

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1002

2003 HOUSE APPROPRIATIONS

HB 1002

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1002

House Appropriations Committee
Government Operations Division

☐ Conference Committee

Hearing Date January 22, 2003

Tape Number	Side A	Side B	Meter #
1	xx	xx	
2	xx	xx	
Committee Clerk Signature <i>Ally Schmidt</i>			

Minutes:

Hearing was called to order by Chairman Carlisle roll was taken with all committee members present: Rep. Carlson, Rep. Carlisle, Rep. Timm, Rep. Glassheim, Rep. Warner, Rep. Kroeber, Rep. Skarphol, Rep. Thoreson, Rep. Koppelman.

Chief Justice Gerald W. VandeWalle (see attached testimony) Court unification has worked better than I have hoped. In reference to HB 1044, transfer of Office of Administrative Hearings, conflict of interest exists, we need flexibility to experiment with the transfer. HB 1044 would remove us from the need to transfer funds. I am in support of HB 1044, I believe it's a conflict of interest and our inability to experiment with full time defenders. We are the only state in the country, that uses the contract system. If the bill is passed the recourse may be to contract out, there would be a need to transfer funds from the Emergency Fund. We do not supervise

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Government Operations Division

Bill/Resolution Number 1002

Hearing Date January 22, 2003

these people. We are charged with hiring defense attorney's and put them in a position to determine if they have been effective.

Rep. Koppelman asked for an amendment that would allow us to employ as well as contract.

Chief Justice VandeWalle hourly rate wouldn't cover the overhead in contracting, state employee's have there needs met i.e.: books, computers etc. Other states have separate public defenders offices or a combination of FT and PT, I don't know what the cost difference would be. In reference to the Meth problems, It's difficult to determine how much money will be needed with a system we can't control. We are mandated to provide a defense to all. We are losing the rural areas, as people are unwilling to accept contract. Under our budget indigent defense could hold our budget hostage, because the constitution requires us to provide these services.

Ted Gladden, State Court Administrator (see written testimony) Clerk of Court position was changed in the last session, giving 3 options. 1. To be state employees (11 counties participate) 2. Contract for Services (41 counties participate) 3. Go alone, (1 county) In reference to tribal issues and privacy...We have judges working closely to improve the information flow. We invite them into our dialogue. It is not mandatory, I do not think the information is flowing as well as we would like. We are involving them, whether they avail themselves is a matter of choice.

Susan Sisk, Director of Finance (see written testimony)

Justice Dale Sandstrom, (see written testimony)

Judge Allen Schmalenberger, (see written testimony) In reference to ITD choices, we interview suppliers and chose the one that would best meet the needs of our department.

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Government Operations Division

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Kurt Schmidt, IT director for courts A complete financial system will be used. We will use the old one and the new one will be interfaced with it. Limited details will be available due to privacy issues.

Judge Holte (see written testimony) Numbers are based on our "best guess" from last June numbers. Meth has hit us hard, statistical increases in small communities amount to many challenges. The magic number is \$70-\$75 per hour.

Justice Maring (see written testimony) We are seeing more meth in the Bismarck area than other areas of the state. A study from Dr. Thompson of NDSU was presented. Federal Grants have been the source of funding since day 1. We feel by the end of the next biennium it will be a legislative decision to carry these courts. Depending on our resources we would like to establish Minot and Williston, this is a process with the cooperation of many players. There was an increase in federal funding of \$40,000 over the last biennium, this was matched with the General Fund. Our numbers are limited, more money doesn't mean more participants, our team would be extremely stressed. We are handling all we can.

Judge Gall Hagerty, District Judge (see written testimony) The Adult Drug Court program is not in this budget it is a line item in the Dept. Of Corrections. NOTE: The committee will be observing the Drug Court on Friday, January 24, 2003.

Wade Williams, Association of Counties, spoke in support of HB 1002. The counties challenge increase with the number of increasing meth cases. It impacts the state's attorney and courts.

Christine Holt, Exec. Director, ND Bar Association (see written testimony) under Holt tab pg. 3. Ideally, look at HCR3004 as part of the solution.

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Government Operations Division

Bill/Resolution Number 1002

Hearing Date January 22, 2003

Chief Justice VandeWalle shared conclusions...We are spending a lot of time on posing privacy standards. Federal Money for Drug Courts are limited, the local competition for these grants is increasing, resources are needed to make this successful.

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1002

House Appropriations Committee
Government Operations Division

☐ Conference Committee

Hearing Date February 6, 2003

Tape Number	Side A	Side B	Meter #
1	xx		
Committee Clerk Signature <i>Kelly Schmidt</i>			

Minutes: Committee Work

Allan, Legislative Council shared an overview of amendment 38002.0102,

Rep. Kroeber voiced concern with the employee freeze and the reduction in wages.

Rep. Glassheim also voiced his concern.

Chairman Carlisle stated there are 4,000 state employees in Bismarck, he is also concerned with the salary reduction and the hold on benefits. He feels teachers shouldn't receive an increase with state employees are biting the bullet.

Rep. Koppelman reviewed the budget and informed the committee Mr. Gladden of the Judicial Dept. will be submitting a proposal to remove \$260,000 in general fund expenditures. They are leaving 37% of the unused operating expenditures in the budget for the renovation of the supreme court courtroom, it hasn't been completed in 22 years. They had planned to complete phase 1 & 2 of the renovation during the current biennium. After discussion they have agreed to

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Government Operations Division

Bill/Resolution Number HB 1002

Hearing Date February 6, 2003

complete phase 1, \$99,000 in the current biennium, postpone the remainder. This will increase the turnback to \$67,000.

Rep. Glassheim voiced concern on alternative funding, his concern, a possible reduction in programs.

A MOTION WAS MADE BY REP. THORESON TO PASS AMENDMENT 38002.0102, SECOND BY REP. SKARPHOL, MOTION CARRIED WITH 6 YEAHS, 3 NAYS, WITH REP. GLASSHEIM, REP. KROBER, AND REP. WARNER VOTING NO.

A MOTION WAS MADE BY REP. KOPPELMAN TO REMOVE \$260,000 FROM THE OPERATING EXPENSE LINE ITEM, LINE 13 OF HB 1002, SECOND BY REP. SKARPHOL, MOTION CARRIES 8 YEAHS, 1 NAY (CARLSON). 0 ABSENT AND NOT VOTING.

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1002

House Appropriations Committee
Government Operations Division

☐ Conference Committee

Hearing Date February 12, 2003

Tape Number	Side A	Side B	Meter #
1	xx		
Committee Clerk Signature <i>Kelly Schmitt</i>			

Minutes: **COMMITTEE WORK**

Rep. Carlisle called the meeting to order, roll call was taken, all member were present.

Rep. Koppelman reviewed Amendment 38002.0104 with the committee, this amendment covers everything, this also includes the action that was taken yesterday in Full Committee with the effect of HB 1045.

Rep. Kroeber voiced concern regarding salary reductions.

Rep. Warner was uncomfortable with the guardian costs and funding, which is forcing the townships and counties to take costs they didn't previously have.

Rep. Skarphol discussed the fact that the bill on indigent defense passed in full committee could be transferring duties from the judicial branch to the executive branch.

Rep. Carlson this eliminates the conflict of interest between judges and the defense attorneys.

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Government Operations Division
Bill/Resolution Number HB 1002
Hearing Date February 12, 2003

A MOTION WAS MADE BY REP. KOPPELMAN TO RECONSIDER AMENDMENT 38002.0102, SECOND BY REP. SKARPHOL. THE MOTION CARRIED ON A VOICE VOTE.

A MOTION WAS MADE BY REP. KOPPELMAN TO PASS AMENDMENT 38002.0104 AND REPLACE AMENDMENT 38002.0102, SECOND BY REP. TIMM, MOTION CARRIED BY UNANIMOUS ROLL CALL VOTE.

A MOTION WAS MADE BY REP. KOPPELMAN TO PASS HB 1002 AS AMENDMENT, SECOND BY REP. SKARPHOL, MOTION CARRIES BY UNANIMOUS ROLL CALL VOTE.

Hearing no further discussion, the meeting was adjourned.

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1002

House Appropriations Committee

☐ Conference Committee

Hearing Date 02-17-03

Tape Number	Side A	Side B	Meter #
1	X		8.0 - 12.0
Committee Clerk Signature <i>Chris S. Nye</i>			

Minutes:

Chairman Svedjan Opened HB 1002 for discussion. A quorum was present.

Rep. Koppleman Introduced the bill to the full committee. The judiciary is behind the times regarding IT.

Rep. Koppleman I move a Do Pass As Amended. 2nd by Rep. Carlisle. Motion carries

22-0-1. Rep. Koppleman will carry this bill to the floor.

CR

FISCAL NOTE
Requested by Legislative Council
02/19/2003

Amendment to: HB 1002

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

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

This bill provides funds for the operation of the Judicial Branch of Government. This fiscal note only addresses the proposed statutory salary changes for justices and judges salaries.

Based on action taken at the Judicial Conference on November 26, 2002, the Judiciary is requesting the Appropriations Committee to reduce the proposed salary increases of justices and judges to the same level as those given to employees by the legislature. At this point in time, there are no proposed increases for employees, so the proposed salaries for justices and judges are being decreased accordingly.

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.*

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

Name:	Ted Gladden	Agency:	Supreme Court
Phone Number:	328-4216	Date Prepared:	02/19/2003

UP

FISCAL NOTE
Requested by Legislative Council
12/23/2002

Bill/Resolution No.: HB 1002

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

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$515,584			
Appropriations			\$515,584			

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

○ This 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 are the proposed judicial salary increases at the time the judicial budget was submitted on November 15, 2002.

Based on action taken at the Judicial Conference on November 26, 2002, the Judiciary is requesting the Appropriations Committee to reduce the salary increases of justices and judges to the same level as those given to employees by the legislature.

