphol: Lets the Chief Justice know that Workers Compensation is already doing this records storage process for a few years.

Rep. Carlisle: Questions how to combine the budget line items.

Chairman Byerly: Confers with Roxanne of LC, as to the numbers and the breakdown between the supreme court and the district court. Before we look at a motion, we need to decide reduction #1, or #2. Since the court has the ability moving money around a little, it should be more comfortable.

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Government Operations Division

Bill/Resolution Number SB 2002

Hearing Date March 14, 2001

(Had some committee discussion on the options to make).

Rep. Skarphol: Moves that they take the reduction suggested in Reduction #1, take what is necessary from Reduction #2, to meet the salary increase, and further amend to give them legislative intent to move the dollars. (Roxanne from LC stated that they did not need the legislative intent language). So noted in the amendment. Seconded by Rep. Koppelman.

Rep. Glassheim: Questions the \$60,000 that they wanted, and assumes that has been taken care of.

Vote on motion to amend : 7 yes, 0 no, 0 absent and not voting. Motion passes.

Chairman Byerly: Verifies the intent of the committee as to the amendment forwarded.

Rep. Koppelman: Moves DO PASS AS AMENDED. Seconded by Rep. Thoreson.

Vote on Do Pass as Amended : 7 yes, 0 no, 0 absent and not voting. Motion passes.

Rep. Koppelman is assigned to carry this bill to the full committee.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2002

House Appropriations Committee

Conference Committee

Hearing Date March 28, 2001

Tape Number	Side A	Side B	Meter #
03-28-01 tape #1		1150 - 2080	
Committee Clerk Signature <i>Kelli Hall</i>			

Minutes:

The committee was called to order, and opened committee work on SB 2002.

Rep. Koppelman: This is the judicial, judges salary/budget bill. The subsection proposed more salary money than the Senate had proposed. The judges have been seeking a catch-up salary increase for some time, and they made a good case over the interim and in the committee. The Senate had approved an increase, but our committee wanted to put them in a position where they ought to be. To do so, would require more increase. To put the additional dollars into salaries, we did ask them to find that additional money in their budget and they came back to us with their proposal. The rest of the bill is self-explanatory. Moves to adopt the amendment 18028.0202. Seconded by Rep. Carlisle.

Rep. Gulleon: Do these salaries only affect the judges or do they also affect the support staff?

Rep. Koppelman: The salary increase is specific to the judges. We did provide for the others in a salary increase elsewhere.

Rep. Gulleason: Basically, what percentage do those other persons get, the 3-2-1?

Rep. Koppelman: I believe they would be in a similar track as other state employees.

Rep. Gulleason: She is concerned about doing such a large increase for the judges and yet not affecting the people, staff that support them. One of the things that happened in the consolidation of judges is that we added support staff to support the judges to handle the extra load. We decreased the number of judges but they increased the support staff. She would like a comparable increase for them as well.

Rep. Koppelman: The clerk of court consolidation issue was a contentious issue. There have been growing pains in that process. The good news is that the process is on board, and on track, and we are trying to provide. We did not get information on whether or not the clerks of court get paid less now that they are a state employee, rather than a county employee. The court consolidation has saved money and their workloads have increased. We also have turned them down for many legislative sessions in a row when they have asked for an increase. We felt now that this is at a crisis issue.

Rep. Skarphol: The funding for this is coming from their image enhancement program that they were hoping to develop this coming biennium. They were told about a similar system at Workers Compensation and hopefully they can work with them to find efficiency and a way to still do this program.

Rep. Kempenich: Worried we are setting a bad precedence for increases again and again.

Voice vote to adopt amendment passed.

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House Appropriations Committee

Bill/Resolution Number SB 2002

Hearing Date March 28, 2001

Rep. Koppelman: Moves the bill DO PASS AS AMENDED. Seconded by Rep.

Thoreson. Despite the growing pains, the judicial system is working well and getting the bugs out.

Chairman Timm: Where do the judges stand now in regard to salaries in comparison to other states?

Rep. Byerly: With the additional money, they are still anchored firmly in 49th position.

Vote on Do Pass as Amended: 19 yes, 0 no, 2 absent and not voting. Motion passes.

Rep. Koppelman is assigned to carry this bill to the floor.

March 15, 2001

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

Page 1, line 15, replace "5,637,102" with "5,682,466"

Page 1, line 16, replace "1,645,411" with "1,583,678"

Page 1, line 19, replace "7,644,832" with "7,628,463"

Page 1, line 22, replace "24,953,025" with "25,181,658"

Page 1, line 23, replace "10,216,933" with "10,004,669"

Page 2, line 4, replace "37,043,489" with "37,059,858"

Page 2, line 6, replace "35,849,418" with "35,865,787"

Page 3, line 20, replace "ninety-one" with "ninety-three", after "eight" insert "five", and remove the overstrike over "hundred"

Page 3, line 21, replace "ninety-six" with "one hundred one"

Page 3, line 29, replace "eighty-four" with "eighty-five", after "three" insert "five", and remove the overstrike over "hundred"

Page 3, line 30, replace "eighty-nine" with "ninety-two"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Supreme Court				
Total all funds	\$7,667,669	\$7,644,832	(\$16,369)	\$7,628,463
Less estimated income				
General fund	\$7,667,669	\$7,644,832	(\$16,369)	\$7,628,463
District Courts				
Total all funds	\$37,234,414	\$37,043,489	\$16,369	\$37,059,858
Less estimated income	1,184,071	1,184,071		1,184,071
General fund	\$36,040,343	\$35,849,418	\$16,369	\$35,865,787
Judicial Conduct Commission				
Total all funds	\$528,262	\$528,262	\$0	\$528,262
Less estimated income	273,750	273,750		273,750
General fund	\$254,512	\$254,512	\$0	\$254,512
Clerk of District Court				
Total all funds	\$11,483,326	\$10,854,353	\$0	\$10,854,353
Less estimated income	750,000	750,000		750,000
General fund	\$10,743,326	\$10,104,353	\$0	\$10,104,353
Bill Total				
Total all funds	\$56,923,671	\$56,070,936	\$0	\$56,070,936
Less estimated income	2,217,821	2,217,821		2,217,821
General fund	\$54,705,850	\$53,853,115	\$0	\$53,853,115

Senate Bill No. 2002 - Supreme Court - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$5,669,939	\$5,637,102	\$45,364	\$5,682,466
Operating expenses	1,645,411	1,645,411	(61,733)	1,583,678
Equipment	153,250	153,250		153,250
Judges' retirement	209,089	209,089		209,089
Total all funds	\$7,667,689	\$7,644,832	(\$16,369)	\$7,628,463
Less estimated income				
General fund	\$7,667,689	\$7,644,832	(\$16,369)	\$7,628,463
FTE	44.50	44.50	0.00	44.50

Dept. 181 - Supreme Court - Detail of House Changes

	INCREASE FUNDING FOR JUDGES' SALARY INCREASES ¹	DECREASE FUNDING FOR OPERATING EXPENSES ²	TOTAL HOUSE CHANGES
Salaries and wages	\$45,364		\$45,364
Operating expenses		(\$61,733)	(\$61,733)
Equipment			
Judges' retirement			
Total all funds	\$45,364	(\$61,733)	(\$16,369)
Less estimated income			
General fund	\$45,364	(\$61,733)	(\$16,369)
FTE	0.00	0.00	0.00

¹ This amendment provides additional funding for Supreme Court justices' salaries of \$2,500 per year above the Senate level which results in total salary increases of approximately nine percent for the first year of the biennium and eight percent for the second year of the biennium.

² The reduction in operating expenses relates to funds which were originally anticipated to be used for an enhanced records management project.

Senate Bill No. 2002 - District Courts - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$25,143,950	\$24,953,025	\$228,633	\$25,181,658
Operating expenses	10,216,933	10,216,933	(212,264)	10,004,669
Equipment	875,150	875,150		875,150
Judges' retirement	878,381	878,381		878,381
UND - Central legal research	80,000	80,000		80,000
Alternative dispute resolution	40,000	40,000		40,000
Total all funds	\$37,234,414	\$37,043,489	\$16,369	\$37,059,858
Less estimated income	1,194,071	1,194,071		1,194,071
General fund	\$36,040,343	\$35,849,418	\$16,369	\$35,865,787
FTE	191.50	191.50	0.00	191.50

Dept. 182 - District Courts - Detail of House changes

	INCREASE FUNDING FOR JUDGES' SALARY INCREASES ¹	DECREASE FUNDING FOR OPERATING EXPENSES ²	TOTAL HOUSE CHANGES
Salaries and wages	\$228,633		\$228,633
Operating expenses		(\$212,264)	(\$212,264)
Equipment			
Judges' retirement			
UND - Central legal research			
Alternative dispute resolution			
Total all funds	\$228,633	(\$212,264)	\$16,369
Less estimated income			
General fund	\$228,633	(\$212,264)	\$16,369
FTE	0.00	0.00	0.00

¹ This amendment provides additional funding for district court judges of \$1,500 per year above the Senate level which results in total salary increases of approximately eight percent for the first and second year of the biennium.

* The reduction in operating expenses relates to funds which were originally anticipated to be used for an enhanced records management project

Senate Bill No. 2002 - Other Changes - House Action

The following schedule provides information regarding Supreme Court and district court judges' salaries including current salaries, salaries proposed in the judicial branch budget request, salaries proposed in Engrossed Senate Bill No. 2002, and salaries proposed in the amendment:

	SUPREME COURT CHIEF JUSTICE	OTHER SUPREME COURT JUSTICES	DISTRICT COURT PRESIDING JUDGES	OTHER DISTRICT COURT JUDGES
Statutory annual salary authorized by the 1986 Legislative Assembly July 1, 2000	\$87,895	\$85,483	\$80,755	\$78,887
Proposed annual salary included in the 2001-03 judicial branch budget request				
July 1, 2000	\$97,570	\$94,727	\$90,043	\$87,422
July 1, 2001	\$98,521	\$96,622	\$91,843	\$89,171
Proposed annual salary included in Engrossed Senate Bill No. 2002				
July 1, 2000	\$93,608	\$91,039	\$86,004	\$84,015
July 1, 2001	\$98,521	\$96,622	\$91,843	\$89,171
Proposed annual salary included in proposed amendment				
July 1, 2000	\$98,108	\$93,539	\$87,504	\$85,515
July 1, 2001	\$104,521	\$101,622	\$94,843	\$92,171

March 19, 2001

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

Page 1, line 15, replace "5,637,102" with "5,682,466"

Page 1, line 16, replace "1,645,411" with "1,583,678"

Page 1, line 19, replace "7,644,832" with "7,628,463"

Page 1, line 22, replace "24,953,025" with "25,181,658"

Page 1, line 23, replace "10,216,933" with "10,004,669"

Page 2, line 4, replace "37,043,489" with "37,059,858"

Page 2, line 6, replace "35,849,418" with "35,865,787"

Page 3, line 20, replace "ninety-one" with "ninety-three", after "eight" insert "five", and remove the overstrike over "hundred"

Page 3, line 21, replace "ninety-six" with "one hundred one"

Page 3, line 29, replace "eighty-four" with "eighty-five", after "three" insert "five", and remove the overstrike over "hundred"

Page 3, line 30, replace "eighty-nine" with "ninety-two"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Supreme Court				
Total all funds	\$7,667,669	\$7,644,832	(\$16,369)	\$7,628,463
Less estimated income				
General fund	\$7,667,669	\$7,644,832	(\$16,369)	\$7,628,463
District Courts				
Total all funds	\$37,234,414	\$37,043,489	\$16,369	\$37,059,858
Less estimated income	1,194,071	1,194,071		1,194,071
General fund	\$36,040,343	\$35,849,418	\$16,369	\$35,865,787
Judicial Conduct Commission				
Total all funds	\$528,262	\$528,262	\$0	\$528,262
Less estimated income	273,750	273,750		273,750
General fund	\$254,512	\$254,512	\$0	\$254,512
Clerk of District Court				
Total all funds	\$11,493,326	\$10,854,353	\$0	\$10,854,353
Less estimated income	750,000	750,000		750,000
General fund	\$10,743,326	\$10,104,353	\$0	\$10,104,353
Bill Total				
Total all funds	\$56,823,671	\$56,070,938	\$0	\$56,070,938
Less estimated income	2,217,821	2,217,821		2,217,821
General fund	\$54,705,850	\$53,853,115	\$0	\$53,853,115

Senate Bill No. 2002 - Supreme Court - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$5,659,939	\$5,937,102	\$45,364	\$5,682,466
Operating expenses	1,445,411	1,645,411	(61,733)	1,643,678
Equipment	153,250	153,250		153,250
Judges' retirement	209,069	209,069		209,069
Total all funds	\$7,667,669	\$7,644,832	(\$18,369)	\$7,628,463
Less estimated income				
General fund	\$7,667,669	\$7,644,832	(\$18,369)	\$7,628,463
FTE	44.50	44.50	0.00	44.50

Dept. 181 - Supreme Court - Detail of House Changes

	INCREASE FUNDING FOR JUDGES' SALARY INCREASES ¹	DECREASE FUNDING FOR OPERATING EXPENSES ²	TOTAL HOUSE CHANGES
Salaries and wages	\$45,364		\$45,364
Operating expenses		(\$61,733)	(\$61,733)
Equipment			
Judges' retirement			
Total all funds	\$45,364	(\$61,733)	(\$16,369)
Less estimated income			
General fund	\$45,364	(\$61,733)	(\$16,369)
FTE	0.00	0.00	0.00

¹ This amendment provides additional funding for Supreme Court justices' salaries of \$2,500 per year above the Senate level which results in total salary increases of approximately nine percent for the first year of the biennium and eight percent for the second year of the biennium.

² The reduction in operating expenses relates to funds which were originally anticipated to be used for an enhanced records management project.

Senate Bill No. 2002 - District Courts - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$25,143,950	\$24,953,025	\$228,633	\$25,181,658
Operating expenses	10,216,933	10,216,933	(212,264)	10,004,669
Equipment	875,150	875,150		875,150
Judges' retirement	878,381	878,381		878,381
UND - Central legal research	80,000	80,000		80,000
Alternative dispute resolution	40,000	40,000		40,000
Total all funds	\$37,234,414	\$37,043,489	\$16,369	\$37,059,858
Less estimated income	1,194,071	1,194,071		1,194,071
General fund	\$36,040,343	\$35,849,418	\$16,369	\$35,865,787
FTE	191.50	191.50	0.00	191.50

Dept. 182 - District Courts - Detail of House changes

	INCREASE FUNDING FOR JUDGES' SALARY INCREASES ¹	DECREASE FUNDING FOR OPERATING EXPENSES ²	TOTAL HOUSE CHANGES
Salaries and wages	\$228,633		\$228,633
Operating expenses		(\$212,264)	(\$212,264)
Equipment			
Judges' retirement			
UND - Central legal research			
Alternative dispute resolution			
Total all funds	\$228,633	(\$212,264)	\$16,369
Less estimated income			
General fund	\$228,633	(\$212,264)	\$16,369
FTE	0.00	0.00	0.00

¹ This amendment provides additional funding for district court judges of \$1,500 per year above the Senate level which results in total salary increases of approximately eight percent for the first and second year of the biennium.

* The reduction in operating expenses relates to funds which were originally anticipated to be used for an enhanced records management project.

Senate Bill No. 2002 - Other Changes - House Action

The following schedule provides information regarding Supreme Court and district court judges' salaries including current salaries, salaries proposed in the judicial branch budget request, salaries proposed in Engrossed Senate Bill No. 2002, and salaries proposed in the amendment:

	SUPREME COURT CHIEF JUSTICE	OTHER SUPREME COURT JUSTICES	DISTRICT COURT PRESIDING JUDGES	OTHER DISTRICT COURT JUDGES
Statutory annual salary authorized by the 1996 Legislative Assembly July 1, 2000	\$87,885	\$85,483	\$80,755	\$78,887
Proposed annual salary included in the 2001-03 judicial branch budget request				
July 1, 2001	\$87,570	\$84,727	\$80,043	\$87,422
July 1, 2002	\$89,521	\$86,622	\$81,843	\$89,171
Proposed annual salary included in Engrossed Senate Bill No. 2002				
July 1, 2001	\$83,608	\$81,039	\$86,004	\$84,015
July 1, 2002	\$89,521	\$86,622	\$81,843	\$89,171
Proposed annual salary included in proposed amendment				
July 1, 2001	\$88,108	\$83,539	\$87,504	\$85,515
July 1, 2002	\$104,521	\$101,622	\$84,843	\$82,171

Date: 3-14-01
 Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2002

House Appropriations - Government Operations Division Committee

Subcommittee on Appropriations Govt Operations
 or
 Conference Committee

Legislative Council Amendment Number 18028.0202

Action Taken motion to amend.

Motion Made By Rep. Skarphol Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Rep. Rex R. Byerly - Chairman	✓		Rep. Eliot Glassheim	✓	
Rep. Ron Carlisle - Vice Chairman	✓		Rep. Robert Huether	✓	
Rep. Kim Koppelman	✓				
Rep. Bob Skarphol	✓				
Rep. Blair Thoreson	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Date: 3-14-01
 Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB2002

House Appropriations - Government Operations Division Committee

Subcommittee on ~~Appropriations~~ Govt Operations
 or
 Conference Committee

Legislative Council Amendment Number 18608.0202

Action Taken DO PASS AS AMENDMENT

Motion Made By Rep Koppelman Seconded By Rep. Thoreson

Representatives	Yes	No	Representatives	Yes	No
Rep. Rex R. Byerly - Chairman	✓		Rep. Eliot Glassheim	✓	
Rep. Ron Carlisle - Vice Chairman	✓		Rep. Robert Huether	✓	
Rep. Kim Koppelman	✓				
Rep. Bob Skarphol	✓				
Rep. Blair Thoreson	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Rep. Koppelman

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

Date: 3-28-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2002

House APPROPRIATIONS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 18028.0202

Action Taken moves to adopt amendments

Motion Made By Rep. Koppelman Seconded By Rep Carlisle

Representatives	Yes	No	Representatives	Yes	No
Timm - Chairman					
Wald - Vice Chairman					
Rep - Aarsvold			Rep - Koppelman		
Rep - Boehm			Rep - Martinson		
Rep - Byerly			Rep - Monson		
Rep - Carlisle			Rep - Skarphol		
Rep - Delzer			Rep - Svedjan		
Rep - Glassheim			Rep - Thoreson		
Rep - Galleon			Rep - Warner		
Rep - Huether			Rep - Wentz		
Rep - Kempenich					
Rep - Kerzman					
Rep - Kliniske					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

adopted

Date: 3-28-01
Roll Call Vote #: Z

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2002

House APPROPRIATIONS Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number 18028.0202

Action Taken DO PASS AS AMENDED.

Motion Made By Rep. Koppelman Seconded By Rep. Thoreson

Representatives	Yes	No	Representatives	Yes	No
Timm - Chairman	✓				
Wald - Vice Chairman	✓				
Rep - Aarsvold	✓		Rep - Koppelman	✓	
Rep - Boehm	✓		Rep - Martinson	✓	
Rep - Byerly	✓		Rep - Monson	✓	
Rep - Carlisle	✓		Rep - Skarphol	✓	
Rep - Delzer	✓		Rep - Svedjan		
Rep - Glasheim	✓		Rep - Thoreson	✓	
Rep - Gulleson	✓		Rep - Warner	✓	
Rep - Huether	✓		Rep - Wentz	✓	
Rep - Kempenich	✓				
Rep - Kerzman	✓				
Rep - Klincks	✓				

Total (Yes) 19 No 0

Absent 2

Floor Assignment Rep Koppelman

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

Page 2, line 26, remove "3," and replace "5" with "4"

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HCR 3027, HCR 3048.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2261, SB 2266, SB 2267, SB 2309, SB 2318, and SB 2366.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2066, SB 2204, SB 2265, and SB 2389 and the President has appointed as a conference committee to act with a like committee from the House on:

- SB 2066: Sens. Fischer; Kizer; T. Mathem
- SB 2204: Sens. Kain; Erbale; Nichols
- SB 2265: Sens. Trenbath; Lyson; C. Nelson
- SB 2388: Sens. Erbale; Kain; Kropf

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

- HB 1066: Sens. Sarnheim; Trenbath; Espgaard
- HB 1267: Sens. Lyson; Wain; C. Nelson
- HB 1516: Sens. Wain; Lyson; Traynor

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has passed unchanged: SB 2127, SB 2182.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2191.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee report and passed: HB 1228.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee report and passed: HB 1182.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has passed unchanged: SB 2407.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2034, SB 2106, SB 2166, SB 2217, SB 2251, SB 2315, SB 2367, SB 2413, SB 2415, SB 2427, SB 2436, SB 2449.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee reports and subsequently passed: HB 1363 and HB 1398.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1046, HB 1218, HB 1234, HB 1350, HB 1391, HB 1401, and HB 1455.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS
The following bills were delivered to the Governor for approval on March 29, 2001: HB 1100, HB 1106, HB 1125, HB 1151, HB 1174, HB 1181, HB 1203, HB 1242, HB 1262, HB 1274, HB 1360, HB 1427.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS
The following resolutions were delivered to the Secretary of State for filing on March 29, 2001: HCR 3030, HCR 3037.

REPORT OF STANDING COMMITTEE

SB 2002, as engrossed: Appropriations Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (19 YEARS, 0 DAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2002 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "5,637,102" with "5,682,466"

Page 1, line 16, replace "1,645,411" with "1,583,678"

Page 1, line 19, replace "7,844,832" with "7,628,463"

Page 1, line 22, replace "24,953,025" with "25,181,658"

Page 1, line 23, replace "10,216,933" with "10,004,669"

Page 2, line 4, replace "37,043,489" with "37,059,858"

Page 2, line 6, replace "35,849,418" with "35,865,787"

Page 3, line 20, replace "ninety-one" with "ninety-three", alter "eight" insert "five", and remove the overstrike over "hundred"

Page 3, line 21, replace "ninety-six" with "one hundred one"

Page 3, line 29, replace "eighty-four" with "eighty-five", alter "three" insert "five", and remove the overstrike over "hundred"

Page 3, line 30, replace "eighty-nine" with "ninety-two"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Supreme Court				
Total all funds	\$7,667,669	\$7,644,832	(\$16,389)	\$7,628,463
Less estimated income				
General fund	\$7,667,669	\$7,644,832	(\$16,389)	\$7,628,463
Other funds				
Total all funds	\$37,234,414	\$37,043,489	(\$16,389)	\$37,059,858
Less estimated income	1,194,071	1,194,071		1,194,071
General fund	\$36,040,343	\$35,849,418	(\$16,389)	\$35,655,347
Judicial Conduct Commission				
Total all funds	\$328,262	\$328,262	\$0	\$328,262
Less estimated income	273,290	273,290	\$0	273,290
General fund	\$54,972	\$54,972	\$0	\$54,972
Other funds				
Total all funds	\$11,493,226	\$10,854,363	\$0	\$10,854,363
Less estimated income	750,000	750,000		750,000
General fund	\$10,743,226	\$10,104,363	\$0	\$10,104,363
Other funds				
Bill Total	\$45,922,671	\$45,079,836	\$0	\$45,079,836
Less estimated income	2,277,877	2,277,877		2,277,877
General fund	\$43,644,794	\$42,801,959	\$0	\$42,801,959

Senate Bill No. 2002 - Supreme Court - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Supreme Court				
Total all funds	\$5,637,102	\$5,682,466	\$45,364	\$5,627,102
Less estimated income	1,645,411	1,645,411	(\$1,725)	1,643,686
General fund	133,250	133,250		133,250
Other funds	202,000	202,000		202,000
Bill Total	\$7,667,669	\$7,644,832	(\$16,389)	\$7,628,463
Less estimated income				
General fund	\$7,667,669	\$7,644,832	(\$16,389)	\$7,628,463
Other funds				
Bill Total	44.50	44.50	0.00	44.50

Dept. 101 - Supreme Court - Detail of House Changes

Table with columns: INCREASE FUNDING FOR JUDGES SALARY INCREASES?, DECREASE FUNDING FOR OPERATING EXPENSES?, TOTAL HOUSE CHANGES. Rows include Salaries and wages, Operating expenses, Judges' salaries, Total all items, Less unappropriated money, Current total, FTE.

1. This amendment provides additional funding for Supreme Court judicial salaries of \$2,400 per year after which the Senate shall which results in total salary increases of approximately eight percent for the first year of the biennium and eight percent for the second year of the biennium.

2. The reduction in operating expenses relates to funds which were originally appropriated to be used for an educational research management project.

Senate Bill No. 2002 - District Courts - House Action

Table with columns: EXECUTIVE BUDGET, SENATE VERSION, HOUSE CHANGES, HOUSE VERSION. Rows include Salaries and wages, Operating expenses, Judges' salaries, UNO Current total request, Appropriation change available, Total all items, Less unappropriated money, Current total, FTE.

Dept. 102 - District Courts - Detail of House changes

Table with columns: INCREASE FUNDING FOR JUDGES SALARY INCREASES?, DECREASE FUNDING FOR OPERATING EXPENSES?, TOTAL HOUSE CHANGES. Rows include Salaries and wages, Operating expenses, Judges' salaries, UNO Current total request, Appropriation change available, Total all items, Less unappropriated money, Current total, FTE.

1. This amendment provides additional funding for district court judges of \$1,500 per year after the Senate floor which results in total salary increases of approximately eight percent for the first year of the biennium.

2. The reduction in operating expenses relates to funds which were originally appropriated to be used for an educational research management project.

Senate Bill No. 2002 - Other Changes - House Action

The following schedule provides information regarding Supreme Court and district court judges' salaries including current salaries, salaries proposed in the judicial branch budget request, salaries proposed in Engrossed Senate Bill No. 2002, and salaries proposed in the amendment.

Table with columns: SUPREME COURT CHIEF JUSTICE, SUPREME COURT JUSTICES, DISTRICT COURT PRESIDING JUDGE, OTHER DISTRICT COURT JUDGES. Rows include July 1, 2000, July 1, 2001, Proposed annual salary included in the 2001-03 judicial branch budget.

Table with columns: Proposed annual salary included in Engrossed Senate Bill No. 2002, Proposed annual salary included in Proposed Amendment. Rows include July 1, 2001, July 1, 2002.

REPORT OF STANDING COMMITTEE

SB 2013, as engrossed: Appropriations Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (19 YEARS, 0 DAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2013 was placed on the Sixth order on the calendar.

Page 1, replace lines 23 and 24 with:

SECTION 4. DISTRIBUTIONS TO STATE INSTITUTIONS. Notwithstanding section 15-03-05.2, during the biennium beginning July 1, 2001, and ending June 30, 2003, the board of university and school lands shall distribute the following amounts, or so much income as may be available, from the permanent funds managed for the benefit of the following entities:

- North Dakota state university \$1,330,974
University of North Dakota 995,011
Youth correctional center 502,823
School for the deaf 465,000
North Dakota state college of science 392,994
State hospital 374,856
Veterans' home 320,000
Valley City state university 310,199
School for the blind 290,000
Mayville state university 217,891
Minot state university - Bottineau 38,900
Dickinson state university 38,864
Minot state university 38,850

Total

\$5,316,362

Page 2, remove lines 1 through 5

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 226 - Land Department - House Action

This amendment removes Section 4 of the engrossed bill, which provided legislative intent that during the 2001-03 biennium, the Land Department set all parcels of land not producing a profit for the trust funds managed by the department.

This amendment adds a new section to specify the maximum permanent fund distributions to various state agencies for the 2001-03 biennium. The amounts specified are the amounts included in the executive budget recommendation. This section provides that 2001-03 biennium distributions are not subject to North Dakota Century Code Section 15-03-05.2, which prohibits the retention of income for future distributions if the result would be a reduction in income distributed to the trust fund beneficiary from the amount distributed the previous year.

REPORT OF STANDING COMMITTEE

SB 2008, as engrossed: Appropriations Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (19 YEARS, 0 DAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2008 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "2,707,820" with "2,800,996"

Page 1, line 11, replace "701,818" with "742,786"

Page 1, line 12, replace "48,700" with "52,700"

Page 1, line 14, replace "3,478,338" with "3,616,482"

2001 SENATE APPROPRIATIONS

CONFERENCE COMMITTEE

SB 2002

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2002

Senate Appropriations Committee

Conference Committee

Hearing Date April 11, 2001

Tape Number	Side A	Side B	Meter #
Tape #4	x		0.0 - 14.2
Committee Clerk Signature <i>Jonnie Pitake</i>			

Minutes:

Senator Nething, Chair of SB2002 Conference Committee (Judiciary), called the Committee to order at 2:00 PM on Wednesday, April 11th in the Harvest Room.

Roll Call: Senator Nething, Chair; Senator Solberg; Senator Tallackson; Representative Carlisle; Representative Koppelman; and Representative Huether -- all members present.

Senator Nething acknowledged Representative Carlisle, who went through the House amendments (18028.0202). Appeared since the opening of the session that one of the purposes was to salaries -- searching for any way to enhance Chief Justice VandeWalle's salary -- hopefully we've achieved some of the inequity. The department was asked, if you needed to identify areas where dollars could be adjusted --- response from Justice Mary Muehlen Maring was distributed (a copy of her letter is attached), and he led the discussion of the letter.

Senator Nething: Out of operating? No statement of where this comes from?

Page 2

Senate Appropriations Committee

Bill/Resolution Number SB2002

Hearing Date April 11, 2001

Representative Koppelman: Issue: State employees getting more dollars --- good case given during the interim and session. Senate granted this -- on merit -- a little more to give equity increases. Folks of their credentials (justices, attorneys) could receive much more in the private sector. Believe this is fiscal responsibility. Not our initiative to determine where dollars come from.

Senator Solberg: First we've seen this letter --- what target area?

Representative Koppelman: Just received 10 minutes ago myself -- not sure this is what the sub section or full committee asked of the court --- believe the court initiated it.

Senator Solberg: Letter doesn't say that.

Representative Koppelman: Letter is dated April 10th - refers to last evening, which would mean April 9th discussion.

Representative Carlisle: I visited with Justice Maring, asked that she put her thoughts down on paper.

Senator Nething: The information we got regarding information technology need was 504 thousand over current budget --- allowing for training of 340 judges/staff/ directors/ program assistants and help desk.-- all needed to move forward ...explore the active TV, store electronically. The 350 thousand carry over dollars still in place?

Roxanne Hobza, Legislative Council Staff: Carry over there -- not salaries.

Senator Nething: Understood they had to have operating dollars to create this.

Representative Koppelman: Believe this is a timing and implementation period -- another review of priorities.

Senator Nething: Available when asked?

Representative Koppelman: If all this was known, there'd be no conference committee.

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Senate Appropriations Committee

Bill/Resolution Number SB2002

Hearing Date April 11, 2001

Senator Nething: Roxanne Hobza, Legislative Council --- a breakdown available?

Roxanne Hobza: Will check.

Senator Nething: Operating line has been decreased - what was in the operating line; we need to know.

Roxanne Hobza: Sheet provided by justices for House - software and contractual.

Senator Solberg: Copies?

Roxanne Hobza: Yes, will provide.

Representative Koppelman: In part, working in part with ITD -- some delay could be considered. It is an opportunity to enhance systems -- coordinate -- there is a need to harmonize.

Senator Nething: Legislative Council look into this? Consultant approved?

Representative Koppelman: Not to my knowledge.

Senator Nething: Don't recall dollars for salaries? 4% - 4%; 50-50; 8 and 5 there.

Representative Carlisle: Restitution. Senate 638,973 out?

Senator Nething: Couldn't get our arms around it? Why the study.

Senator Nething distributed copies of a proposed amendments (a copy is attached). Discussion of same.

Senator Tallackson: Connection with dollars out and this?

Senator Nething: Yes,

Senator Solberg: As of 4-1 the Supreme Court takes over, paying until 2003 ? May be a problem.

Representative Carlisle: Believe we need time to discuss this further, request another meeting.

Senator Nething: Agree, Committee meeting closed, to be reconvened at the call of the chair.

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2002

Senate Appropriations Committee

Conference Committee

Hearing Date April 13, 2001

Tape Number	Side A	Side B	Meter #
Tape #3	x		0.0 - 9.2
Committee Clerk Signature <i>Janice Pritchard</i>			

Minutes:

Senator Nething, SB2002 - Judiciary Conference Committee Chair, called the meeting to order at 2:00 p.m., on Friday, April 13th.

Roll Call: Senator Nething, Chair; Senator Solberg; Senator Tallackson; Representative Timm; Representative Byerly; and Representative Glassheim; all members present.

Senator Nething: Distributed copies of an independent assessment of the effects of the budget revisions made by the House; and led the discussion regarding same (copy (1.) is attached).

Our thoughts are to accept technology changes. However, not to accept increase in salary.

Problem deal: restitution not in conflict -- copies of a proposed amendment of legislative intent - restitution collection and enforcement attached for review (a copy (2) is attached) -- an alternative for keeping in place. Additional FTE: know it's a problem; put some dollars in to resolve it -- perhaps 13,000 will cover postage, printing etc.

On the table: flat 50 thousand in budget -- with legislative intent?

Page 2

Senate Appropriations Committee

Bill/Resolution Number SB2002

Hearing Date April 13, 2001

Representative Timm: Salaries amount to? Perhaps Legislative Council can provide info there?

Roxanne Hobza, Legislative Council Staff: Senate change 11 - 3 second to 6 ½ and 6 ½? As introduced to the Senate, 11 and 2.

Representative Timm: On top of 3-2 to all?

Roxanne Hobza: 6 ½ and 6 ½ includes 3 and 2.

Representative Timm: House has 9 and 8 on top of 3 and 2?

Roxanne Hobza: Includes 3 and 2. 9% and 8% -- no additional.

Representative Timm: Difference then, Senate gave 13%' House 17%?

Roxanne Hobza: Correct.

Representative Byerly: House after review of structure -- by sub and full House committees, looked hard at pay -- felt it was not adequate compensation in relationship to other elected officials. Percentage increases were never given for judges as with other officials --- nothing more than the 3 and 2. Felt this should be looked at as an equity adjustment --- not a salary increase. Case loads are up, number of judges down. Regional look indicates judges are entitled to a salary adjustment. Our contention is that this is adequate -- fair and equitable. It is within direct correlation judges in ND, NY and FL --- we have quality judges -- no raises. We asked the Court to find dollars if they found dollars that didn't effect operations --- correcting the inequity -- within being responsible to our parameters -- we'd live up to our promise -- give the increases, and fight to retain them. On Floor we have had significant support. They lived up to their end, we will live up to ours.

Senator Nething: Just said no to any offer? Concludes the meeting at this time, will reschedule.

A letter from Justice Mary Muehlen Maring dated April 12th further explained the earlier letter from her regarding proposed budget reduction (a copy is attached (3.)

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2002

Senate Appropriations Committee

Conference Committee

Hearing Date April 17, 2001

Tape Number	Side A	Side B	Meter #
Tape # 3	x		9.0 - 22.3
Committee Clerk Signature <i>Terrie Putsch</i>			

Minutes:

Senator Nething, Chair of the SB2002 (Judiciary) Conference Committee, opened the meeting at 2:00 p.m. On Tuesday, April 17th in the Harvest Room.

Roll Call: Senator Nething, Chair; Senator Solberg; Senator Tallackson; Representative Timm; Representative Byerly; and Representative Glassheim present. All members present.

Representative Byerly: Distributed a list of state employees, annual salaries of 90,000 and above (a copy is attached). Note: no judges are listed. Salary for the judges is one area in which we differ from the Senate. The other area of difference is that the Senate removed 638,973 in the restitution area -- why?

Senator Nething: Felt we could not get our arms around it -- decided not to deal with it at this time, do the study. Chief Justice in his presentation did not have recommendations -- felt it was a political issue and left it up to us.

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Senate Appropriations Committee

Bill/Resolution Number SB2002

Hearing Date April 17, 2001

Senator Solberg: Felt it was like aiming at a moving target -- the inclusion of clerk of court -- and the different areas, different places --- no continuity in the collection of restitution.

Representative Byerly: Since House action -- item to talk about?

Senator Nething: Can't explain it -- appears there are 11 counties involved -- 8 doing it one way the other 3 differently -- and 38 that don't belong, all doing a mixture of ways to collect. The counties brought an amendment forward -- we don't like to create problems for the counties if we can help it -- amendment had dollars with it.

Representative Byerly: \$175,623.

Senator Nething: Plus 2 FTE's -- study would reveal need.

Senator Solberg: Narrative indicated a mixed bag of what counties do.

Representative Timm: Perhaps someone could explain how the counties handle this who are not in agreement -- what's restitution area?

Senator Nething: Collection of bad checks -- some states attorneys assist, some is done in the country -- some clerk of courts assist ---

Representative Byerly: Believe the treasurers are involved--- money deposits, then payouts here. Everything from small claims court judgments, to bad checks to whatever -- with the exception of child support which is separate.

Senator Nething: Information you gave doesn't include elected officials? We were given the figures that South Dakota is 12% greater --- which with the 6% this session and 6% in 2003-- dollars received would be 13% increase. House put that to 17% --- that's 30% over what the Senate did?

Representative Timm: If we go the Senate route --- what would you do with the dollars?

Senator Nething: Go to the general fund --- except what we do with the restitution.

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Senate Appropriations Committee

Bill/Resolution Number SB2002

Hearing Date April 17, 2001

Representative Byerly: Hope not to do that --- not sure if it's fair to the judges --- give it to them, then take it away. They had plans --- other options for the dollars; not fair treatment. Our legislative council attorneys make more than our judges. House is still committed to our package. Hopefully we can work this out.

Representative Byerly: We see 2 items: salary and restitution. If you are asking for alternative suggestions --- no we do not have them.

Senator Tallackson: Isn't compromise the purpose of the conference committee?

Senator Nething: Senate offered to accept the reduction -- if House agreed to Senate salary figures. They would not accept.

Representative Byerly: Respect the offer, but we went back to the courts with their original intentions.

Senator Nething: Had outside consultant review that --- not sure of the need, or if they could accomplish it now, also assuring it would be just as appropriate to complete 2 years from now.

Representative Byerly: Could use the dollars now --- to do the same thing.

Senator Solberg: Fee comfortable with leaving balance for records as carryover?

Representative Byerly: Could fall in carryover category --- not all electronic imaging system --- not so terrible if goes to carryover.

Senator Nething: Hearing no new requests, offers, the meeting is adjourned.

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2002

Senate Appropriations Committee

Conference Committee

Hearing Date April 19, 2001

Tape Number	Side A	Side B	Meter #
Tape # 1	x		37.4 - 54.8
Tape # 1		x	0.0 - 11.0
Committee Clerk Signature <i>Stacie Putsch</i>			

Minutes:

Senator Nething, Chair of the SB2002 Conference Committee (Judiciary), called the meeting to order at 11:00 am, Thursday, April 19th in the Harvest Room.

Roll Call: Senator Nething, Chair; Senator Solberg; Senator Tallackson; Representative Timm; Representative Byerly; and Representative Glassheim responded. All members present.

Senator Nething: Believe the issues are clear -- differences between Senate and House.

Representative Byerly: Right, 2 items: 1) salary and 2) restitution. In the interest of moving forwarded the House is prepared to recommend that half salary requested of the House -- would be some savings there and use those dollars to offset restitution; no additional general fund dollars --- would be a WASH. House feels no FTE's needed --- leaves some room for the counties. It would add 2500 to Supreme Court-1750 to district court --above the Senate numbers. -- leaves in the neighborhood of 130,000 for restitution rather than 175,000.

Senator Nething: Close -- we understand dollar wise.

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Senate Appropriations Committee

Bill/Resolution Number SB2002

Hearing Date April 19, 2001

Senator Nething: Senate proposal: using Senate figures -- 75,000 to increase salaries the second year of the biennium.

Representative Timm: Increase $\frac{1}{2}$ --- first Senate; 2nd half House level?

Representative Byerly: Supreme Court: additional 5000 or 3500 or 5000 second year and 3500/2500?

Senator Nething: Half of House proposal -- only in the second year.

Senator Solberg: Easier to use percentages -- $6\frac{1}{2}$ - $6\frac{1}{2}$ has Senate had then to $6\frac{1}{2}$ - $8\frac{1}{2}$ as proposed now. 50,000 to restitution.

Representative Timm: Where would the additional dollars be spent?

Senator Nething: Back to the general fund.

Representative Timm: House asked the agency to find dollars within their budget -- they did; now we say we are taking it away --- to put into the general fund? Think the agency will want to work like this again?

Senator Nething: Money was found: money was suggestion for utilization --- all viable delays that could be done 2 years from now --- money perhaps that shouldn't be spent, we don't know until it is studies ---- we would be putting in 50 thousand now --- earmarking it for 2 years from now for technology.

Representative Byerly: Don't think the House goes along with that proposal --- 50 thousand restitution --- where did that number come from? Requested currently 175,000 restitution? The study will show how to handle restitution --- there is a need for bodies per department.

Senator Nething: Part of the problem -- we don't know --- 50 thousand was an arbitrary figure.

Senator Solberg: I oppose to more than 50 thousand going into restitution -- we're now taking the clerk of courts in --- not aware of what's going to happen --- perhaps throwing money wrong

direction --- better put into the ending fund balance. Put 175,000 figure out, and some counties would be questioning -- see how clerk of court works in --- being generous with 50 thousand, my opinion.

Representative Timm: If we go 50 thousand here -- salary in 2nd year -- extra salary to first year --- no money back to general fund?

Senator Nething: But we gave them all the salary they requested.

Representative Timm: Dollar amount? Going back to general fund?

Senator Nething: Neighborhood of 75 thousand.

Representative Timm: Better back to salaries --- that sum wouldn't do much to the ending balance in general fund.

Senator Nething: All I can do at this point, per Senate leadership.

Representative Byerly: Can't speak for others -- but for myself -- think the court was asked to do -- they did it -- we renege on it --- the next time we say --- what do you think they'd say?

Senator Nething: Difference between Senate and House --- we gave what they asked for.

Representative Byerly: They asked for more when in the House --- this didn't come out of the sky--- lots of time was spent in the House on this testimony--- Judge Ralph Erickson did a presentation -- in part, regarding low salaries -- we went to the Chief Judge --- didn't request specific numbers --- but the salary survey show numbers like 5000 and 3500 would be a reasonable base increase --- and based on that information the House gave strong support. Here's materials from presentation to support the point. (shared with Senators Nething and Solberg).

Senator Nething: We didn't see that request in your documents -- nor was it in testimony we heard -- we gave them what they requested -- something we don't do in all budgets.

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Senate Appropriations Committee

Bill/Resolution Number SB2002

Hearing Date April 19, 2001

Representative Byerly: Depends on what constitutes request? They testified low salaries -- compared salaries with outside professional positions available. Believe the dollars would be well spent.

Senator Nething: Willing to keep Senate level?

Representative Byerly: Not sure, 7 members of my committee were influenced and supporting of dollar increases.

Representative Glassheim: Didn't exactly say more dollars needed in testimony --- but the burden of testimony indicated very low -- the executive recommendation not bringing them near other comparable positions --- Vaguely indicated raise would be appropriate. It was clear salaries were very low; committee concluded --if department could find it ---. Secondly, feel funny -- when one House asks to find savings -- net result is that they lose the dollars found --- indicates the word is useless -- betrayal could be a little strong.

Senator Nething: Senate was told there is a need for the technology.

Representative Byerly: Don't see a motion at this point -- adjourn and think?

Senator Tallackson: Appears we are close?

Representative Byerly: Not convinced we're close -- cut in half; House not locked into all restitution --- 50 thousand may not be a problem -- could be some residual -- but put back the dollars where they came from.

Representative Glassheim: More comfortable with full amount 2nd year -- enough interest? Then 50 thousand residual back to technology when needed?

Representative Timm: Get the feeling -- savings should go back to the budget --- not go to the general fund.

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Senate Appropriations Committee

Bill/Resolution Number SB2002

Hearing Date April 19, 2001

Senator Solberg: I have an amendment to offer -- basically do the Senate salary -- then 50,000 to restitution --- balance back to where it was in the budget -- with authorization to carryover.

Representative Byerly: 2/3 -- missing one key component?

Senator Solberg: Covers Representative Glassheim's concerns --- I move the amendments. (No second received)

Senator Tallackson: Better to have the Chairman's recommendation -- technology dollars 2 years from now.

Representative Byerly: Uncomfortable with that salary solution -- need the whole raise not just 1 year pay raise.

Senator Nething: ½ second year -- rest as Senator Solberg's amendments state?

Representative Timm: Half of the half --rest amendments?

Senator Solberg: Full wages plus ---- believe fair.

Representative Byerly: Not a compromise for the House.

Representative Timm: 100% of requested raises given by the Senate?

Senator Nething: Yes -- 13% total; 6 ½ and 6 ½.

Senator Nething closed the meeting - to be reconvened upon the call of the schedulers.

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2002

Senate Appropriations Committee

~~X~~ Conference Committee

Hearing Date April 20, 2001

Tape Number	Side A	Side B	Meter #
Tape # 2	x		38.0 - 46.4
Committee Clerk Signature <i>Jennie Petch</i>			

Minutes:

Senator Nething, Chair of the SB2002 Conference Committee (Judiciary), called the meeting to order at 11:00 am, Friday April 21st in the Harvest Room.

Roll Call: Senator Nething, Chair; Senator Solberg; Senator Tallackson; Representative Timm; Representative Byerly; and Representative Glassheim were present.

Senator Nething: All members are present, we have reviewed the differences between the House and Senate, are we ready for further discussion or is there a proposal?

Representative Timm: Distributed copies of the House proposal regarding the salary and restitution portions which had not been agreed on during previous sessions (a copy attached).

He led the discussion regarding the proposal.

Senator Nething: 1250 first year, 1250 second year -- do the numbers come out?

Roxanne Hobza, Legislative Council Staff Analyst: There will be a little adjustment -- for benefits, etc but without a few thousand dollars.

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Senate Appropriations Committee

Bill/Resolution Number SB2002

Hearing Date April 20, 2001

Senator Tallackson: 1/2 of House and 1/2 again?

Representative Glassheim: Not another 2nd year? Cost to continue? 3750 raise?

Senator Tallackson: Ours --- was but only for 2nd year.

Representative Byerly: Originally 11% and 2% -- significant difference when 6 1/2 and 6 1/2.

Senator Solberg: Accept the changes in the spirit of cooperation.

Representative Timm: Recommends that the House Recede from its amendments; adopt the amendments to include today's proposal from the House, along with other previously agreed upon items. Recommendation seconded by Senator Tallackson. Discussion; Roll Call vote: 6 yes; 0 no; 0 absent and not voting.

Senator Nething: Thank you gentlemen, the meeting is adjourned.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 2002

Page 3, after line 16, insert:

SECTION 7. LEGISLATIVE INTENT – RESTITUTION COLLECTION AND ENFORCMENT. It is the intent of the legislative assembly that the county and state offices performing restitution collection and enforcement activities as of April 1, 2001, continue to perform those activities until June 30, 2003.

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

That the House recede from its amendments as printed on pages 1071-1073 of the Senate Journal and pages 1171-1173 of the House Journal and that Engrossed Senate Bill No. 2002 be amended as follows:

Page 1, line 4, after "Code" insert "; to provide a statement of legislative intent"

Page 1, line 15, replace "5,637,102" with "5,657,954"

Page 1, line 16, replace "1,645,411" with "1,583,678"

Page 1, line 19, replace "7,644,832" with "7,603,951"

Page 1, line 22, replace "24,953,025" with "25,056,564"

Page 1, line 23, replace "10,216,933" with "10,004,669"

Page 2, line 4, replace "37,043,489" with "36,934,764"

Page 2, line 6, replace "35,849,418" with "35,740,693"

Page 2, line 17, replace "382,650" with "382,650"

Page 2, after line 17, insert:

"Collection of restitution 50,000"

Page 2, line 18, replace "10,854,353" with "10,904,353"

Page 2, line 20, replace "10,104,353" with "10,154,353"

Page 2, line 21, replace "53,853,115" with "53,753,509"

Page 2, line 23, replace "56,070,936" with "55,971,330"

Page 3, after line 12, insert:

"SECTION 6. LEGISLATIVE INTENT - RESTITUTION COLLECTION AND ENFORCEMENT. It is the intent of the legislative assembly that the county and state offices performing restitution collection and enforcement activities as of April 1, 2001, continue to perform those activities until June 30, 2003."

Page 3, line 20, replace "ninety-one" with "ninety-two", after "~~eight~~" insert "two", remove the overstrike over "~~hundred~~", and replace "thirty-nine" with "eighty-nine"

Page 3, line 21, replace "ninety-six" with "ninety-nine" and replace "six" with "one"

Page 3, line 29, after "~~three~~" insert "seven", remove the overstrike over "~~hundred~~", and replace "fifteen" with "sixty-five"

Page 3, line 30, replace "eighty-nine" with "ninety" and replace "one" with "six"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Supreme Court						
Total all funds	\$7,667,669	\$7,644,832	(\$40,881)	\$7,603,951	\$7,628,463	(\$24,512)
Less estimated income						
General fund	\$7,667,669	\$7,644,832	(\$40,881)	\$7,603,951	\$7,628,463	(\$24,512)
District Courts						
Total all funds	\$37,234,414	\$37,043,489	(\$108,725)	\$36,934,764	\$37,069,858	(\$125,094)
Less estimated income	1,194,071	1,194,071		1,194,071	1,194,071	
General fund	\$36,040,343	\$35,849,418	(\$108,725)	\$35,740,693	\$35,865,787	(\$125,094)
Judicial Conduct Commission						
Total all funds	\$528,262	\$528,262	\$0	\$528,262	\$528,262	\$0
Less estimated income	273,750	273,750		273,750	273,750	
General fund	\$254,512	\$254,512	\$0	\$254,512	\$254,512	\$0
Clerk of District Court						
Total all funds	\$11,493,326	\$10,854,353	\$50,000	\$10,904,353	\$10,854,353	\$50,000
Less estimated income	750,000	750,000		750,000	750,000	
General fund	\$10,743,326	\$10,104,353	\$50,000	\$10,154,353	\$10,104,353	\$50,000
Bill Total						
Total all funds	\$56,923,671	\$56,070,936	(\$99,606)	\$55,971,330	\$56,070,936	(\$99,606)
Less estimated income	2,217,821	2,217,821		2,217,821	2,217,821	
General fund	\$54,705,850	\$53,853,115	(\$99,606)	\$53,753,509	\$53,853,115	(\$99,606)

Senate Bill No. 2002 - Supreme Court - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$5,859,939	\$5,837,102	\$20,852	\$5,857,954	\$5,882,466	(\$24,512)
Operating expenses	1,845,411	1,845,411	(61,733)	1,583,678	1,583,678	
Equipment	153,250	153,250		153,250	153,250	
Judges' retirement	209,069	209,069		209,069	209,069	
Total all funds	\$7,667,669	\$7,644,832	(\$40,881)	\$7,603,951	\$7,628,463	(\$24,512)
Less estimated income						
General fund	\$7,667,669	\$7,644,832	(\$40,881)	\$7,603,951	\$7,628,463	(\$24,512)
FTE	44.50	44.50	0.00	44.50	44.50	0.00

Dept. 181 - Supreme Court - Detail of Conference Committee Changes

	INCREASE FUNDING FOR JUDGES' SALARY INCREASES ¹	DECREASE FUNDING FOR OPERATING EXPENSES	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$20,852		\$20,852
Operating expenses		(\$61,733)	(61,733)
Equipment			
Judges' retirement			
Total all funds	\$20,852	(\$61,733)	(\$40,881)
Less estimated income			
General fund	\$20,852	(\$61,733)	(\$40,881)
FTE	0.00	0.00	0.00

¹ This amendment provides additional funding for Supreme Court justices' salaries \$1,250 per year which results in salary increases of approximately eight percent for the first year of the biennium and seven percent for the second year of the biennium. The Senate proposed salary increases of six and one-half percent for each year of the biennium, and the House proposed salary increases of nine percent for the first year of the biennium and approximately eight percent for the second year of the biennium.

Senate Bill No. 2002 - District Courts - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$25,143,950	\$24,953,025	\$103,539	\$25,056,564	\$26,181,658	(\$125,094)
Operating expenses	10,216,933	10,216,933	(212,264)	10,004,669	10,004,669	
Equipment	875,150	875,150		875,150	875,150	
Judges' retirement	878,381	878,381		878,381	878,381	
UND - Central legal research	80,000	80,000		80,000	80,000	
Alternative dispute resolution	40,000	40,000		40,000	40,000	
Total all funds	\$37,234,414	\$37,043,489	(\$108,725)	\$36,934,764	\$37,059,858	(\$125,094)
Less estimated income	<u>1,194,071</u>	<u>1,194,071</u>		<u>1,194,071</u>	<u>1,194,071</u>	
General fund	\$36,040,343	\$35,849,418	(\$108,725)	\$35,740,693	\$35,865,787	(\$125,094)
FTE	191.50	191.50	0.00	191.50	191.50	0.00

Dept. 182 - District Courts - Detail of Conference Committee Changes

	INCREASE FUNDING FOR JUDGES' SALARY INCREASES ¹	DECREASE FUNDING FOR OPERATING EXPENSES	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$103,539		\$103,539
Operating expenses		(\$212,264)	(212,264)
Equipment			
Judges' retirement			
UND - Central legal research			
Alternative dispute resolution			
Total all funds	\$103,539	(\$212,264)	(\$108,725)
Less estimated income			
General fund	\$103,539	(\$212,264)	(\$108,725)
FTE	0.00	0.00	0.00

¹ This amendment provides additional funding for district court judges of \$750 per year which results in salary increases of approximately seven percent for the first year and the second year of the biennium. The Senate proposed salary increases of six and one-half percent for each year of the biennium, and the House proposed salary increases of approximately eight percent for each year of the biennium.

Senate Bill No. 2002 - Clerk of District Court - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$7,132,966	\$7,132,966		\$7,132,966	\$7,132,966	
Operating expenses	3,338,737	3,338,737		3,338,737	3,338,737	
Equipment	382,650	382,650		382,650	382,650	
Collection of restitution	<u>638,973</u>		<u>\$50,000</u>	<u>50,000</u>		<u>\$50,000</u>
Total all funds	\$11,493,326	\$10,854,353	\$50,000	\$10,904,353	\$10,854,353	\$50,000
Less estimated income	<u>750,000</u>	<u>750,000</u>		<u>750,000</u>	<u>750,000</u>	
General fund	\$10,743,326	\$10,104,353	\$50,000	\$10,154,353	\$10,104,353	\$50,000
FTE	103.00	96.00	0.00	96.00	96.00	0.00

Dept. 184 - Clerk of District Court - Detail of Conference Committee Changes

	PROVIDE FUNDING FOR COLLECTION AND ENFORCEMENT OF RESTITUTION ¹	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages		
Operating expenses		
Equipment		
Collection of restitution	<u>\$50,000</u>	<u>\$50,000</u>
Total all funds	\$50,000	\$50,000
Less estimated income		
General fund	\$50,000	\$50,000
FTE	0.00	0.00

1 This amendment adds a section of legislative intent regarding the collection and enforcement of restitution and provides related funding from the general fund of \$50,000.

Senate Bill No. 2002 - Other Changes - Conference Committee Action

The following schedule provides information regarding Supreme Court and district court judges' salaries including current salaries, salaries proposed in the judicial branch budget request, salaries proposed in Engrossed Senate Bill No. 2002, salaries proposed in House amendments to Engrossed Senate Bill No. 2002, and salaries proposed in this amendment:

	SUPREME COURT CHIEF JUSTICE	OTHER SUPREME COURT JUSTICES	DISTRICT COURT PRESIDING JUDGES	OTHER DISTRICT COURT JUDGES
Statutory annual salary authorized by the 1999 Legislative Assembly July 1, 2000	\$87,896	\$85,483	\$80,755	\$78,887
Proposed annual salary included in the 2001-03 judicial branch budget request July 1, 2001 July 1, 2002	\$97,670 \$99,521	\$94,727 \$96,622	\$90,043 \$91,843	\$87,422 \$89,171
Proposed annual salary included in Engrossed Senate Bill No. 2002 July 1, 2001 July 1, 2002	\$93,608 \$99,521	\$91,039 \$96,622	\$88,004 \$91,843	\$84,015 \$89,171
Proposed annual salary included in the House amendments to Engrossed Senate Bill No. 2002 July 1, 2001 July 1, 2002	\$96,108 \$104,521	\$93,539 \$101,622	\$87,504 \$94,843	\$85,515 \$92,171
Proposed annual salary included in Conference Committee amendment July 1, 2001 July 1, 2002	\$94,858 \$102,021	\$92,289 \$99,122	\$86,754 \$93,343	\$84,785 \$90,671

Date: 4-20-01

Roll Call Vote #: 1

**2001 CONFERENCE COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2002**

CONFERENCE COMMITTEE-Judiciary

Legislative Council Amendment Number 18028.0205

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)
the (Senate/House) amendments on (SJ/HJ) page(s) 1021-1023

having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

Action Taken adopt Amend (handwritten version)

Motion Made By Senator/Representative Timm Seconded By Senator/Representative Tallackson

Senators	Yes	No	Representative	Yes	No
Senator Nething	✓		Representative Timm	✓	
Senator Solberg	✓		Representative Byerly	✓	
Senator Tallackson	✓		Representative Glassheim	✓	

al Yes 6 No 0 Absent _____

REPORT OF CONFERENCE COMMITTEE

SB 2002, as engrossed: Your conference committee (Sens. Nething, Solberg, Tallackson and Reps. Timm, Byerly, Glasshelm) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1071-1073, adopt amendments as follows, and place SB 2002 on the Seventh order:

That the House recede from its amendments as printed on pages 1071-1073 of the Senate Journal and pages 1171-1173 of the House Journal and that Engrossed Senate Bill No. 2002 be amended as follows:

Page 1, line 4, after "Code" insert "; to provide a statement of legislative intent"

Page 1, line 15, replace "5,637,102" with "5,657,954"

Page 1, line 16, replace "1,645,411" with "1,583,678"

Page 1, line 19, replace "7,644,832" with "7,603,951"

Page 1, line 22, replace "24,953,025" with "25,056,564"

Page 1, line 23, replace "10,216,933" with "10,004,669"

Page 2, line 4, replace "37,043,489" with "36,934,764"

Page 2, line 6, replace "35,849,418" with "35,740,693"

Page 2, line 17, replace "382,650" with "382,650"

Page 2, after line 17, insert:
"Collection of restitution

50,000"

Page 2, line 18, replace "10,854,353" with "10,904,353"

Page 2, line 20, replace "10,104,353" with "10,154,353"

Page 2, line 21, replace "53,853,115" with "53,753,509"

Page 2, line 23, replace "56,070,936" with "55,971,330"

Page 3, after line 12, insert:

"SECTION 6. LEGISLATIVE INTENT - RESTITUTION COLLECTION AND ENFORCEMENT. It is the intent of the legislative assembly that the county and state offices performing restitution collection and enforcement activities as of April 1, 2001, continue to perform those activities until June 30, 2003."

Page 3, line 20, replace "ninety-one" with "ninety-two", after "eight" insert "two", remove the overstrike over "hundred", and replace "thirty-nine" with "eighty-nine"

Page 3, line 21, replace "ninety-six" with "ninety-nine" and replace "six" with "one"

Page 3, line 29, after "three" insert "seven", remove the overstrike over "hundred", and replace "fifteen" with "sixty-five"

Page 3, line 30, replace "eighty-nine" with "ninety" and replace "one" with "six"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Supreme Court						
Total all funds	\$7,667,669	\$7,644,832	(\$40,881)	\$7,603,951	\$7,628,463	(\$24,512)
Less estimated income						
General fund	\$7,667,669	\$7,644,832	(\$40,881)	\$7,603,951	\$7,628,463	(\$24,512)
District Courts						
Total all funds	\$37,234,414	\$37,043,489	(\$108,725)	\$36,834,764	\$37,069,858	(\$125,094)
Less estimated income	1,194,071	1,194,071		1,194,071	1,194,071	
General fund	\$36,040,343	\$35,849,418	(\$108,725)	\$35,740,693	\$35,865,787	(\$125,094)
Judicial Conduct Commission						
Total all funds	\$528,282	\$528,282	\$0	\$528,282	\$528,282	\$0
Less estimated income	273,760	273,760		273,760	273,760	
General fund	\$254,512	\$254,512	\$0	\$254,512	\$254,512	\$0
Clerk of District Court						
Total all funds	\$11,493,328	\$10,854,353	\$50,000	\$10,904,353	\$10,854,353	\$50,000
Less estimated income	760,000	760,000		760,000	760,000	
General fund	\$10,743,328	\$10,104,353	\$50,000	\$10,164,353	\$10,104,353	\$50,000
Bill Total						
Total all funds	\$56,923,671	\$56,070,936	(\$99,606)	\$55,971,330	\$56,070,936	(\$99,606)
Less estimated income	2,217,821	2,217,821		2,217,821	2,217,821	
General fund	\$54,705,850	\$53,853,115	(\$99,606)	\$53,753,509	\$53,853,115	(\$99,606)

Senate Bill No. 2002 - Supreme Court - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$5,659,939	\$5,637,102	\$20,852	\$5,657,954	\$5,682,466	(\$24,512)
Operating expenses	1,645,411	1,645,411	(\$61,733)	1,583,678	1,583,678	
Equipment	153,250	153,250		153,250	153,250	
Judges' retirement	209,069	209,069		209,069	209,069	
Total all funds	\$7,667,669	\$7,644,832	(\$40,881)	\$7,603,951	\$7,628,463	(\$24,512)
Less estimated income						
General fund	\$7,667,669	\$7,644,832	(\$40,881)	\$7,603,951	\$7,628,463	(\$24,512)
FTE	44.50	44.50	0.00	44.50	44.50	0.00

Dept. 181 - Supreme Court - Detail of Conference Committee Changes

	INCREASE FUNDING FOR JUDGES' SALARY INCREASES 1	DECREASE FUNDING FOR OPERATING EXPENSES	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$20,852		\$20,852
Operating expenses		(\$61,733)	(\$61,733)
Equipment			
Judges' retirement			
Total all funds	\$20,852	(\$61,733)	(\$40,881)
Less estimated income			
General fund	\$20,852	(\$61,733)	(\$40,881)
FTE	0.00	0.00	0.00

¹ This amendment provides additional funding for Supreme Court justices' salaries \$1,250 per year which results in salary increases of approximately eight percent for the first year of the biennium and seven percent for the second year of the biennium. The Senate proposed salary increases of six and one-half percent for each year of the biennium, and the House proposed salary increases of nine percent for the first year of the biennium and approximately eight percent for the second year of the biennium.

Senate Bill No. 2002 - District Courts - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$25,143,950	\$24,953,026	\$103,539	\$25,056,564	\$25,181,858	(\$125,094)
Operating expenses	10,216,933	10,216,933	(212,264)	10,004,669	10,004,669	
Equipment	876,150	876,150		876,150	876,150	
Judges' retirement	878,381	878,381		878,381	878,381	
UND - Central legal research	80,000	80,000		80,000	80,000	
Alternative dispute resolution	40,000	40,000		40,000	40,000	
Total all funds	\$37,234,414	\$37,043,489	(\$108,725)	\$36,934,764	\$37,059,858	(\$125,094)
Less estimated income	<u>1,194,071</u>	<u>1,194,071</u>		<u>1,194,071</u>	<u>1,194,071</u>	
General fund	\$36,040,343	\$35,849,418	(\$108,725)	\$35,740,693	\$35,865,787	(\$125,094)
FTE	191.50	191.50	0.00	191.50	191.50	0.00

Dept. 182 - District Courts - Detail of Conference Committee Changes

	INCREASE FUNDING FOR JUDGES' SALARY INCREASES ¹	DECREASE FUNDING FOR OPERATING EXPENSES	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$103,539		\$103,539
Operating expenses		(\$212,264)	(212,264)
Equipment			
Judges' retirement			
UND - Central legal research			
Alternative dispute resolution			
Total all funds	\$103,539	(\$212,264)	(\$108,725)
Less estimated income			
General fund	\$103,539	(\$212,264)	(\$108,725)
FTE	0.00	0.00	0.00

¹ This amendment provides additional funding for district court judges of \$750 per year which results in salary increases of approximately seven percent for the first year and the second year of the biennium. The Senate proposed salary increases of six and one-half percent for each year of the biennium, and the House proposed salary increases of approximately eight percent for each year of the biennium.

Senate Bill No. 2002 - Clerk of District Court - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$7,132,966	\$7,132,966		\$7,132,966	\$7,132,966	
Operating expenses	3,338,737	3,338,737		3,338,737	3,338,737	
Equipment	382,650	382,650		382,650	382,650	
Collection of restitution	<u>638,973</u>		<u>\$50,000</u>	<u>50,000</u>		<u>\$50,000</u>
Total all funds	\$11,493,326	\$10,854,353	\$50,000	\$10,904,353	\$10,854,353	\$50,000
Less estimated income	<u>750,000</u>	<u>750,000</u>		<u>750,000</u>	<u>750,000</u>	
General fund	\$10,743,326	\$10,104,353	\$50,000	\$10,154,353	\$10,104,353	\$50,000
FTE	103.00	96.00	0.00	96.00	96.00	0.00

Dept. 184 - Clerk of District Court - Detail of Conference Committee Changes

	PROVIDE FUNDING FOR COLLECTION AND ENFORCEMENT OF RESTITUTION ¹	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages		
Operating expenses		
Equipment		
Collection of restitution	\$50,000	\$50,000
Total all funds	\$50,000	\$50,000
Less estimated income		
General fund	\$50,000	\$50,000
FTE	0.00	0.00

¹ This amendment adds a section of legislative intent regarding the collection and enforcement of restitution and provides related funding from the general fund of \$50,000.

Senate Bill No. 2002 - Other Changes - Conference Committee Action

The following schedule provides information regarding Supreme Court and district court judges' salaries including current salaries, salaries proposed in the judicial branch budget request, salaries proposed in Engrossed Senate Bill No. 2002, salaries proposed in House amendments to Engrossed Senate Bill No. 2002, and salaries proposed in this amendment:

	SUPREME COURT CHIEF JUSTICE	OTHER SUPREME COURT JUSTICES	DISTRICT COURT PRESIDING JUDGES	OTHER DISTRICT COURT JUDGES
Statutory annual salary authorized by the 1999 Legislative Assembly July 1, 2000	\$87,895	\$65,483	\$80,755	\$78,887
Proposed annual salary included in the 2001-03 judicial branch budget request July 1, 2001	\$97,570	\$94,727	\$90,043	\$87,422
July 1, 2002	\$99,521	\$96,622	\$91,843	\$89,171
Proposed annual salary included in Engrossed Senate Bill No. 2002 July 1, 2001	\$93,608	\$91,039	\$86,004	\$84,016
July 1, 2002	\$99,521	\$96,622	\$91,843	\$89,171
Proposed annual salary included in the House amendments to Engrossed Senate Bill No. 2002 July 1, 2001	\$96,108	\$93,539	\$87,504	\$85,515
July 1, 2002	\$104,521	\$101,622	\$94,843	\$92,171
Proposed annual salary included in Conference Committee amendment July 1, 2001	\$94,858	\$92,289	\$86,754	\$84,765
July 1, 2002	\$102,021	\$99,122	\$93,343	\$90,671

Engrossed SB 2002 was placed on the Seventh order of business on the calendar.

2001 TESTIMONY

SB 2002

Department 180 - Judicial Branch
 Senate Bill No. 2002

	FTE Positions	General Fund	Other Funds	Total
2001-03 Schafer Executive Budget	343.00	\$54,705,850	\$2,217,821	\$56,923,671
1999-2001 Legislative Appropriations	351.00	40,640,576	1,049,943	41,690,519
Increase (Decrease)	(8.00)	\$14,065,274	\$1,167,878	\$15,233,152

2001-03 Hoeven Executive Budget	343.00	\$54,705,850	\$2,217,821	\$56,923,671
Hoeven Increase (Decrease) to Schafer	0.00	\$0	\$0	\$0

Major Schafer Recommendations Affecting Judicial Branch 2001-03 Budget

	General Fund	Other Funds	Total
1. Provides for the following Supreme Court changes:			
a. Provides funding for an 11 percent salary increase for the Supreme Court justices for the first year of the biennium and a two percent increase for the second year.	\$126,426		\$126,426
b. Increases operating expenses primarily for operation of the law library.	\$109,897		\$109,897
c. Decreases funding for former justices' retirement.	(\$67,791)		(\$67,791)
2. Provides for the following district court changes:			
a. Provides funding for an 11 percent salary increase for the district court judges for the first year of the biennium and a two percent increase for the second year.	\$992,579		\$992,579
b. Eliminates 2 FTE positions, including one judgeship (the number of judges needed to be reduced to 42 by January 2, 2001).	(\$275,435)		(\$275,435)
c. Adds the following 4 new FTE positions:			
1.00 FTE other - Not classified (legal assistant)	\$38,271	\$38,271	\$76,542
.50 FTE other - Not classified (district court secretary)	\$40,137		\$40,137
.50 FTE other - Not classified (district court secretary)	\$40,137		\$40,137
1.00 FTE other - Not classified (computer support position)	\$84,063		\$84,063
1.00 FTE other - Not classified (juvenile court officer)	\$84,063		\$84,063
d. Increases operating expenses primarily in the areas of information technology contractual services (\$338,422), operating fees and services (\$599,054), and professional services (\$426,961)	\$842,314	\$437,581	\$1,279,895
e. Increases funding for former judges' retirement	\$63,820		\$63,820
3. No significant changes for the Judicial Conduct Commission and Disciplinary Board.			
4. Provides for the following clerk of district court changes:			
a. Eliminates 8 FTE positions and increases funding for the clerk of district court unification	\$9,341,626	\$750,000	\$10,091,626

Major Hoeven Recommendations Affecting Judicial Branch 2001-03 Budget
 Compared to the Bill as Introduced (Schafer Budget)

The Hoeven executive budget did not change the Schafer executive budget recommendation.