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.*

Detail:

Supreme Court (5 Justices)

Salaries and Wages \$53,805

○ District Court (42 Judges)

Salaries and Wages \$461,779

Total \$515,584

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

Name:	Ted Gladden	Agency:	Supreme Court
Phone Number:	328-4216	Date Prepared:	12/26/2002

38002.0102
Title.
Fiscal No. 1

Prepared by the Legislative Council staff for
House Appropriations - Government
Operations
February 7, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1002

Page 1, line 1, remove the semicolon

Page 1, remove line 2

Page 1, line 3, remove "relating to salaries of supreme and district court judges"

Page 1, line 12, replace "5,955,990" with "5,852,238"

Page 1, line 15, replace "7,794,858" with "7,691,106"

Page 1, line 18, replace "34,662,877" with "33,943,108"

Page 1, line 24, replace "50,034,808" with "49,315,039"

Page 2, line 2, replace "48,272,073" with "47,552,304"

Page 2, line 5, replace "544,227" with "539,445"

Page 2, line 6, replace "544,227" with "539,445"

Page 2, line 7, replace "283,500" with "281,014"

Page 2, line 8, replace "260,727" with "258,431"

Page 2, line 9, replace "56,327,658" with "55,501,841"

Page 2, line 10, replace "2,046,235" with "2,043,749"

Page 2, line 11, replace "58,373,893" with "57,545,590"

Page 2, remove lines 22 through 30

Page 3, remove lines 1 through 12

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1002 - Summary of House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Supreme Court			
Total all funds	\$7,794,858	(\$103,752)	\$7,691,106
Less estimated income			
General fund	\$7,794,858	(\$103,752)	\$7,691,106
District courts			
Total all funds	\$50,034,808	(\$719,769)	\$49,315,039
Less estimated income	<u>1,762,735</u>		<u>1,762,735</u>

General fund	\$48,272,073	(\$719,769)	\$47,552,304
Judicial Conduct Commission			
Total all funds	\$544,227	(\$4,782)	\$539,445
Less estimated income	283,600	(2,486)	281,014
General fund	\$260,727	(\$2,296)	\$258,431
Bill total			
Total all funds	\$58,373,893	(\$828,303)	\$57,545,590
Less estimated income	2,046,235	(2,486)	2,043,749
General fund	\$56,327,658	(\$825,817)	\$55,501,841

House Bill No. 1002 - Supreme Court - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$5,955,990	(\$103,752)	\$5,852,238
Operating expenses	1,706,580		1,706,580
Judges' retirement	<u>132,288</u>		<u>132,288</u>
Total all funds	\$7,794,858	(\$103,752)	\$7,691,106
Less estimated income			
General fund	\$7,794,858	(\$103,752)	\$7,691,106
FTE	44.50	0.00	44.50

Dept. 181 - Supreme Court - Detail of House Changes

	REMOVES PROPOSED SALARY INCREASE FOR JUSTICES 1	REMOVES RECOMMENDED SALARY INCREASE 2	TOTAL HOUSE CHANGES
Salaries and wages	(\$53,805)	(\$49,947)	(\$103,752)
Operating expenses			
Judges' retirement			
Total all funds	(\$53,805)	(\$49,947)	(\$103,752)
Less estimated income			
General fund	(\$53,805)	(\$49,947)	(\$103,752)
FTE	0.00	0.00	0.00

1 This amendment removes the judicial branch's proposed salary increases for Supreme Court justices.

2 This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

House Bill No. 1002 - District Courts - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$34,662,877	(\$719,769)	\$33,943,108
Operating expenses	14,223,487		14,223,487
Capital assets	109,500		109,500
Judges' retirement	918,944		918,944
UND Central Legal Research	80,000		80,000
Alternative dispute resolution	<u>40,000</u>		<u>40,000</u>
Total all funds	\$50,034,808	(\$719,769)	\$49,315,039
Less estimated income	<u>1,762,735</u>		<u>1,762,735</u>
General fund	\$48,272,073	(\$719,769)	\$47,552,304
FTE	287.50	0.00	287.50

Dept. 182 - District Courts - Detail of House Changes

	REMOVES PROPOSED SALARY INCREASE FOR JUDGES 1	REMOVES RECOMMENDED SALARY INCREASE 2	TOTAL HOUSE CHANGES
Salaries and wages	(\$461,779)	(\$257,990)	(\$719,769)
Operating expenses			
Capital assets			
Judges' retirement			
UND Central Legal Research			
Alternative dispute resolution			
Total all funds	(\$461,779)	(\$257,990)	(\$719,769)

Less estimated income			
General fund	(\$461,779)	(\$257,990)	(\$719,769)
FTE	0.00	0.00	0.00

¹ This amendment removes the judicial branch's proposed salary increase for district court judges.

² This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

House Bill No. 1002 - Judicial Conduct Commission - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Judicial Conduct Commission and Disciplinary Board	\$544,227	(\$4,782)	\$539,445
Total all funds	\$544,227	(\$4,782)	\$539,445
Less estimated income	<u>293,500</u>	<u>(2,486)</u>	<u>291,014</u>
General fund	\$260,727	(\$2,296)	\$258,431
FTE	4.00	0.00	4.00

Dept. 183 - Judicial Conduct Commission - Detail of House Changes

	REMOVES RECOMMENDED SALARY INCREASE ¹	TOTAL HOUSE CHANGES
Judicial Conduct Commission and Disciplinary Board	(\$4,782)	(\$4,782)
Total all funds	(\$4,782)	(\$4,782)
Less estimated income	<u>(2,486)</u>	<u>(2,486)</u>
General fund	(\$2,296)	(\$2,296)
FTE	0.00	0.00

¹ This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

UP

Date: 02-06-03
Roll Call Vote #: 1

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1002**

House Appropriations: Government Operations Division Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38002.0102

Action Taken DO PASS ON AMENDMENT

Motion Made By Rep. Thoreson Seconded By Rep. Skarphol

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle	X				
Vice Chairman Carlson	X				
Rep. Koppelman	X				
Rep. Skarphol	X				
Rep. Thoreson	X				
Rep. Timm	X				
Rep. Glassheim		X			
Rep. Kroeber		X			
Rep. Warner		X			

Total (Yes) 6 No 3

Absent 0

Floor Assignment N/A

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

Date:02-06-03
Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1002

House Appropriations: Government Operations Division Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38002.0102

Action Taken To remove \$260,000 from the operating expense line item, line 13, of HB 1002

Motion Made By Rep. Koppelman Seconded By Rep. Skarphol

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle	X				
Vice Chairman Carlson		X			
Rep. Koppelman	X				
Rep. Skarphol	X				
Rep. Thoreson	X				
Rep. Timm	X				
Rep. Glassheim	X				
Rep. Kroeber	X				
Rep. Warner	X				

Total (Yes) 8 No 1

Absent 0

Floor Assignment N/A

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

Date: 2-10-03
Roll Call Vote #: 3

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. *Click here to type Bill/Resolution No.* HB1002

House Appropriations: Government Operations Division Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38002.0102
 Action Taken Substitute motion to remove state emp wage reduction portion of amend.

Motion Made By Kroeber Seconded By Glassheim

[illegible]

Total (Yes) _____ No _____

Absent _____

Floor Assignment

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

CR

Date: 02-12-03
Roll Call Vote #: 1

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1002**

House Appropriations: Government Operations Division Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38002.0102

Action Taken Reconsider Amendment 38002.0102

Motion Made By Rep. Koppelman Seconded By Rep. Skarphol

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle					
Vice Chairman Carlson					
Rep. Koppelman					
Rep. Skarphol					
Rep. Thoreson					
Rep. Timm					
Rep. Glassheim					
Rep. Kroeber					
Rep. Warner					
VOICE VOTE					
MOTION CARRIES					

Total (Yes) 8 No 0

Absent _____

Floor Assignment _____

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

38002.0104
Title.
Fiscal No. 2

Prepared by the Legislative Council staff for
House Appropriations - Government
Operations

February 12, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1002

Page 1, line 1, remove the semicolon

Page 1, remove line 2

Page 1, line 3, remove "relating to salaries of supreme and district court judges"

Page 1, line 12, replace "5,955,990" with "5,852,238"

Page 1, line 13, replace "1,706,580" with "1,681,580"

Page 1, line 15, replace "7,794,858" with "7,666,106"

Page 1, line 18, replace "34,662,877" with "33,943,108"

Page 1, line 19, replace "14,223,487" with "11,106,138"

Page 1, line 20, replace "109,500" with "74,500"

Page 1, line 21, replace "918,944" with "826,944"

Page 1, line 23, replace "40,000" with "20,000"

Page 1, line 24, replace "50,034,808" with "46,050,690"

Page 2, line 1, replace "1,762,735" with "1,876,565"

Page 2, line 2, replace "48,272,073" with "44,174,125"

Page 2, line 5, replace "544,227" with "539,445"

Page 2, line 6, replace "544,227" with "539,445"

Page 2, line 7, replace "283,500" with "281,014"

Page 2, line 8, replace "260,727" with "258,431"

Page 2, line 9, replace "56,327,658" with "52,098,662"

Page 2, line 10, replace "2,046,235" with "2,157,579"

Page 2, line 11, replace "58,373,893" with "54,256,241"

Page 2, replace lines 22 through 30 with:

"SECTION 4. STATE AID DISTRIBUTION FUND. Notwithstanding the provisions of North Dakota Century Code section 57-39.2-26.1 the estimated income line item in subdivision 2 of section 1 of this Act includes the sum of \$113,830, or so much of the sum as may be necessary, from the state aid distribution fund for the

purpose of paying guardian ad litem expenses, for the biennium beginning July 1, 2003, and ending June 30, 2005."

Page 3, remove lines 1 through 12

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1002 - Summary of House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Supreme Court			
Total all funds	\$7,794,858	(\$128,752)	\$7,666,106
Less estimated income			
General fund	\$7,794,858	(\$128,752)	\$7,666,106
District courts			
Total all funds	\$50,034,808	(\$3,984,118)	\$46,050,690
Less estimated income	1,762,735	113,830	1,876,565
General fund	\$48,272,073	(\$4,097,948)	\$44,174,125
Judicial Conduct Commission			
Total all funds	\$544,227	(\$4,782)	\$539,445
Less estimated income	283,500	(2,486)	281,014
General fund	\$260,727	(\$2,296)	\$258,431
Bill Total			
Total all funds	\$58,373,893	(\$4,117,652)	\$54,256,241
Less estimated income	2,046,235	111,344	2,157,579
General fund	\$56,327,658	(\$4,228,996)	\$52,098,662

House Bill No. 1002 - Supreme Court - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$5,955,990	(\$103,752)	\$5,852,238
Operating expenses	1,706,580	(25,000)	1,681,580
Judges' retirement	132,288		132,288
Total all funds	\$7,794,858	(\$128,752)	\$7,666,106
Less estimated income			
General fund	\$7,794,858	(\$128,752)	\$7,666,106
FTE	44.50	0.00	44.50

Dept. 181 - Supreme Court - Detail of House Changes

	REMOVES PROPOSED SALARY INCREASE FOR JUSTICES ¹	REMOVES RECOMMENDED SALARY INCREASE ²	DECREASES GENERAL FUND FUNDING FOR SUPREME COURT	TOTAL HOUSE CHANGES
Salaries and wages	(\$53,805)	(\$49,947)		(\$103,752)
Operating expenses			(\$25,000)	(25,000)
Judges' retirement				
Total all funds	(\$53,805)	(\$49,947)	(\$25,000)	(\$128,752)
Less estimated income				
General fund	(\$53,805)	(\$49,947)	(\$25,000)	(\$128,752)
FTE	0.00	0.00	0.00	0.00

¹ This amendment removes the judicial branch's proposed salary increases for Supreme Court justices.