Major Legislation Affecting the Judicial Branch

Senate Bill No. 2081 establishes an indigent defense administration fund and provides a continuing appropriation for all moneys deposited in the fund.

Senate Bill No. 2083 provides changes for judges' retirement benefits.

Department 180 - Judicial Branch
 Senate Bill No. 2002

	FTE Positions	General Fund	Other Funds	Total
2001-03 Schafer Executive Budget	343.00	\$54,705,850	\$2,217,821	\$56,923,671
1999-2001 Legislative Appropriations	351.00	40,640,576	1,049,943	41,690,519
Increase (Decrease)	(8.00)	\$14,065,274	\$1,167,878	\$15,233,152

2001-03 Hoeven Executive Budget	343.00	\$54,705,850	\$2,217,821	\$56,923,671
Hoeven Increase (Decrease) to Schafer	0.00	\$0	\$0	\$0

Major Schafer Recommendations Affecting Judicial Branch 2001-03 Budget

	General Fund	Other Funds	Total
1. Provides for the following Supreme Court changes:			
a. Provides funding for an 11 percent salary increase for the Supreme Court justices for the first year of the biennium and a two percent increase for the second year. (The Senate decreased funding by \$22,837, to \$103,589, to adjust the salary increase for Supreme Court justices to a 6.5 percent increase for each year of the biennium.)	\$126,426		\$126,426
b. Increases operating expenses primarily for operation of the law library.	\$109,897		\$109,897
c. Decreases funding for former justices' retirement.	(\$67,791)		(\$67,791)
2. Provides for the following district court changes:			
a. Provides funding for an 11 percent salary increase for the district court judges for the first year of the biennium and a two percent increase for the second year. (The Senate decreased funding by \$190,925, to \$801,654, to adjust the salary increase for district court judges to a 6.5 percent increase for each year of the biennium.)	\$992,579		\$992,579
b. Eliminates 2 FTE positions, including one judgeship (the number of judges needed to be reduced to 42 by January 2, 2001).	(\$275,435)		(\$275,435)
c. Adds the following 4 new FTE positions:			
1.00 FTE other - Not classified (legal assistant)	\$38,271	\$38,271	\$76,542
.50 FTE other - Not classified (district court secretary)	\$40,137		\$40,137
.50 FTE other - Not classified (district court secretary)	\$40,137		\$40,137
1.00 FTE other - Not classified (computer support position)	\$84,063		\$84,063
1.00 FTE other - Not classified (juvenile court officer)	\$84,063		\$84,063
d. Increases operating expenses primarily in the areas of information technology contractual services (\$338,422), operating fees and services (\$599,054), and professional services (\$426,981)	\$842,314	\$437,581	\$1,279,895
e. Increases funding for former judges' retirement	\$63,820		\$63,820
3. No significant changes for the Judicial Conduct Commission and Disciplinary Board.			
4. Provides for the following clerk of district court changes:			
a. Eliminates 10 FTE positions and increases funding for the clerk of district court unification. (The Senate removed funding for collection of restitution in the amount of \$638,973.)	\$9,341,626	\$750,000	\$10,091,626

Major Hoeven Recommendations Affecting Judicial Branch 2001-03 Budget
 Compared to the Bill as Introduced (Schafer Budget)

The Hoeven executive budget did not change the Schafer executive budget recommendation.

Major Legislation Affecting the Judicial Branch

Senate Bill No. 2081 establishes an application fee for indigent defense and provides a continuing appropriation for all moneys collected. (This bill has been passed by the Senate.)

Senate Bill No. 2083 provides changes for judges' retirement benefits. (This bill has been passed by both the Senate and the House.)

Senate Bill No. 2383 increases the compensation for district court jurors from \$25 to \$50 for each day subsequent to the first day of jury duty. (This bill has been passed by the Senate.)

Summary of Legislative Changes Resulting From First House Action

See Statement of Purpose of Amendment (attached).

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2002 - Funding Summary**

	Executive Budget	Senate Changes	Senate Version
Supreme Court			
Salaries and wages	\$5,659,939	(\$22,837)	\$5,637,102
Operating expenses	1,645,411		1,645,411
Equipment	153,250		153,250
Judges retirement	209,069		209,069
Total all funds	\$7,667,669	(\$22,837)	\$7,644,832
Less estimated income	0	0	0
General fund	\$7,667,669	(\$22,837)	\$7,644,832
FTE	44.50	0.00	44.50
District Courts			
Salaries and wages	\$25,143,950	(\$190,925)	\$24,953,025
Operating expenses	10,216,933		10,216,933
Equipment	875,150		875,150
Judges retirement	878,381		878,381
UND - Central legal research	80,000		80,000
Alternative dispute resolution	40,000		40,000
Total all funds	\$37,234,414	(\$190,925)	\$37,043,489
Less estimated income	1,194,071	0	1,194,071
General fund	\$36,040,343	(\$190,925)	\$35,849,418
FTE	191.50	0.00	191.50
Judicial Conduct Commission			
Judicial conduct comm & disciplinary bd	\$528,262		\$528,262
Total all funds	\$528,262	\$0	\$528,262
Less estimated income	273,750	0	273,750
General fund	\$254,512	\$0	\$254,512
FTE	4.00	0.00	4.00
Clerk of District Court			
Salaries and wages	\$7,132,966		\$7,132,966
Operating expenses	3,338,737		3,338,737
Equipment	382,650		382,650
Collection of restitution	638,973	(638,973)	
Total all funds	\$11,493,326	(\$638,973)	\$10,854,353
Less estimated income	750,000	0	750,000
General fund	\$10,743,326	(\$638,973)	\$10,104,353
FTE	103.00	(7.00)	96.00
Bill Total			
Total all funds	\$56,923,671	(\$852,735)	\$56,070,936
Less estimated income	2,217,821	0	2,217,821
General fund	\$54,705,850	(\$852,735)	\$53,853,115
FTE	343.00	(7.00)	336.00

Senate Bill No. 2002 - Supreme Court - Senate Action

	Executive Budget	Senate Changes	Senate Version
Salaries and wages	\$5,659,939	(\$22,837)	\$5,637,102
Operating expenses	1,645,411		1,645,411
Equipment	153,250		153,250
Judges retirement	209,069		209,069
Total all funds	\$7,667,669	(\$22,837)	\$7,644,832
Less estimated income	0	0	0
General fund	\$7,667,669	(\$22,837)	\$7,644,832
FTE	44.50	0.00	44.50

Department No. 181 - Supreme Court - Detail of Senate Changes

	Adjust Funding for Judges' Salary Increases ¹	Total Senate Changes
Salaries and wages	(\$22,837)	(\$22,837)
Operating expenses		
Equipment		
Judges retirement		
Total all funds	(\$22,837)	(\$22,837)
Less estimated income	0	0
General fund	(\$22,837)	(\$22,837)
FTE	0.00	0.00

¹ This amendment adjusts the salary increases for Supreme Court judges from an 11 percent increase for the first year and a 2 percent increase for the second year to approximately a 6.5 percent increase each year of the biennium which results in judges' salaries for the second year of the biennium being the same as the salaries requested in the executive budget.

Senate Bill No. 2002 - District Courts - Senate Action

	Executive Budget	Senate Changes	Senate Version
Salaries and wages	\$25,143,950	(\$190,925)	\$24,953,025
Operating expenses	10,216,933		10,216,933
Equipment	875,150		875,150
Judges retirement	878,381		878,381
UND - Central legal research	80,000		80,000
Alternative dispute resolution	40,000		40,000
Total all funds	\$37,234,414	(\$190,925)	\$37,043,489
Less estimated income	1,194,071	0	1,194,071
General fund	\$36,040,343	(\$190,925)	\$35,849,418
FTE	191.50	0.00	191.50

Department No. 182 - District Courts - Detail of Senate Changes

	Adjust Funding for Judges' Salary Increases ¹	Total Senate Changes
Salaries and wages	(\$190,925)	(\$190,925)
Operating expenses		
Equipment		
Judges retirement		
UND - Central legal research		
Alternative dispute resolution		
Total all funds	(\$190,925)	(\$190,925)
Less estimated income	0	0
General fund	(\$190,925)	(\$190,925)
FTE	0.00	0.00

¹ This amendment adjusts the salary increases for district court judges from an 11 percent increase for the first year and a 2 percent increase for the second year to approximately a 6.5 percent increase each year of the biennium which results in judges' salaries for the second year of the biennium being the same as the salaries requested in the executive budget.

Senate Bill No. 2002 - Judicial Conduct Commission - Senate Action

The Senate did not change the Schafer executive budget recommendation for the Judicial Conduction Commission and Disciplinary Board. Governor Hoenen did not propose any changes to the Schafer recommendation for this agency.

Senate Bill No. 2002 - Clerk of District Court - Senate Action

	Executive Budget	Senate Changes	Senate Version
Salaries and wages	\$7,132,966		\$7,132,966
Operating expenses	3,338,737		3,338,737
Equipment	382,650		382,650
Collection of restitution	638,973	(638,973)	
Total all funds	\$11,493,326	(\$638,973)	\$10,854,353
Less estimated income	750,000	0	750,000
General fund	\$10,743,326	(\$638,973)	\$10,104,353
FTE	103.00	(7.00)	96.00

Department No. 184 - Clerk of District Court - Detail of Senate Changes

	Remove Funding for Collection of Restitution	Total Senate Changes
Salaries and wages		
Operating expenses		
Equipment		
Collection of restitution	(638,973)	(638,973)
Total all funds	(\$638,973)	(\$638,973)
Less estimated income	0	0
General fund	(\$638,973)	(\$638,973)
FTE	(7.00)	(7.00)

Senate Bill No. 2002 - Other Changes - Senate Action

This amendment also:

- Adds a section allowing the judicial branch to carry over up to \$350,000 of general fund appropriation authority from the 1999-2001 biennium to the 2001-03 biennium to consolidate and integrate the east central judicial district's case management system with the unified court information system (UCIS) used by the other six judicial districts.
- Adds a section that encourages the judicial branch to explore the possibility of using the electronic document management system services provided by the Information Technology Department for enhanced records management and data storage.
- Provides for a Legislative Council study of the implementation of the clerk of court unification including the responsibility for restitution collection and enforcement activities.

The following schedule provides information regarding Supreme Court and district court judges' salaries including current salaries, salaries proposed in the judicial branch budget request, and salaries proposed in the amendment:

	Statutory Annual Salary Authorized by 1999 Legislative Assembly	Proposed Annual Salary Included in the 2001-03 Judicial Branch Budget Request		Proposed Annual Salary Included in Proposed Amendment	
	July 1, 2000	July 1, 2001	July 1, 2002	July 1, 2001	July 1, 2002
Supreme Court Chief Justice	\$87,895	\$97,570	\$99,521	\$93,808	\$99,521
Other Supreme Court justices	\$85,483	\$94,727	\$96,622	\$91,039	\$96,622
District court presiding judges	\$80,755	\$90,043	\$91,843	\$86,004	\$91,843
Other district court judges	\$78,887	\$87,422	\$89,171	\$84,015	\$89,171

INFORMATION FOR
GOVERNMENT OPERATIONS DIVISION OF
HOUSE APPROPRIATIONS COMMITTEE
ON
SENATE BILL 2002

March 12, 2001

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Supreme Court Law Library

The Supreme Court Law Library provides the legal resources necessary for the legal research needs of the Supreme Court, the legislature, state agencies, penitentiary inmates, and the general public. Our library is also a part of ODIN and supplies legal materials via interlibrary loan to the colleges, universities, and public libraries throughout the state.

A complete law library is necessary for thorough research on legal issues. The cost of library materials continues to rise as the legal publishing industry is dominated by two major publishers, both foreign-owned, and their assumption of smaller publishers. These two publishers are the official or main publisher for the statutes of most of the 50 states and of the U.S. Congress and for all the federal and most of the state case reporters.

To show the escalation in library costs, let me begin with a little background. According to *Legal Information Buyer's Guide and Reference Manual*, 1998-1999, Ken Svengalis states that while the CPI increased 253% from 1974 to 1996, the cost of legal periodicals increased 406%, looseleaf services increased 434%, legal continuations increased 1006%, and all serials increased 495%. A sampling of prices shows the continued escalation of law book prices:

	1998	1999	%	2000	%
-Northwest Reporter(/vol.)	59.50	64.00	7.6	68.50	7.0
-Fed. Reporter (/vol.)	40.50	43.25	6.8	47.00	8.7
-California Code	1009	978	-3.1	1306	33.5
-C.J.S.	3868	4134	6.9	4576	10.7
-A.L.R. 5 th (/vol.)	68.25	72.25	5.9	78.25	8.3
-Fed. Practice Digest	1483	1037	-30.0	2264	54.2
-Couch on Insurance	945	1025	8.5	1109	8.2
-Shepard's CFR citator	607	631	4.0	692	9.7
-Family Law Reporter	650	709	9.1	750	5.8
-Labor Relation Reporter	3918	4173	6.5	4486	7.5

Prices, based on these figures, estimates currently collected by Ken Svengalis, and comments from librarians and publishers on the lawlib listserv, are expected to continue rising at a 8-10% per annum rate. The Supreme Court Law Library has been trying to alleviate the impact of these increases. We have cut lesser used publications which can be obtained via interlibrary from the UND Law School Law Library or other libraries. We have also switched format, ie. to cd-rom or internet if there is a price advantage. We have eliminated duplicate copies of publications and have cut publications if we have more than one title in an area. We continue to evaluate the collection and weed as appropriate.

**Supreme Court
Law Library
Biennial Budget Comparison**

	97-99 Budget	Change	99-01 Budget	Change	01-03 Budget Request
Legal Research & Reference Materials	\$386,837	\$20,024 5.2%	\$406,861	\$110,626 27.2%	\$517,487
Spending	\$432,722		\$454,972		
Under/(Over) Budget	(\$45,885)		(\$48,111)		
	-11.9%		-11.8%		

0 2

SURROGATE JUDGES

Article VI, § 11 of the North Dakota Constitution provides:

When any justice or judge has a conflict of interest in a pending cause or is unable to sit in court because he is physically or mentally incapacitated, the chief justice, or a justice acting in his stead, shall assign a judge, or retired justice or judge, to hear the cause.

A district or surrogate judge called by the Supreme Court to act as a member of the Supreme Court has the duties and powers of a Supreme Court Justice for the purpose of the case. State ex rel. Linde v. Robinson, 35 N.D. 410, 160 N.W. 512 (1916).

Canon 3(E) of the Code of Judicial Conduct, copy attached, prescribes the circumstances when a judge must disqualify himself or herself, thus referring another judge to be assigned. The presiding judge of a district is authorized by Administrative Rule 2(8) and (9) to assign cases among judges of the district except when the presiding judge is disqualified in which case it is assigned in a manner provided by a local rule established by the judicial district and approved by the Supreme Court. If there is no local rule, the assignment is made by the Chief Justice.

The Chief Justice has authorized the Clerk of Court to choose judges to sit with the Supreme Court when one of the Justices is disqualified. The Chief Justice assigns judges into other districts when all judges of a district are disqualified or in the (rare) instances when a district may need assistance with its caseload from judges in other districts.

N.D.C.C. § 27-17-03, copy attached, sets forth the authorization of and the procedure and payment for surrogate judges. Subsection 3 sets the compensation at 5% of the gross monthly salary of a judge of the court on which the surrogate sits for each day actually engaged in the performance of duties. When sitting with the Supreme Court this is ordinarily one day, the day the case is heard. There are currently 8 judges named as surrogate judges. The budget for surrogate judges for the next biennium is \$15,000 and is found in the Salaries and Wages line item of the Supreme Court Budget Request.

District judges are not compensated over and above their salary when they sit with the Supreme Court or the temporary Court of Appeals.

The temporary Court of Appeals is established under Ch. 27-02.1, N.D.C.C., which authorizes the Supreme Court to assign retired or active district court judges and retired justices of the Supreme Court to serve on three-judge panels of the temporary Court of Appeals if the Supreme Court has disposed of 250 cases in the 12 months preceding September 1 of any year. Although the Supreme Court has reached the 250 case requirement each year, we have used this option sparingly, assigning no cases in 1999 and only 3 cases in 2000.

There is no specific item included in the budget for the temporary Court of Appeals because the minimal cost can be absorbed in the budget.

award of compensation does not relieve the judge of the obligation prescribed by Section 3C(4).

D. Disciplinary Responsibilities.

(1) A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code should take appropriate action. A judge having knowledge * that another judge has committed a violation of this Code that raises a substantial question as to the other judge's fitness for office shall inform the appropriate authority.*

(2) A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct should take appropriate action. A judge having knowledge * that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the appropriate authority.

(3) Acts of a judge, in the discharge of disciplinary responsibilities, required or permitted by Sections 3D(1) and 3D(2) are part of a judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

Commentary

Appropriate action may include direct communication with the judge or lawyer who has committed the violation, other direct action if available, and reporting the violation to the appropriate authority or other agency or body.

E. Disqualification.

(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

Commentary

Under this rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless whether any of the specific rules in Section 3E(1) apply. For example, if a judge were in the process of negotiating for employment with a law firm, the judge would be disqualified from any matters in which that law firm appeared, unless the disqualification was waived by the parties after disclosure by the judge.

A judge should disclose on the record information that the judge believes the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes there is no real basis for disqualification.

By decisional law, the rule of necessity may override the rule of disqualification. For example, a judge might be required to participate in judicial review of a judicial salary statute, or might be the only judge available in a matter requiring immediate judicial action, such as a hearing on probable cause or a temporary restraining order. In the

latter case, the judge must disclose on the record the basis for possible disqualification and use reasonable efforts to transfer the matter to another judge as soon as practicable.

(a) the judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge * of disputed evidentiary facts concerning the proceedings;

(b) the judge served as a lawyer in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter, or the judge has been a material witness concerning it;

Commentary

A lawyer in a government agency does not ordinarily have an association with other lawyers employed by that agency within the meaning of Section 3E(1)(b); a judge formerly employed by a government agency, however, should disqualify himself or herself in a proceeding if the judge's impartiality might reasonably be questioned because of such association.

(c) the judge knows * that he or she, individually or as a fiduciary, or the judge's spouse, parent or child wherever residing, or any other member of the judge's family residing in the judge's household,* has an economic interest * in the subject matter in controversy or in a party to the proceeding or has any other more than de minimis * interest that could be substantially affected by the proceeding;

(d) the judge or the judge's spouse, or a person within the third degree of relationship * to either of them, or the spouse of such a person:

(i) is a party to the proceeding, or an officer, director or trustee of a party;

(ii) is acting as a lawyer in the proceeding;

(iii) is known * by the judge to have a more than de minimis * interest that could be substantially affected by the proceeding;

(iv) is to the judge's knowledge * likely to be a material witness in the proceeding.

Commentary

The fact that a lawyer in a proceeding is affiliated with a law firm with which a relative of the judge is affiliated does not of itself disqualify the judge. Under appropriate circumstances, the fact that "the judge's impartiality might reasonably be questioned" under Section 3E(1), or that the relative is known by the judge to have an interest in the law firm that could be "substantially affected by the outcome of the proceeding" under Section 3E(1)(d)(iii) may require the judge's disqualification.

(2) A judge shall keep informed about the judge's personal and fiduciary * economic interests,* and make a reasonable effort to keep informed about the personal economic interests of the judge's spouse and minor children residing in the judge's household.

Source: S.L. 1949, ch. 206, § 2; 1951, ch. 200, § 1; 1957, ch. 210, § 2; R.C. 1943, 1957 Supp., § 27-1702; S.L. 1983, ch. 172, § 37.

27-17-03. Services and compensation of retired justices and judges.

1. Upon retirement of a justice of the supreme court or a judge of the district court, the chief justice of the supreme court may appoint the retired justice or judge to serve as a surrogate judge of the supreme court to aid and assist the court in the performance of judicial duties within the unified judicial system as may be assigned by the chief justice with the retired justice's or judge's consent.
2. An appointment under this section does not become effective until the appointee subscribes and files in the office of the secretary of state an oath or affirmation substantially as follows: "I do solemnly swear (or affirm) that I will support the constitutions of the United States and the state of North Dakota, and that I will faithfully discharge the duties of the office of surrogate judge of the state of North Dakota to the best of my ability."
3. Subject to subsection 4, a surrogate judge is entitled to receive compensation for services rendered for each day actually engaged in the performance of judicial duties in an amount equal to five percent of the gross monthly salary of a regularly elected or appointed and qualified justice or judge of the court to which the services are rendered, or one-half of that daily compensation for services of one-half day or less.
4. A surrogate judge is not entitled to receive as compensation for services rendered in the performance of judicial duties during any calendar year a sum of money which when added to any judicial retirement benefits received by the surrogate judge for that year exceeds the annual salary of a justice or judge of the court from which the justice or judge retired. The compensation must be paid upon the certificate of the surrogate judge showing that the services were performed for the number of days claimed in the certificate. Services of a surrogate judge under this section and receipt of compensation therefore do not reduce or otherwise affect the amount of any retirement benefits to which the judge otherwise would be entitled.
5. In addition to daily compensation, a surrogate judge is entitled to receive reimbursement for travel expenses necessarily incurred in the performance of judicial duties under the assignment, as regularly elected or appointed and qualified justices and judges are entitled to receive.
6. A retired justice of the supreme court or a retired judge of the district court is also eligible to serve as a master and to be compensated for services rendered in any civil case or other judicial proceeding when so designated by the court having power to appoint masters; a

retired justice or judge, when requested, is also eligible to serve as legal counsel and to be compensated for services rendered in the office of the attorney general, in any executive department, commission, or bureau of the state, and for any committee of the legislative assembly.

Source: S.L. 1949, ch. 206, § 3; 1951, ch. 200, § 1; R.C. 1943, 1957 Supp., § 27-1703; S.L. 1981, ch. 325, § 1.

Cross-References.

Expense allowance to district judge sitting with supreme court, see § 27-05-04.

27-17-04. Salary of retired judges. Repealed by S.L. 1957, ch. 210, § 3.

27-17-05. Disposition of contributions. All moneys in the judges retirement fund in the general fund are hereby transferred to a special fund within the state treasury to be known as the judicial retirement fund. Any money collected pursuant to this chapter must be deposited with the state treasurer, who shall credit the same to the special fund to be known as the judicial retirement fund.

Source: S.L. 1965, ch. 187, § 2.

27-17-06. Immediate withdrawal of present active judges from judges retirement fund. From and after July 1, 1973, each judge of the supreme or district court serving on that date and each former judge of the supreme or district court, not receiving judicial retirement salary, may elect to withdraw his previous contributions made pursuant to this chapter, and thereafter not participate in a judicial retirement program provided for by law. This option ceases to be available and may not be exercised after June 30, 1975. If a judge selects this option, he is entitled to receive the combined total of the following sums:

1. The entire amount of his previous contributions made pursuant to this chapter, to be calculated to the date of election under this section; plus
2. An amount calculated by applying the vesting schedule set forth in section 54-52-11 to an amount equal to sixty percent of the judge's individual contributions as calculated in subsection 1, plus earnings thereon as calculated in subsection 3; plus
3. An amount calculated by applying the figure .05625 to the periodic annual or partial annual balances in the individual judge's account during his years of service prior to selecting the option provided by this section. The figure applied pursuant to this subsection must be compounded annually.

The total amounts received pursuant to this section may not be considered taxable income for the purposes of chapter 57-38, and may be treated as an additional adjustment reducing the amount of taxable income in addition to those provided in section 57-38-01.2. Selection of the option provided by

**DISTRICT COURT
REQUESTED FTE'S
2001-2003 BIENNIUM**

	FTE's as of 7/1/1999	Changes		FTE's Requested for 2001-03 Bien.
		Current* Biennium	Requested** for 2001-03 Bien.	
District Court	189.5	(2)	4	191.5

*** Current Biennium Changes:**

- (1) FTE - District Court Judgeship (Southwest Judicial Dist.)
- (1) FTE - District Court Secretary (Southwest Judicial Dist.)
- (2)

**** 2001-03 Requested Changes:**

- 1.0 FTE - Legal Assistant (1/2 Juv. Drug Court / 1/2 Web development) (central office)
- 0.5 FTE - District Court Secretary (Northeast Judicial Dist.)
- 0.5 FTE - District Court Secretary (Southeast Judicial Dist.)
- 1.0 FTE - Computer Support position (central office)
- 1.0 FTE - Juvenile Court Officer (South Central Judicial Dist.)
- 4.0

North Dakota Indigent Defense Funds

The 1999 Legislature appropriated a 4.4% increase in the judiciary's indigent defense budget for the 1999-2001 biennium. In authorizing the approximate \$144,000 increase, the legislature stated that the judiciary must establish a system equalizing the payment to indigent defense counsel based on factors such as caseload, complexity of cases, the level of efficiency in handling cases, and historical funding levels. While the judiciary had taken steps in the past to level per hour rates to defense counsel, this was the first time the legislature had directed the approach.

After investigating several methods of allocating funds, a system which averaged the districts' caseload, the assignments in the districts, and the population of the districts was used. The formula predicted an hourly rate of between \$55 and \$65 per hour for six of the seven districts. The formula projected that the seventh district would be in excess of the \$65 per hour rate. Therefore, funds were reallocated from that district to districts with lower hourly rates.

As a result of the formula, one district received a funding cut, one district was kept at no increase. Increases in the other districts varied from 3% to 11%, depending on the projected hourly rate. The entire 4.4% increase was devoted to bring reimbursement rates to attorneys to the \$60 to \$65 per hour range.

Data from the first 12 months of the biennium indicate that in five of the seven districts, reimbursement rates will be below the \$60 per hour rate with a state average of \$58 per hour. This data is, however, preliminary as it generally reflects the "easier" cases assigned during the biennium. Generally, it takes about 18 months worth of data to reflect the caseload on rates for the biennium.

In addition to equalizing rates, the judiciary faces the challenge of attracting qualified attorneys. This is especially true in the more rural areas where neither the overall dollar amount of a contract nor the target \$60 per hour rate is high enough to attract attorneys from their private practices. This is complicated by the need to have several different attorneys available in any district to address conflict issues between the parties in a case, or in related cases.

Finally, defense services are affected by laws passed at the state and federal level. For example, mandatory sentencing affects the number of hours an attorney will need to spend on criminal cases. Additionally, the federal government passed the Adoption and Safe Families Act which placed certain mandates on the state. Included in those mandates are more hearings and an emphasis on terminating parental rights of parents. Both requirements result in significant increases in the number of hours required of defense counsel.

The request in this area for additional funds is necessary to raise the rate to \$65, a step necessary to attract qualified attorneys.

**District Court
Indigent Defense
General Funds
Biennial Budget Comparison**

<u>District</u>	<u>97-99 Budget</u>	<u>Change</u>	<u>99-01 Budget</u>	<u>Change</u>	<u>01-03 Budget Request</u>
East Central	\$622,076	\$66,662	\$688,738	\$149,007	\$837,745
Northeast Central	\$374,004	\$30,630	\$404,634	\$48,546	\$453,180
Northeast	\$399,017	\$5,742	\$404,759	\$14,046	\$418,805
Northwest	\$381,766	\$37,877	\$419,643	\$76,857	\$496,500
South Central	\$824,763	\$0	\$824,763	\$50,837	\$875,600
Southeast	\$435,121	\$17,112	\$452,233	\$49,967	\$502,200
Southwest	\$228,503	(\$13,790)	\$214,713	\$31,927	\$246,640
ASFA funds*		\$0		\$0	\$0
Total	\$3,265,250	\$144,233 4.4%	\$3,409,483	\$421,187 12.4%	\$3,830,670
Spending	\$3,208,408		\$3,424,683		
Under/(Over) Budget	\$56,842		(\$15,200)		
	1.7%		-0.4%		

*Adoption and Safe Families Act funds (ASFA) are received from the
Dept. of Human Services

**District Court
Indigent Defense
All Funds
Biennial Budget Comparison**

<u>District</u>	<u>97-99 Budget</u>	<u>Change</u>	<u>99-01 Budget</u>	<u>Change</u>	<u>01-03 Budget Request</u>
East Central	\$622,076	\$66,662	\$688,738	\$149,007	\$837,745
Northeast Central	\$374,004	\$30,630	\$404,634	\$48,546	\$453,180
Northeast	\$399,017	\$5,742	\$404,759	\$14,046	\$418,805
Northwest	\$381,766	\$37,877	\$419,643	\$76,857	\$496,500
South Central	\$824,763	\$0	\$824,763	\$50,837	\$875,600
Southeast	\$435,121	\$17,112	\$452,233	\$49,967	\$502,200
Southwest	\$228,503	(\$13,790)	\$214,713	\$31,927	\$246,640
ASFA funds*		\$0		\$225,000	\$225,000
Total	\$3,265,250	\$144,233 4.4%	\$3,409,483	\$646,187 19.0%	\$4,055,670
Spending	\$3,208,408		\$3,424,683		
Under/(Over) Budget	\$56,842 1.7%		(\$15,200) -0.4%		

*Adoption and Safe Families Act funds (ASFA) are received from the Dept. of Human Services

18066.0200

FIRST ENGROSSMENT

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2081

Introduced by

Judiciary Committee

(At the request of the Supreme Court)

1 A BILL for an Act to amend and reenact subdivision a of subsection 3 of section 12.1-32-08 and
2 section 29-07-01.1 of the North Dakota Century Code, relating to application fees for indigent
3 defense services, reimbursement of indigent defense costs and expenses, and creation of an
4 indigent defense administration fund; and to provide for a continuing appropriation.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subdivision a of subsection 3 of section 12.1-32-08 of the
7 North Dakota Century Code is amended and reenacted as follows:

8 3. a. Under section 12.1-32-07, the court may order that the defendant reimburse
9 indigent defense costs and expenses as a condition of probation. The court
10 shall notify the defendant, the defendant's probation officer, and the
11 prosecuting attorney of the amount of costs and expenses to be reimbursed
12 and of the defendant's right to a hearing on the reimbursement amount. It is a
13 rebuttable presumption that reasonable reimbursement of costs and
14 expenses consists of seventy-five dollars per hour for appointed counsel
15 services plus reasonable expenses. The reimbursement amount must
16 include an application fee imposed under section 29-07-01.1 if the fee has not
17 been paid before disposition of the case and the court has not waived
18 payment of the fee. If the defendant requests a hearing within thirty days of
19 receiving notice under this subdivision, the court shall schedule a hearing at
20 which the basis for the amount to be reimbursed must be demonstrated. In
21 determining the amount and method of reimbursement, the court shall
22 consider the financial resources of the defendant and the nature of the burden
23 that reimbursement of costs and expenses will impose.

1 **SECTION 2. AMENDMENT.** Section 29-07-01.1 of the 1999 Supplement to the North
2 Dakota Century Code is amended and reenacted as follows:

3 **29-07-01.1. Payment of expenses for defense of indigents - Reimbursement of**
4 **indigent defense costs and expenses - indigent defense administration fund -**
5 **Continuing appropriation.**

- 6 1. Lawyers appointed to represent ~~needy~~ indigent persons must be compensated at
7 a reasonable rate to be determined by the court. Expenses necessary for the
8 adequate defense of ~~a needy~~ an indigent person, when approved by the judge,
9 must be paid by the state if the action is prosecuted in district court and by the city
10 in which the alleged offense took place if the action is prosecuted in municipal
11 court. The city shall also pay the expenses in any appeal taken to district court
12 from a judgment of conviction in municipal court pursuant to section 40-18-19. A
13 defendant requesting representation by appointed counsel, or for whom appointed
14 counsel without a request is considered appropriate by the court, shall submit an
15 application for appointed defense services. For an application for appointed
16 defense services in the district court, a nonrefundable application fee of twenty-five
17 dollars must be paid at the time the application is submitted. The district court may
18 extend the time for payment of the fee or may waive or reduce the fee if the court
19 determines the defendant is financially unable to pay all or part of the fee. If the
20 application fee is not paid before disposition of the case, the fee amount must be
21 added to the amount to be reimbursed under this section. Application fees
22 collected under this subsection must be forwarded for deposit in the indigent
23 defense administration fund established under subsection 4.
- 24 2. A defendant with appointed counsel, subject to this subsection, shall reimburse the
25 state or city such sums as the state or city expends on the defendant's behalf.
- 26 a. At the time counsel is appointed for a defendant, the appointing court shall
27 advise the defendant of the defendant's potential obligation to reimburse the
28 appropriate governmental entity the amounts expended on behalf of the
29 defendant.
- 30 b. Within ninety days after its judgment of conviction or after conclusion of an
31 appeal of its initial judgment of conviction, the court that appointed counsel for

Fifty-seventh
Legislative Assembly

1 the defendant shall notify the defendant and the prosecuting attorney of the
2 amount of indigent defense costs and expenses the defendant is obligated to
3 reimburse if able to do so and of the defendant's right to a hearing on the
4 reimbursement amount. It is a rebuttable presumption that reasonable
5 reimbursement of costs and expenses consists of seventy-five dollars per
6 hour for appointed counsel services plus reasonable expenses. If the
7 defendant requests a hearing within thirty days of receiving notice under this
8 subdivision, the court shall schedule a hearing at which the basis for the
9 amount to be reimbursed must be demonstrated. In determining the amount
10 of reimbursement and method of payment, the court shall consider the
11 financial resources of the defendant and the nature of the burden that
12 reimbursement of costs and expenses will impose.