² This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

House Bill No. 1002 - District Courts - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$34,662,877	(\$719,769)	\$33,943,108

Page No. 2

38002.0104

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Jo Costa Rickford
Operator's Signature

9/30/03
Date

Operating expenses	14,223,487	(3,117,349)	11,106,138
Capital assets	109,500	(35,000)	74,500
Judges' retirement	918,944	(92,000)	826,944
University of North Dakota - Central legal research	80,000		80,000
Alternative dispute resolution	40,000	(20,000)	20,000
Total all funds	\$50,034,808	(\$3,984,118)	\$46,050,690
Less estimated income	<u>1,762,735</u>	<u>113,830</u>	<u>1,876,565</u>
General fund	\$48,272,073	(\$4,097,948)	\$44,174,125
FTE	287.50	0.00	287.50

Dept. 182 - District Courts - Detail of House Changes

	REMOVES PROPOSED SALARY INCREASE FOR JUDGES ¹	REMOVES RECOMMENDED SALARY INCREASE ²	DECREASES GENERAL FUND FUNDING FOR DISTRICT COURTS	DECREASES FUNDING FOR OPERATING EXPENSES ³	REMOVES FUNDING FOR INDIGENT DEFENSE FEES ⁴	ADDS FUNDING FROM STATE AID DISTRIBUTION FUNDS ⁵
Salaries and wages	(\$461,779)	(\$267,990)				
Operating expenses			(\$88,000)	(\$152,632)	(\$2,990,547)	\$113,830
Capital assets			(35,000)			
Judges' retirement			(92,000)			
University of North Dakota - Central legal research						
Alternative dispute resolution			(20,000)			
Total all funds	(\$461,779)	(\$267,990)	(\$235,000)	(\$152,632)	(\$2,990,547)	\$113,830
Less estimated income						<u>113,830</u>
General fund	(\$461,779)	(\$267,990)	(\$235,000)	(\$152,632)	(\$2,990,547)	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	TOTAL HOUSE CHANGES
Salaries and wages	(\$719,769)
Operating expenses	(3,117,349)
Capital assets	(35,000)
Judges' retirement	(92,000)
University of North Dakota - Central legal research	
Alternative dispute resolution	(20,000)
Total all funds	(\$3,984,118)
Less estimated income	<u>113,830</u>
General fund	(\$4,097,948)
FTE	0.00

¹ This amendment removes the judicial branch's proposed salary increase for district court judges.

² This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

³ This amendment reduces funding for operating expenses. Specific areas may be determined by the department.

⁴ This amendment removes funding for indigent defense fees, relating to the provisions of House Bill No. 1044, which will be added to the Office of Administrative Hearings.

⁵ This amendment adds funds to the operating expenses line from the state aid distribution fund for the purpose of paying guardian ad litem expenses pursuant to the provisions of House Bill No. 1045.

House Bill No. 1002 - Judicial Conduct Commission - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Judicial Conduct Commission and Disciplinary Board	\$544,227	(\$4,782)	\$539,445
Total all funds	\$544,227	(\$4,782)	\$539,445
Less estimated income	<u>283,500</u>	<u>(2,486)</u>	<u>281,014</u>
General fund	\$260,727	(\$2,296)	\$258,431

FTE 4.00 0.00 4.00

Dept. 183 - Judicial Conduct Commission - Detail of House Changes

	REMOVES RECOMMENDED SALARY INCREASE 1	TOTAL HOUSE CHANGES
Judicial Conduct Commission and Disciplinary Board	(\$4,782)	(\$4,782)
Total all funds	(\$4,782)	(\$4,782)
Less estimated income	(2,486)	(2,486)
General fund	(\$2,296)	(\$2,296)
FTE	0.00	0.00

1 This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

CR

Date: 02-12-03
Roll Call Vote #: 2

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1002**

House Appropriations: Government Operations Division Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38002.0104

Action Taken Do Pass Amendment 38002.0104 to replace 38002.0102

Motion Made By Rep. Koppelman Seconded By Rep. Timm

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle	x				
Vice Chairman Carlson	x				
Rep. Koppelman	x				
Rep. Skarphol	x				
Rep. Thoreson	x				
Rep. Timm	x				
Rep. Glassheim	x				
Rep. Kroeber	x				
Rep. Warner	x				

Total (Yes) 9 No 0

Absent _____

Floor Assignment _____

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

CR

Date: 02-12-03
Roll Call Vote #: 3

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1002**

House Appropriations: Government Operations Division Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38002.0104

Action Taken Do Pass as Amended

Motion Made By Rep. Koppelman Seconded By Rep. Skarphol

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle	x				
Vice Chairman Carlson	x				
Rep. Koppelman	x				
Rep. Skarphol	x				
Rep. Thoreson	x				
Rep. Timm	x				
Rep. Glassheim	x				
Rep. Kroeber	x				
Rep. Warner	x				

Total (Yes) 9 No 0

Absent _____

Floor Assignment Rep. Koppelman

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

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Jo Costa Rickford
Operator's Signature

9/30/03
Date

38002.0105
Title.0200
Fiscal No. 3

Prepared by the Legislative Council staff for
Representative Carlisle
February 12, 2003

VR
2/17/03
104

HOUSE AMENDMENTS TO HOUSE BILL NO. 1002 Approp 2-18-03

- Page 1, line 1, remove the semicolon
- Page 1, remove line 2
- Page 1, line 3, remove "relating to salaries of supreme and district court judges"
- Page 1, line 12, replace "5,955,990" with "5,852,238"
- Page 1, line 13, replace "\$1,706,580" with "1,681,580"
- Page 1, line 14, replace "\$132,288" with "132,288"
- Page 1, line 15, replace "7,794,858" with "7,666,106"
- Page 1, line 18, replace "34,662,877" with "33,943,108"
- Page 1, line 19, replace "\$14,223,487" with "10,992,308"
- Page 1, line 20, replace "\$109,500" with "74,500"
- Page 1, line 21, replace "\$918,944" with "826,944"
- Page 1, line 22, replace "\$30,000" with "80,000"
- Page 1, line 23, replace "\$40,000" with "20,000"
- Page 1, line 24, replace "50,034,808" with "45,936,860"

HOUSE AMENDMENTS TO HB 1002 Approp. 2-18-03

- Page 2, line 1, replace "\$1,762,735" with "1,762,735"
- Page 2, line 2, replace "48,272,073" with "44,174,125"
- Page 2, line 5, replace "544,227" with "539,445"
- Page 2, line 6, replace "544,227" with "539,445"
- Page 2, line 7, replace "\$283,500" with "281,014"
- Page 2, line 8, replace "260,727" with "258,431"
- Page 2, line 9, replace "56,327,658" with "52,098,662"
- Page 2, line 10, replace "2,046,235" with "2,043,749"
- Page 2, line 11, replace "58,373,893" with "54,142,411"
- Page 2, remove lines 22 through 30

Page 3, remove lines 1 through 12

HOUSE AMENDMENTS TO HB 1002

Approp 2-18-03

2064

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1002 - Summary of House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Supreme Court			
Total all funds	\$7,794,858	(\$128,752)	\$7,666,106
Less estimated income			
General fund	\$7,794,858	(\$128,752)	\$7,666,106
District courts			
Total all funds	\$50,034,808	(\$4,097,948)	\$45,936,860
Less estimated income	1,762,735		1,762,735
General fund	\$48,272,073	(\$4,097,948)	\$44,174,125
Judicial Conduct Commission			
Total all funds	\$544,227	(\$4,782)	\$539,445
Less estimated income	283,500	(2,488)	281,014
General fund	\$260,727	(\$2,296)	\$258,431
Bill Total			
Total all funds	\$58,373,893	(\$4,231,482)	\$54,142,411
Less estimated income	2,046,235	(2,488)	2,043,749
General fund	\$56,327,658	(\$4,228,996)	\$52,098,662

House Bill No. 1002 - Supreme Court - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$5,955,990	(\$103,752)	\$5,852,238
Operating expenses	1,708,580	(25,000)	1,683,580
Judges' retirement	132,288		132,288
Total all funds	\$7,794,858	(\$128,752)	\$7,666,106
Less estimated income			
General fund	\$7,704,858	(\$128,752)	\$7,666,106
FTE	44.50	0.00	44.50

Dept. 181 - Supreme Court - Detail of House Changes

	REMOVES PROPOSED SALARY INCREASE FOR JUSTICES ¹	REMOVES RECOMMENDED SALARY INCREASE ²	DECREASES GENERAL FUND FUNDING FOR SUPREME COURT	TOTAL HOUSE CHANGES
Salaries and wages	(\$53,805)	(\$49,947)		(\$103,752)
Operating expenses			(\$25,000)	(25,000)
Judges' retirement				
Total all funds	(\$53,805)	(\$49,947)	(\$25,000)	(\$128,752)
Less estimated income				
General fund	(\$53,805)	(\$49,947)	(\$25,000)	(\$128,752)
FTE	0.00	0.00	0.00	0.00

¹ This amendment removes the judicial branch's proposed salary increases for Supreme Court justices.

² This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

House Bill No. 1002 - District Courts - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$34,662,677	(\$718,789)	\$33,943,888
Operating expenses	14,223,487	(3,231,179)	10,992,308
Capital assets	109,500	(35,000)	74,500
Judges' retirement	918,944	(92,000)	826,944
University of North Dakota - Central legal research	80,000		80,000
Alternative dispute	40,000	(20,000)	20,000

HOUSE AMENDMENTS TO HB 1002 2-18-03 Approp.

306'

resolution			
Total all funds	\$50,034,808	(\$4,097,948)	\$45,936,860
Less estimated income	1,762,735		1,762,735
General fund	\$48,272,073	(\$4,097,948)	\$44,174,125
FTE	287.50	0.00	287.50

Dept. 182 - District Courts - Detail of House Changes

	REMOVES PROPOSED SALARY INCREASE FOR JUDGES ¹	REMOVES RECOMMENDED SALARY INCREASE ²	DECREASES GENERAL FUND FUNDING FOR DISTRICT COURTS	DECREASES FUNDING FOR OPERATING EXPENSES ³	REMOVES FUNDING FOR INDIGENT DEFENSE FEES ⁴
Salaries and wages	(\$481,779)	(\$257,990)			
Operating expenses			(\$88,000)	(\$152,632)	(\$2,990,547)
Capital assets			(35,000)		
Judges' retirement			(92,000)		
University of North Dakota - Central legal research					
Alternative dispute resolution			(20,000)		
Total all funds	(\$481,779)	(\$257,990)	(\$235,000)	(\$152,632)	(\$2,990,547)
Less estimated income					
General fund	(\$481,779)	(\$257,990)	(\$235,000)	(\$152,632)	(\$2,990,547)
FTE	0.00	0.00	0.00	0.00	0.00

TOTAL
HOUSE
CHANGES

Salaries and wages	(\$719,769)
Operating expenses	(3,231,179)
Capital assets	(35,000)
Judges' retirement	(92,000)
University of North Dakota - Central legal research	
Alternative dispute resolution	(20,000)
Total all funds	(\$4,097,948)
Less estimated income	
General fund	(\$4,097,948)
FTE	0.00

¹ This amendment removes the judicial branch's proposed salary increase for district court judges.

² This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

³ This amendment reduces funding for operating expenses. Specific areas may be determined by the department.

⁴ This amendment removes funding for indigent defense fees, relating to the provisions of House Bill No. 1044, which will be added to the Office of Administrative Hearings.

House Bill No. 1002 - Judicial Conduct Commission - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Judicial Conduct Commission and Disciplinary Board	\$544,227	(\$4,782)	\$539,445
Total all funds	\$544,227	(\$4,782)	\$539,445
Less estimated income	283,500	(2,488)	281,014
General fund	\$260,727	(\$2,298)	\$258,431
FTE	4.00	0.00	4.00

UP

4084

HOUSE AMENDMENTS TO HB 1002 Approp. 2-18-03
Dept. 183 - Judicial Conduct Commission - Detail of House Changes

	REMOVES RECOMMENDED SALARY INCREASE ¹	TOTAL HOUSE CHANGES
Judicial Conduct Commission and Disciplinary Board	(\$4,782)	(\$4,782)
Total all funds	(\$4,782)	(\$4,782)
Less estimated income	(2,488)	(2,488)
General fund	(\$2,296)	(\$2,296)
FTE	0.00	0.00

¹ This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

CR

Date: 2-17
Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1002

House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38002.0105

Action Taken DPAA

Motion Made By Koppelman Seconded By Carlisle

Representatives	Yes	No	Representatives	Yes	No
Rep. Ken Svedjan (Chair)	✓		Rep. Bob Skarphol	✓	
Rep. Mike Timm (Vice-Chair)	✓		Rep. Blair Thoreson	✓	
Rep. Bob Martinson	✓		Rep. Eliot Glassheim		
Rep. Thomas Brusegaard	✓		Rep. Joe Kroeber	✓	
Rep. David Monson	✓		Rep. John Warner	✓	
Rep. Earl Rennerfeldt	✓		Rep. Jeff Delzer	✓	
Rep. Francis J. Wald	✓		Rep. Amy Warnke	✓	
Rep. Ole Aarsvold	✓		Rep. Larry Bellew	✓	
Rep. Pam Guleson	✓		Rep. Keith Kempenich	✓	
Rep. Ron Carlisle	✓		Rep. James Kerzman	✓	
Rep. Al Carlson	✓		Rep. Ralph Metcalf	✓	
Rep. Kim Koppelman	✓				

Total (Yes) 22 No 0

Absent 1

Floor Assignment Koppelman

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

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Yolanda Rickford
Operator's Signature

9/20/03
Date

REPORT OF STANDING COMMITTEE (410)
February 18, 2003 11:44 a.m.

Module No: HR-31-3068
Carrier: Koppelman
Insert LC: 38002.0105 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1002: Appropriations Committee (Rep. Svedjan, Chairman) recommends
AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS
(22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1002 was placed on the
Sixth order on the calendar.

Page 1, line 1, remove the semicolon

Page 1, remove line 2

Page 1, line 3, remove "relating to salaries of supreme and district court judges"

Page 1, line 12, replace "5,955,990" with "5,852,238"

Page 1, line 13, replace "\$1,706,580" with "1,681,580"

Page 1, line 14, replace "\$132,288" with "132,288"

Page 1, line 15, replace "7,794,858" with "7,666,106"

Page 1, line 18, replace "34,662,877" with "33,943,108"

Page 1, line 19, replace "\$14,223,487" with "10,992,308"

Page 1, line 20, replace "\$109,500" with "74,500"

Page 1, line 21, replace "\$918,944" with "826,944"

Page 1, line 22, replace "\$80,000" with "80,000"

Page 1, line 23, replace "\$40,000" with "20,000"

Page 1, line 24, replace "50,034,808" with "45,936,860"

Page 2, line 1, replace "\$1,762,735" with "1,762,735"

Page 2, line 2, replace "48,272,073" with "44,174,125"

Page 2, line 5, replace "544,227" with "539,445"

Page 2, line 6, replace "544,227" with "539,445"

Page 2, line 7, replace "\$283,500" with "281,014"

Page 2, line 8, replace "260,727" with "258,431"

Page 2, line 9, replace "56,327,658" with "52,098,662"

Page 2, line 10, replace "2,046,235" with "2,043,749"

Page 2, line 11, replace "58,373,893" with "54,142,411"

Page 2, remove lines 22 through 30

Page 3, remove lines 1 through 12

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

HR-31-3068

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Jo Costa Rickford
Operator's Signature

9/25/03
Date

REPORT OF STANDING COMMITTEE (410)
February 18, 2003 11:44 a.m.

Module No: HR-31-3068
Carrier: Koppelman
Insert LC: 38002.0105 Title: .0200

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1002 - Summary of House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Supreme Court			
Total all funds	\$7,794,858	(\$128,752)	\$7,666,106
Less estimated income			
General fund	\$7,794,858	(\$128,752)	\$7,666,106
District courts			
Total all funds	\$50,034,808	(\$4,097,948)	\$45,936,860
Less estimated income	1,762,735		1,762,735
General fund	\$48,272,073	(\$4,097,948)	\$44,174,125
Judicial Conduct Commission			
Total all funds	\$544,227	(\$4,782)	\$539,445
Less estimated income	283,500	(2,486)	281,014
General fund	\$260,727	(\$2,296)	\$258,431
Bill Total			
Total all funds	\$58,373,893	(\$4,231,472)	\$54,142,411
Less estimated income	2,046,235	(2,486)	2,043,749
General fund	\$56,327,658	(\$4,228,986)	\$52,098,662

House Bill No. 1002 - Supreme Court - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$5,955,990	(\$103,752)	\$5,852,238
Operating expenses	1,706,680	(25,000)	1,681,680
Judges' retirement	132,288		132,288
Total all funds	\$7,794,858	(\$128,752)	\$7,666,106
Less estimated income			
General fund	\$7,794,858	(\$128,752)	\$7,666,106
FTE	44.50	0.00	44.50

Dept. 181 - Supreme Court - Detail of House Changes

	REMOVES PROPOSED SALARY INCREASE FOR JUSTICES ¹	REMOVES RECOMMENDED SALARY INCREASE ²	DECREASES GENERAL FUND FUNDING FOR SUPREME COURT	TOTAL HOUSE CHANGES
Salaries and wages	(\$53,805)	(\$49,947)		(\$103,752)
Operating expenses			(\$25,000)	(25,000)
Judges' retirement				
Total all funds	(\$53,805)	(\$49,947)	(\$25,000)	(\$128,752)
Less estimated income				
General fund	(\$53,805)	(\$49,947)	(\$25,000)	(\$128,752)
FTE	0.00	0.00	0.00	0.00

¹ This amendment removes the judicial branch's proposed salary increases for Supreme Court justices.

² This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

REPORT OF STANDING COMMITTEE (410)
February 18, 2003 11:44 a.m.

Module No: HR-31-3068
Carrier: Koppelman
Insert LC: 38002.0105 Title: .0200

House Bill No. 1002 - District Courts - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$34,882,877	(\$719,789)	\$33,943,108
Operating expenses	14,223,487	(3,231,179)	10,992,308
Capital assets	109,500	(35,000)	74,500
Judges' retirement	918,944	(92,000)	826,944
University of North Dakota - Central legal research	80,000		80,000
Alternative dispute resolution	40,000	(20,000)	20,000
Total all funds	\$50,034,808	(\$4,097,948)	\$45,936,860
Less estimated income	1,762,735		1,762,735
General fund	\$48,272,073	(\$4,097,948)	\$44,174,125
FTE	287.50	0.00	287.50

Dept. 182 - District Courts - Detail of House Changes

	REMOVES PROPOSED SALARY INCREASE FOR JUDGES ¹	REMOVES RECOMMENDED SALARY INCREASE ²	DECREASES GENERAL FUND FUNDING FOR DISTRICT COURTS	DECREASES FUNDING FOR OPERATING EXPENSES ³	REMOVES FUNDING FOR INDIGENT DEFENSE FEES ⁴
Salaries and wages	(\$481,779)	(\$257,990)			
Operating expenses			(\$88,000)	(\$152,632)	(\$2,990,547)
Capital assets			(35,000)		
Judges' retirement			(92,000)		
University of North Dakota - Central legal research					
Alternative dispute resolution			(20,000)		
Total all funds	(\$481,779)	(\$257,990)	(\$235,000)	(\$152,632)	(\$2,990,547)
Less estimated income					
General fund	(\$481,779)	(\$257,990)	(\$235,000)	(\$152,632)	(\$2,990,547)
FTE	0.00	0.00	0.00	0.00	0.00
TOTAL HOUSE CHANGES					
Salaries and wages	(\$719,789)				
Operating expenses	(3,231,179)				
Capital assets	(35,000)				
Judges' retirement	(92,000)				
University of North Dakota - Central legal research					
Alternative dispute resolution	(20,000)				
Total all funds	(\$4,097,948)				
Less estimated income					
General fund	(\$4,097,948)				
FTE	0.00				

¹ This amendment removes the judicial branch's proposed salary increase for district court judges.

² This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

³ This amendment reduces funding for operating expenses. Specific areas may be determined by the department.

(2) DESK, (3) COMM

Page No. 3

HR-31-3068

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Operator's Signature

Joe Costa Rickford

Date

9/30/03

REPORT OF STANDING COMMITTEE (410)
February 18, 2003 11:44 a.m.

Module No: HR-31-3068
Carrier: Koppelman
Insert LC: 38002.0105 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1002: Appropriations Committee (Rep. Svedjan, Chairman) recommends
AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS**
(22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1002 was placed on the
Sixth order on the calendar.

Page 1, line 1, remove the semicolon

Page 1, remove line 2

Page 1, line 3, remove "relating to salaries of supreme and district court judges"

Page 1, line 12, replace "5,955,990" with "5,852,238"

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Page 1, line 14, replace "\$132,288" with "132,288"

Page 1, line 15, replace "7,794,858" with "7,666,106"

Page 1, line 18, replace "34,662,877" with "33,943,108"

Page 1, line 19, replace "\$14,223,487" with "10,992,308"

Page 1, line 20, replace "\$109,500" with "74,500"

Page 1, line 21, replace "\$918,944" with "826,944"

Page 1, line 22, replace "\$80,000" with "80,000"

Page 1, line 23, replace "\$40,000" with "20,000"

Page 1, line 24, replace "50,034,808" with "45,936,860"

Page 2, line 1, replace "\$1,762,735" with "1,762,735"

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Page 2, line 6, replace "544,227" with "539,445"

Page 2, line 7, replace "\$283,500" with "281,014"

Page 2, line 8, replace "260,727" with "258,431"

Page 2, line 9, replace "56,327,658" with "52,098,362"

Page 2, line 10, replace "2,046,235" with "2,043,749"

Page 2, line 11, replace "58,373,893" with "54,142,411"

Page 2, remove lines 22 through 30

Page 3, remove lines 1 through 12

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

HR-31-3068

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Jo Costa Rickford
Operator's Signature

9/30/03
Date

REPORT OF STANDING COMMITTEE (410)
February 18, 2003 11:44 a.m.

Module No: HR-31-3068
Carrier: Koppelman
Insert LC: 38002.0105 Title: .0200

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1002 - Summary of House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Supreme Court			
Total all funds	\$7,794,858	(\$128,752)	\$7,666,106
Less estimated income			
General fund	\$7,794,858	(\$128,752)	\$7,666,106
District courts			
Total all funds	\$50,034,808	(\$4,097,948)	\$45,936,860
Less estimated income	1,782,735		1,782,735
General fund	\$48,272,073	(\$4,097,948)	\$44,174,125
Judicial Conduct Commission			
Total all funds	\$544,227	(\$4,782)	\$539,445
Less estimated income	283,500	(2,486)	281,014
General fund	\$260,727	(\$2,296)	\$258,431
Bill Total			
Total all funds	\$58,373,893	(\$4,231,482)	\$54,142,411
Less estimated income	2,046,235	(2,486)	2,043,749
General fund	\$56,327,658	(\$4,228,996)	\$52,098,662

House Bill No. 1002 - Supreme Court - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$5,955,990	(\$103,752)	\$5,852,238
Operating expenses	1,708,580	(25,000)	1,683,580
Judges' retirement	132,288		132,288
Total all funds	\$7,794,858	(\$128,752)	\$7,666,106
Less estimated income			
General fund	\$7,794,858	(\$128,752)	\$7,666,106
FTE	44.50	0.00	44.50

Dept. 181 - Supreme Court - Detail of House Changes

	REMOVES PROPOSED SALARY INCREASE FOR JUSTICES ¹	REMOVES RECOMMENDED SALARY INCREASE ²	DECREASES GENERAL FUND FUNDING FOR SUPREME COURT	TOTAL HOUSE CHANGES
Salaries and wages	(\$53,805)	(\$49,947)		(\$103,752)
Operating expenses			(\$25,000)	(25,000)
Judges' retirement				
Total all funds	(\$53,805)	(\$49,947)	(\$25,000)	(\$128,752)
Less estimated income				
General fund	(\$53,805)	(\$49,947)	(\$25,000)	(\$128,752)
FTE	0.00	0.00	0.00	0.00

¹ This amendment removes the judicial branch's proposed salary increases for Supreme Court Justices.