13 c. A defendant who is required to reimburse indigent defense costs and
14 expenses and who is not willfully in default in that reimbursement may at any
15 time petition the court to waive reimbursement of all or any portion of the
16 costs and expenses. If the court is satisfied that reimbursement of the
17 amount due will impose undue hardship on the defendant or the defendant's
18 immediate family, the court may waive reimbursement of all or any portion of
19 the amount due or modify the method of payment.

20 3. The state's attorney of the county or prosecuting attorney of the city in which the
21 alleged offense took place, if reimbursement has not been received, shall seek civil
22 recovery of any amounts expended on the defendant's behalf any time the state's
23 attorney or city attorney determines the person for whom counsel was appointed
24 may have funds to repay the state or city within six years of the date such amount
25 was paid on that person's behalf. A person against whom civil recovery is sought
26 under this subsection is entitled to all exemptions accorded to other judgment
27 debtors. The state's attorney may contract with a private sector collection agency
28 for assistance in seeking recovery of such funds. Before referring the matter to a
29 collection agency, the state's attorney shall notify the person who is the subject of
30 the collection action.

Fifty-seventh
Legislative Assembly

- 1 4. The indigent defense administration fund is a special fund in the state treasury.
2 The state treasurer shall deposit in the fund all application fees collected under
3 subsection 1. All moneys in the indigent defense administration fund are
4 appropriated on a continuing basis to the judicial branch to be used in the
5 administration of the indigent defense system and the collection of indigent
6 defense costs and expenses required to be reimbursed under this section.

**DISTRICT COURT
REVIEW OF OPERATING LINE ITEM CHANGES
2001-2003 BIENNIUM**

<u>Line Item:</u>	99-01 Budget	01-03 Change	Budget Request
Operating Expenses	\$8,937,038	\$1,279,895	\$10,216,933
<u>Funding Sources:</u>			
General Fund*	\$8,452,035	\$842,314	\$9,294,349
Federal Funds	\$168,797	\$387,567	\$556,364
Special Funds	\$316,206	\$50,014	\$366,220

* Changes in General Fund Operating Expenses

\$197,082 Information Technology (IT) Plan
 \$421,187 Indigent Defense
 \$215,900 Juvenile Tracking Services & Accountability Conferences
 \$136,118 Increase in Juror Pay (SB2383)
 \$33,466 Required federal match for Juvenile Drug Courts
(\$161,439) Other
\$842,314

16
2/8/2001

CENTRAL LEGAL RESEARCH
UND SCHOOL OF LAW
P.O. BOX 9003
GRAND FORKS, NORTH DAKOTA 58202-9003
(701) 777-2841
FAX (701) 777-2217

September 20, 2000

Mr. Chairman, Members of the Judiciary Committee.

My name is Elaine Ayers. I have been the Program Director at Central Legal Research at the UND Law School since 1993. I'd like to thank the Committee for the opportunity to speak to you today and to tell you about CLR and the service it provides to the court system.

Central Legal Research (CLR) is the University of North Dakota School of Law's unique research and writing program. What makes the program unique is that it combines service to the state's judicial system with an intensive legal research and writing experience for law students. What makes the experience intense is that the law students provide research and analysis for real cases and create real impacts in the outcomes of those cases. What makes the program indispensable is that CLR is the only direct service the law school provides statewide.

CLR's mission is to answer the research needs of judges, prosecutors, and court-appointed defense attorneys in an essentially rural state, where legal resources are at a premium. Using the remarkable research tools available only through the law school, we give lawyers and judges, from Williston to Wahpeton, from Beach to Bottineau, foundational assistance so that they can do their difficult jobs more efficiently. Based on the facts and issues submitted by the judge or attorney, our students search out the statutes and cases which are relevant to the resolution of those issues. We then apply those authorities to the facts, creating a written memorandum of legal analysis.

Currently, there are six student researchers--second and third year law students--on the staff. They are supervised by the program director, a licensed attorney, who directs and reviews their efforts. A certified legal assistant, who manages the office and publishes our online newsletter, rounds out an efficient and professional organization.

The immediate beneficiaries of the service are the publicly paid personnel of the criminal justice system (prosecutors, court-appointed defense attorneys, judges). These public servants have counted on CLR to provide necessary research assistance for the last 22 years.

Each year, without charge, CLR researches and writes about 80 to 100 legal memoranda and responds to countless other requests for less complex research assistance. Our memoranda give lawyers and judges foundational assistance for the writing of legal briefs and the making of judicial decisions.

And, speaking of judicial decisions, Ladies and Gentlemen of the Committee, the verdict is in : CLR saves our court system time and it saves our court system money. Last fiscal year, attorneys and judges in our criminal justice system saved hundreds of hours of the taxpayers' time by tapping into this amazing resource. For that period, we have data from only 26 users of our service but those 26 told us that they were able to save a total of 344 hours of research time, travel time, and secretarial time because CLR was there for them. That works out to about 13 1/4 hours per project. More telling perhaps were the responses of other users who offered no estimate of their time savings but instead indicated that that they couldn't have done the job CLR did because they just don't have access to the resources we do. One state's attorney told us "God only knows" how long it would have taken him and his staff to complete the project done by CLR.

That gives you an idea of how difficult it is to quantify the benefit CLR provides to the publicly paid personnel of our courts system when we are talking about the efficient use of their time. So, it should come as no surprise that it is equally difficult to quantify the financial savings the system enjoys because CLR is there at its beck and call. But, I will share with you the sentiments of an attorney who works in the indigent defense contract system. He wrote, "Without CLR, as an indigent defense attorney, I will need to have considerably more money to remain on the state contract. This multiplied by the other contract defense attorneys in the state means that without CLR the cost of indigent defense will skyrocket or the courts will lose the attorneys."

Our requesters tell us that if CLR did not exist, attorneys and judges would have to spend valuable time--and public funds--traveling to either Grand Forks or Bismarck (home to the only open law libraries in the state), pouring over law reporters, photocopying cases, traveling back to their offices, analyzing the authorities and

crafting their briefs or opinions from scratch. That is the burden that the continued operation of CLR alleviates for the immediate beneficiaries of our services.

Ask a lawyer or a judge about the process of legal research and what you are likely to hear are the metaphors of frustration and of wasted time:

- ◆ "I was looking for a needle in a haystack"
- ◆ "I spent two hours just spinning my wheels"
- ◆ "I was beating my head against the wall"

But give the lawyer or judge access to the legal research service of CLR and you'll hear what I have heard time and time again:

- ◆ "Excellent service, quality results"
- ◆ "Nice work, thank you very much"
- ◆ "CLR provides an essential service"

CLR works. It works because we have a staff of bright, eager law students whose research skills stay sharp because they are constantly in use. It works because we have the tools of the modern era--computers, electronic databases, the Internet--at our immediate disposal. It works because we can use those tools to make the difficult job of dispensing justice easier for North Dakota's judges, prosecutors and court-appointed defense attorneys.

CLR represents the creative application of the resources of one institution--the law school--to the needs of another institution, the criminal justice system, to the benefit of both. We have, in the relationship between CLR and the judicial system, achieved the too often elusive win-win outcome. In CLR, our students hone the skills they will need as future attorneys. They win. The publicly paid personnel of the criminal justice system save time and money because CLR gives them the head start they need to do justice to their causes and their cases. The system wins.

And, finally, no description of CLR would be complete if I didn't direct your attention to the bigger picture. There is also a beneficial ripple that extends outward to the citizens of North Dakota who find themselves in the court system, whether as victims of crime, as the accused, or as members of the jury. Because CLR is available to help judges, prosecutors and defense attorneys do their jobs better, the people of North Dakota are better off for it. Prosecutors defend the rights of victims of crime and of society as a whole, armed with citations to legal authority CLR provides. Court-appointed attorneys, representing indigent criminal defendants, have the foundation a

CLR memorandum provides to competently advocate on behalf of their clients. Judges have the assistance of an objectively written CLR memorandum to assist them in sifting through arguments of counsel or in instructing the jury.

CLR works. The systems works. Everyone wins.

Those are the benefits of CLR. Now, let's talk briefly about the financial costs associated with reaping those benefits. For most of its 22 year history, CLR was funded as part of the law school's budget although the chief attribute of the program was, and had always been, its service to the criminal justice system. In the 1999 session, there were no dollars marked for CLR in the High Ed. Budget. Faced with the loss of this service, the Legislature approved an \$60,000 pass-through for CLR in the 1999-2001 biennial District Court budget. This level was less than half of the appropriation CLR received in the previous biennium but it meant that the branch of government that benefits the most directly from CLR's services--our court system--had assumed a share of the funding responsibility.

Despite having only half of the money we had before, we were able to keep the program going thanks to intercession from two sources: funds from the Law School Budget and outside funds from North Dakota's Protection and Advocacy Project, each providing about 25 per cent of CLR's remaining expenses. The law school in fact provides more of the funding if you take into account that another \$80,000/biennium is off-budget, nonappropriated, and covers operating expenses and student compensation. In 1999, CLR was awarded a one-year contract from Protection and Advocacy to provide that agency with legal research services. In exchange for 1300 work hours over the course of the year, CLR received approximately \$20,000 from P&A. Protection & Advocacy was pleased with the service and recently renewed its contract with CLR on the same terms for FY 2000-2001.

Of special interest to this Committee is the fact that although the chief beneficiary of the service--the judicial system--provides only half of CLR's funding, our service to that system is as responsive now as it was in the past. In the last fiscal year, we completed about 70 research projects for judges, prosecutors and court-appointed defense attorneys. This is within range of our previous level of service to the judicial system despite the fact that about one-quarter of our time is now diverted by projects for Protection and Advocacy and despite the fact that, during the summer months, only the program director and the certified legal assistant staff the office.

I thank the Committee for its time and am happy to answer any questions you might have about CLR.

Elaine Ayers

Elaine Ayers

Program Director

Central Legal Research

UND School of Law

Judicial Conduct Commission

Purpose and Operations

The Judicial Conduct Commission was established in 1975 to receive, evaluate, and investigate complaints against any judge in the state and, when necessary, conduct hearings concerning the discipline, removal or retirement of any judge. District Court Judge Benny A. Graff is serving as acting chair of the Commission. The Commission consists of four non-lawyers, two judges, and one lawyer.

The Commission's procedures are set forth in the North Dakota Rules of the Judicial Conduct Commission. Complaints alleging judicial misconduct are filed with Disciplinary Counsel, who evaluates the complaint. When a complaint is noticed for investigation, the judge has the duty to respond and has the opportunity to present any information the judge may choose. If there is substantial misconduct, formal proceedings will be instituted and a hearing will be held. The Commission may issue an admonition, with the consent of the judge. The Supreme Court must take final action on public censure, suspension, removal or retirement, or any discipline which limits the performance of judicial duties.

Disciplinary Board

Purpose and Operations

The Disciplinary Board was created in 1965 to provide for investigating, evaluating, and acting upon complaints alleging unethical conduct by attorneys licensed in North Dakota. The Rules of Professional Conduct are the primary guide for lawyer conduct, and the North Dakota Rules for Lawyer Discipline provide the procedural framework for the handling and disposition of complaints.

The Board has ten members—three non-lawyer members and seven lawyers. Richard E.T. Smith, Wahpeton, serves as chairman. Paul W. Jacobson serves as Disciplinary Counsel and Lorilyn Hegland serves as Assistant Disciplinary Counsel. Penny Miller, Clerk of the Supreme Court, serves as secretary to the Board.

When a written complaint alleging attorney misconduct is received, it is filed with the Board's secretary and referred to either the District Inquiry Committee East, West, or Northeast of the State Bar Association. These committees are composed of three non-lawyer members and six lawyers, appointed by the Bar Association. The chair of the committee reviews the complaint and, if appropriate, assigns the complaint for investigation to a member of the committee or staff counsel. If the complaint, on its face, does not indicate misconduct, an investigation will not be conducted and the matter will be referred to the committee for summary dismissal. Actions available to district inquiry committees are dismissal, issuing an admonition, probation with the consent of the respondent attorney, or directing that formal proceedings be started.

Formal proceedings are begun when there is probable cause to believe that misconduct has occurred that deserves a public reprimand, suspension, or disbarment. A petition for discipline is filed by Disciplinary Counsel, and a hearing panel is appointed by the chair of the Disciplinary Board to make findings and a recommendation. Present and past members of the Board may serve as hearing panel members. Under rule amendments which became effective July 1, 1999, recommendations of the hearing panel that do not result in dismissal, consent probation, or reprimand are filed directly with the Court. The hearing panel may enter orders of dismissal, consent probation, or reprimand; however, they are subject to a petition for review that is filed with the Court.

By Supreme Court Administrative Rule, the Joint Attorney Standards Committee provides the vehicle for the coordinated, complementary, and continuing study and review of the range of issues concerning attorney standards and supervision.

JUDICIAL CONDUCT COMMISSION & DISCIPLINARY BOARD
2001-2003 BIENNIUM BUDGET
ANALYSIS OF CHANGE FROM 1999-01 BIENNIUM
(Includes salary increases for staff)

	1999-01	Changes			2001-2003		
	Biennium	IT Plan	Other	Proposed Sal. Incr.	Budget Request	Percent Incr./Decr. from 1999-01	Amount Incr./Decr. from 1999-01
	Total Budget						
Judicial Cond. Comm. & Discipl. Bd.							
Staff							
Permanent Salaries & Fringe Benefits	\$417,559		(\$32,956)	\$19,784	\$404,387	-3%	(\$13,172)
Total Staff	\$417,559		(\$32,956)	\$19,784	\$404,387	-3%	(\$13,172)
			-8%	5%			
Operations							
IT - Data Processing Serv.	\$1,000	\$1,000			\$2,000	100%	\$1,000
- Telephone	\$6,000	(\$0)			\$6,000	0%	(\$0)
Travel	\$19,050		\$3,950		\$23,000	21%	\$3,950
- Software/Supplies		\$2,000			\$2,000		\$2,000
Postage & Related Services	\$11,000				\$11,000		
- Contractual Services	\$400	\$2,600			\$3,000	651%	\$2,600
Equipment Leases/Rentals	\$6,000		\$2,000		\$7,000	40%	\$2,000
Space Lease/Rentals	\$14,000		\$2,000		\$16,000	14%	\$2,000
Continuing Profess. Develop.	\$3,904		\$4,096		\$8,000	105%	\$4,096
Operating Fees & Services	\$13,955		\$45		\$14,000	0%	\$45
Repairs	\$4,000		\$2,000		\$6,000	50%	\$2,000
Professional Services	\$6,500		\$1,500		\$8,000	23%	\$1,500
Property Insurance	\$57		\$18		\$75	32%	\$18
Office Supplies	\$2,000		(\$0)		\$2,000	0%	(\$0)
Printing	\$2,500		\$500		\$3,000	20%	\$500
Professional Supplies & Materials	\$2,000		\$500		\$2,500	25%	\$500
Miscellaneous Supplies	\$1,000		\$500		\$1,500	50%	\$500
Total Operations	\$92,366	\$5,600	\$17,109		\$115,075	25%	\$22,709
		6%	19%				
Major Equipment							
Equip. & Furn. - Off. Machine	\$1,000		(\$1,000)			-100%	(\$1,000)
Equip. & Furn. - Furnit. & Furnish.			\$2,000		\$2,000		\$2,000
IT Equip. - Computers	\$1,000	\$3,800			\$4,800	380%	\$3,800
Equip. - Other Equipment		\$2,000			\$2,000		\$2,000
Total Major Equipment	\$2,000	\$5,800	\$1,000		\$8,800	340%	\$6,800
		290%	50%				
Total Jud. Cond. Comm. & Disc. Bd.	\$511,925	\$11,400	(\$14,847)	\$19,784	\$528,262	3%	\$16,337
		2%	-3%	4%			

JUDICIAL CONDUCT COMMISSION & DISCIPLINARY BOARD
2001-2003 BIENNIAL BUDGET
ANALYSIS OF CHANGE FROM 1999-01 BIENNIAL
 (includes salary increases for staff)

	1999-01	Changes			2001-2003		
	Biennium	IT Plan	Other	Proposed Sal. Incr.	Budget Request	Percent Incr./Decr. from 1999-01	Amount Incr./Decr. from 1999-01
	Total Budget						
FUNDING SOURCES							
General Fund	\$241,925	\$5,700 2%	(\$12,897) -5%	\$19,784 8%	\$254,512	5%	\$12,587
Special Funds*	\$270,000	\$5,700 2%	(\$1,950) -1%		\$273,750	1%	\$3,750
Total Funding Sources	\$511,925	\$11,400 2%	(\$14,847) -3%	\$19,784 4%	\$528,262	3%	\$16,337

* Reflects \$75 of each annual bar license fee from the State Bar Association (NDCC 27-12-04).

CLERK OF DISTRICT COURT FUNDING

Budget Highlights

Funding for clerk of district court offices is being requested for the entire biennium. This compares to funds provided for the last three months of the current biennium. This budget was developed jointly by district court administrative staff, clerks of court, and state court administrator's office fiscal staff.

While this budget is primarily funded by the general fund, \$750,000 of federal funds is also a funding source. This amount is estimated to be reimbursed by the Department of Human Services for time spent by clerk staff on child support enforcement activities.

This requested budget includes funds for 11 counties which elected to have state funded and state operated clerk offices and 38 counties which elected to have state funding but remain operated by the county. This budget consists of three standard items and one special line item for collection of restitution. Each line will be addressed.

Salaries and Wages

This part of the budget includes funds for 96 FTE positions (excluding restitution) for the state operated counties.

The estimated cost of funding these positions is \$6.8 million, excluding OMB's salary and fringe benefit increase proposal. Including this proposal, the cost is \$7,132,966.

Operating Expenses

Operating costs which are not currently paid or reimbursed to counties through the district court budget (such as juror fees) were included in the clerk of district court budget.

The total operating expense request is \$3,338,737.

The operating expenses budget requested for state operated offices is \$817,805 with the most significant amounts budgeted for postage, office supplies, and staff travel costs.

Three items are included as operating expenses for county operated clerk offices. Two of the three are included in the category of operating fees and services. The first item in this category includes amounts for contractual payments to reimburse counties for salary and fringe benefits and costs for their offices by using the same formula used to determine clerk office FTEs in state operated counties. The second component adds an additional 10% to the salary and fringe reimbursement amount to reimburse counties for estimated operating costs. The third item included in the budget for county operated clerk offices is a pool of funds equivalent to 3% of the amount reimbursed for FTE employees. This total of \$110,728 is budgeted according to N.D.C.C. §27-05.2-02 and will be distributed to counties based on requests submitted by them for technology related equipment.

Equipment

The equipment budget request of \$382,650 is for various equipment items for state operated clerk offices. Funds for purchasing or replacing computers for three-fourths of the staff are included. This should help bring computers used by staff in these offices onto the four-year computer replacement schedule followed by the judiciary.

Collection of Restitution

This line item has separated the function of collection of restitution from other budgeted items in order to more clearly identify expenses related to it should a decision be made that the clerk of district court offices assume this responsibility. This budget provides for seven FTEs in the 11 state offices and the equivalent of one FTE in county operated

offices. This is less than the ten FTEs recommended by the Restitution Workload Assessment Committee studying this issue. The ten FTEs include 7.8 FTEs for state operated clerk offices and the equivalent of 2.2 FTEs for county operated clerk offices. Operating and equipment amounts related to collection of restitution are also identified. The total budget of \$638,973 proposed for this special line includes \$564,427 for state operated clerk offices and \$74,546 for county operated clerk offices.

**CLERK OF DISTRICT COURT
2001-2003 BIENNIAL BUDGET REQUEST
2001-2003 BIENNIAL
(Includes salary increases for staff)**

	State Funded/ State Operated Offices	State Funded/ County Operated Offices	Total State Funded Offices
Salaries & Wages			
<i>Permanent Salaries (96 FTE's)</i>	\$5,288,455		\$5,288,455
<i>Fringe Benefits</i>	\$1,846,511		\$1,846,511
Total Salaries & Wages	\$7,132,966		\$7,132,966
Operating Expenses			
<i>IT - Data Processing Serv.</i>	\$4,719		\$4,719
<i>IT - Telephone</i>	\$95,005		\$95,005
<i>Travel</i>	\$127,100		\$127,100
<i>IT - Software/Supplies</i>	\$30,420		\$30,420
<i>Postage & Related Services</i>	\$143,766		\$143,766
<i>IT - Contractual Services</i>	\$31,920		\$31,920
<i>Dues & Profess. Develop.</i>	\$31,255		\$31,255
<i>Operating Fees & Services</i>	\$59,100	\$2,454,004	\$2,513,104
<i>Repairs</i>	\$41,000		\$41,000
<i>Professional Services</i>	\$10,550		\$10,550
<i>Property Insurance</i>	\$1,400		\$1,400
<i>Office Supplies</i>	\$122,520		\$122,520
<i>Printing</i>	\$66,750		\$66,750
<i>Professional Supplies & Materials</i>	\$8,500		\$8,500
<i>Miscellaneous Supplies</i>	\$43,800	\$66,928	\$110,728
Total Operating Expenses	\$817,805	\$2,520,932	\$3,338,737
Equipment			
<i>Equip. & Furn. - Off. Machines</i>	\$108,300		\$108,300
<i>Equip. & Furn. - Furnit. & Furnish.</i>	\$81,400		\$81,400

**CLERK OF DISTRICT COURT
2001-2003 BIENNIAL BUDGET REQUEST
2001-2003 BIENNIAL
(Includes salary increases for staff)**

	State Funded/ State Operated Offices	State Funded/ County Operated Offices	Total State Funded Offices
<i>IT Equip. - Computers</i>	\$143,250		\$143,250
<i>IT Equip. - Other Equipment</i>	\$49,700		\$49,700
Total Equipment	\$382,650		\$382,650
Collection of Restitution			
<i>Permanent Salaries (7 FTE's)</i>	\$358,105		\$358,105
<i>Fringe Benefits</i>	\$129,830		\$129,830
<i>IT - Data Processing Serv.</i>	\$4,758		\$4,758
<i>IT - Telephone</i>	\$3,965		\$3,965
<i>IT - Software/Supplies</i>	\$770		\$770
<i>Postage & Related Services</i>	\$30,000		\$30,000
<i>IT - Contractual Services</i>	\$5,000		\$5,000
<i>Dues & Profess. Develop.</i>	\$1,000		\$1,000
<i>Operating Fees & Services</i>		\$72,567	\$72,567
<i>Office Supplies</i>	\$10,000		\$10,000
<i>Printing</i>	\$5,000		\$5,000
<i>Miscellaneous Supplies</i>	\$7,000	\$1,979	\$8,979
<i>IT Equip. - Computers</i>	\$9,000		\$9,000
Total Collection of Restitution	\$564,427	\$74,546	\$638,973
Total Clerk of Dist. Ct. Budget	\$8,897,849	\$2,595,478	\$11,493,326

**CLERK OF DISTRICT COURT FUNDING
REQUESTED FTE'S FOR 11 STATE-OPERATED COUNTIES
2001-2003 BIENNIUM**

	Salaries & Wages # of FTE Positions (excl. restitution)*	Collection of Restitution # of FTE Positions (restitution only)**	Total FTE Positions	Clerk's Office FTE positions prior to Jan. 2001
District				
East Central	23	1	24	25
Northeast Central	16	2	18	17
Northeast	8		8	10
Northwest	14	2	16	19
South Central	16	1	17	17
Southeast	10		10	12
Southwest	5	1	6	7
Central office	4		4	
	96	7	103***	107

FTE positions were determined in a staffing standards study performed in 2000 by the National Center for State Courts (NCSC). NCSC worked closely with a committee consisting of clerk of court staff from 17 counties (including county-operated and future state-operated counties) and 2 administrative personnel from the state court administrator's office. This committee assisted in measuring the workload and recommending staffing standards to be applied to each county. The application of these standards resulted in the request for 92 staff in the state-operated counties and formed the basis for reimbursing counties opting to receive state reimbursement for providing clerk of court services.

FTE positions were determined by a committee consisting of clerk of court staff from 8 counties (including county-operated and future state-operated counties) and staff from the state court administrator's office. The committee developed a workload assessment model and applied it to all counties in the state. The application of this model resulted in the request for 7 staff to perform functions related to restitution activities and forms the basis for reimbursing counties opting to receive state reimbursement for providing clerk of court services.

Funds equivalent to a total of 8 staff (7 state FTE positions and 1 position reimbursed to counties) are included in the 'Collection of Restitution' special line item. The committee indicated 10 total staff would be required, however this information was not available prior to submitting the budget request.

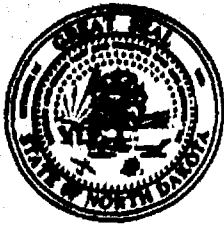
103 FTE positions are being requested. This compares to 110 positions per legislative council records for the last three years of the current biennium.

RESTITUTION COLLECTION ACTIVITIES

Section 12.1-32-08, N.D.C.C., establishes the procedure by which a court may order that a "defendant make restitution [or reparation] to the victim or other recipient as determined by the court... ." Restitution may be ordered by the court in a wide variety of cases in which the victim of a criminal offense suffers monetary loss or damage to property. Arguably most common, however, is restitution to recover financial loss associated with bad checks. The statute is silent regarding who is responsible for restitution enforcement and collection activities, but does provide that an order for restitution "may ... be filed, transcribed, and enforced by the person entitled to the restitution ... in the same manner as civil judgments... ." Historically, restitution has most often been monitored and collected by clerks of court. In some counties, restitution collection activities were, and are, managed exclusively by the state's attorney's office. And in other counties, there has been a shared responsibility between the two county offices. These different divisions of labor regarding collection of restitution have evolved over time in response to local practices, budget considerations, and personnel factors.

In the fall of 1999, the Court Services Administration Committee, a Supreme Court advisory group, surveyed clerks of court to determine their level of activity in several areas. Nearly all clerks responded to the survey. With respect to restitution, the vast majority of clerks indicated some or all of court-ordered restitution was monitored, collected, and disbursed within their offices. However, within these counties there was a difference with respect to handling restitution in particular kinds of cases. In some counties, clerks of court handle restitution only in misdemeanor cases, while the state's attorney's office handles restitution in felony cases. In some counties, it is the opposite. And in some counties, typically smaller counties with part-time state's attorneys, the clerk of court handles all restitution. Notably, in the three counties with the most activity (Burleigh, Cass, and Grand Forks), restitution collection and enforcement is the exclusive responsibility of the state's attorney's office. This difference in practice is reflected in the 11 counties in which the clerk of court and court staff will become state employees on April 1, 2001.

With the impending state-funding of 11 clerk of court offices, a more recent assessment of restitution activities was conducted with respect to those counties. As previously noted, the state's attorney's office monitors, collects, and disburses restitution in the 3 counties with the proportionately highest criminal caseload (Burleigh, Cass, and Grand Forks). Of the remaining 8 counties, restitution in felony and misdemeanor cases is handled by the clerk's office in 7 counties (Morton, Ramsey, Richland, Stark, Stutsman, Walsh, and Williams). The clerk's office in one county (Ward) handles restitution only in felony cases. The Report of the Restitution Workload Assessment Committee indicates that restitution collection and enforcement activities require 10 FTEs statewide. In light of uncertainty regarding whether the cost of restitution collection should be assumed by the state, this FTE assessment was not included in earlier reviews of clerk workload.



State of North Dakota
OFFICE OF STATE COURT ADMINISTRATOR

KEITHE E. NELSON
STATE COURT ADMINISTRATOR

August 20, 1999

SUPREME COURT
Judicial Wing, 1st Floor
600 E Boulevard Ave Dept 180
BISMARCK, ND 58505-0530
(701) 328-4216
(FAX) 701-328-4480

Mr. Rod Backman, Director
Office of Management and Budget
600 East Boulevard Avenue
Bismarck, ND 58505

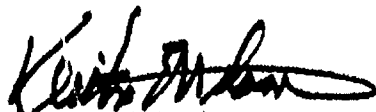
Dear Mr. Backman:

During the 1997-99 biennium, the Judiciary again turned back funds due to the elimination of judgeships as was done in prior biennia.

During the biennium, three judgeships were eliminated by the Judiciary. Three of the seven judicial districts were affected by these reductions. Judgeships were abolished in Jamestown, Minot and Mandan. The eliminated judgeships resulted in a turnback to the general fund of \$339,000 consisting of savings in the salaries and wages line of \$316,000 and in the operating and equipment lines of \$23,000. This is in addition to other turnbacks to the general fund.

The 1999-01 biennial district court appropriation provides funding for 43 district court judges through December 31, 2000 and 42 judgeships for the remainder of the biennium. If a judgeship is abolished earlier than January 1, 2000, the Judiciary is committed to returning funds appropriated but not used due to the elimination of the judgeship.

Sincerely,


Keith E. Nelson
State Court Administrator

KEN/JT/rb

- cc: The Honorable Edward T. Schafer, Governor
- The Honorable John Dorso, House Majority Leader
- The Honorable Gary Nelson, Senate Majority Leader
- The Honorable Merle Boucher, House Minority Leader
- The Honorable Tim Mathern, Senate Minority Leader
- The Honorable Jack Dalrymple, Chair, House Appropriations Committee
- The Honorable David Nething, Chair, Senate Appropriations Committee
- The Honorable Rex Byerly, Chair, Government Operations Division of House Appropriations Committee

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KEITHE E. NELSON
STATE COURT ADMINISTRATOR

State of North Dakota
OFFICE OF STATE COURT ADMINISTRATOR

SUPREME COURT
Judicial Wing, 1st Floor
600 E Boulevard Ave Dept 180
BISMARCK, ND 58505-0530
(701) 328-4216
(FAX) 701-328-4480

February 2, 2001

TO: Chief Justice Gerald W. Vandewalle
FROM: Keith E. Nelson *KN*
SUBJECT: 1997-99 Budget Turn Back

You asked me what the dollar turn back was for the 1997-99 biennium. The figure is \$1,669,943.79. Included in this amount is \$339,000 turned back as a result of three judgeships abolished during the biennium.

KEN/rb



KEITHE E. NELSON
STATE COURT ADMINISTRATOR

State of North Dakota
OFFICE OF STATE COURT ADMINISTRATOR

SUPREME COURT
Judicial Wing, 1st Floor
600 East Boulevard Avenue
BISMARCK, ND 58505-0530
(701) 328-4218
(FAX) 701-328-4480

August 7, 1997

Mr. Rod Backman, Director
Office of Management and Budget
600 East Boulevard Avenue
Bismarck, ND 58505

Dear Mr. Backman:

During the 1995-97 biennium, the Judiciary again turned back funds due to the elimination of judgeships as was done in prior bienniums.

During the biennium, one funded FTE judgeship was eliminated by the Judiciary. In the District Court appropriation, \$192,000 of the total salaries and wages turn back of \$622,556 was due to the elimination of this judgeship. In the operating line, approximately \$20,000 of the \$280,523 total turnback is attributed to the elimination of the judgeship. Total general funds turned back for the Supreme Court, District Court, Judicial Conduct Commission and Disciplinary Board amounted to \$1,247,000.

A second unfunded FTE judgeship was eliminated by the Supreme Court just prior to the start of the 1995/97 biennium. Funding for this abolished judgeship was not included in the 1995-97 biennium so there are no savings of appropriated funds resulting from this vacancy. The 1997-99 biennium provides funding for 46 district court judges..

Good fiscal management on the part of the Judiciary enabled the return of these funds. We are committed to return funds appropriated but not used due to the elimination of judgeships.

Sincerely,

KEITHE E. NELSON
State Court Administrator

KN/ml

cc: The Honorable John Dorso, House Majority Leader
The Honorable Gary Nelson, Senate Majority Leader
The Honorable Merle Boucher, House Minority Leader
The Honorable Tim Mathern, Senate Minority Leader
The Honorable Jack Dalrymple, Chair, House Appropriations Committee
The Honorable David Nething, Chair, Senate Appropriations Committee
The Honorable Gerald Gernholz, Chair, Budget Committee on Government Finance

MEMO

To: Supreme Court Justices and District Court Judges

From: Ralph Erickson

Re: Judicial Compensation Talking Points

Date: December 14, 2000

- (1) In 1988 there were 54 full-time trial judges in North Dakota, as of January 1, 2001, that number will be reduced to 42. This represents a 22% reduction in the number of trial judges in North Dakota.
- (2) The case load per judge has increased by an annual number of approximately 1000 cases—which represents a 50% increase in caseload.
- (3) North Dakota Trial Judges currently earn \$78,887 and Supreme Court Judges earn \$85,483.
- (4) The average state trial judge in the United States earns \$104,349. The average Supreme Court Justice earns \$116,184.
- (5) The 10 state regional average salary for trial judges is \$93,747.
- (6) The average of trial judge salaries for states on our border is \$88,083—this average will go up dramatically in 2001 according to sources in Minnesota as Minnesota judges are expected to receive a raise of over \$10,000 in 2001.
- (7) South Dakota trial judges earn \$88,631—in 1997 North Dakota trial judges actually earned more than South Dakota trial judges.
- (8) North Dakota trial judges will be 50th in the Union in salaries on January 1, 2001. We are currently 49th—leading Montana judges by \$300 per year.
- (9) In 1977 North Dakota judges were above the national average for judicial salaries—if our salaries had kept pace with inflation we would currently be earning in excess of \$99,000.
- (10) The average North Dakotan earns 82% of the national average wage-earner. If North Dakota judges were earning 82% of the national average judicial salary they would be earning \$85,556. We estimate that 82% of the national average salary would be at least \$89,000 in the upcoming biennium.
- (11) We have put a proposal before the legislature that will bring us to approximately the same level as South Dakota judges over a four year period. This would leave

us one raise behind South Dakota judges—because of the timing of their raises compared to ours. We estimate that we would be no higher than 48th in the Union if our efforts are successful (it would be likely that we would be 49th in the Union if our efforts are successful).

- (12) During the 10 year period that we have reduced our numbers by 22% we have actually received smaller percentage raises than other state employees.
- (13) States with populations less than North Dakota currently average \$93,993.
- (14) States with populations less than 1,000,000 currently average \$97,253.
- (15) Lawyers starting with major law firms in Minneapolis and St. Paul actually receive initial salaries larger than Supreme Court Justices in North Dakota. There are reports that starting lawyers in New York and Washington are receiving initial compensation packages ranging as high as \$170,000. The ABA has described the salary of state judges nationally as having reached "the crisis point." Obviously, if the national figures constitute "a crisis" North Dakota salaries can only be viewed as a disaster.

Public Employees Retirement Plan Judge's

Chapter 54-52, NDCC

Employer Contribution:	14.52% of covered payroll
Employee Contribution:	<u>5.00%</u> of salary
Total Retirement Contribution:	19.52%
Vesting in Disability Benefit:	180 days
Vesting in Retirement Benefit:	60 months
Normal Retirement:	age 65 or rule of 85

Goal: Maintain purchasing power of current retirement benefits.