² This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

REPORT OF STANDING COMMITTEE (410)
February 18, 2003 11:44 a.m.

Module No: HR-31-3068
Carrier: Koppelman
Insert LC: 36002.0105 Title: .0200

House Bill No. 1002 - District Courts - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$34,682,877	(\$719,769)	\$33,943,108
Operating expenses	14,223,487	(3,231,179)	10,992,308
Capital assets	109,500	(35,000)	74,500
Judges' retirement	918,944	(92,000)	826,944
University of North Dakota - Central legal research	80,000		80,000
Alternative dispute resolution	40,000	(20,000)	20,000
Total all funds	\$50,034,808	(\$4,097,948)	\$45,936,860
Less estimated income	1,762,735		1,762,735
General fund	\$48,272,073	(\$4,097,948)	\$44,174,125
FTE	287.50	0.00	287.50

Dept. 182 - District Courts - Detail of House Changes

	REMOVES PROPOSED SALARY INCREASE FOR JUDGES ¹	REMOVES RECOMMENDED SALARY INCREASE ²	DECREASES GENERAL FUND FUNDING FOR DISTRICT COURTS	DECREASES FUNDING FOR OPERATING EXPENSES ³	REMOVES FUNDING FOR INDIGENT DEFENSE FEES ⁴
Salaries and wages	(\$461,779)	(\$257,990)			
Operating expenses			(\$88,000)	(\$152,632)	(\$2,990,547)
Capital assets			(35,000)		
Judges' retirement			(92,000)		
University of North Dakota - Central legal research					
Alternative dispute resolution			(20,000)		
Total all funds	(\$461,779)	(\$257,990)	(\$235,000)	(\$152,632)	(\$2,990,547)
Less estimated income					
General fund	(\$461,779)	(\$257,990)	(\$235,000)	(\$152,632)	(\$2,990,547)
FTE	0.00	0.00	0.00	0.00	0.00

	TOTAL HOUSE CHANGES
Salaries and wages	(\$719,769)
Operating expenses	(3,231,179)
Capital assets	(35,000)
Judges' retirement	(92,000)
University of North Dakota - Central legal research	
Alternative dispute resolution	(20,000)
Total all funds	(\$4,097,948)
Less estimated income	
General fund	(\$4,097,948)
FTE	0.00

¹ This amendment removes the judicial branch's proposed salary increase for district court judges.

² This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

³ This amendment reduces funding for operating expenses. Specific areas may be determined by the department.

(2) DESK, (3) COMM

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HR-31-3068

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9/30/03
Date

2003 SENATE APPROPRIATIONS

HB 1002

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9/30/03

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1002

Senate Appropriations Committee

☐ Conference Committee

Hearing Date 3-17-03

Tape Number	Side A	Side B	Meter #
1	X		0-end
1		X	0-2306
Committee Clerk Signature <i>Sandra Davison</i>			

Minutes: CHAIRMAN HOLMBERG opened the hearing to HB 1002. A bill relating to salaries of supreme court and district court judges.

(Meter 182) Chief Justice Gerald W. VandeWalle testified in support of HB 1002. See written testimony Exhibit 1.

(Meter 1120) Ted Gladden, State Court Administrator testified on the overview of the budget process. See written testimony Exhibit 2.

(Meter 1945) CHAIRMAN HOLMBERG commended the court system on their web site where the cases are published in a timely manner and easily understandable. He also explained that the history of HB 1044, which we heard in the Appropriations committee but needed to be heard by the Judiciary committee first. He announced the subcommittee for this bill of SENATORS HOLMBERG, SCHOBINGER AND KRAUTER. (2225) TED GLADDEN stated he has some amendments to propose

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Senate Appropriations Committee
Bill/Resolution Number HB 1002
Hearing Date 3-17-03

(Meter 2021) SENATOR MATHERN stated the legislative part of the budget towards corrections. What percent of this budget addresses preventative issues or trying to make sure that we do not put any more people in prison that absolutely need to be there? Is there some clear indicator in this budget on what the court system doing to address that issue we have in our system? (Meter 2098) TED GLADDEN stated it is not only the juvenile drug courts that are operating in three districts and the adult drug courts in two districts. In terms of the other sentencing alternatives that the judges use such as work release, paying back part of their incarceration, home monitoring, But he could not give a dollar amount. SENATOR MATHERN asked if there was a strategy effort to enhance those kinds of activities? Are there meetings? Are there discussions? Are there initiatives working on that? TED GLADDEN stated all those types of discussions would be at the local level. Regular collaborations with the Dept of Corrections personnel and other agencies but no specific strategies.

(Meter 2228) SENATOR SCHOBINGER asked about turning the indigent defense services, given this move, will the process for these people remain the same? Or change? TED GLADDEN stated the appointing process would remain with the courts, if indigent defense services are removed and placed with the office of administrative hearings the appointment process will still remain with the district courts. There will be no change in that regard. There is an indigent defense commission that was established, they set up the guidelines, the forms, the procedures, the application process and he would suspect the same would be used in the future. He doesn't see any change in that regard. The actual administration in terms of hiring an attorneys, contacting for services, that will probably change depending on how the office of administration hearings wanted to hear it. (Meter 1365) SENATOR SCHOBINGER wanted to

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know if they would have an opportunity to have their case hear on the merit in court. Some of these administrative hearings apply to state agencies and people out in the field who have difficulties with some of the agencies when it finally taken to court, its not only hear on merits it hear on the process. TED GLADDEN stated there would be no change in the present process. Unlike administrative hearings, these are criminal matters that would be heard in district court. So in that regard about hearing them on the merits, it would be hear on the merits in district court.

(Meter 2462) SENATOR TALLACKSON stated that recently one of his retired district judges died and what is set up to take care of his family and is there a trust for retirement? Is there a pool of retired judges that can be alternate on the supreme court? TED GLADDEN stated that there is complete retirement benefits provided to the widow of the deceased judge. Whenever judges retire, they have the option of staying on as surrogate judges. They are then available to sit on either on district court cases or on the supreme court upon request. They do use retired judges as available and as needed.

(Meter 2555) SENATOR KRAUTER wanted clarification between the separate branch of government, the line items transferability, does that mean you can transfer funds between supreme court and district court? TED GLADDEN responded they have the ability to transfer anywhere within their budget.

(Meter 2584) SENATOR KILZER asked in the indigent defense services, how do other states handle that? TED GLADDEN stated that we are the only state in the nation that has a totally contract based system. Other states have a full time public defenders and some jurisdictions.

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Others have combinations of contract public defenders, others have part time public defenders, full time and different mixes.

(Meter 2666) SUSAN SISK, Director of Finance for the judiciary provided details regarding the budget requests. See written testimony Exhibit 3.

(Meter 3405) ROBERT HOLTE, District Judge from the Northwest Judicial District testified for HB 1002. See written testimony Exhibit 4.

(Meter 4762) SENATOR SCHOBINGER asked about background on how the attorneys are selected? How they are contracted? Do they have private practice outside of this contract?

JUDGE ROBERT HOLTE replied the they advertise in the newspaper, through the state bar association newsletters and such. They receive responses from attorneys. It is an negotiation more than an arm length contact. The attorneys know what the legislature has appropriated and the supreme court has divided out to all the districts. ND is the only state that runs a contract system, some places like Grand Forks, Fargo, maybe Bismarck, some attorneys will do this as a full time job. He spoke about his own district where the have part time contract attorneys and have their own practices also.

(Meter 5108) SENATOR ANDRIST asked if they are able to cost share contracts? JUDGE ROBERT HOLTE answered if people want an contract attorney, they must apply first and by statue they are required to pay a \$25 application fee. There are those who just cannot even afford \$25. Then when the cases is concluded, varying from district to district, if you are financially able to in the future be requested to reimburse reasonable costs of this money. An attempt is done to do so. On the serious crimes and we put somebody on probation for example, and they are under a supervised probation, there are fees and costs associated with that. Then they are

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required to pay \$35 per month for costs during the supervision. If there is preset investigation report there is a recess \$50 fee to help cover that cost. If they cannot pay those fees, those costs are done by community service. The reimbursement of the moneys are priority to community service. He spoke on his own personal courtroom and district.

Tape 1 Side B

(Meter 5) Wade Williams, ND Association of Counties testified in support of the bill. His organization has had a good relationship with the courts. He also referred to HB 1088 and HB 1025.

(Meter 151) CHAIRMAN HOLMBERG reference a question to JUDGE VANDEWALLE, if the issue of \$152,000 of indigent defense from the court to administrative hearings the House assigned the cost of a FTE and the contention of the court is there is not FTE in the court and the services are provide outside and difficult to take the money from your budget when that is not were it is sited. The other issue is the entire administrative hearings which is now in HB 1044 may have a different philosophy. There is a concern that there isn't enough funding to continue the system as we have it now. Beyond some of these small issues, the court is moderately satisfied with the budget. JUDGE GERALD W. VANDEWALLE responded they are satisfied but the problem is it is difficult to separate the rest of the budget from the issues of the indigent services contract. The right to indigent defense is a constitutional right that if they don't have enough money, they will have to "sell off" their employees in order to meet those costs. Whether or not the philosophy of the Senate Judiciary committee is to transfer it or not, the problem is here. He stated that they need to start experimenting on different methods of providing indigent defense services whether it can be done more cost effective and efficiently. His agency is not the

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Hearing Date 3-17-03

agency to do that, they cannot put those people on their payroll full time. They cannot hire full time people. He gave an example of a man arguing his own case and he tried the alone and failed. He appealed and JUDGE VANDEWALLE asked him if he was eligible for indigent defense and he said yes and he stated "Those are your boys, I don't want anything to do with them." Judges cannot supervise defense attorneys, it is a conflict of interest. Whether or not the Judiciary committee is going transfer it or not, the problem is still there and they need some sort of method of experiment with different methods of this delivery of legal services, indigent services. That is more flexible than Judiciary because of the conflict that is. He talked about a group called the Stanjaneer Group and are experts in what is happening in all the states, with indigent defense, and their report is the reason it is known that we are the only contract system. His impression is the best system may be a combination of full time employees and some contract counsel. It is not secret for years, indigent services was provided by young lawyers that were willing to work cheaper than the more experienced lawyers. He spoke about the problems with staffing indigent services because of conflict of interests. He also spoke on the upcoming meth cases and there is a shortage of lawyers in the state of ND. There are not many young lawyers staying in ND.

(Meter 770) SENATOR CHRISTMANN asked what indigent defense service is? Income wise?

(Meter 786) JUDGE VANDEWALLE stated a standard limit of 125% of poverty level.

SENATOR CHRISTMANN stated as he calculated out, in the current biennium there is about 4.1 million dollars for indigent defense services out of 56.3 million dollars budget so other than the indigent defense services, it would have been about 52.2 million dollars and the budget now is 54.1 million dollars and with the indigent out of the budget, where is 1.9 million dollar?

(Meter 855) JUDGE VANDEWALLE stated just to maintain the salary increases over what they

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were last years. The salary increases were staggered in, the second year increases were budget in on the second year now they are payable.

(Meter 917) SENATOR MATHERN asked are judges involved in local area costs as incarceration and he gave an example of cost effectiveness if the person is placed in an area that cost less. JUDGE VANDEWALLE explained to SENATOR MATHERN it did not work like that because keeping them out of an area to keep the money would be a conflict. He talked about mandatory sentences which they fought but the legislature insisted on it. The legal system goes through cycles, one year we are going to lock them all up and throw away the key, now because of costs. He was wondering on what message is the legislature sending to the courts?

(Meter 1275) SENATOR ANDRIST asked if it is his initiative to move this program to the Office of Administrative Hearings? What is the perceived advantages? What would be the perceived disadvantage? Help them to understand that. JUDGE VANDEWALL stated it was his initiative to do the study several years ago. It was not his initiative to transfer it to the OAH. He didn't feel it was appropriate for him to pick. If he had his choice, he would have a free standing office of public defenders in the Executive branch. He just stated it needed to be out of Judiciary and he stated he felt there were the two reasons: 1. It is a conflict of interest. The Judiciary operates on the perception on public trust and confidence. If an defendant, like his example previously, comes before them and says, I am not going to chase your people, because they are your boys, or in many incidences, they get an issue of ineffective assistance of council before a court on a post conviction. They will tell us right in a brief, we know you are not going to find these people ineffective, after all the courts hire them. He doesn't think that is true but from the defenders stand point, he can understand why they think like that. And now there is a spectacle of

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Bill/Resolution Number HB 1002
Hearing Date 3-17-03

judges going out and begging lawyers to take indigent defense contracts. 2. On the perceived disadvantages, one is to ALLEN HOPHAUG's operation, it is a big issue. It gives some other agency's flexibility to deal with the indigent defense and try to come up with a system that is cost effective and provides an adequate quality service. They are not entitled to the best lawyer, they only entitled to an adequate defense.

(Meter 1636) SENATOR THANE referred to the Forum news article did little to improve the public's confidence in public defenders. The statement was made that it was indicated that the not roled to defend but to make sure the prosecution follows the rules. JUDGE VANDEWALL stated he did not see the article. He stated that the process is one of the ways they defend, is making sure that the courts and the state is following the rules. That is primarily the defense, the state is not introducing inadmissible evidence to convict that person. They can't change the evidence but they can put their own color and spin on that evidence.

(Meter 1779) SENATOR LINDAAS asked how fines are handled and where those moneys go? In the case of a drug bust? JUDGE VANDEWALL stated the fines go into the state school fund. The costs don't but the fines do. That is a distribution that's made in addition to the state aid fund.

(Meter 2003) CHAIRMAN HOLMBERG stated on a positive note that the court case technology especially on the Web site. He also stated that when the subcommittee with this budget will also look at HB 1044.

(Meter 2197) JUDGE VANDEWALL stated heads up of amendments proposed to add \$100 fee on criminal case. With the intent for part of it to pay indigent defense and part to go into the

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Hearing Date 3-17-03

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general fund. He thinks there should be caution on how much that will bring in. Some people will be not be able to pay and some moneys may not able to be collected.

(2197) CHAIRMAN HOLMBERG closed the hearing to HB 1002.

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1002 Vote

Senate Appropriations Committee

☐ Conference Committee

Hearing Date 4-3-03

Tape Number	Side A	Side B	Meter #
1	X		2400-2920
Committee Clerk Signature <i>Sandra Davison</i>			

Minutes: CHAIRMAN HOLMBERG opened the hearing to vote on HB ¹⁰⁰²~~2400~~ A relating to the salaries of the supreme and district court judges.

CHAIRMAN HOLMBERG passed out amendments (38002.0203) and explained. This amendment is one that will have to include the IT because it came down a couple of days ago. The amendment does a number of things. As recalled indigent defense was moved to the department of administrative hearings, that was unfavorable. This amendment restores that fact the was it was and restores the \$152,000 that had been taken out of the court to fund a person in administrative hearings comes back and removes the health insurance differential. On page 2, the amendment details the Senate changes. It removes the health insurance differential, it restores the fund for the operating expenses related to the person, and it brings back the 2.9 million dollars for indigent defense. If you recall the Judiciary committee on HB 1088 that passed, when it goes into conference, there is going to add a study hopefully to see where we should be going and if

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Senate Appropriations Committee
Bill/Resolution Number HB 1002 Vote
Hearing Date 4-3-03

you recall there was a fiscal note on that particular bill to pay for some additional indigent defense. He suggested that the IT reduction be added in of \$132,559.

(Meter 2593) A motion was made by SENATOR THANE and seconded by SENATOR KILZER to adopt the amendments. A voice vote passed.

(Meter 2623) There was a motion of a DO PASS AS AMENDMENT by SENATOR THANE and seconded by SENATOR ANDRIST.

(Meter 2634) SENATOR MATHERN stated he was concerned about the vote they just had. He doesn't see anything in the amendment about the 4%. CHAIRMAN HOLMBERG explained the 4% is an automatic and when introduced, the council would automatically include that. He asked DON WOLFE from Legislative Council to clarify and he stated those amendments are being prepared. SENATOR MATHERN stated he felt that procedurally would have been better to further amend motion of the 4%.

(Meter 2788) There roll vote of 11 yeas, 0 nays and 3 absent passed the bill and will be carried by SENATOR HOLMBERG.

CHAIRMAN HOLMBERG closed the hearing to HB 1002. (Meter 2920)

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9/30/03
Date

38002.0202
Title 0300
Fiscal No. 1

Did not
adopt
see 0303

Prepared by the Legislative Council staff for
Senator Holmberg
March 26, 2003

4-3-03
1843

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1002

Page 1, line 10, replace "5,852,238" with "5,847,592"
Page 1, line 13, replace "7,666,106" with "7,661,460"
Page 1, line 16, replace "33,943,108" with "33,913,180"
Page 1, line 17, replace "10,992,308" with "14,135,487"
Page 1, line 22, replace "45,936,860" with "49,050,111"
Page 1, line 24, replace "44,174,125" with "47,287,376"

Page 2, line 3, replace "539,445" with "539,034"
Page 2, line 4, replace "539,445" with "539,034"
Page 2, line 5, replace "281,014" with "280,801"
Page 2, line 6, replace "258,431" with "258,233"
Page 2, line 7, replace "52,098,662" with "55,207,069"
Page 2, line 8, replace "2,043,749" with "2,043,536"
Page 2, line 9, replace "54,142,411" with "57,250,605"
Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1002 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Supreme Court				
Total all funds	\$7,794,858	\$7,666,106	(\$4,648)	\$7,661,460
Less estimated income				
General fund	\$7,794,858	\$7,666,106	(\$4,648)	\$7,661,460
District courts				
Total all funds	\$50,034,808	\$45,936,860	\$3,113,251	\$49,050,111
Less estimated income	1,762,735	1,762,735		1,762,735
General fund	\$48,272,073	\$44,174,125	\$3,113,251	\$47,287,376
Judicial Conduct Commission				
Total all funds	\$544,227	\$539,445	(\$411)	\$539,034
Less estimated income	283,500	281,014	(213)	280,801
General fund	\$260,727	\$258,431	(\$198)	\$258,233
Bill Total				
Total all funds	\$58,373,893	\$54,142,411	\$3,108,194	\$57,250,605
Less estimated income	2,046,235	2,043,749	(213)	2,043,536
General fund	\$56,327,658	\$52,098,662	\$3,108,407	\$55,207,069

House Bill No. 1002 - Supreme Court - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$5,955,990	\$5,852,238	(\$4,646)	\$5,847,592
Operating expenses	1,708,580	1,681,580		1,681,580
Judges' retirement	132,288	132,288		132,288
Total all funds	\$7,794,858	\$7,666,108	(\$4,646)	\$7,661,460
Less estimated income				
General fund	\$7,794,858	\$7,666,108	(\$4,646)	\$7,661,460
FTE	44.50	44.50	0.00	44.50

Dept. 181 - Supreme Court - Detail of Senate Changes

	REDUCES THE RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	TOTAL SENATE CHANGES
Salaries and wages	(\$4,646)	(\$4,646)
Operating expenses		
Judges' retirement		
Total all funds	(\$4,646)	(\$4,646)
Less estimated income		
General fund	(\$4,646)	(\$4,646)
FTE	0.00	0.00

¹ This amendment reduces the funding for state employee health insurance premiums from \$493 per month to \$488.70 per month.

House Bill No. 1002 - District Courts - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$34,862,877	\$33,943,108	(\$29,928)	\$33,913,180
Operating expenses	14,223,487	10,992,308	3,143,179	14,135,487
Capital assets	109,500	74,500		74,500
Judges' retirement	918,944	826,944		826,944
UND - Central legal research	80,000	80,000		80,000
Alternative dispute resolution	40,000	20,000		20,000
Total all funds	\$50,034,808	\$45,936,880	\$3,113,251	\$49,050,111
Less estimated income	1,762,735	1,762,735		1,762,735
General fund	\$48,272,073	\$44,174,125	\$3,113,251	\$47,287,376
FTE	287.50	287.50	0.00	287.50

Dept. 182 - District Courts - Detail of Senate Changes

	REDUCES THE RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	RESTORES FUNDING FOR OPERATING EXPENSES ²	RESTORES FUNDING FOR INDIGENT DEFENSE FEES ³	TOTAL SENATE CHANGES
Salaries and wages	(\$29,928)			(\$29,928)
Operating expenses		\$152,632	\$2,990,547	3,143,179
Capital assets				
Judges' retirement				
UND - Central legal research				
Alternative dispute resolution				
Total all funds	(\$29,928)	\$152,632	\$2,990,547	\$3,113,251
Less estimated income				
General fund	(\$29,928)	\$152,632	\$2,990,547	\$3,113,251
FTE	0.00	0.00	0.00	0.00

¹ This amendment reduces the funding for state employee health insurance premiums from \$493 per month to \$488.70 per month.

² This amendment restores \$152,632 in the operating expenses line item for the administration of indigent defense services that the House removed as part of the transfer of indigent defense services to the Office of Administrative Hearings in House Bill No. 1044.

³ This amendment restores funding of \$2,990,547 to the operating expenses line item for indigent defense fees that the House had removed as part of the transfer of indigent defense services to the Office of Administrative Hearings in House Bill No. 1044.

House Bill No. 1002 - Judicial Conduct Commission - Senate Action

30f3

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages Judicial Conduct Commission and Disciplinary Board	\$544,227	\$539,445	(\$411)	\$539,034
Total all funds	\$544,227	\$539,445	(\$411)	\$539,034
Less estimated income	283,500	281,014	(213)	280,801
General fund	\$260,727	\$258,431	(\$198)	\$258,233
FTE	4.00	4.00	0.00	4.00

Dept. 183 - Judicial Conduct Commission - Detail of Senate Changes

	REDUCES THE RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	TOTAL SENATE CHANGES
Salaries and wages Judicial Conduct Commission and Disciplinary Board	(\$411)	(\$411)
Total all funds	(\$411)	(\$411)
Less estimated income	(213)	(213)
General fund	(\$198)	(\$198)
FTE	0.00	0.00

1 This amendment reduces the funding for state employee health insurance premiums from \$493 per month to \$488.70 per month.