Retirement Formula

First Ten Years: Final Average Salary x 3.5% x First 10 Years of Credited Service

Second Ten Years: Final Average Salary x 2.80% x Second 10 Years of Credited Service

Remaining Years: Final Average Salary x 1.25% x Remaining Years of Credited Service

Example:

$\$6584 \times 3.50\% \times 10 =$	\$2304.52
$\$6584 \times 2.80\% \times 10 =$	\$1843.52
$\$6584 \times 1.25\% \times 5 =$	<u>\$ 411.50</u>
	\$4559.54

Members:

Active	48
Retired	9
Beneficiaries	6

**REPORT OF THE LEGISLATIVE COUNCIL'S
EMPLOYEE BENEFITS PROGRAMS COMMITTEE
BILL NO. 73**

Sponsor: Retirement Board

Proposal: Provides that permanent and total disability for Supreme Court and district court judges is based solely on a judge's inability to perform judicial duties arising out of physical or mental impairment; provides that for Supreme Court and district court judges who do not elect a single life, joint and survivor, level Social Security, or life with 5-year or 10-year retirement payment option, retirement benefits must be in the form of a lifetime monthly pension with 50 percent of the benefit continuing for the life of the surviving spouse, if any; provides that participants in the judges' retirement system are entitled to receive a two percent postretirement adjustment in their present monthly benefit beginning January 1, 2002, and again on January 1, 2003; and repeals NDCC Section 54-52-17.12, relating to postretirement adjustments for Supreme Court and district court judges.

The committee amended the bill at the request of the Retirement Board to clarify that the optional benefit forms must be an actuarially equivalent option.

Actuarial Analysis: The reported actuarial cost impact of the proposal, as amended, is 4.70 percent of pay. The following table summarizes the actuarial cost impact of the proposed changes:

	Current Results	50% J+S Normal Form	Eligibility for Disability Benefits	Ad-Hoc COLA	Combined Plan Changes
Actuarial accrued liability	\$11,845,335	\$12,877,882	\$11,868,937	\$11,982,443	\$12,868,592
Normal cost	\$761,961	\$852,025	\$783,439	\$761,961	\$874,346
Required contribution	\$258,847	\$423,912	\$569,691	\$268,806	\$445,558
As a percent of pay	6.50%	10.65%	6.78%	6.75%	11.20%

Therefore, if this bill is enacted, the remaining margin in the judges' retirement system will be 3.32 percent ($8.02 - (11.20 - 6.50) = 3.32$).

Committee Report: Favorable recommendation.

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Senate Bill 2087 (LC 10073.02)

Judge's Retirement Bill:

The Judge's Bill does the following:

- Section 1:** States that a judicial disability is based upon a judge's inability to perform judicial duties, as contrasted with the present system, which is the inability to perform any duties. (Page 1 lines 14-18)
- Section 2:** Changes the name single life benefit to normal retirement benefit. (Page 2 line 11)
Deletes paragraph (3) since this provision has already been implemented. (Page 2 lines 25-28)
- Section 3:** Provides that the normal retirement benefit includes an unreduced 50% Joint and Survivor benefit. (Page 3 lines 10-17) This is the same as the Highway Patrol System.
- Section 4:** Provides for a 2% annual adjustment for Judges, with the first adjustment on January 1, 2001 and the second on January 1, 2003. (Page 3 lines 21, 24, 25 & 28)
- Section 5:** Repeals an old section 54-52-17.12 of the 1999 Supplement, which related to the 1999 and 2000 Judges increase that has already been implemented.

**Supreme Court & District Court
Judges Retirement (Old System: NDCC Chapter 27-17)
Biennial Budget Comparison**

<u>Line Item</u>	<u>97-99 Budget</u>	<u>Change</u>	<u>99-01 Budget</u>	<u>Change</u>	<u>01-03 Budget Request*</u>
Supr. Ct. - Judges Retirement	\$337,405	(\$60,545)	\$276,860	(\$67,791)	\$209,069
Dist. Ct. - Judges Retirement	\$959,232	(\$144,671)	\$814,561	\$63,820	\$878,381
Total	\$1,296,637	(\$205,216) -15.8%	\$1,091,421	(\$3,971) -0.4%	\$1,087,450
Spending	\$1,107,694		\$1,042,274		
Under/(Over) Budget	\$188,943		\$49,147		
	14.6%		4.5%		

* Includes funds for 12 former justices and judges and 18 spouses. Since the budget request was prepared, Judge Burdick and Judge Heen have passed away.

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2/8/2001

Activity #1 - PC, Network and Telecommunications.

1999-2001 biennium appropriated 1,756,651; expended: 744,055;
2001-2003 biennium request: 2,124,563

This activity includes all costs related to personal computer hardware and software purchases and maintenance; network maintenance; and telecommunications costs.

To date, we have used funds from this activity for salaries; personal computer hardware replacements; office productivity software such as Microsoft Office or Corel WordPerfect; contractor assistance for support and maintenance of personal computers; connection charges paid to ITD for T1, 56k and dial up connections.

Judicial Branch personal computers are on a 4-year replacement schedule.

As the end of the biennium approaches, specific hardware and software needs are being identified and will be purchased.

Activity #2 - Information Systems Operations.

1999-2001 biennium Appropriated 602,205; Expended: 328,646;
2001-2003 biennium request: 842,272

This activity includes costs associated with the development, maintenance, support, training and other functions related to the information systems used by the Judicial Branch.

To date, we have used funds from this activity for salaries; development fees paid to ITD; AS400 computer hardware and software; system development tools and fees paid to contractual developers.

Activity #3 - Integration.

1999-2001 Biennium appropriated 468,000; expended: 59,488
2001-2003 biennium request: 336,287

This activity includes costs related to information systems integration efforts of the Judicial branch. These efforts include such things as automated reporting of case dispositions to the Bureau of Criminal Investigation; graphical and web based interfaces for our trial court case management system; consolidation of trial court case management systems use by the Judicial Branch; data sharing with states attorney offices and integration with other appropriate entities. Specific efforts include ongoing and planned projects such as:

1. Creation of a data warehouse for a basis for web-based reporting and graphical interfaces.
2. Development efforts to automatically and electronically send divorce record information to the Health Department.
3. Consolidation of several municipal courts currently using the state court's case management system into a single, integrated database.
4. Consolidation of the 6th of 7 judicial districts into the Judicial Branch's single, integrated database.
5. Creation of interfaces for abuse advocacy groups to electronically create and submit petitions for protection orders; the electronic storage and forwarding of the protection orders to law enforcement personnel.
6. Evaluation and implementation of appropriate methods of sharing traffic citation and disposition information with law enforcement personnel
7. Automated reporting of case disposition information to the Bureau of Criminal Investigation.

The current biennium's appropriation included funds to be used to consolidate and integrate the East Central Judicial District's case management system with the system being used by the other 6 judicial districts. Efforts

for this began in late 1999. During the course of the project, several critical issues were encountered. Although these issues were primarily non-technical in nature, they were substantial enough for us to suspend the project for integrating the East Central Judicial District. The funds intended for this integration will be returned.

It is our desire to resume the efforts to integrate the East Central Judicial District's case management system with the system used by the other 6 districts in the 2001-2003 biennium. However, funds were not included in the budget request and will need to be found elsewhere.

Activity #4 - Interactive Television.

1999-2001 Biennium appropriated 101,435; expended: 66,738
2001-2003 biennium request: 91,287

This activity includes costs related to the implementation and operation of an interactive television system. This system will be used to enhance the judicial services delivered to the citizens of North Dakota.

In mid 2000, systems were installed in 4 courthouses in the South Central Judicial District. Additionally, a video gateway was purchased and installed in cooperation with the Executive Branch's Information Technology Department (ITD). Joint purchase of the gateway will allow ITD to explore the technology on a limited basis while providing the ITV system an interface to other video conferencing systems.

Based on the successful completion of this pilot project, we expect to install similar systems in several other locations that we believed will benefit substantially from the use of interactive television systems.

Activity #5 - Enhanced Records Management and Storage.

1999-2001 Biennium appropriated 43,877; expended: 6,712
2001-2003 Biennium request: 510,877

This activity includes costs for developing and implementing a statewide document management/document imaging system.

This project has been delayed pending the consolidation of the trial court case management systems. It is our intention that the implementation of such a system be a statewide records management solution. With the consolidation nearing completion, we expect to fully implement a records management solution in the 2001-2003 biennium.

Activity #8 - Digital Audio Recording.

1999-2001 Biennium appropriated 0; expended: 378
2001-2003 biennium request: 13,920

Funds currently in this activity are those necessary to maintain and test the digital audio recording system being used in the Southwest Judicial District.

Judicial Branch

Proposed IT Plan Budget
2001-2003 Biennium

TYPE OF EXPENSE	ACTIVITY							Total
	PC/Network/ Tel. Comm.	Inform. Systems	Systems Integrat.	Interact. TV	Enhanced Rec. Mgmt	Dig. Aud. Record.		
Salaries & Wages (II)	\$323,219	\$379,086	\$31,178	\$6,287	\$15,893		\$756,663	
Operating Expenses								
IT - Data Processing Serv.	\$328,182	\$28,669			\$26,435	\$120	\$383,406	
IT - Telephone	\$393,120						\$393,120	
IT - Software & Supplies	\$157,861	\$80,739	\$53,800	\$10,000	\$2,549	\$1,800	\$306,740	
IT - Contractual Services	\$167,681	\$329,778	\$231,309		\$445,000	\$12,000	\$1,186,768	
Total Operating Expense	\$1,046,844	\$439,186	\$285,109	\$10,000	\$473,984	\$13,920	\$2,269,043	
Equipment								
IT - Computers	\$599,300	\$55,000	\$20,000		\$20,000		\$694,300	
IT - Other Equipment	\$155,200	\$1,000		\$75,000	\$1,000		\$232,200	
Total Equipment	\$754,500	\$56,000	\$20,000	\$75,000	\$21,000		\$926,500	
Activity Total	\$2,124,563	\$874,272	\$336,287	\$91,287	\$510,877	\$13,920	\$3,961,206	

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**PROPOSED INFORMATION TECHNOLOGY ACTIVITIES
2001-2003 Biennium**

Activity Name: PC, Network, and Telecommunications Operations \$2,124,563

The judicial branch has many computers, servers, software packages and systems distributed across the state of North Dakota. The costs associated with this activity will be used for maintenance and operation of judicial branch hardware and software.

Costs will include hardware and software purchases, maintenance agreements, support tools, salaries for support personnel, telecommunications and other costs related support and maintenance of personal computers, networks, and telecommunication.

Activity Name: Information Systems Operations \$874,272

The judicial branch has several statewide information systems in use across the state of North Dakota, such as: the unified court information system (UCIS); juvenile court management system (JCMS), supreme court docket system, demands for change of judge, and the disciplinary board system.

This activity contains costs associated with the maintenance, development, training, and other activities related to the support and operations of these information systems. Specific costs that will be included in this activity are: hardware and software, programming and support personnel salaries, and related training costs.

Activity Name: Systems Integration \$336,287

The judicial branch is planing a project which seeks to integrate several information systems within and outside the judiciary, and to provide a better repository for judicial case information. This activity consists of costs related to those efforts.

Preliminary project plans include possible enhancements and integration with systems such as: municipal courts; the bar board admissions system; bureau of criminal investigation's criminal history system; further integration with the department of transportation; graphical and web-based interfaces for UCIS; consolidation of judicial branch trial court case management information system, as well as other integration possibilities. Representatives from the judicial branch plan to meet with members of the attorney general's office to discuss possible integration and data sharing.

The benefits of this project include:

- A higher level of efficiency and cooperation within the judicial information systems, as well as between judicial information systems and other government entities' information systems through better data sharing abilities.
- Efficiency benefits through the use of graphical interfaces and centralized data repositories.
- Public access to judicial information systems and data are to be improved by providing access to selected judicial information via electronic means, such as the internet.
- Better information for judicial decisions due to accessibility to justice-related information.

Activity Name: Interactive Television

\$91,237

As the number of judicial positions declines, strategies need to be developed and enacted that effectively and efficiently enhance judicial services to the rural areas of North Dakota.

This project seeks to install a system that would allow parties to appear via interactive television for proceedings that would otherwise be delayed to avoid the time and expense of travel and for the convenience of the participants. It is intended to enhance access and availability to judicial services in areas where a judge is not chambered.

This project provides for the testing of interactive television installations during the 1999-2001 biennium. Based on the evaluation and successful outcome of the project, interactive television access will be expanded during the 2001-2003 biennium.

Benefits to be derived from this project include:

- More efficient delivery of judicial services to counties where judges are not chambered.
- Expedite and improve judicial services to rural areas of the state.
- Conduct court proceedings in a timelier manner.
- Reduce travel time to and from remote locations for judges, staff, and others using the judicial system.
- The ability to conduct proceedings involving incarcerated inmates located in remote locations, thereby providing a higher level of security and reducing the cost of transporting incarcerated defendants.
- Reduce witness travel for medical professional participating in mental health proceedings.
- Reduce witness travel for expert witnesses.
- The ability to conduct judicial training via teleconference between courthouses in the state, which will reduce the travel necessary for participants.

The project provides for the analysis, integration, and implementation of document imaging within the judicial branch.

Record imaging of case documents:

- Provide the capability to allow the electronic imaging of all case pleadings.
- Legal documents would be scanned and filed immediately.
- Provide a mechanism whereby all case documents will be stored electronically.

The successful implementation of an enhanced records management and storage project will provide a more effective and efficient method of archiving, storing, and retrieving court related documents by judicial branch employees and the public.

An enhanced records management system may be integrated and with an electronic filing system to provide a complete electronic document management system.

The evaluation would include.

- The appropriateness and complexity involved in the utilization of an optical imaging system for record storage and retrieval purposes of the courts. This would include an evaluation of existing applications and the future costs associated with the maintenance of the applications.
- The appropriateness and level of integration with electronic filing alternatives.
- Analyze existing and potential hardware and software systems and their ability to service the needs of the courts in the future for document imaging.
- Analyze existing communication infrastructure and recommendations regarding its ability to meet expectations related to sharing information stored on an imaging systems.
- A cost/benefit analysis associated with options evaluated during the course of the project.
- A process review of the information flow from the clerk's receipt of initial documents, through the courts, and to ultimate disposition of the case.
- Enhance security, as confidential documents would be stored in a separate file not accessible on the public access computer.
- Allow clerks to handle an increasing workload without any additional full-time equivalent personnel being added.

The benefits to this project include:

- Providing the capability for clerks of court to file case documents electronically.
- Counter and telephone questions regarding case pleadings can be answered much more quickly.
- Documents would be instantly accessible from the bench, judge's office, or clerk's office.

- Security is maintained on a centralized document storage system.
- Case pleading would be available from remote sites via the Internet.
- Actual location of the hard copy case file becomes less relevant because the documents are stored electronically and are accessible via computer.
- As storage of hard copies becomes less relevant, their storage could also be less expensive by storing them in a remote site.
- All for ease of faxing documents to support end correctional agencies.
- Clerk personnel could prepare cases on appeal from their desks, rather than having to retrieve actual paper copies.
- Use of imaging would allow clerks to handle an increasing workload without additional full-time equivalent personnel being added.

Activity Name: Digital Audio Recording

\$13,920

Digital audio recording is technology of recording and storing judicial proceedings on a computer disk to allow easy access to testimony and allowing integration of judges' notes with specific portions of testimony for ready retrieval. This technology, in a network environment, can replace conventional tape audio recording systems and can allow the record to be shared via web interfaces.

A pilot project is currently underway to test this technology.

The benefits include:

- Digital audio recordings will enhance the efficiency of taking the record.
- Instantaneous playback of testimony or portions of proceedings.
- Attachment of queries, motions, and bench marking of portions of the proceedings by the judge for later use in research and findings.
- Simultaneous access of the recording by recorder, judge, or authorized individuals, allowing the judge to conduct research from chambers and records to prepare the transcripts.
- Sharing of the record by authorized parties.

**Justice Mary Muehlen Maring
Testimony
Before the Senate Appropriations Committee**

JUVENILE DRUG COURT - AN OVERVIEW

February 17, 2001

What is a drug court?

It is a special docket within the juvenile court to which selected delinquency cases are referred for handling to a designated judge when the behavior is exacerbated by substance use.

I. History

- A. **Goals:** To reduce the abuse of alcohol and drugs and the criminal behavior that often follows.
- B. **Adult Drug Courts** - in existence for a decade. It began with a few people at the grassroots level who realized the current approach to dealing with the drug using offender was not working. They understood it would take a new approach - a team approach with the judge as the accountability leader.
- C. **Juvenile Drug Courts** - modeled after adult drug courts
 - 1. Started in approximately 1995
 - 2. 105 juvenile drug courts in operation throughout country and 68 more are being planned as of June 2000.
44 states plus District of Columbia and Guam.
- D. **Adult drug court evaluations:** (Outcome evaluations are confirming the success of these courts.)
 - 1. Recidivism is a primary focus of drug courts. Offenders who do not participate in drug court are three times more likely to be arrested for new drug offenses and four times more likely to violate terms of probation or parole.
 - 2. The cost-benefit of drug treatment is well documented. Incarceration of drug using offenders costs between \$20,000 and \$50,000 per person per year.

Capital costs of building a prison cell can be as much as \$80,000.

In contrast, a comprehensive drug court system typically costs less than \$2,500 a year per offender.

3. Highly successful in reducing recidivism and in increasing treatment success

II. North Dakota Movement

- A. In October 1998, the North Dakota Supreme Court through the Juvenile Policy Board formed a study committee to address whether North Dakota Judiciary should consider a pilot juvenile drug court.
- B. The committee consisted of members considered to be stakeholders in this project such as the State's Attorneys, indigent defense counsel, Department of Human Services, private treatment providers, Department of Corrections, Department of Health, Department of Public Instruction, Juvenile Court Officers, Judges, Referees, law enforcement and the Attorney General.
- C. The committee concluded North Dakota has the resources and ability to operate this program and there was a need for it:

1. Statistics included:

- a) The number of juvenile drug offenses is rapidly increasing.
 - 1995 - 68 controlled substance violations
 - 1999 - 504 controlled substance violations
- b) North Dakota Courts' Annual Report indicates from 1995 to 1999 violations of alcohol laws increased from 1,717 to 3,079
- c) The 1999 Youth Risk Behavior Survey
61 percent of North Dakota highschool students have experimented with alcohol as compared to 50 percent nationwide
- d) In East Central Judicial District, the number of controlled substance offenses went from 70 in 1997 to 150 in 1998. They have more than doubled.

III The North Dakota Pilots

- A. Fargo and Grand Forks have been chosen as sites
- B. A planning committee spent eight months crafting the program

C. These two courts began operation on May 1, 2000

D. Drug Court Eligibility Criteria - First needed to identify target population.

1. Referring offense may be either drug or non-drug related. (There are no restrictions on the number of prior offenses or convictions.)
2. Juvenile must be between the ages of 14 and 18.
3. No prior violent felony level adjudications or pending petitions alleging violent felony level delinquent acts.
4. No previous referral to JDC.
5. No prior or pending charges of selling and/or manufacturing controlled substances.
6. Admission to the offense and/or a court order to the program.
7. An assessment must be completed indicating a drug and/or alcohol abuse problem.
8. The JDC team has some flexibility as to who is eligible, depending on their age, drug and/or alcohol history and nature of their prior convictions, to enter the JDC program.

E. Drug Court Team

1. Judge - Team leader; the one who will hold the juvenile accountable; will oversee the coordination of treatment and rehabilitation.
2. Juvenile Court Supervisor/Officer - continues to be in role of probation officer; will as team member refer, develop plan and report to court.
3. State's Attorney - will continue to guard Public Safety as well as participate as a team member.
4. Defense Counsel - Protect child's constitutional rights.
5. School Representative - Provide court with valuable education information.
6. Treatment Coordinator - Assist in designing treatment plan
7. Drug Court Coordinator - Coordinate all information for the JDC judge.

The JDC team will assist in referral, design of the accountability plan, gather information for progress reports and attend progress review hearings.

F. Juvenile Drug Court Operations

1. Juvenile required to admit to offense
2. Juvenile required to sign contract
3. Juvenile required to appear before JDC Judge
4. Progress review hearings -
 - a) JDC Judge will review progress reports
 - b) Incentives for compliance or sanctions for noncompliance
 - c) Consequences are immediate, appropriate and levied on an individual basis
5. An individualized accountability program plan will be designed for each participant
6. Required program components

G. Immediate termination

1. New arrest for possession with intent to sell or manufacture, a violent felony offense.

H. Success

1. Current offense will be dismissed.
2. In addition, the juvenile may be entitled to dismissal of juvenile record if he remains offense free for a two-year period.
3. Graduation celebration.

IV. Implementation

A. Process and Outcome Evaluations - will be conducted by Dr. Kevin Thompson, NDSU.

1. As of January 8, 2001, we have had 24 participants (15 males, 9 females)
2. As of January 8, 2001, we have had 3 graduate from the program

3. We terminated 7 participants because of dirty screens and further offenses.
4. Average age - 16.2 years
5. Average number of prior referrals to juvenile court - 5.5

V. Funding

A. Grants

1. Planning - Drug Courts Program Office (OJP)
2. Implementation - Edward Byrne Memorial State and Local Law Enforcement Grant
3. Possibly more OJP money or other grant funding. But we need match funds.

VI. Why Do It?

- A. Drug Abuse is breaking up families, destroying lives and devastating our communities. If we are to turn the tide of illegal drug activities, we must come to grips with the fact that demand drives the drug market.

Drug offenders accounted for 72% of the overall increase in the federal prison population between 1990 and 1996.

These courts represent a new vision.

VII. Adult Drug Court

- A. Implemented in Burleigh County on January 5, 2001, with the help of two District Court Judges, Judge Hagerty and Judge Haskell.

Good Morning Chairman and Committee Members:

I am Deb Simenson, Clerk of District Court in Burleigh County.

I am here to explain the impact of the transition from county to state funding for Burleigh, Cass, Grand Forks and Ward counties.

First, I will address the staffing impact in these counties. In Cass there is a reduction of two employees and in Grand Forks there is a reduction of one employee. The number of FTE's in these two counties has been reached through attrition. Ward County will have to reduce two positions by April 1, 2001. Burleigh County has 11 employees and was the only one which remained at the same staffing level of these four counties.

Second, let me explain throughout this process, the State came up with a funding formula which basically equated 1 FTE for every 600 filings. Several clerks felt this number was arbitrary and did not reflect the work of clerk's offices because it did not include any FTE credit for reopen cases, administrative traffic or restitution. To alleviate these criticisms, the State Court Administrator's Office put together a couple of working committees to look into these areas of concern.

Identifying actual work load is very important since this will be the first full biennium of funding clerk's offices.

Three separate committees were assembled which were made up of clerk representatives from small, medium and large counties. Those committees were the Workload Assessment Policy Committee (WAPC), Administrative Traffic and most recently a Restitution Workload Committee. The WAPC and Administrative Traffic committees recommended new staffing levels that are now the basis

of the 2001-2003 budget request you have before you.

The Restitution committee's findings of 10 more FTE's statewide are not factored into the budget request. (Of these 10 FTE's, 4.8 positions are identified for Burleigh, Cass, Grand Forks and Ward)

Generally, in these four counties, restitution is now being collected by the State's Attorney's Offices. Ward County collects restitution in felony cases only. If the Supreme Court decides to transfer this duty to the Clerk of Court offices, the collecting, monitoring and enforcing of restitution will require additional staff which are not in the present budget request.

I feel the number of recommended FTE's is minimal but adequate with the exception of restitution.

Management reviews are being conducted in the 11 state-funded clerk's offices. These reviews are being done to provide consistency and streamline operating procedures.

All non-judicial duties such as marriage licenses, vital records and veteran's discharges have been moved to other county offices.

Thank you.

I'd be happy to answer any questions.

**Testimony
Senate Appropriations - 01/17/01
Kay Newell Braget
Pembina County Clerk of District Court**

Chairman Nething and members of the committee, my name is Kay Newell Braget. I am Clerk of District Court for Pembina County. I am also the only person testifying today that will remain a county employee after 4/1/01.

Many of you are aware Pembina County was in opposition to HB1275 last session -- the bill that made Clerk of Court services a State responsibility. Well, the bill was passed into law and changes have begun to take effect. We respect the law. We must accept it. The last legislative session started a process that requires funding. We trust this session will follow through. Maintaining full-scale clerk of court services in all counties should remain a commitment. Local Clerk services are vital to local access of our judicial system.

Pembina County was one of six counties that had the opportunity to turn their Clerks office over to the State, but chose to enter into a funding contract instead from April 1, 2001 through the end of the next biennium. Some the reasons Pembina County chose the funding contract over State-employment were: 1) the desire to maintain local control of the Clerk's office; 2) waiting to determine if sufficient FTEs would be assigned to handle the work load (WAPC was pending & resolutions were due 4/1/00); 3) concern over rural versus urban issues; and 4) concern that this legislative session may not adequately fund Clerk of Court services through the judiciary budget. My office accounts for approximately 9-1/2% of the total funds assigned to Pembina County General. If Pembina County had agreed to state assumption of the Clerk's office, if the Clerk's budget were dropped from County General, and if funding were not to come through this session, it would create a difficult shortfall for the County to overcome.

The 2.5 million budget request for the contracted clerk of court services in the 42 counties that are not state-employed represents some property tax relief for rural counties. Although it may not result in a drop in property taxes for rural counties, it may relieve some of the pressures being felt by counties to raise taxes due to their rising costs.

As a result of the passage of HB1275, NDCC 11-10-02 was amended to remove Clerks of District Court as elected officials on and after 01/01/03. NDCC 27-05.2-02 made clerk of court services a state responsibility; outlined funding options; and authorized the State to step in on County-employed offices if certain standards are not met. The non-court functions were transferred to the ROD on 01/01/01, unless the board of county commissioners designated another official. This has created a shift in the Clerk's office. A shift in who we feel responsible to and a shift in our duties and responsibilities.

Extensive efforts to streamline the Clerks office started in 1995 when the County Judge's office was abolished. In Pembina County, the electronic court reporter and the Judge

became state employees. Prior to 1995 the Pembina County ECR was responsible for administrative traffic filings and misdemeanor/infraction case filings. Those duties needed to be integrated in the Clerk's office, with no additional FTEs being assigned. In Pembina County we severely limited the time spent by Clerks in the courtroom. Now Clerks are only in the Courtroom for master calendar, child support OSCs, and jury trials. We are able to do this because we have the services of a court recorder and are able to use her notes as minutes for cases we are not present at. Also, we relied heavily on technology to increase our efficiency. Judgments and scheduling notices are generated in the Courtroom during master calendar, so the Defendant leaves the Courtroom with the information needed. This saves the Clerk copying and mailing time/expenses later in the day. The use of a court information system (UCIS), jury management program, Access, e-mail, answering service have increased the speed in which we can provide services.

The FTEs provided by the WAPC study are considered by many Clerks to be bare bones. Much pressure will be placed on clerk employees to work at peak efficiency. Insufficient funding in the current biennium did not allow reimbursement for operating expenses or technology-related items where Clerk of Court services are contracted. Those employees are going to need the technology and support provided by the Court Administrator's office to achieve and maintain peak efficiency.

As you know, the last legislative session started a process. This process requires adequate funding. Clerk duties are now by law a state responsibility. It is important that this legislative assembly appropriate the funds needed to complete implementation. Please follow through and adequately fund the Clerk FTEs and technology needed to effectively operate the Clerk of District Court's office.

Thank you.

SB 2002

**Testimony
Senate Appropriations
January 17, 2001
Faye McIntyre
Ramsey County Clerk of District Court**

Chairman Nething and members of the committee, my name is Faye McIntyre. I am Clerk of the District Court for Ramsey County. I am here to inform you of the impact of the transition from county to state funding for Ramsey, Walsh, Williams, Morton, Richland, Stutsman and Stark Counties.

The staffing issue was a labor intense task put before the Workload Assessment Policy Committee (WAPC). The committee was comprised of 19 people of which 16 persons were either clerks of court or members of their staff. Four sessions were conducted working on tasks performed by the clerks of court and the time needed to perform those tasks. The committee members worked and reworked the tasks and numbers until the number of staff needed was less 9% in the larger counties and less 21% in the mid size counties.

The staffing in my particular county is so tight that if one wants to take a five day vacation you really pay for it upon your return. I feel that our office is run as efficient as possible. Part of the problem is staffing for restitution. At the present time our office collects, distributes and monitors restitution and we have not been given credit for these duties.

In the future, management reviews will be conducted in the 11 state funded clerk's offices. Even though we feel that our offices are performing to their maximum efficiency there may still be room for some improvement.

Equipment is also an issue that needs to be addressed. There is a large variance in the present equipment now being used in the clerk's of court offices. In some counties the only PC's that are being used were received from the North Dakota Department of Human Service through a grant available at the time the state child support program was put into effect. Particularly in Cass County only 5 out of 22 staff members are using PC's and in Stutsman County only 3 out of 6 staff members are using PC's, the remainder of the staff are using dumb terminals. There are other counties in the same predicament. This is not working with full efficiency. Also, in the last biennium printers were budgeted at \$16,000. This biennium we are requesting an increase of four times that amount for clerk of court needs.

Without proper staffing and equipment, the quality of work given to the state by the clerks of court and their staff will not be there. It is crucial that funding be provided as requested.

Thank you.

**Senate Appropriations
January 17, 2001**

HB1275 is the law.

Changes have been implemented.

The last legislative session began a process that requires adequate funding.

Local Clerk services are a vital part of local access to the judicial system.

Pembina County is one of six counties that chose a two-year contract over state-employment. Reasons: 1-desiring to maintain local control; 2-waiting to determine if sufficient FTEs would be assigned to handle the work load; 3-concerns this legislative session may not adequately fund.

NDCC 11-10-02 removed the elected status of Clerks of District Court.

NDCC 27-05.2-02 makes clerk of court services a state responsibility.

Many Clerks are of the opinion the FTEs are minimal. Access to technology and technical support is necessary for peak efficiency. The current biennium's funding did not allow for reimbursement of Clerk operating costs and technology-related items. Funding is crucial on these items.

\$11.4 million is a conservative amount for providing Clerks services in all 53 counties.

**Kay Newell Braget
Pembina County Clerk of District Court**

**Testimony to the
SENATE APPROPRIATIONS COMMITTEE
Prepared January 15, 2001 by the
North Dakota Association of Counties
Terry Traynor, NDACo Assistant Director**

REGARDING SENATE BILL 2002

Chairman Nething and members of the committee, I appear before you to express the counties' support for the funding this budget contains for State assumption of the clerks of court in the larger counties and the assumption of the responsibility for their judicial duties in the remaining counties.

Court unification has been a long and difficult journey for the counties. Most county officials were very reluctant to see the County Judges become District Judges. The later loss of the fine and fee revenue was a major blow to county finances, and the gradual reduction and ultimate removal of the filing fee revenue added to that difficulty.

While counties were very obviously torn last session between the costs of the clerks' offices and the final steps of this unification process, we ultimately supported a the compromise proposal that would allow each county to maintain the level of court services they desire, but that also acknowledges the State's goal in unifying the court.

We are therefore here today to state for the record our support for the adequate funding to complete this effort.

SB 2002

ND Clerks of Court
PROPOSED FTE COMPARISON BY COUNTY

County	Final FTE per WAPC	WAPC FTE Rounded*
State Operated / State Funded		
EC Cass	23.34	23
NEC Grand Forks	16.28	16
NE Ramsey	3.98	4
NE Walsh	3.81	4
NW Ward	9.09	9
NW Williams	4.74	5
SC Burleigh	10.87	11
SC Morton	4.93	5
SE Richland	3.92	4
SE Stutsman	5.55	6
SW Stark	4.90	5
Total	91.41	92
County Operated / State Funded		
EC Steele	0.50	
EC Traill	1.70	
NEC Nelson	0.78	
NE Benson	1.34	
NE Bottineau	1.67	
NE Cavalier	0.77	
NE McHenry	1.45	
NE Pembina	1.58	
NE Pierce	0.99	
NE Renville	0.54	
NE Rolette	1.67	
NE Towner	0.76	
NW Burke	0.44	
NW Divide	0.39	
NW McKenzie	1.17	
NW Mountrail	1.10	
SC Emmons	0.66	
SC Grant	0.35	
SC Kidder	0.67	
SC Logan	0.29	
SC McIntosh	0.41	
SC McLean	2.07	
SC Mercer	1.49	
SE Barnes	3.14	
SE Dickey	1.08	
SE Eddy	0.47	
SE Foster	0.66	
SE Griggs	0.46	
SE Lamoure	0.66	
SE Ransom	1.06	
SE Sargent	1.23	
SE Wells	0.66	
SW Adams	0.74	
SW Bowman	0.63	
SW Dunn	0.71	
SW Golden Valley	0.66	
SW Hettinger	0.40	
SW Slope	0.24	
Total	36.82	
County Operated / County Funded		
SC Other	0.30	
SC Sheridan	0.26	
SC Sioux	0.26	
SW Billings	0.31	
Total	1.13	
Statewide Totals	128.33	

*Rounded to the nearest whole number
1/17/01

**NORTH DAKOTA CLERKS OF COURT
OFFICE STAFF BY COUNTY**

SB 2002
3-7-01

<u>District</u>	<u>County</u>	<u>FTE recommended by the WAPC Committee*</u>	<u>State Clerk's Office FTE (rounded)</u>	<u>Clerk's Office FTE under County**</u>
State Operated / State Funded				
East Central	Cass	23.34	23	25
Northeast Central	Grand Forks	16.26	16	17
Northeast	Ramsey	3.98	4	5
Northeast	Walsh	3.81	4	5
Northwest	Ward	9.00	9	12
Northwest	Williams	4.74	5	7
South Central	Burleigh	10.87	11	11
South Central	Morton	4.93	5	6
Southeast	Richland	3.92	4	5
Southeast	Stutsman	5.55	6	7
Southwest	Stark	4.90	5	7
Total		91.41	92	107
County Operated / State Funded				
East Central	Steele	0.50		
East Central	Trail	1.70		
Northeast Central	Nelson	0.78		
Northeast	Benson	1.34		
Northeast	Bottineau	1.67		
Northeast	Cavalier	0.77		
Northeast	McHenry	1.45		
Northeast	Pembina	1.58		
Northeast	Pierce	0.99		
Northeast	Renville	0.54		
Northeast	Rolette	1.87		
Northeast	Towner	0.76		
Northwest	Burke	0.44		
Northwest	Divide	0.39		
Northwest	McKenzie	1.17		
Northwest	Mountrail	1.10		
South Central	Emmons	0.66		
South Central	Grant	0.35		
South Central	Kidder	0.67		
South Central	Logan	0.29		
South Central	McIntosh	0.41		
South Central	McLean	2.07		
South Central	Mercer	1.49		
Southeast	Barnes	3.14		
Southeast	Dickey	1.06		
Southeast	Eddy	0.47		
Southeast	Foster	0.66		
Southeast	Griggs	0.46		
Southeast	Lamoure	0.66		
Southeast	Ransom	1.06		
Southeast	Sargent	1.23		
Southeast	Wells	0.88		
Southwest	Adams	0.74		
Southwest	Bowman	0.63		
Southwest	Dunn	0.71		
Southwest	Golden Valley	0.55		
Southwest	Hettinger	0.40		
Southwest	Slope	0.24		
Total		34.62		
County Operated / County Funded				
South Central	Oliver	0.30		
South Central	Sheridan	0.25		
South Central	Sioux	0.26		
Southwest	Billings	0.31		
Total		1.12		
Statewide Totals		126.03		

* The Workload Assessment Policy Committee (WAPC) consisted of 19 personnel from clerk of court offices, two trial court administrative personnel, and a facilitator from the National Center for State Courts.