38002.0203
Title.0400
Fiscal No. 2

Prepared by the Legislative Council staff for
Senate Appropriations
April 3, 2003

JB
4-4-3
1049

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1002

Page 1, line 10, replace "5,852,238" with "5,847,592"
Page 1, line 11, replace "1,681,580" with "1,658,562"
Page 1, line 13, replace "7,666,106" with "7,638,442"
Page 1, line 16, replace "33,943,108" with "33,913,180"
Page 1, line 17, replace "10,992,308" with "14,026,258"
Page 1, line 22, replace "45,936,860" with "48,940,882"
Page 1, line 24, replace "44,174,125" with "47,178,147"

Page 2, line 3, replace "539,445" with "538,722"
Page 2, line 4, replace "539,445" with "538,722"
Page 2, line 5, replace "281,014" with "280,801"
Page 2, line 6, replace "258,431" with "257,921"
Page 2, line 7, replace "52,098,662" with "55,074,510"
Page 2, line 8, replace "2,043,749" with "2,043,536"
Page 2, line 9, replace "54,142,411" with "57,118,046"
Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1002 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Supreme Court				
Total all funds	\$7,794,858	\$7,668,108	(\$27,684)	\$7,638,442
Less estimated income				
General fund	\$7,794,858	\$7,668,108	(\$27,684)	\$7,638,442
District courts				
Total all funds	\$50,034,808	\$45,638,860	\$3,004,022	\$48,940,882
Less estimated income	1,762,735	1,762,735		1,762,735
General fund	\$48,272,073	\$44,174,125	\$3,004,022	\$47,178,147
Judicial Conduct Commission				
Total all funds	\$544,227	\$539,445	(\$723)	\$538,722
Less estimated income	283,500	281,014	(213)	280,801
General fund	\$260,727	\$258,431	(\$510)	\$267,921
Bill Total				
Total all funds	\$59,373,893	\$54,142,411	\$2,975,635	\$57,118,046
Less estimated income	2,046,235	2,043,749	(213)	2,043,536
General fund	\$56,327,658	\$52,098,662	\$2,975,648	\$55,074,510

House Bill No. 1002 - Supreme Court - Senate Action

2013

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$5,955,990	\$5,852,238	(\$4,846)	\$5,847,592
Operating expenses	1,706,580	1,681,580	(23,018)	1,658,562
Judges' retirement	132,288	132,288		132,288
Total all funds	\$7,794,858	\$7,666,106	(\$27,664)	\$7,638,442
Less estimated income				
General fund	\$7,794,858	\$7,666,106	(\$27,664)	\$7,638,442
FTE	44.50	44.50	0.00	44.50

Dept. 181 - Supreme Court - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	TOTAL SENATE CHANGES
Salaries and wages	(\$4,846)		(\$4,846)
Operating expenses		(23,018)	(23,018)
Judges' retirement			
Total all funds	(\$4,846)	(23,018)	(\$27,664)
Less estimated income			
General fund	(\$4,846)	(23,018)	(\$27,664)
FTE	0.00	0.00	0.00

1 This amendment reduces the funding for state employee health insurance premiums from \$493 per month to \$488.70 per month.

2 This amendment reduces funding for information technology by \$23,018 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 4 percent.

House Bill No. 1002 - District Courts - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$34,662,877	\$33,943,108	(\$29,928)	\$33,913,180
Operating expenses	14,223,497	10,992,308	3,033,950	14,026,258
Capital assets	109,500	74,500		74,500
Judges' retirement	918,944	826,944		826,944
UND-Central legal research	80,000	80,000		80,000
Alternative dispute resolution	40,000	20,000		20,000
Total all funds	\$50,034,808	\$45,936,860	\$3,004,022	\$48,940,882
Less estimated income	1,762,735	1,762,735		1,762,735
General fund	\$48,272,073	\$44,174,125	\$3,004,022	\$47,178,147
FTE	287.50	287.50	0.00	287.50

Dept. 182 - District Courts - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	RESTORES FUNDING FOR OPERATING EXPENSES 3	RESTORES FUNDING FOR INDIGENT DEFENSE FEES 4	TOTAL SENATE CHANGES
Salaries and wages	(\$29,928)				(\$29,928)
Operating expenses		(\$109,229)	\$152,632	\$2,990,547	3,033,950
Capital assets					
Judges' retirement					
UND-Central legal research					
Alternative dispute resolution					
Total all funds	(\$29,928)	(\$109,229)	\$152,632	\$2,990,547	\$3,004,022
Less estimated income					
General fund	(\$29,928)	(\$109,229)	\$152,632	\$2,990,547	\$3,004,022
FTE	0.00	0.00	0.00	0.00	0.00

1 This amendment reduces the funding for state employee health insurance premiums from \$493 per month to \$488.70 per month.

2 This amendment reduces funding for information technology by \$109,229 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 4 percent.

- 3 This amendment restores \$152,832 in the operating expenses line for the administration of indigent defense services that the House removed as part of the transfer of indigent defense services to the Office of Administrative Hearings in House Bill No. 1044.
- 4 This amendment restores funding of \$2,990,547 to the operating expenses line for indigent defense fees that the House had removed as part of the transfer of indigent defense services to the Office of Administrative Hearings in House Bill No. 1044.

House Bill No. 1002 - Judicial Conduct Commission - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Operating expenses Judicial Conduct Commission and Disciplinary Board	\$544,227	\$539,445	(\$723)	\$538,722
Total all funds	\$544,227	\$539,445	(\$723)	\$538,722
Less estimated income	283,500	281,014	(213)	280,801
General fund	\$260,727	\$258,431	(\$510)	\$257,921
FTE	4.00	4.00	0.00	4.00

Dept. 183 - Judicial Conduct Commission - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS ²	TOTAL SENATE CHANGES
Operating expenses Judicial Conduct Commission and Disciplinary Board	(\$411)	(\$312)	(\$723)
Total all funds	(\$411)	(\$312)	(\$723)
Less estimated income	(213)		(213)
General fund	(\$198)	(\$312)	(\$510)
FTE	0.00	0.00	0.00

¹ This amendment reduces the funding for state employee health insurance premiums from \$493 per month to \$488.70 per month.

² This amendment reduces funding for information technology by \$312 from the general fund which represents a reduction in information technology funding from the general fund of approximately 4 percent.

Amendments
Thane Kilzen
passed

Date: 4-3-03
Roll Call Vote #: /

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. ~~1001~~ 1002

Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do PASS As Amend

Motion Made By Thane Seconded By Andrust

Senators	Yes	No	Senators	Yes	No
Senator Holmberg, Chairman	✓				
Senator Bowman, Vice Chair	✓				
Senator Grindberg, Vice Chair	✓				
Senator Andrist	✓				
Senator Christmann	✓				
Senator Kilzer	✓				
Senator Krauter	✓				
Senator Kringstad					
Senator Lindaas	✓				
Senator Mathern	✓				
Senator Robinson	✓				
Senator Schobinger					
Senator Tallackson					
Senator Thane	✓				

Total (Yes) 11 No _____

Absent 3

Floor Assignment Holmberg

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

REPORT OF STANDING COMMITTEE (410)
April 4, 2003 9:27 a.m.

Module No: SR-61-6767
Carrier: Holmberg
Insert LC: 38002.0203 Title: .0400

REPORT OF STANDING COMMITTEE

HB 1002, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1002 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "5,852,238" with "5,847,592"

Page 1, line 11, replace "1,681,580" with "1,658,562"

Page 1, line 13, replace "7,666,106" with "7,638,442"

Page 1, line 16, replace "33,943,108" with "33,913,180"

Page 1, line 17, replace "10,992,308" with "14,026,258"

Page 1, line 22, replace "45,936,860" with "48,940,882"

Page 1, line 24, replace "44,174,125" with "47,178,147"

Page 2, line 3, replace "539,445" with "538,722"

Page 2, line 4, replace "539,445" with "538,722"

Page 2, line 5, replace "281,014" with "280,801"

Page 2, line 6, replace "258,431" with "257,921"

Page 2, line 7, replace "52,098,662" with "55,074,510"

Page 2, line 8, replace "2,043,749" with "2,043,536"

Page 2, line 9, replace "54,142,411" with "57,118,046"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1002 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Supreme Court				
Total all funds	\$7,794,858	\$7,666,106	(\$27,664)	\$7,638,442
Less estimated income				
General fund	\$7,794,858	\$7,666,106	(\$27,664)	\$7,638,442
District courts				
Total all funds	\$50,034,808	\$45,936,860	\$3,004,022	\$48,940,882
Less estimated income	1,762,735	1,762,735		1,762,735
General fund	\$48,272,073	\$44,174,125	\$3,004,022	\$47,178,147
Judicial Conduct Commission				
Total all funds	\$544,227	\$539,445	(\$723)	\$538,722
Less estimated income	283,500	281,014	(213)	280,801
General fund	\$50,727	\$258,431	(\$510)	\$257,921
Bill Total				
Total all funds	\$58,373,893	\$54,142,411	\$2,975,635	\$57,118,046
Less estimated income	2,046,235	2,043,749	(213)	2,043,536
General fund	\$58,327,658	\$52,098,662	\$2,975,846	\$55,074,510

(2) DESK, (3) COMM

Page No. 1

SR-61-6767

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Jo Costa Rickford
Operator's Signature

9/30/03
Date

REPORT OF STANDING COMMITTEE (410)
April 4, 2003 9:27 a.m.

Module No: SR-61-6767
Carrier: Holmberg
Insert LC: 38002.0203 Title: .0400

House Bill No. 1002 - Supreme Court - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$5,955,990	\$5,852,238	(\$4,846)	\$5,847,592
Operating expenses	1,708,560	1,681,580	(23,018)	1,658,562
Judges' retirement	<u>132,288</u>	<u>132,288</u>		<u>132,288</u>
Total all funds	\$7,794,858	\$7,666,108	(\$27,664)	\$7,638,442
Less estimated income				
General fund	\$7,794,858	\$7,666,108	(\$27,664)	\$7,638,442
FTE	44.50	44.50	0.00	44.50

Dept. 181 - Supreme Court - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS ²	TOTAL SENATE CHANGES
Salaries and wages	(\$4,846)		(\$4,846)
Operating expenses		(\$23,018)	(23,018)
Judges' retirement			
Total all funds	(\$4,846)	(\$23,018)	(\$27,664)
Less estimated income			
General fund	(\$4,846)	(\$23,018)	(\$27,664)
FTE	0.00	0.00	0.00

¹ This amendment reduces the funding for state employee health insurance premiums from \$493 per month to \$488.70 per month.

² This amendment reduces funding for information technology by \$23,018 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 4 percent.

House Bill No. 1002 - District Courts - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$34,662,877	\$33,943,108	(\$29,928)	\$33,913,180
Operating expenses	14,223,487	10,992,308	3,033,950	14,026,258
Capital assets	108,500	74,500		74,500
Judges' retirement	918,944	828,944		828,944
UND-Central legal research	80,000	80,000		80,000
Alternative dispute resolution	<u>40,000</u>	<u>20,000</u>		<u>20,000</u>
Total all funds	\$50,034,808	\$45,036,860	\$3,004,022	\$48,940,882
Less estimated income	<u>1,762,735</u>	<u>1,762,735</u>		<u>1,762,735</u>
General fund	\$48,272,073	\$44,174,125	\$3,004,022	\$47,178,147
FTE	287.50	287.50	0.00	287.50

Dept. 182 - District Courts - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS ²	RESTORES FUNDING FOR OPERATING EXPENSES ³	RESTORES FUNDING FOR INDIGENT DEFENSE FEES ⁴	TOTAL SENATE CHANGES
Salaries and wages	(\$29,928)				(\$29,928)
Operating expenses		(\$109,229)	\$152,632	\$2,990,547	3,033,950
Capital assets					
Judges' retirement					
UND-Central legal research					
Alternative dispute resolution					

(2) DESK, (3) COMM

Page No. 2

SR-61-6767

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Jo Costa Rickford
 Operator's Signature

9/30/03
 Date

REPORT OF STANDING COMMITTEE (410)
April 4, 2003 9:27 a.m.