** Clerk's Office FTE positions under the county performed additional responsibilities which are no longer clerk of court responsibilities as of January 1, 2001.

SB 2002
3-12-01

**Judicial Branch
Elimination of 11 District Court Judgeships
Amount of General Funds Saved**

<u>Judicial District</u>	<u>Judgeships prior to August, 1991</u>	<u>Reduction</u>	<u>Judgeships as of January, 2001</u>	<u>Reduction in:</u>	<u>Biennial Savings</u>
East Central (3 counties)	7		7		
Northeast Central (2 counties)	5		5		
Northeast (11 counties)	8	(2)	6	Bottineau, Grafton	\$459,424
Northwest (6 counties)	9	(2)	7	Minot, Williston	\$459,424
South Central (12 counties)	11	(3)	8	Linton (2), Mandan	\$689,136
Southeast (11 counties)	9	(3)	6	Jamestown, Lisbon, Wahpeton	\$689,136
Southwest (8 counties)	4	(1)	3	Bowman	\$229,712
Total	53	(11)	42		\$2,526,632 *

* Biennial savings include judges compensation only.

Pay Equity for the Third Branch

•Justice for the Gatekeepers

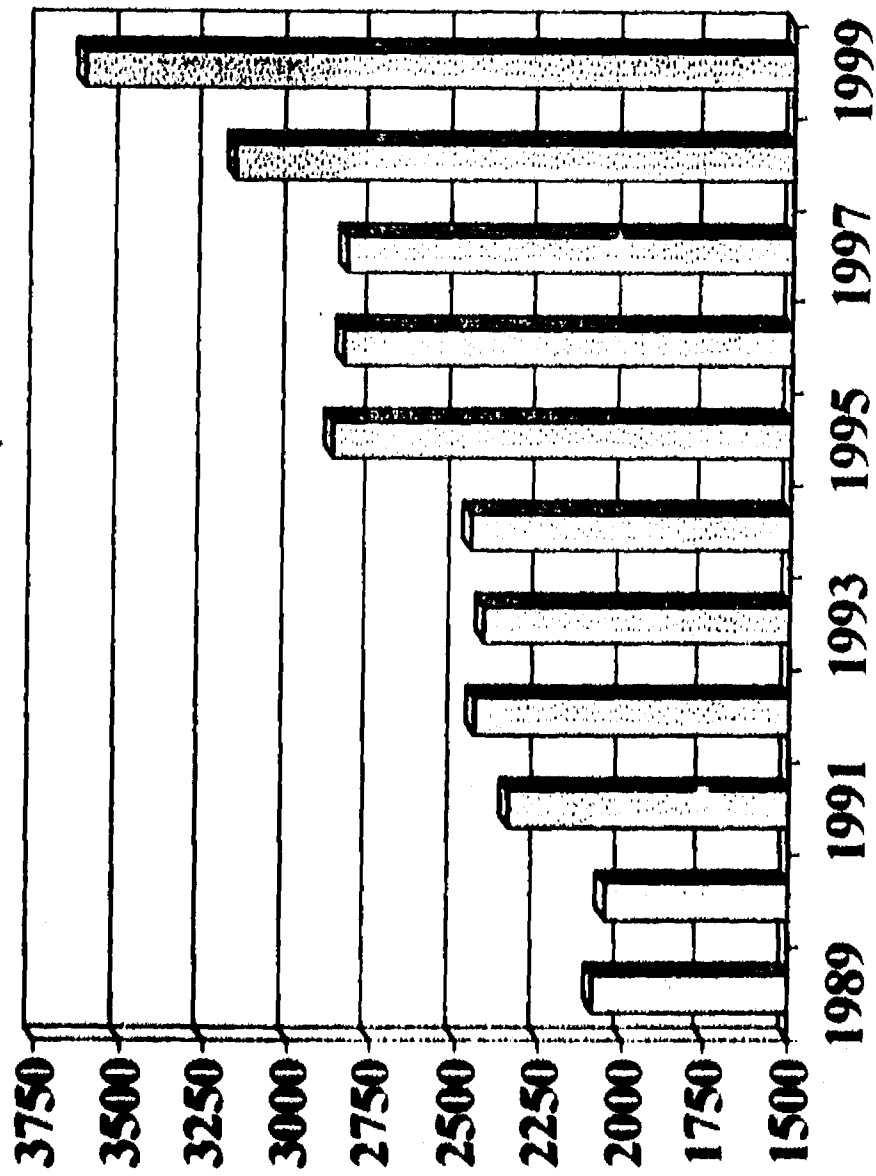
- Ralph R. Erickson
- Co-Chair Judicial Compensation Committee
- North Dakota Judicial Conference

1991 -- How it was

- At the end of 1989 there were 54 Full-Time Trial Judges in North Dakota
- HB 1517 created a unified trial court
 - County Courts abolished as of Jan. 1, 1995
 - Number of judges begin to be reduced
 - Target set for 42 District Judges by Jan. 2, 2001

Cases Disposed of Per Judge

1989-1999



Source: State
Trial Court
Administrator

How are the Courts Functioning?

- Even though the number of judges is reduced the people's business is current
 - Docket Current Statistics show the calendar is more current than it has been
 - District Judges are being more efficient-- disposing of greater numbers in the same amount of time
 - Trial Courts continue to function in all 53 counties

Judicial Compensation Fails to Keep Pace

- In 1977 District Judges were paid \$34,500-- the equivalent of \$98,158.37 in constant 1999 dollars
- In 1999 District Judges are paid \$77,340
 - District Judges have lost \$20,818.37 in purchasing power since the late 70's
 - per judge case disposition has increased by 26% since unification—58% since 1989.

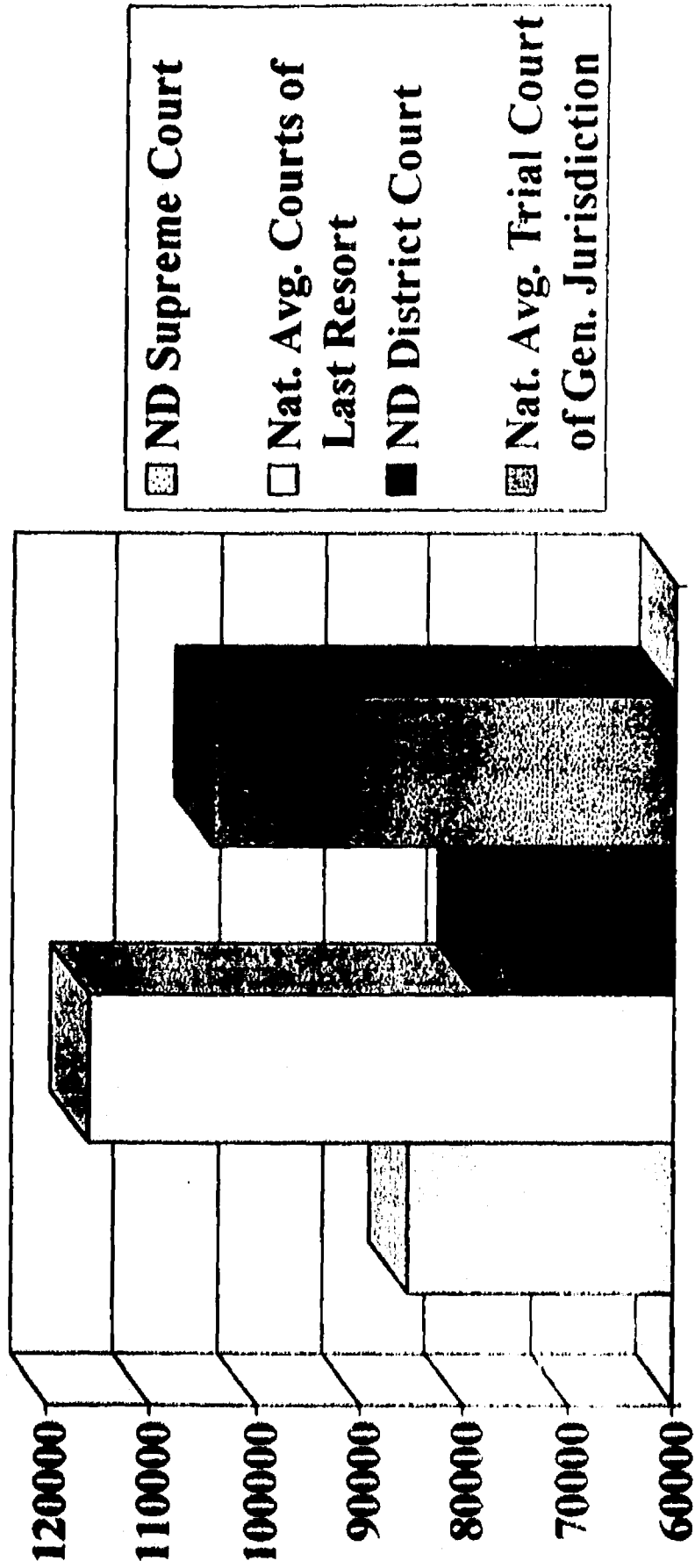
Source:
Westegg.com
Inflation
calculator

National Averages in 2000

- Courts of Last Resort \$116,184
- General Trial Courts \$104,349

Source: NCSC
Salary Survey
11/15/00

ND Courts Compared to National Averages



Source: NCSC
Salary Survey
11/15/00

Where North Dakota

Judges Rank

- In 1999 District Judges were 50th in the Union in salary
- In 1999 Supreme Court Justices were 49th in the Union in salary
- Unless the legislature enacts some judicial pay equity proposal the ND judiciary will be 50th in the upcoming biennium—and we will trail the 49th state by thousands

Source: NCSC
Salary Survey
7/1/99

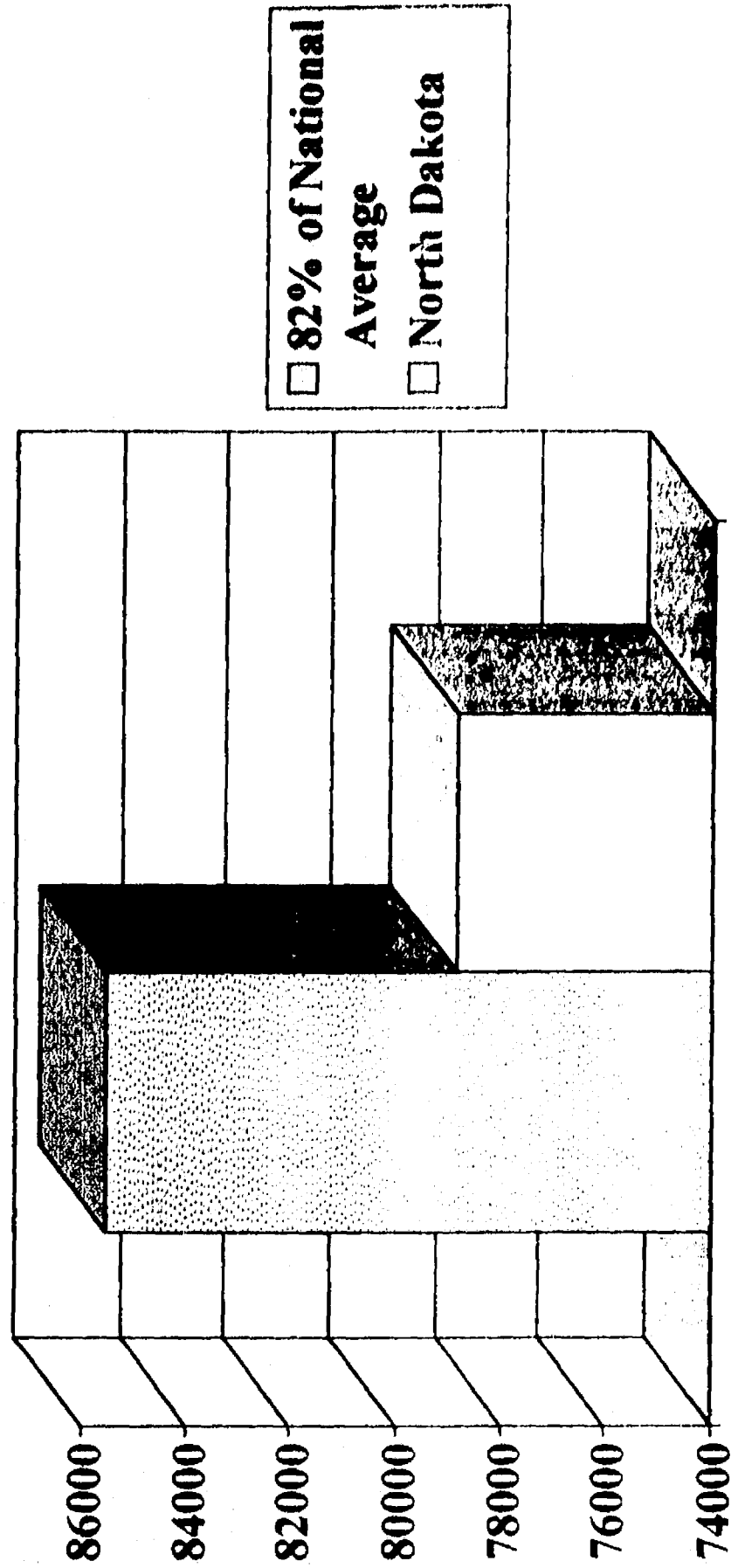
Where North Dakotans Rank

- In 1998, the last year for which statistics are available, North Dakotans earned 82% of the National Average.

Where ND Judges Rank

- North Dakota Judges currently earn 75.6% of the National Average
- If North Dakota Judges earned 82% of the National Average the current salary would be \$85,556

North Dakota Judges Compared to 82% of National Average



How Do We Measure Where We Are?

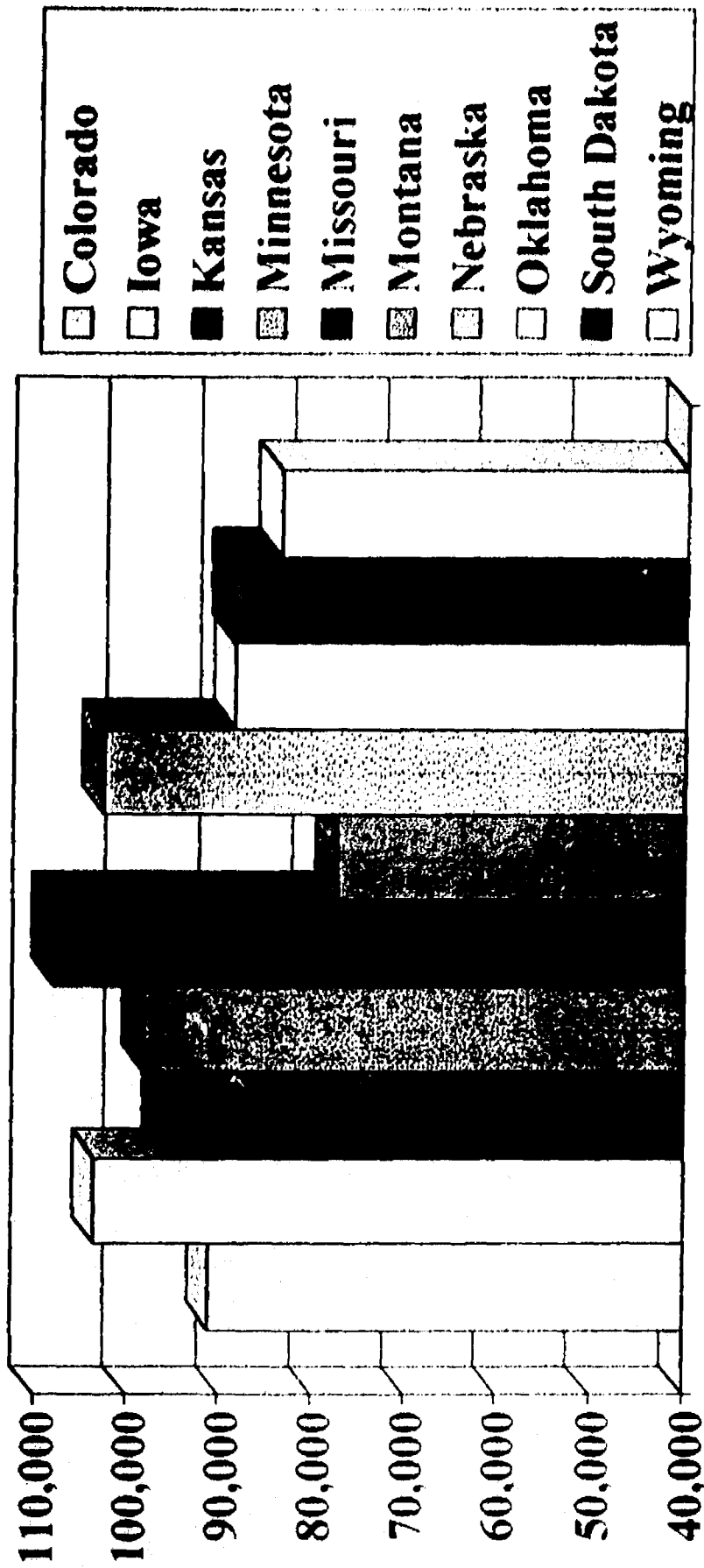
- Ten states in the Executive Branch Pay Study
- Average of the Three States Contiguous to North Dakota
- Average of States with Populations Less than 1 Million
- Average of States with Populations Less than North Dakota

What North Dakota Judges

are Paid

- Chief Justice of the Supreme Court \$87,895
- Justices of the Supreme Court \$85,483
- Presiding District Judges \$80,755
- District Judges \$78,887

10 States in the Executive Branch Study



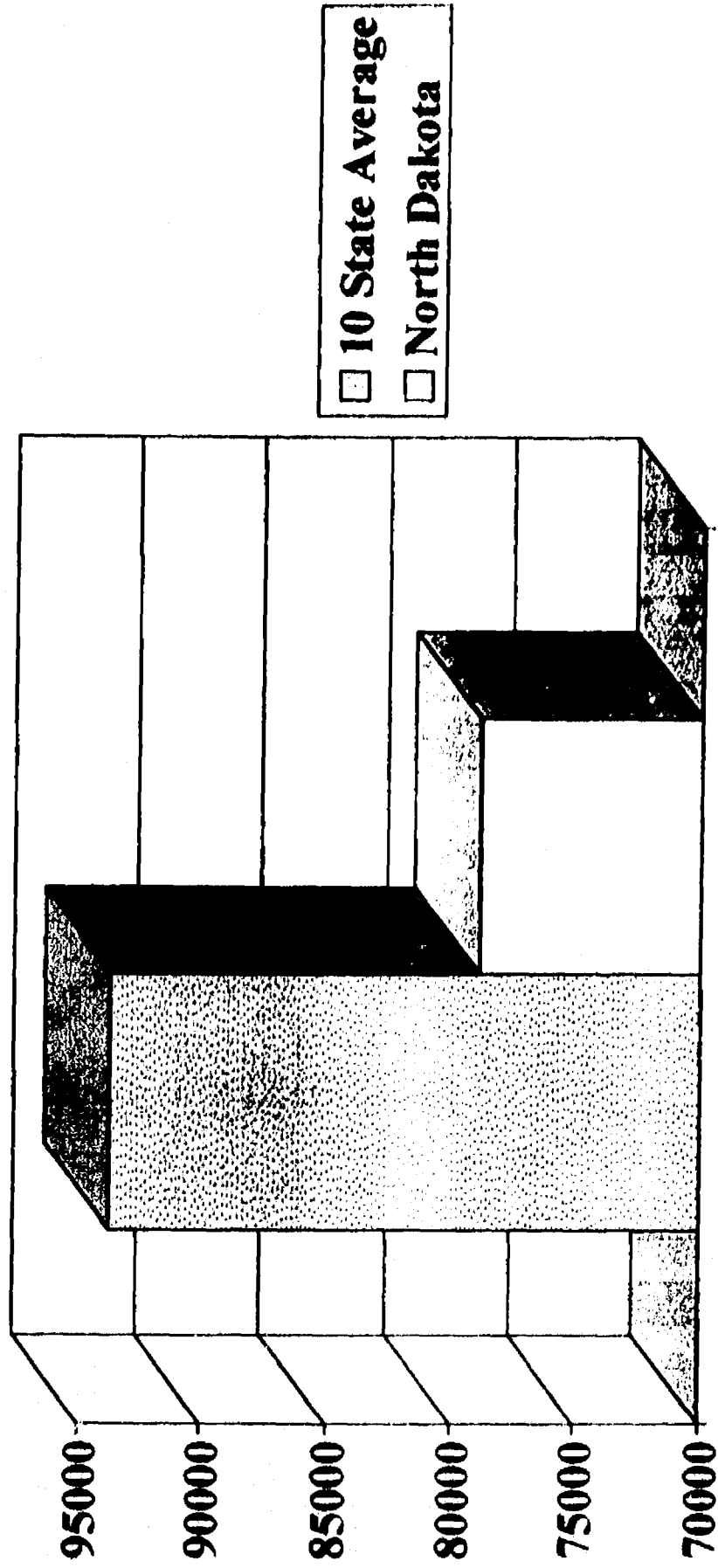
Source: NCSC
Salary Survey
11/15/00

Average Trial Judge Salary in 10
States in Executive Branch Study

• \$93,747

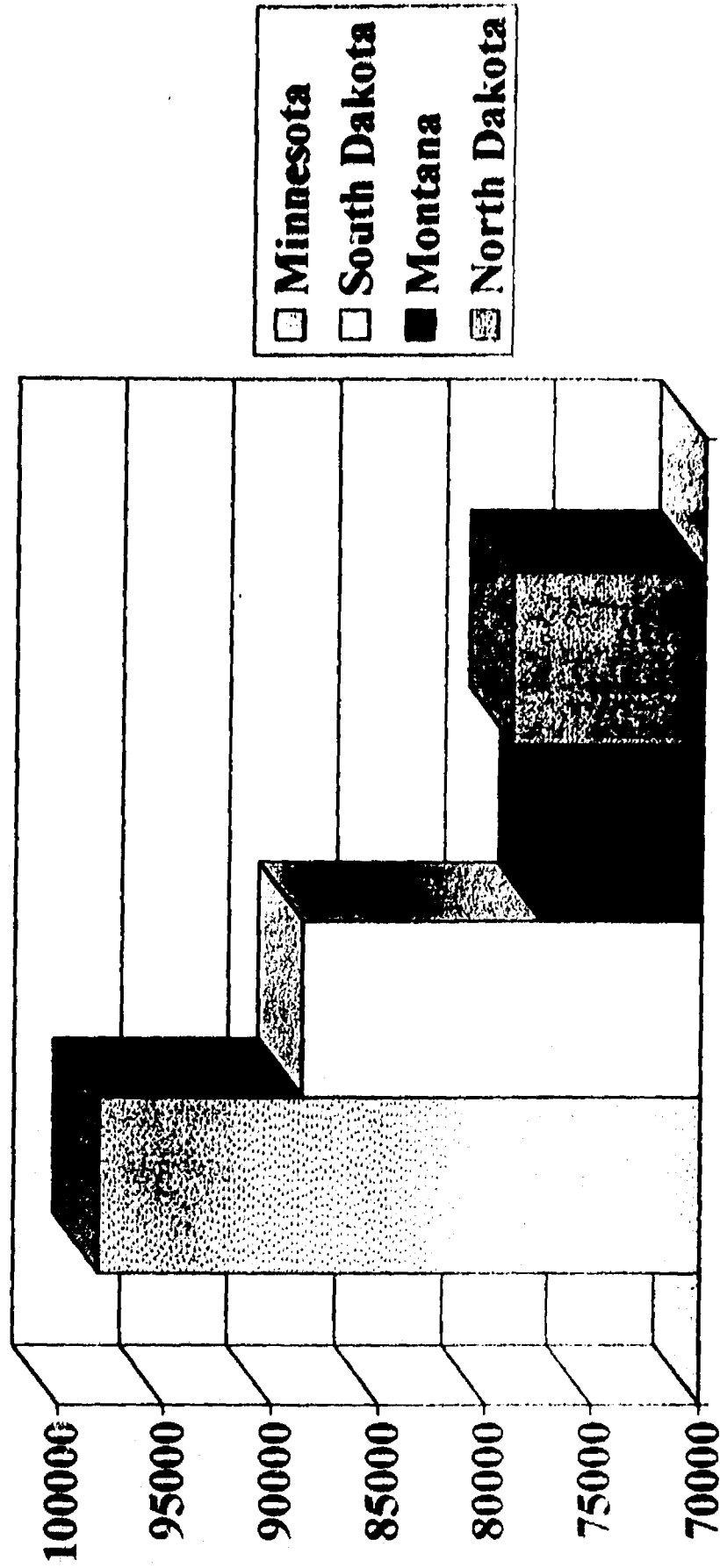
Source: NCSC
Salary Survey
7/1/99

How We Compare



Source: NCSC
Salary Survey
11/15/00

North Dakota and the States on its Borders



Source: NCSC
Salary Survey
7/1/99

Current 3 State Average

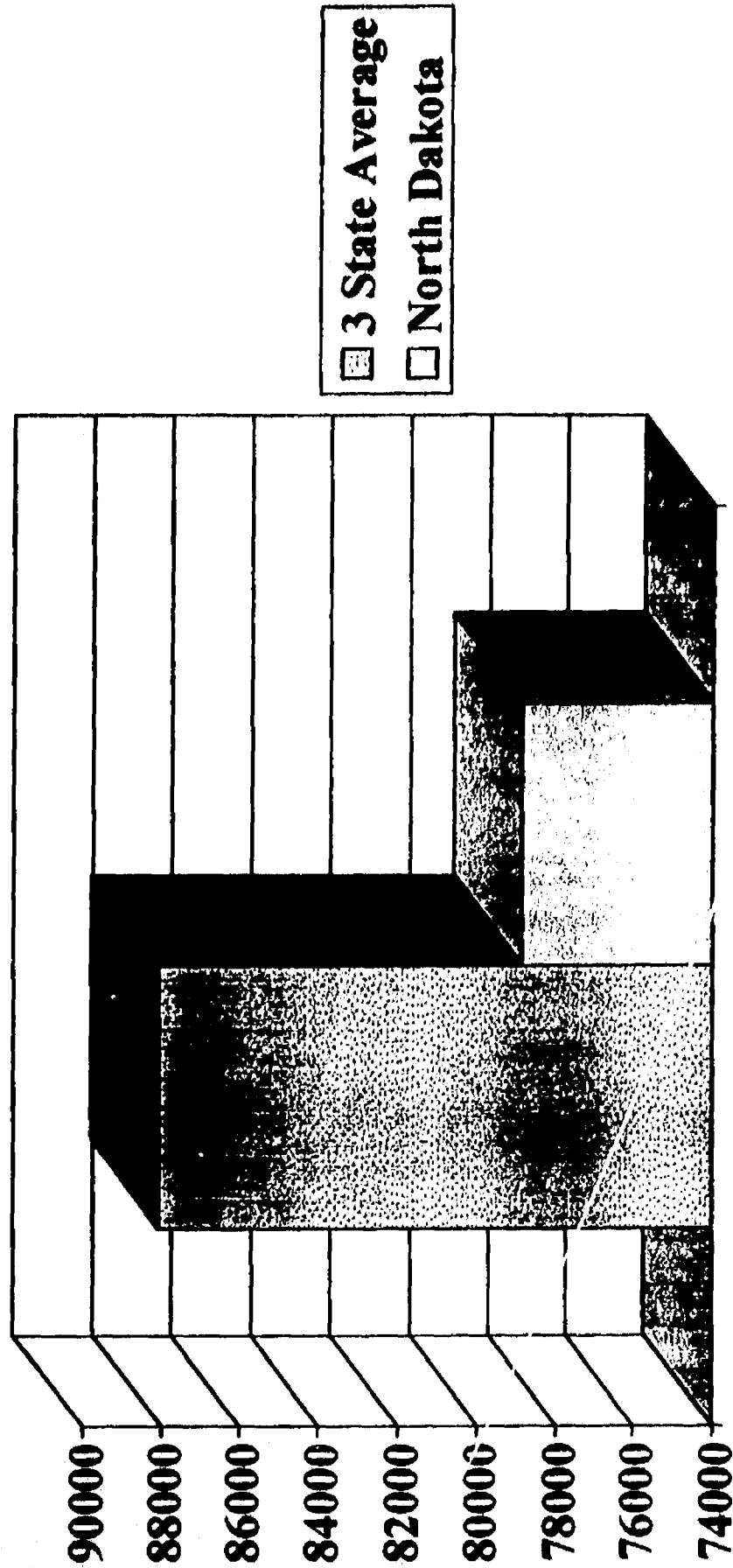
• \$88,083

Source: NCSC
Salary Survey
11/15/00

3-State Average on July 1, 2001

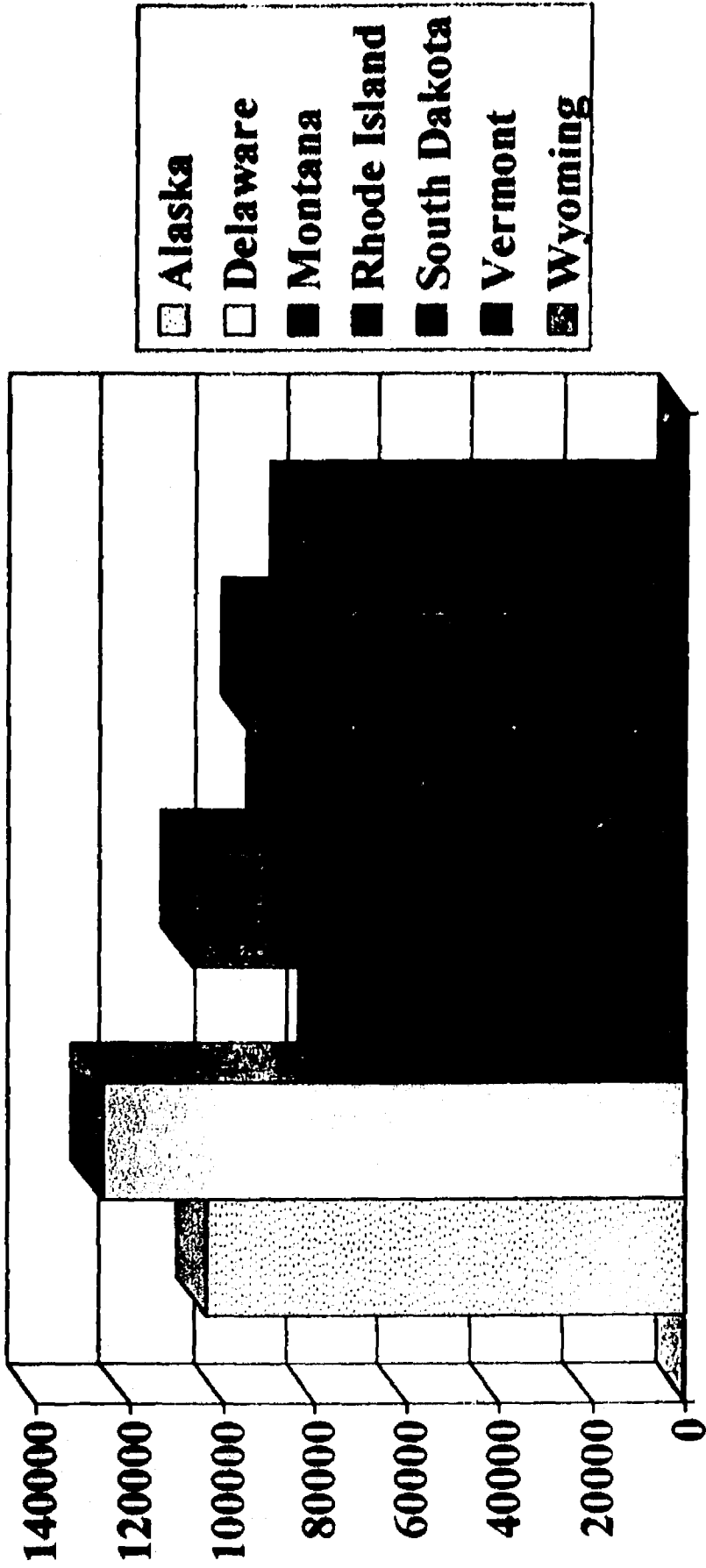
- If one assumes the Montana raise already embodied in their law and one further assumes that neither SD nor MN receive any raise the 3-State average on July 1, 2001 will be
 - \$ 90,070

How We Currently Compare



Source: NCSC
Salary Survey
11/15/00

States with a Population of Less than 1 Million



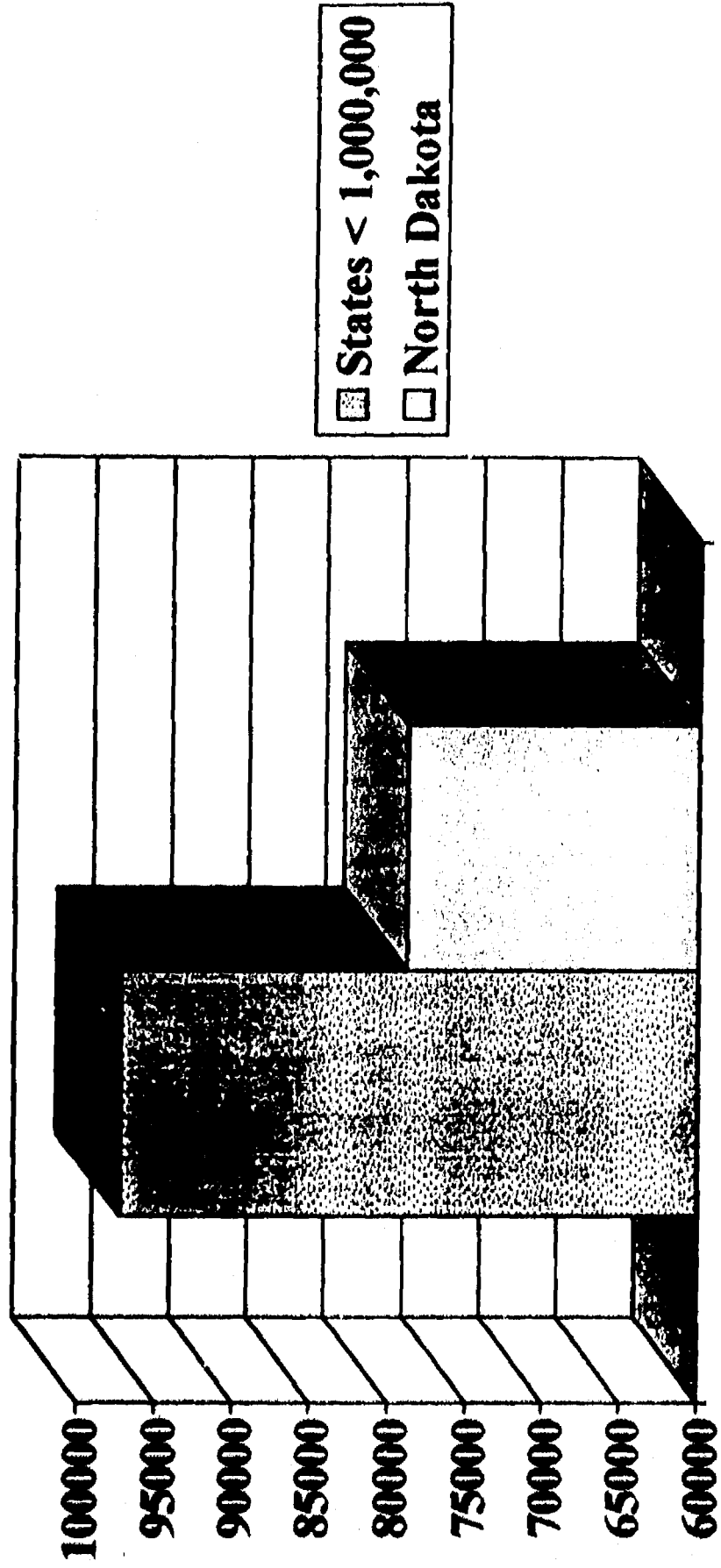
Source: NCSC
Salary Survey
11/15/00

Average of States with a
Population of Less than 1 Million

• \$97,253

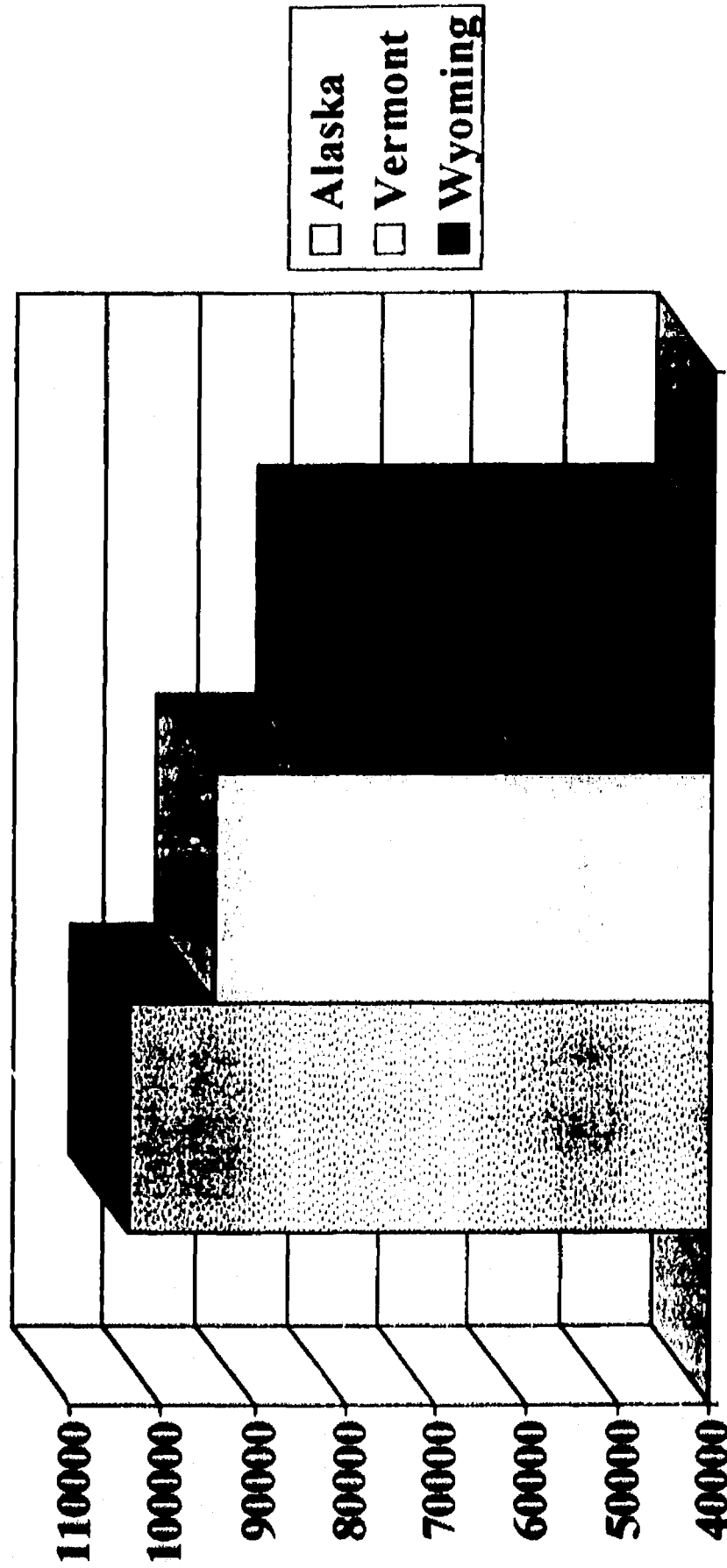
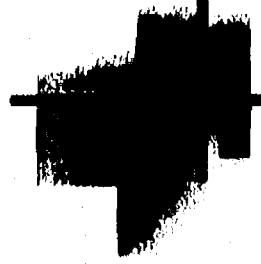
Source: NCSC
Salary Survey
7/1/99

How We Compare



Source: NCSC
Salary Survey
7/1/99

States with a Smaller Population than North Dakota



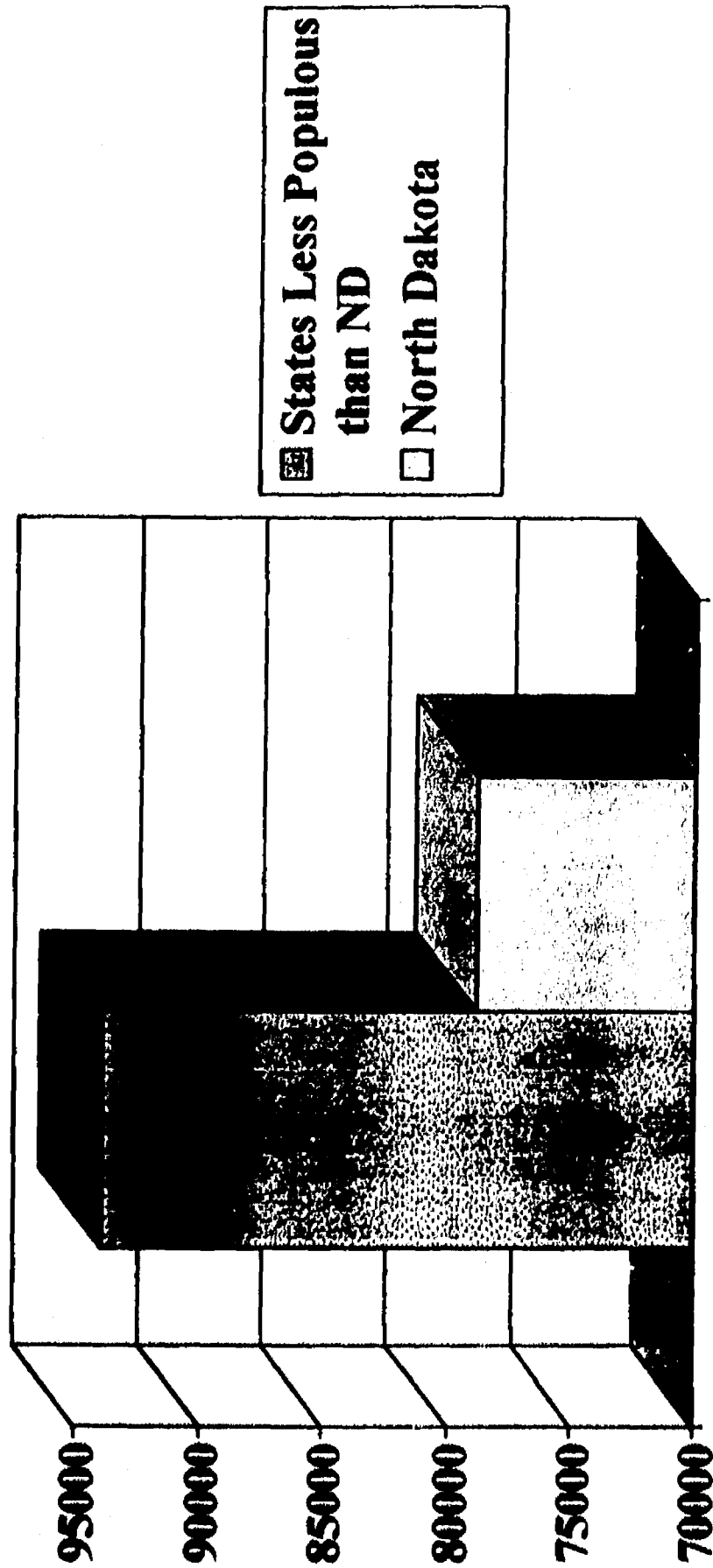
Source: NCSC
Salary Survey
11/15/00

Average of States Less Populous
than North Dakota


• \$93,993

Source: NCSC
Salary Survey
11/15/00

How We Compare



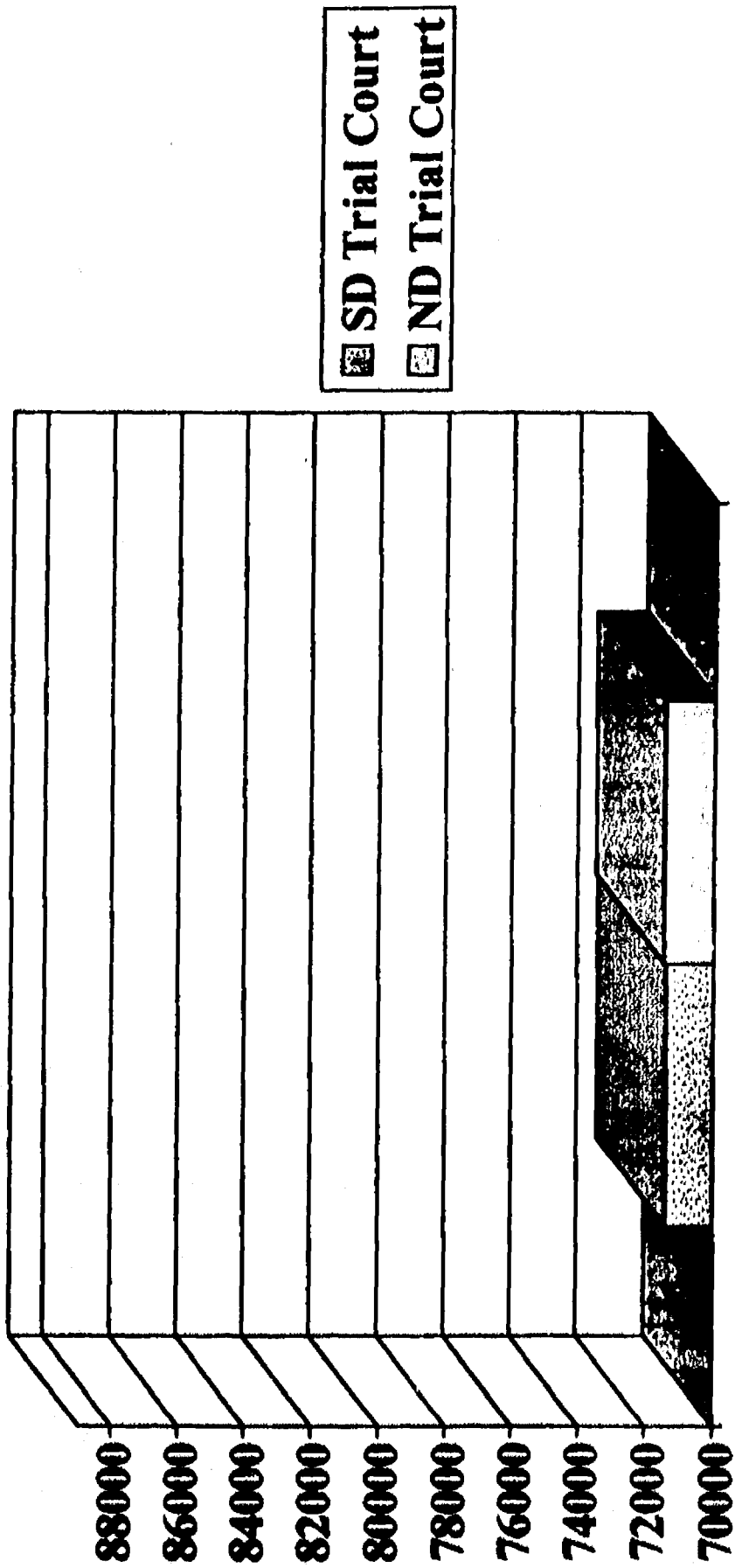
Source: NCSC
Salary Survey
11/15/00



South Dakota a Comparison

- Historically the salaries of judges in North Dakota and South Dakota have been similar

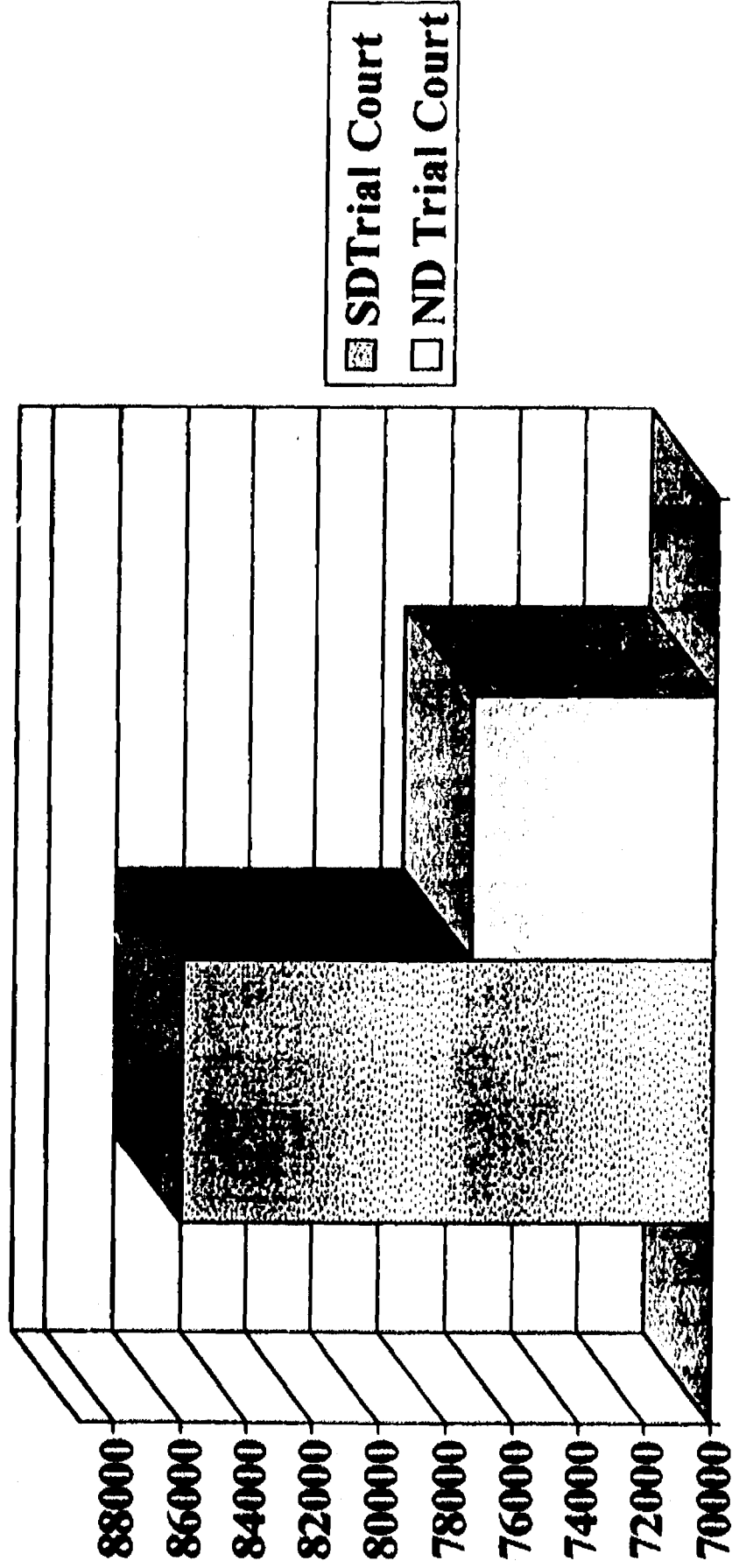
North Dakota and South Dakota Trial Courts Compared--1997



Source: NCSC
Salary Survey
1/1/97

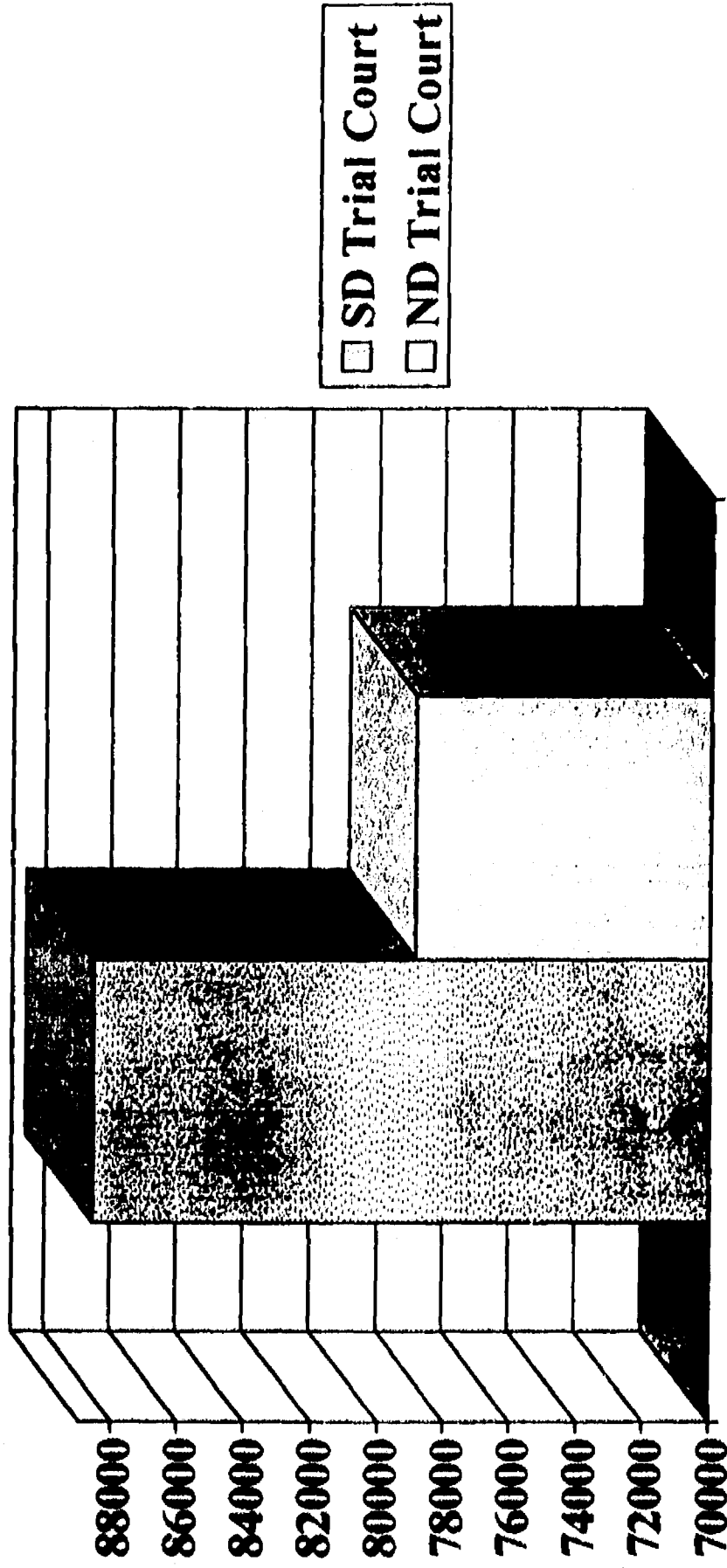
North and South Dakota Trial

Judges Compared 1/1/00



Source: South
Dakota Sup. Ct.
Administrator

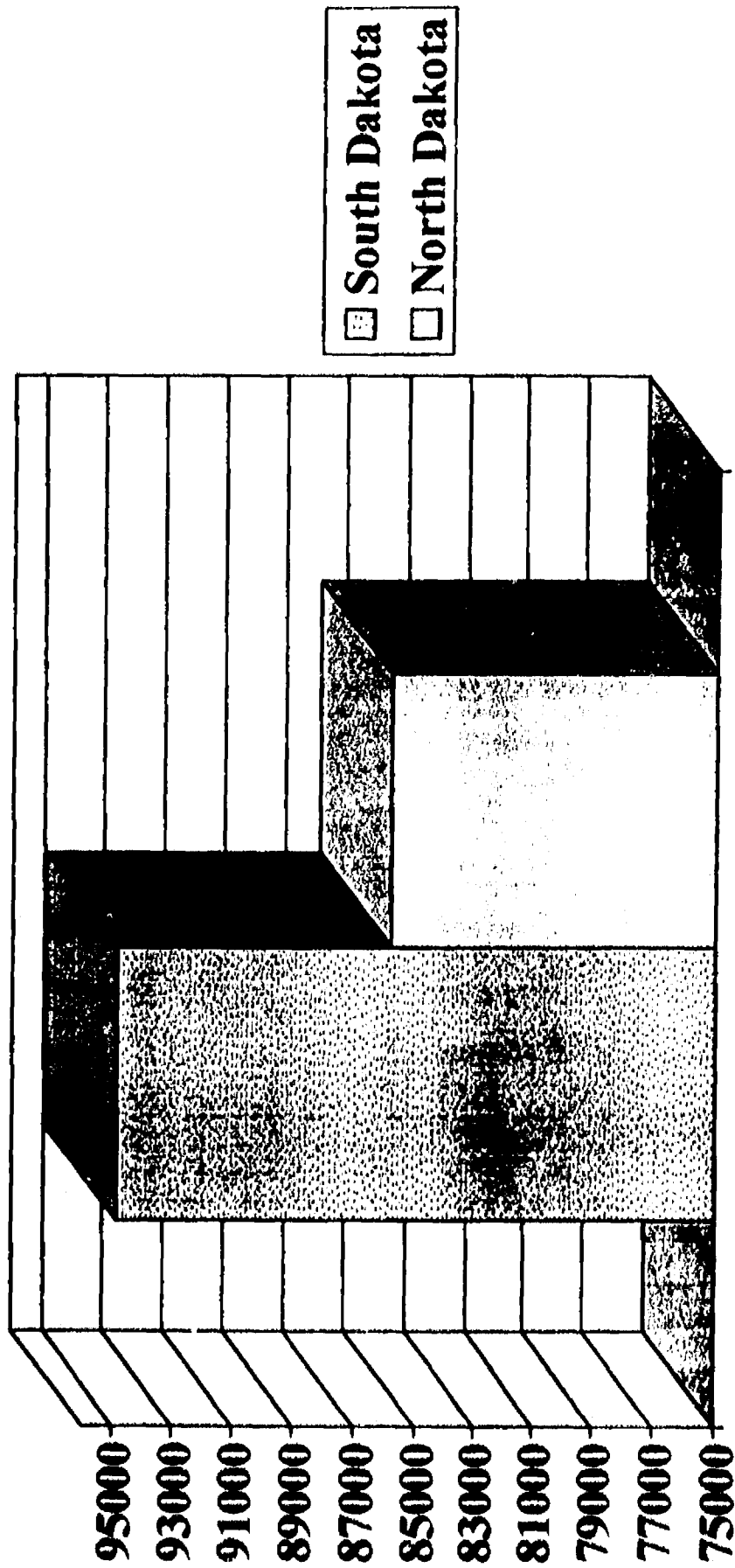
North and South Dakota Compared 7/1/00 Trial Courts



Source: South
Dakota Sup. Ct.
Administrator

North and South Dakota

Compared 7/1/00--Supreme Ct.

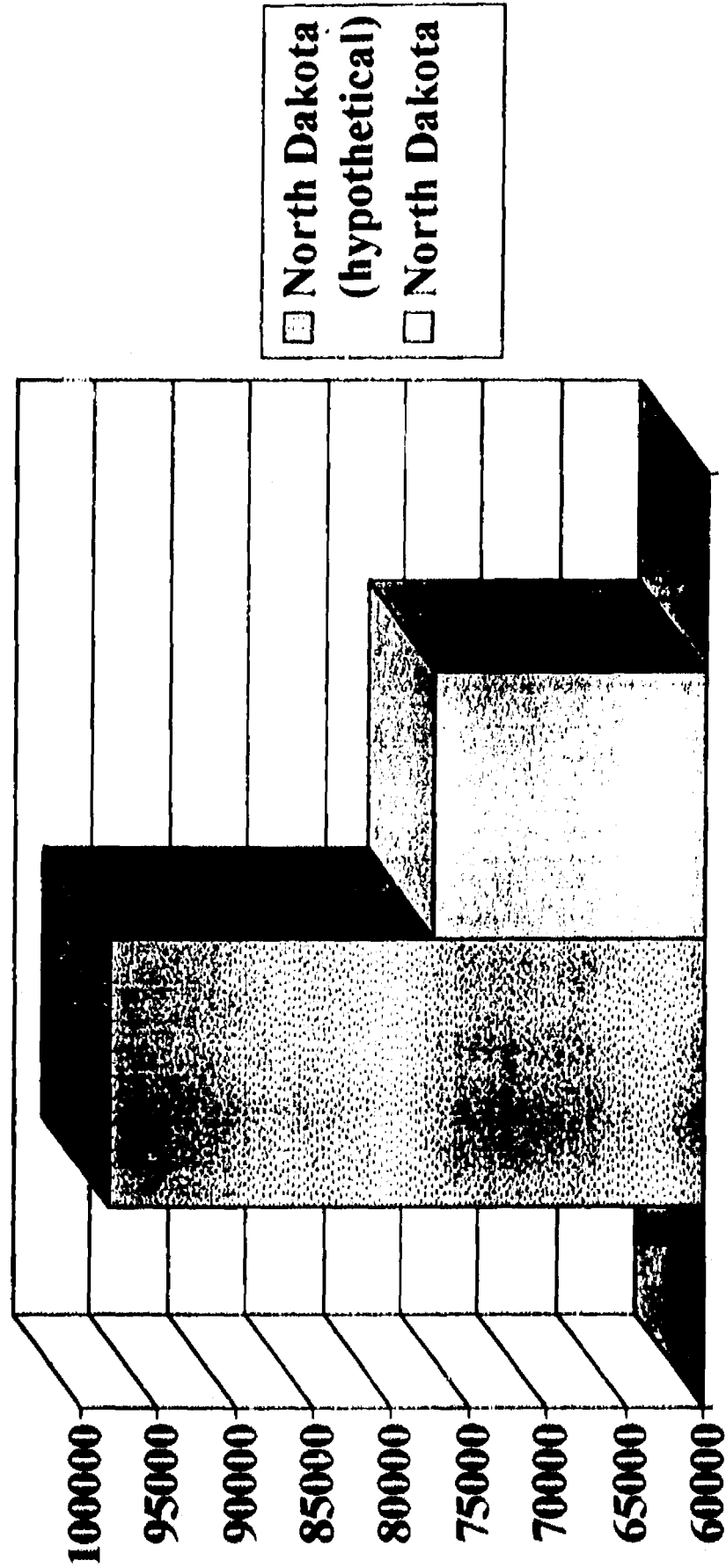


Source: South
Dakota Sup. Ct.
Administrator

**South Dakota in 2001—with a 3%
Inflation Allowance**

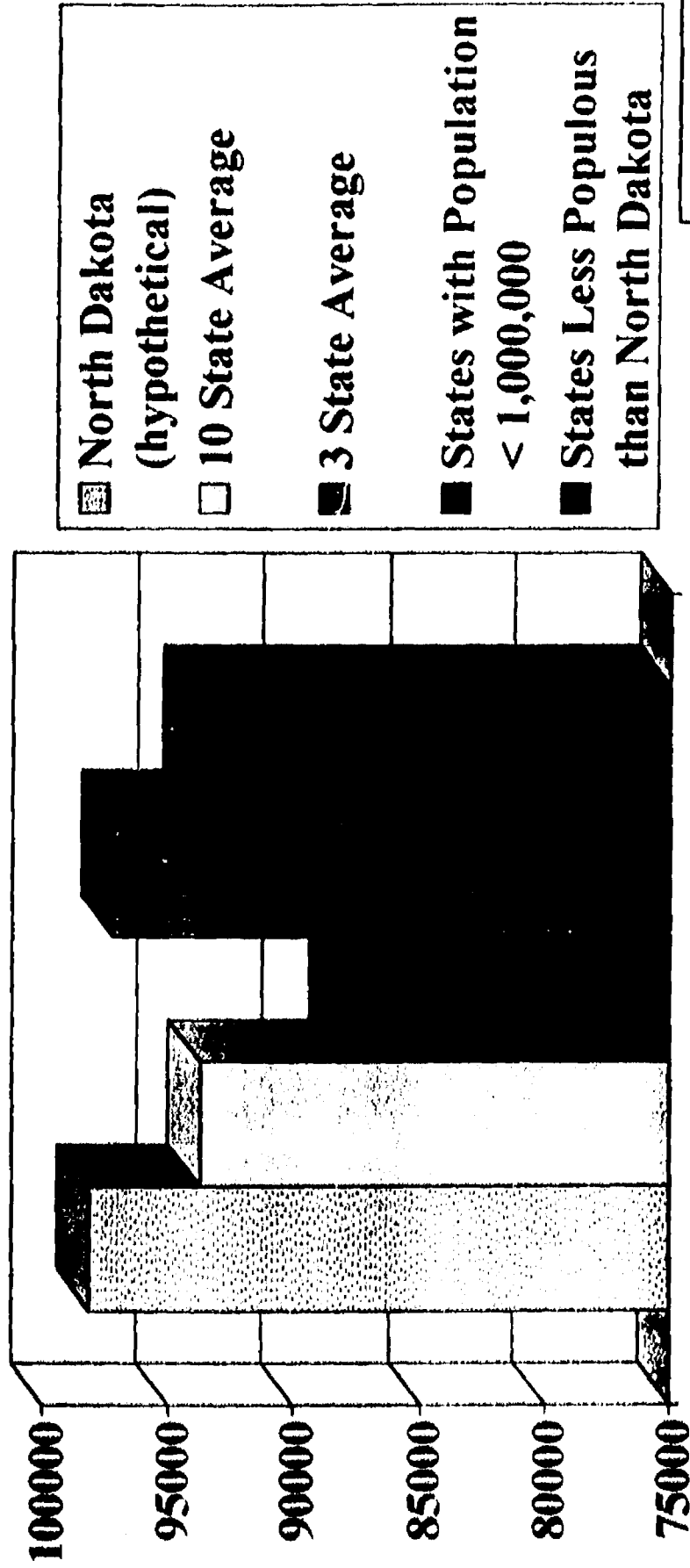
- Supreme Court--\$ 97,732
- Trial Courts--\$91,289

If ND Judges Had Kept Pace with Inflation Since 1977 Compared to Actual



Source: Inflation
Calculator
Westegg.com

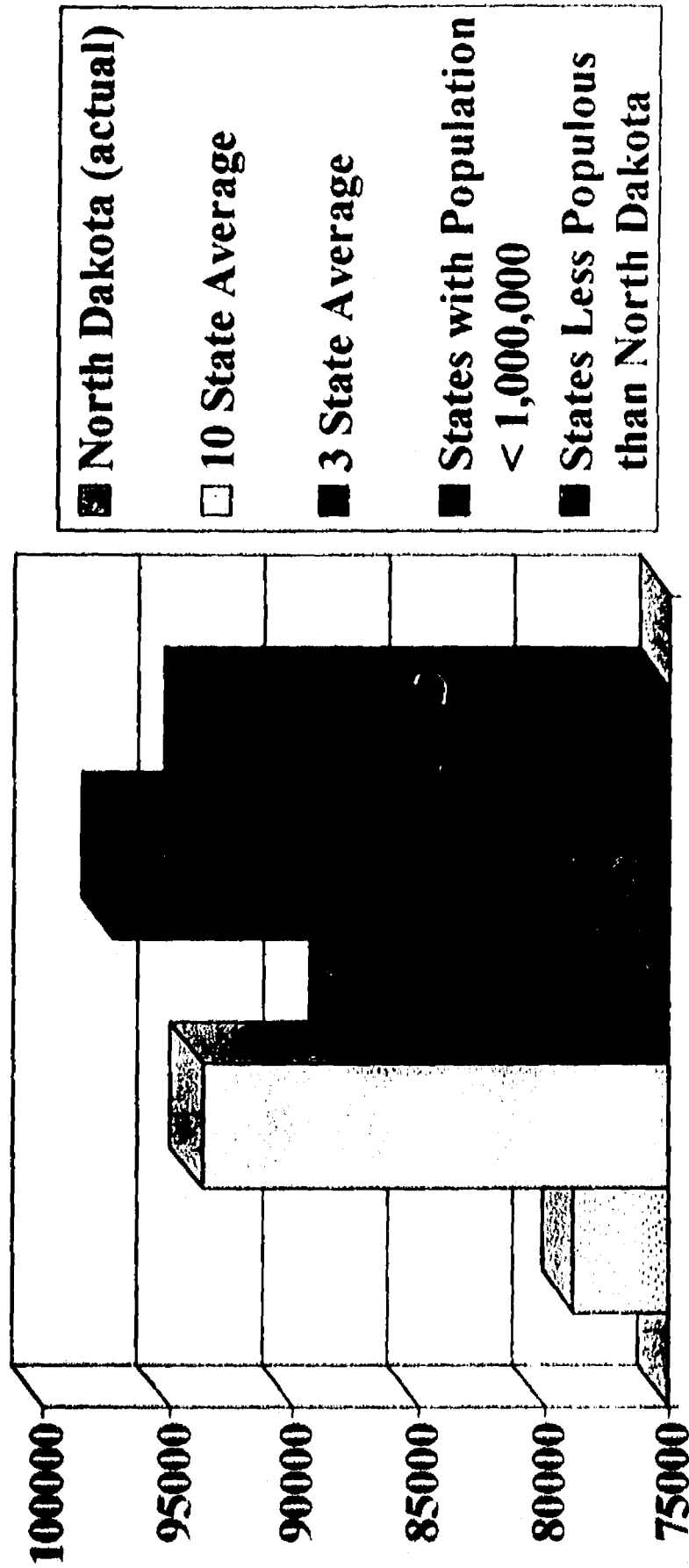
If ND Judges Had Kept Pace with Inflation since '77 Compared to Comparison Groups



Source:

WestLaw &
NCSC Salary
Survey 11/15/00

Where We Are in Relation to Comparison Groups



Source: NCSC
Salary Survey
11/15/00



The Numbers

Group	S. Ct. Just.	Chief Just.	Dist. Judge	Pres. D.J.
Inflation	\$103,848	\$106,248	\$98,158	\$99,958
10 State	\$103,718	\$112,704	\$93,747	\$96,902
3 State	\$96,478	\$101,345	\$88,083	\$90,405
<1,000,000	\$104,842	\$108,504	\$97,253	\$99,489
<North Dak	\$101,572	\$103,360	\$93,993	\$97,787
South Dak.	\$94,886	\$96,943	\$88,631	\$90,687

What We Asked For in the Budget

- **The percentages the Governor included in his budget for state employees**
- **Plus an additional 6% equity adjustment in year one of the biennium**
- **Plus and additional 3% equity adjustment in year two of the biennium**

How the Numbers Break Down

- Supreme Court

- July 1, 2001 \$94,927
- July 1, 2002 \$96,622

- District Court

- July 1, 2001 \$87,422
- July 1, 2002 \$89,171

If Successful—Where We'll Be

- **At the end of the biennium we will still trail South Dakota Judges by over \$1800 a year and the regional average by much more than that if Minnesota judges get even half of what their compensation commission has recommended to the legislature.**
- **It is a mathematical certainty that we can be no higher than 48th in the Union.**



GERALD W. VANDEWALLE
SUPREME COURT CHAMBERS
BISMARCK, NORTH DAKOTA 58505
TELEPHONE 701-224-2221

March 7, 2000

Honorable Wayne Stenehjem
Chairman, Judiciary Committee
P.O. Box 6352
Grand Forks, ND 58206-6352

Dear Senator Stenehjem:

Senator Stenehjem has been so kind as to give the judiciary some time before your committee on April 10, 2000, to discuss the issue of a judicial pay equity bill. We look forward to the opportunity to make a presentation to you. I thank Senator Stenehjem and all of you for this opportunity.

The judiciary has just completed a unification of the trial bench. As part of this unification process, the number of trial judges in the state has been reduced by 25%. This may be the only time in the history of the United States that an entire branch of state government has been reduced in size by one-quarter.

There are two noteworthy statistics accompanying this reduction: first, because of increased case filings over the last fifteen years and the reduction in judges, the number of cases disposed of per judge in North Dakota has increased by 50%; and, second, even with reductions in the number of judges and an increase in caseload, the trial courts' calendars are more current than ever. This is a testament to the commitment that the men and women of the trial bench have made to seeing that the will of the Legislature is fully, fairly and efficiently implemented. In past State of the Judiciary messages, I predicted our remaining trial judges would do what was necessary to dispose of the increased caseload per judge. They did not fail us.

I believe the judiciary can make a compelling case for the enactment of a judicial pay equity bill and welcome the opportunity to discuss the matter with you. For your additional information, I am enclosing a copy of an AP article which appeared in many of the daily newspapers on the subject as well as an editorial in *The Forum*.

Not Paid For With State Funds

March 7, 2000
Page 2

I know I speak for the entire judiciary when I say we deeply appreciate the chance to discuss this important issue with you. I certainly hope that at the close of our presentation you will agree with the proposal and give us your whole-hearted support. Thank you for your consideration.

Sincerely,



Gerald W. Vandewalle
Chief Justice

FOR THIS VOLUME OF LETTERS SEE THE 1999-2000
JUDICIARY INTERIM FILE IN LEGISLATIVE COUNCIL
OFFICE FOR APRIL 10, 2000 (ON FILE MATERIAL)

LETTERS
OF
SUPPORT

* Sen. Stenohjem may have additional letters

N.D. Judges object, say pay scale is out of order

State's last-place rank
in salaries belies work
being done, they say

By Jack Sullivan
The Forum

North Dakota judges are the lowest paid in the nation, and a committee of judges and lawyers is weighing ways to ask the Legislature for a raise.

As judges' pay has slipped, their workload has grown and become more complicated, and the number of judges has been cut, East Central District Judge Ralph Erickson said.

"We think we're doing a better job than 50th," said Erickson, who serves as co-chairman of the state Judicial Conference's compensation committee.

District court judges in North Dakota make \$77,340 per year - a step below Montana judges, whose \$77,439 salary ranks second to last, according to the National Center of State Courts.

Justices on the North Dakota Supreme Court fare slightly better

See JUDGES, Back Page

A2 SUNDAY, DECEMBER 19, 1999

JUDGES from Page A1

compared to their peers: Their \$83,807 salary is 49th nationally, according to a study conducted by the nonprofit agency.

While judges make far more than the state's average worker, their earning potential is limited compared to what North Dakota lawyers can make in private practice. And some lawyers and judges fear finances may prevent good lawyers from running for openings on the bench.

Becoming a judge "should be the height of one's career, but financially - it's not the height of one's career," said Bismarck attorney James Hill, who serves on the judicial compensation committee.

Rather than making judges rich, a pay raise could remove financial barriers that might keep lawyers considering running for the bench from doing so, said Hill, who is a former president of the State Bar Association of North Dakota.

North Dakota judicial salaries were in the top half of the nation in the early 1980s. But the comparative pay has dropped since then, while the number of judges in the state was cut and caseloads and court dockets have grown, Erickson said.

"We really feel we've done an awful lot to make the judiciary smaller, more responsive and better situated to meet the needs of the public," Erickson said. "This process has been hard on the judiciary - I mean, no one wanted to eliminate Zane Anderson's seat."

Anderson's position in the Southwest District Court was eliminated by the Supreme Court earlier this year after the Legislature ordered the number of judges be cut from 53 to 42 by 2001. Other reductions were

N.D. home to lowest paid district judges

North Dakota's district judges are the lowest paid in the nation, according to a study conducted by the National Center for State Courts.

District or general trial court:

1. New York	\$136,700	46. Alabama	\$84,564
2. Illinois	\$126,978	47. Wyoming	\$83,700
3. Delaware	\$119,200	48. New Mexico	\$79,215
4. Virginia	\$119,154	49. Montana	\$77,439
5. Florida	\$117,020	50. North Dakota	\$77,340

Supreme or highest court:

1. New York	\$151,200	46. Wyoming	\$93,000
2. Illinois	\$147,024	47. South Dakota	\$92,118
3. Florida	\$145,083	48. New Mexico	\$87,773
4. California	\$135,018	49. North Dakota	\$83,807
5. Michigan	\$134,752	50. Montana	\$83,550

Regional salaries for district judges, with overall rank:

North Dakota	\$ 77,340	Montana	N.D.	50	Minn.		
Montana	\$ 77,439	Wyoming	49	31	Wis.	26	
Wyoming	\$ 83,700	South Dakota	\$ 86,044	S.D.	44	Iowa	23
South Dakota	\$ 86,044	Minnesota	\$ 95,320	Wyoming	47		
Minnesota	\$ 95,320	Wisconsin	\$ 99,961				
Wisconsin	\$ 99,961	Iowa	\$100,500				
Iowa	\$100,500						

Source: The National Center for State Courts

Becky Ochsner / The Forum

by retirement or attrition.

Meanwhile, "the business of judging has become more complex as the laws have come more complex," Erickson said, citing protection and restraining orders and mental health commitments as areas of significant change.

While the compensation committee hasn't drafted a final pay plan, Erickson suggested judicial salaries should be ranked closer to other state wages.

If judicial pay was 45th - as other state wages have been ranked 45th - then district judges would be paid \$85,300 and justices \$93,600, he said.

The compensation committee is gathering information about

what Midwestern judges earn and is weighing ways to address the issue with the Legislature, which sets judicial pay by statute.

While the final plan isn't set, "our hope is we'd like to be moved closer to the regional average," Erickson said. "But we understand there's no great big pot of money out there, either."

State Sen. Wayne Stenehjem, R-Grand Forks, is chairman of the Interim Judiciary Committee and said it will address judicial pay before the next legislative session.

While he can't predict what the committee will decide, Stenehjem said he thinks many members will support a raise for judges.

Dec. 21, 1999

Low wages eventually hurt N.D.

Is North Dakota becoming the Mississippi of the north?

If trends continue, the answer could be yes.

Teacher pay perennially ranks among the nation's lowest. Now a report from the state judiciary confirms that district judges are the lowest paid in the nation at a time when workloads are up and cases more complicated.

Forum editorial

Factor in news of major national companies coming into the state to pay hourly wages significantly lower than national averages, and the trend is clear — and alarming.

We've heard the arguments that "the cost of living is lower here," therefore wages are lower. Not true.

The national cost of living index pegs the national average at 1. In North Dakota the index is .93. That's not much of a difference to the average North Dakota family's grocery, heating, housing and transportation costs.

So let's dispense with the cost-of-living excuse wage-payers use to keep wages low. It no longer has credibility.

What we do have going in the state is hard-working people who know how to

give a day's work or more for a day's pay. The problem, of course, is that every year we have fewer of them, as talented young people bolt from the state for better-paying jobs elsewhere.

What we do have are teachers who, despite low pay, perform so admirably that their students always rank at or near the top of national academic achievement statistics. And the state already is seeing the signs of a shortage of good teachers, as many of the best and brightest take jobs where pay matches their abilities and classroom commitment.

What we do have are district judges who have taken on more and more work, partly as a result of legislative mandates, and are not being compensated to the level that reflects their efforts. It should come as no surprise that members and potential members of the judiciary — the state's best legal minds — will opt for private practice where they can earn much more.

Some commercial and political interests too easily write off the low-wage factor as unimportant to the state's success. They cling to the discredited dogma that low wages are good for economic development. They are wrong.

Low-wage jobs do not attract or hold educated young people. In the long term — and certainly in a strong national economy — highly educated graduates of the state's universities will leave North Dakota, and few from out of state will look for work here. Without an expanding base of high-wage jobs, real economic development won't happen.

The signals the state sends are important. When national surveys show North Dakota teachers among the lowest paid in the nation and district judges at the bottom of the pay scale, the impacts are not good. The state's image begins to suffer in much the same way Mississippi's has for generations.

(Forum editorials represent the opinion of Forum management and the newspaper's Editorial Board.)

The Forum

Published since 1977

Rep. Yimm

SB 2002
SENATOR CONY. CRM.
#1

Year 1 - SUPREMER @ 1250 - 8,750.
DISTRICT @ 750. 31,500.

Year 2 - SUPREMER @ 1250 8750.
DISTRICT @ 750 31500.

26,250 - SUPREMER
94,500 - DISTRICT
121,000 - WAGES
50,000 - RESTITUTION
\$ 171,000
\$ 102,997 - GENERAL FUND

STATE EMPLOYEES - ANNUAL SALARIES

The following is a listing of full-time permanent state employees whose annual salary is \$90,000 or more.

Name	Department	Job Title	Annual Salary
David A. Billings	University of North Dakota	Assistant Professor/Medical School	\$260,132
H. David Wilson	University of North Dakota	Dean/School of Medicine	\$243,200
William S. Mann	University of North Dakota	Associate Professor/Medical School	\$211,421
Manuchair Ebadl	University of North Dakota	Professor/Medical School	\$197,500
Kenneth Brizman	State Hospital	Physician	\$187,308
James F. Hanley	University of North Dakota	Associate Professor/Medical School	\$182,416
William Pryatel, Jr.	State Hospital	Physician	\$179,748
David R. Antonenko	University of North Dakota	Professor/Medical School	\$175,000
Joanne Roux	State Hospital	Physician	\$170,700
Nadeem Haider	State Hospital	Physician	\$167,448
David J. Theige	University of North Dakota	Associate Professor/Medical School	\$164,800
Celestino Balinghasay	State Hospital	Physician	\$163,440
Mario Castillo	State Hospital	Physician	\$163,440
Gerardo Toribio	Department of Human Services	Physician	\$158,736
Maria Robles	State Hospital	Physician	\$158,004
Bayani Abordo	State Hospital	Physician	\$153,000
Larry Isaak	North Dakota University System Office	Chancellor	\$150,860
Thomas M. Polovitz	University of North Dakota	Assistant Professor/Medical School	\$148,839
Larry O. Halvorson	University of North Dakota	Associate Professor/Medical School	\$148,689
Charles Kupchella	University of North Dakota	President	\$147,000
Joseph A. Chapman	North Dakota State University	President	\$147,000
Leroy Olson	Department of Human Services	Physician	\$146,664
Andrew McLean	Department of Human Services	Physician	\$145,692
C. Milton Smith	University of North Dakota	Associate Professor/Medical School	\$145,189
Guy P. Tangedahl	University of North Dakota	Assistant Professor/Medical School	\$145,189
Elizabeth Faust	Department of Human Services	Physician	\$144,828
David Clinkenbeard	Department of Human Services	Physician	\$144,288
Roger Melvold	University of North Dakota	Professor/Medical School	\$143,434
John R. Baird	University of North Dakota	Associate Professor/Medical School	\$141,037
Gregory D. Greek	University of North Dakota	Associate Professor/Medical School	\$140,558
Bennie W. Muscha	University of North Dakota	Assistant Professor/Medical School	\$140,000
Steven Hill	Department of Human Services	Physician	\$139,944
James E. Burrell	University of North Dakota	Assistant Professor/Medical School	\$139,726
Steven R. Mattson	University of North Dakota	Associate Professor/Medical School	\$139,726
Robert Ruback	University of North Dakota	Professor/Medical School	\$137,800
Karl M. Miller	University of North Dakota	Assistant Professor/Medical School	\$135,000
Ross A. Kringle	University of North Dakota	Assistant Professor/Medical School	\$134,726
Kimberly T. Krohn	University of North Dakota	Assistant Professor/Medical School	\$134,200
Edward C. Carlson	University of North Dakota	Professor/Medical School	\$132,180
Craig R. Schnell	North Dakota State University	Vice President Academic	\$131,847

Name	Department	Job Title	Annual Salary
Roger L. Sopher	University of North Dakota	Professor/Medical School	\$130,000
George Mizell	Department of Health	Medical Examiner	\$125,436
Phillip Boudjouk	North Dakota State University	Vice President Academic	\$125,420
David O. Lambeth	University of North Dakota	Professor/Medical School	\$125,400
Kannan Ramar	State Hospital	Physician	\$122,472
Roger W. Schauer	University of North Dakota	Associate Professor/Medical School	\$121,580
Charles D. Peterson	North Dakota State University	Dean	\$121,000
Mark J. Christenson	University of North Dakota	Physician	\$120,384
Patricia Jensen	North Dakota State University	Vice President Agriculture	\$120,382
Bruce A. Smith	University of North Dakota	Dean	\$120,020
Robert C. Gallager	University of North Dakota	Vice President for Finance and Operations	\$120,000
Dean C. Blais	University of North Dakota	Athletic Coach	\$120,000
John Etting	University of North Dakota	Vice President Academic Affairs	\$118,965
W. Jeremy Davis	University of North Dakota	Law School Dean	\$118,366
Lee A. Vickers	Dickinson State University	President	\$116,000
James E. Mitchell	University of North Dakota	Professor/Medical School	\$115,851
Michael Haugen	Adjutant General	Adjutant General	\$114,504
Michael Hillman	North Dakota University System Office	Vice Chancellor for Academic Affairs	\$114,400
Otto Helweg	North Dakota State University	Dean	\$114,000
Virginia L. Clark	North Dakota State University	Dean	\$114,000
H. Erik Shaar	Minot State University	President	\$112,710
Timothy M. Heinley	University of North Dakota	Physician	\$112,512
Alex Schwietzer	State Hospital	Physician	\$112,416
Donna S. Thigpen	Bismarck State College	President	\$112,400
Ellen E. Chaffee	Mayville State University - Valley City State University	President	\$112,320
Jay A. Letch	North Dakota State University	Dean	\$111,000
Lee Peterson	Department of Economic Development and Finance	Director	\$111,000
Dennis J. Elbert	University of North Dakota	Dean	\$110,828
Thomas J. Riley	North Dakota State University	Dean	\$110,500
Richard Rayl	North Dakota State University	Vice President for Business and Finance	\$110,027
James L. Roerig	University of North Dakota	Associate Professor/Medical School	\$110,000
Cole R. Gustafson	North Dakota State University	Director of Extension/AES	\$108,665
Sharon D. Anderson	North Dakota State University	Director of Extension/AES	\$108,665
Stephen Wonderlich	University of North Dakota	Professor/Medical School	\$108,394
George Walkman	North Dakota State University	Vice President Student Affairs	\$108,000
Laura Glatt	North Dakota University System Office	Vice Chancellor for Administrative Affairs	\$107,500
Richard W. Wilsnack	University of North Dakota	Professor/Medical School	\$106,154
Judy C. Pearson	North Dakota State University	Professor	\$105,706
Velmer Burton	North Dakota State University	Dean	\$105,000
Curtis Wolfe	Information Technology Department	Chief Information Officer	\$102,756
Kap Jai Lee	University of North Dakota	Professor/Medical School	\$102,154
Carol Olson	Department of Human Services	Director	\$101,424
Alan White	North Dakota State University	Dean	\$100,000
Albert J. Fivizzani, Jr.	University of North Dakota	Associate Dean	\$100,000

Name	Department	Job Title	Annual Salary
Gary R. Smith	North Dakota State University	Professor	\$100,000
Sharon Y. Hart	State College of Science	President	\$100,000
Stephen J. Tinguely	University of North Dakota	Associate Professor/Medical School	\$100,000
Thomas C. Owens	University of North Dakota	Dean	\$100,000
Gregory J. McCarthy	North Dakota State University	Professor/Chairman	\$99,999
James R. Venette	North Dakota State University	Associate Dean	\$98,800
Robert H. Boyd	University of North Dakota	Vice President Student Affairs	\$98,643
Sharon C. Wilsnack	University of North Dakota	Professor/Medical School	\$98,553
Mark A. Sheridan	North Dakota State University	Professor	\$98,500
George A. Seielstad	University of North Dakota	Associate Dean	\$98,491
Kevin Young	University of North Dakota	Professor/Medical School	\$98,448
Eddie Dunn	North Dakota University System Office	Vice Chancellor for Strategic Planning - CTEC Director	\$97,000
Gordon Bierwagen	North Dakota State University	Professor/Chairman	\$96,616
Elizabeth G. Nichols	University of North Dakota	Dean	\$96,435
John T. Martsoff	University of North Dakota	Professor/Medical School	\$96,089
Albert Schnelker	North Dakota State University	Professor/Chairman	\$96,022
Bonita M. Neas	North Dakota State University	Officer	\$95,000
Karen L. Zoltz	North Dakota State University	Assistant Director of Extension/AES	\$94,758
John D. Olsrud	Legislative Council	Director	\$93,420
Rod A. Backman	Office of Management and Budget	Director	\$93,420
Peggy Lucke	University of North Dakota	Associate Vice President for Finance and Operations	\$93,000
Randy S. Eken	University of North Dakota	Associate Dean/Medical School	\$92,443
Donald A. Smith	North Dakota State University	Professor	\$92,142
Grant Crawford	North Dakota University System Office	Chief Information Officer	\$92,050
Richard J. Brown	University of North Dakota	Clinical Instructor	\$92,000
Carl A. Fox	University of North Dakota	Dean	\$90,000
David Sprynczynatyk	Department of Transportation	Director	\$90,000
Keith D. Bjerke	North Dakota State University	Officer	\$90,000
Paul R. Kramer	Workers Compensation Bureau	Director	\$90,000
Wilbur A. Stott	University of North Dakota	Library Director	\$90,000

SB 2002
3-6-01

Mr. Chairman and members of the committee:

I am Pat Conmy, a United States District Judge in "senior status". My position is now technically vacant awaiting action by the new administration, but the workload is still present and I am now in effect working free, which offends my calvinistic nature.

I appear in support of the salary increase request of the judges of the State of North Dakota, and do so by contrasting my situation with theirs.

Let me begin by saying that I have the best of all worlds. I am paid a national annual salary of \$145,100 but live in North Dakota. My authorized staff is 3 law clerks plus a court reporter, and I am assisted by a full time magistrate-judge who is paid far more than the chief Justice of the North Dakota Supreme Court. My senior law clerk earns more than a North Dakota Supreme Court Justice. My position is one of appointment by the President with life tenure. Retirement is at full salary, plus social security, and as long as I remain on active senior status I am entitled to all salary adjustments.

The court I work in is a "limited jurisdiction" court. North Dakota is allocated two federal judgeships. The State Courts are courts of general jurisdiction. The major difference is that federal courts have no domestic relations jurisdiction--no divorces, custody battles or child support issues to face, and from my experiences in private practice, these are the toughest issues a judge faces and she must handle them without the assistance of a jury.

The members of the appellate court which correct my errors are paid \$153,900.00 and are each authorized a total of five chambers employees.

The position of the State Court judges, in contrast, badly needs improving. They do not have my independence in that they must seek reelection, with no real opportunity to electioneer. They must give up their law practices when initially appointed or elected, and, if defeated in a later election, must virtually start over. They do not have the staff support which I enjoy and they deal in direct personal issues much more likely to lead to emotional disturbance than the workload before me.

A judge has very real power. I hope we do not base the attraction of the office solely on that power and its possible lure to those who cannot handle its exercise or who have been unable to find success in the practice of law.

SB 2002
3-6-01

**Testimony in Support of Senate Bill 2002
State Bar Association of North Dakota
House Appropriations Committee
Government Operations Division
March 6, 2001
By Christine Hogan, Executive Director**

The State Bar Association of North Dakota strongly supports the proposed salary package in the judicial budget set forth in Senate Bill 2002. The raises are well deserved and due.

Lawyers in this state unite in their recognition of the need for excellent judges to preside over our state justice system. Without excellence, judges lose the aura of neutrality and independence that is central to their role as ultimate arbiters over our lives, property, and liberty.

Judicial excellence depends on several factors. These factors include highly-qualified applicant pools from which judges are selected, the experience and wisdom attained through tenure on the bench, and the maintenance of judicial autonomy and independence. Common to each of these is the central issue of judicial compensation.

Over time, without adequate compensation, the quality of the applicant pool can be diminished. Unless the judiciary is able to offer its potential members adequate compensation, the most talented individuals – those who tend to be more highly compensated in the private sector – are likely to be unable or unwilling to join the ranks of the judiciary.

We are fortunate in this state to have excellence in our judiciary. The State Bar Association of North Dakota believes Senate Bill 2002 will promote and preserve that excellence by making judicial compensation more competitive with the private sector.

We urge your support for Senate Bill 2002. Thank you.

SB2002 – Appropriation for Defraying the Expenses of the Judicial Branch

A request was made by Senate Appropriations on Wednesday, April 11, 2001 for an independent assessment of the effects of the budget revisions made by the North Dakota House of Representatives.

Revisions to SB2002 in the house included reductions to IT-Data Processing, IT-Software/Supplies and IT-Contractual Services. Total reduction was \$273,997. Additional revisions were made to increase salaries for supreme court and district judges for a total biennial amount of \$273,997.

Based on the discussions with representatives of the State Court Administrator's Office and ITD, the following conclusions have been determined:

1. Due to the fact that the legislature has approved a carryover of \$350,000 for the Consolidation of Court Information, the court's technical staff will be carrying a full load to complete this project during the 2001-2003 biennium.
2. The deferment of the records management project will allow the court technical staff to concentrate on the Consolidation of Court Information Project during the 01-03 biennium.
3. The house amendments retained \$60,000 for a Needs Assessment and Planning Study to prepare the court for the Records Management Project during the 03-05 biennium.
4. The deferment will allow the court to take advantage of the records management experience of ITD, Workers Compensation Bureau and other state entities.
5. The court expressed their current and ongoing practice of coordinating with ITD on technology projects.

Summary – In our opinion, the deferment of the Court Information Project along with the deferment of the Records Management Project provides an opportunity for the court to make their technology advancements in an orderly fashion. Priority one will be the Consolidation of Court Information Project (01-03) and the Records Management Project the top priority during the 03-05 biennium. Staging the projects in this manner allows the court IT staff to manage the workload most efficiently.

If you have further questions, please contact me at 701.258.7072.

Robert J. Pope
Nexus Innovations, Inc.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 2002

Page 3, after line 16, insert:

SECTION 7. LEGISLATIVE INTENT - RESTITUTION COLLECTION AND ENFORCMENT. It is the intent of the legislative assembly that the county and state offices performing restitution collection and enforcement activities as of April 1, 2001, continue to perform those activities until June 30, 2003.

Renumber accordingly

**Proposed Amendment to Enacted Senate Bill No. 2002
(relating to restitution collection and enforcement)**

	Estimated Cost
Salaries & Wages	
<i>Permanent Salaries</i>	\$114,375
<i>Fringe Benefits</i>	<u>\$39,393</u>
Total Salaries & Wages	<u>\$153,768</u>
Operating Expenses	
<i>IT - Data Processing Serv.</i>	\$1,359
<i>IT - Telephone</i>	\$1,133
<i>IT - Software/Supplies</i>	\$220
<i>Postage & Related Services</i>	\$8,571
<i>IT - Contractual Services</i>	\$1,429
<i>Dues & Profess. Develop.</i>	\$286
<i>Office Supplies</i>	\$2,857
<i>Printing</i>	\$1,429
<i>Miscellaneous Supplies</i>	<u>\$2,000</u>
Total Operating Expenses	<u>\$19,284</u>
Equipment	
<i>IT Equip. - Computers</i>	<u>\$2,571</u>
Total Equipment	<u>\$2,571</u>
Total for proposed amendment	<u>\$175,623</u>

It is estimated that 2 FTE employees (perhaps half-time employees) may be needed to perform restitution related activities at the same level as currently performed in eight of the eleven clerk of district court offices operated by the state. Those offices are located in Morton, Ramsey, Richland, Stark, Stutsman, Walsh, Ward and Williams counties.

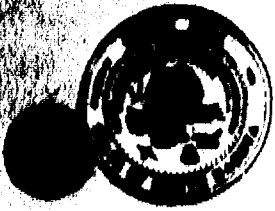
The proposed amendment from the Association of Counties does not anticipate the state would fund the cost of restitution related activities in the remaining three state-operated clerk of district court offices (Cass, Grand Forks and Burleigh) or in counties which have entered into funding agreements with the state in the 2001-03 biennium.

If the legislature adopts the amendment but determines employees should not be added to perform restitution-related activities, funds to provide for operating expenses of \$12,857 would be needed for postage, supplies and printing.

	<u>FTE's</u> <u>excluding</u> <u>restitution</u> <u>(unrounded)</u>	<u>add-on</u> <u>per</u> <u>restitution</u> <u>amendment</u>	<u>Total</u> <u>FTE's</u> <u>(unrounded)</u>	<u>Total</u> <u>FTE's</u> <u>rounded</u> <u>to nearest</u> <u>whole #</u>	<u>Total</u> <u>FTE's</u> <u>rounded</u> <u>to nearest</u> <u>half #</u>
Morton	4.93	0.39	5.32	5	5.5
Ramsey	3.98	0.28	4.26	4	4.5
Richland	3.92	0.29	4.21	4	4
Stark	4.9	0.54	5.44	5	5.5
Stutsman	5.55	0.32	5.87	6	6
Walsh	3.81	0.32	4.13	4	4
Ward	9.09	0.5	9.59	10	9.5
Williams	4.74	0.33	5.07	5	5

Judicial Branch

1999-2001 Biennium	2001-03 Biennium		
Actual Budget	Budget Request	Percent Incr./(Decr.) from 99-01	Amount Incr./(Decr.) from 99-01
<i>Interactive TV</i> \$101,435	\$91,287	-10%	(\$10,148)



CHAMBERS OF
Mary Muehlen Maring
JUSTICE

State of North Dakota
SUPREME COURT

600 EAST BOULEVARD AVENUE DEPT 100
BISMARCK, ND 58505-0500
(701) 226-4507
FAX: (701) 226-4480
E-MAIL: maringj@court.state.nd.us

April 12, 2001

The Honorable ~~Ron~~ Carlisle
North Dakota House of Representatives
600 E. Boulevard Avenue
Bismarck, ND 58505

Dear Ron:

I am writing to correct a mistake I made in my letter concerning our proposals for possible areas of budget reduction. I stated, in error, that your committee asked us specifically to identify areas in our technology budget. Chief Justice VandeWalle has clarified that your committee's request was generally whether we could identify money in our budget that could be adjusted without any specific identification of an area. We then identified technology, as I indicated in my letter of April 10, 2001.

I apologize for my misstatement of your committee's request, and I hope this letter clears up any questions concerning that point.

Thank you.

Sincerely yours,

Mary Muehlen Maring
Justice

MMM:pfw
cc: Chief Justice Gerald VandeWalle



CHAMBERS OF
Mary Muehlen Maring
JUSTICE

State of North Dakota
SUPREME COURT

600 EAST BOULEVARD AVENUE DEPT 100
BISMARCK, ND 58505-0600
(701) 306-4007
FAX: (701) 306-4400
E-MAIL: maring@court.state.nd.us

April 10, 2001

The Honorable Ron Carlisle
North Dakota House of Representatives
600 E. Boulevard Avenue
Bismarck, ND 58505

Dear Ron:

Last evening you asked me about our technology budget for the courts. As you know, your committee asked our Chief Justice if we could identify money in our technology budget that could be adjusted or reduced. In response, our technology support identified our Enhanced Records Management Project and proposed two possible areas of budget reduction which were presented to you. These two possible reductions were identified for a couple of reasons:

1. We first need to prepare a project plan which will require review and analysis of records management solutions, and
2. We carried over the Cass County project of switching the clerk of court's office from PCSS to UCIS. We recognized that we probably do not have the staff to do both the implementation of this latter project and the implementation of the Enhanced Records Management Project in the next biennium.

Therefore, we were very satisfied with having enough money left in our Enhanced Records Management Project to permit us to prepare a project plan and to study solutions for both the Supreme Court and District Courts. This would also allow us to give our full attention to the Cass County project. We also do not want to duplicate any efforts of ITD. This will give us an opportunity to examine their enhanced document management system and to coordinate with them in our planning.

I hope this answers your questions, and if I can be of any further assistance, please contact me or feel free to contact Chief Justice Gerald VandeWalle.

Thank you for your continued support.

Sincerely yours,

Mary Muehlen Maring
Justice

MMM:pfw
cc: Chief Justice Gerald VandeWalle

SB 2002
3-14-01

Information Requested by
Government Operations Division of
House Appropriations Committee
on
Senate Bill 2002

Summary of costs to expand UCIS (uniform case information system) to all counties

Description	IT plan	Additional costs to expand UCIS to 23 add'l. counties	Total
Judicial Branch IT staff	\$755,664		\$755,664
IT- Data Processing Service	\$383,406	\$202,667 *	\$586,073
IT - Telephone	\$393,119		\$393,119
IT - Software & Supplies	\$306,749		\$306,749
IT - Contractual Services	\$1,185,768		\$1,185,768
IT - Equipment	\$926,500	\$70,400	\$996,900
costs for new users to attend training		\$14,835	\$14,835
Total	\$3,951,206	\$287,902	\$4,239,108

*Based on current billing arrangements with ITD. These arrangements would likely be modified if UCIS is expanded. The new arrangement would change the additional cost to \$104,480.

**Information Requested by
Government Operations Division of
House Appropriations Committee
on
Senate Bill 2002**

IT Plan - Enhanced Records Management Project

	Budget Request	Possible Reduction #1	Possible Reduction #2	Adjusted Budget Request
Salaries & Wages (Allocation of staff time)	\$15,893			\$15,893
Operating Expenses				
IT-Data Processing (Connection charges)	\$26,435	(\$25,715)	(\$720)	\$0
IT-Software/Supplies (Software and Licenses)	\$2,549	(\$1,549)		\$1,000
IT-Contractual Services (Consultant/Development)	\$445,000	(\$185,000)	(\$60,000)	\$200,000
Equipment (servers)	\$21,000		(\$15,750)	\$5,250
	\$510,877	(\$212,264)	(\$76,470)	\$222,143

The initial budget request included money for records management solutions for the Supreme Court and District Courts.

Reduction #1 defers the implementation portion of the solution for District Courts to the 2003-2005 Biennium but maintains the funding for a solution for the Supreme Court and maintains funding for a Needs Assessment and Planning for a solution for the District Courts.

The reduction #2 eliminates the funding for a records management solution for the Supreme Court.

It should be noted that there is a real and substantial need to accommodate and modernize the records management, storage and document retention processes of the Supreme Court and District Courts. Reductions beyond reduction #1 would seriously inhibit the abilities of the judicial branch to modernize and manage the flow of documents within the courts.