Module No: SR-61-6767
Carrier: Holmberg
Insert LC: 38002.0203 Title: .0400

Total all funds	(\$29,928)	(\$108,229)	\$152,832	\$2,990,547	\$3,004,022
Less estimated income					
General fund	(\$29,928)	(\$108,229)	\$152,832	\$2,990,547	\$3,004,022
FTE	0.00	0.00	0.00	0.00	0.00

- 1 This amendment reduces the funding for state employee health insurance premiums from \$493 per month to \$488.70 per month.
- 2 This amendment reduces funding for information technology by \$109,229 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 4 percent.
- 3 This amendment restores \$152,832 in the operating expenses line for the administration of indigent defense services that the House removed as part of the transfer of indigent defense services to the Office of Administrative Hearings in House Bill No. 1044.
- 4 This amendment restores funding of \$2,990,547 to the operating expenses line for indigent defense fees that the House had removed as part of the transfer of indigent defense services to the Office of Administrative Hearings in House Bill No. 1044.

House Bill No. 1002 - Judicial Conduct Commission - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Operating expenses Judicial Conduct Commission and Disciplinary Board	\$544,227	\$539,445	(\$723)	\$538,722
Total all funds	\$544,227	\$539,445	(\$723)	\$538,722
Less estimated income	283,500	281,014	(213)	280,801
General fund	\$260,727	\$258,431	(\$510)	\$257,921
FTE	4.00	4.00	0.00	4.00

Dept. 183 - Judicial Conduct Commission - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	TOTAL SENATE CHANGES
Operating expenses Judicial Conduct Commission and Disciplinary Board	(\$411)	(\$312)	(\$723)
Total all funds	(\$411)	(\$312)	(\$723)
Less estimated income	(213)		(213)
General fund	(\$198)	(\$312)	(\$510)
FTE	0.00	0.00	0.00

- 1 This amendment reduces the funding for state employee health insurance premiums from \$493 per month to \$488.70 per month.
- 2 This amendment reduces funding for information technology by \$312 from the general fund which represents a reduction in information technology funding from the general fund of approximately 4 percent.

2003 HOUSE APPROPRIATIONS
CONFERENCE COMMITTEE

HB 1002

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Jo Costa Rickford
Operator's Signature

9/30/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1002

House Appropriations Committee
Government Operations Division

☒ Conference Committee

Hearing Date April 14, 2003

Tape Number	Side A	Side B	Meter #
2	xx		37.4-53.1
Committee Clerk Signature <i>Kelly Schmidt</i>			

Minutes: Conference Committee

Rep. Koppelman called the meeting to order. Roll was taken with Rep. Koppelman, Rep.

Carlisle, Rep. Warner, Sen. Holmberg, Sen. Krauter, and Sen. Schobinger in attendance.

Sen. Holmberg described the Senate changes as found on the yellow standing committee report.

HB 1088 has been completed relating to the indigent defense issue.

Rep. Carlisle commented, So, everything has gone back to the Supreme Court.

Sen. Holmberg the only difference is IT and the \$750,000 for indigent defense.

Rep. Koppelman Moving to Office of Administrative Hearing, did that negate the increase.

Ted Gladden, Supreme Court We supported that change and the increase to \$630,000, which would see the rate increase to \$65/hr. Whether it went to the Office of Administrative Hearings or stayed with us. HB 1088 was the funding bill, it was amended. HB 1044 was defeated, that was the moving bill.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

T. Costa Rickford
Operator's Signature

9/30/03
Date

Page 2
Government Operations Division
Bill/Resolution Number HB 1002
Hearing Date April 14, 2003

Rep. Warner asked if there was any discussion on the Senate side relating to centralizing idigent defense?

Sen. Holmberg The Judiciary Committee did address that issue.

Ted Gladden A study resolution is addressing the issue. We need to get it out of the judiciary are, we will come with a proposal in the next biennium. We need to change the cap. We need to address those issues in the coming biennium.

Sen. Holmberg we will have to consider the final IT issues, I don't sense a division other than that.

Rep. Koppelman I agree, we would only need to meet again after the IT issues have been resolved. So we will adjourn at the call of the chair.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

T. Costa Rickford
Operator's Signature

9/30/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1002

House Appropriations Committee
Government Operations Division

☒ Conference Committee

Hearing Date April 22, 2003

Tape Number	Side A	Side B	Meter #
1	XX		34.4-40.00
Committee Clerk Signature <i>Kelly J. Schindt</i>			

Minutes: Conference Committee

Chairman Koppelman called the conference committee to order. Members in attendance: **Rep. Koppelman, Rep. Carlisle, Rep. Glassheim, Sen. Schubinger, Sen. Kratter**, absent was **Sen. Holmberg**.

Rep. Koppelman introduced amendment 38002.0204 to the committee. He received a letter from Ted Gladden, ND State Court Administrator, (see attached). The letter addressed: 1. IT line item which includes salaries, after discussion with leadership, it was determined this will not be addressed in this committee, the adjustment will be made at the IT level. 2. Salary increase was addressed. Elected officials are not included in the current bill relating to increases and the incentive being offered. Leadership will possibly address this in the amendments on SB 2015 (OMB) Last biennium, I was a proponent of the increase in the Supreme Court, we need to stay in line with the increases.

Jo Costa Rickford
Operator's Signature

9/30/03
Date

Page 2

Government Operations Division

Bill/Resolution Number HB 1002

Hearing Date April 22, 2003

Sen. Schobinger made a motion the Senate recede and amendment 38002.0204 be adopted,
second by Rep. Carlisle. Roll call vote was taken with 5 yeah 1 absent (Holmberg)

MOTION CARRIES.

Meeting adjourned.

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La Costa Rickford
Operator's Signature

9/30/03
Date

38002.0204
Title.0500
Fiscal No. 1

Prepared by the Legislative Council staff for
Representative Koppelman
April 18, 2003

Conference Committee Amendments to Engrossed HB 1002 - 04/22/2003

That the Senate recede from its amendments as printed on pages 1317-1319 of the House Journal and pages 1146-1148 of the Senate Journal and that Engrossed House Bill No. 1002 be amended as follows:

Page 1, line 10, replace "5,852,238" with "5,847,592"

Page 1, line 11, replace "1,681,580" with "1,652,809"

Page 1, line 13, replace "7,666,106" with "7,632,689"

Page 1, line 16, replace "33,943,108" with "33,913,180"

Page 1, line 17, replace "10,992,308" with "13,998,950"

Page 1, line 22, replace "45,936,860" with "48,913,574"

Page 1, line 24, replace "44,174,125" with "47,150,839"

Conference Committee Amendments to Engrossed HB 1002 - 04/22/2003

Page 2, line 3, replace "539,445" with "538,643"

Page 2, line 4, replace "539,445" with "538,643"

Page 2, line 5, replace "281,014" with "280,801"

Page 2, line 6, replace "258,431" with "257,842"

Page 2, line 7, replace "52,098,662" with "50,041,370"

Page 2, line 8, replace "2,043,749" with "2,043,536"

Page 2, line 9, replace "54,142,411" with "57,084,906"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1002 - Summary of Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Supreme Court						
Total all funds	\$7,794,858	\$ 668,108	(\$33,417)	\$7,632,889	\$7,638,442	(\$5,753)
Less estimated income						
General fund	\$7,794,858	\$7,668,108	(\$33,417)	\$7,632,889	\$7,638,442	(\$5,753)
District courts						
Total all funds	\$50,034,808	\$45,938,880	\$2,976,714	\$48,913,574	\$48,940,882	(\$27,308)
Less estimated income	1,782,735	1,782,735		1,782,735	1,782,735	
General fund	\$48,272,073	\$44,174,125	\$2,976,714	\$47,150,839	\$47,178,147	(\$27,308)
Judicial Conduct Commission						
Total all funds	\$544,227	\$539,445	(\$802)	\$538,643	\$538,722	(\$79)
Less estimated income	283,500	281,014	(213)	280,801	280,801	

General fund	\$280,727	\$258,431	(\$500)	\$257,842	\$257,921	(\$79)
Bill Total						
Total all funds	\$58,373,883	\$54,142,411	\$2,942,495	\$57,084,908	\$57,118,048	(\$33,140)
Less estimated income	2,048,238	2,043,749	(213)	2,043,538	2,043,538	
General fund	\$56,327,655	\$52,098,662	\$2,942,708	\$55,041,370	\$55,074,510	(\$33,140)

House Bill No. 1002 - Supreme Court - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$5,955,990	\$5,852,238	(\$4,648)	\$5,847,592	\$5,847,592	
Operating expenses	1,708,580	1,681,580	(28,771)	1,652,309	1,658,582	(\$6,753)
Judges' retirement	132,288	132,288		132,288	132,288	
Total all funds	\$7,794,858	\$7,666,106	(\$33,417)	\$7,632,699	\$7,638,442	(\$5,753)
Less estimated income						
General fund	\$7,794,858	\$7,666,106	(\$33,417)	\$7,632,699	\$7,638,442	(\$5,753)
FTE	44.50	44.50	0.00	44.50	44.50	0.00

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

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$4,648)		(\$4,648)
Operating expenses		(\$28,771)	(28,771)
Judges' retirement			
Total all funds	(\$4,648)	(\$28,771)	(\$33,417)
Less estimated income			
General fund	(\$4,648)	(\$28,771)	(\$33,417)
FTE	0.00	0.00	0.00

1 This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

2 This amendment reduces funding for information technology by \$28,771 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 5 percent.

House Bill No. 1002 - District Courts - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$34,882,877	\$33,943,108	(\$29,928)	\$33,913,180	\$33,913,180	
Operating expenses	14,223,487	10,992,308	3,006,642	13,998,950	14,026,258	(\$27,308)
Capital assets	109,500	74,500		74,500	74,500	
Judges' retirement	918,944	826,944		826,944	826,944	
UND Central Legal Research	80,000	80,000		80,000	80,000	
Alternative dispute resolution	40,000	20,000		20,000	20,000	
Total all funds	\$50,034,808	\$45,936,860	\$2,976,714	\$48,913,574	\$48,940,882	(\$27,308)
Less estimated income	1,762,735	1,762,735		1,762,735	1,762,735	
General fund	\$48,272,073	\$44,174,125	\$2,976,714	\$47,150,839	\$47,178,147	(\$27,308)
FTE	287.50	287.50	0.00	287.50	287.50	0.00

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

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	RESTORES FUNDING FOR OPERATING EXPENSES 3	RESTORES FUNDING FOR INDIGENT DEFENSE FEES 4	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$29,928)				(\$29,928)
Operating expenses		(\$136,537)	\$152,632	\$2,990,547	3,006,642
Capital assets					
Judges' retirement					
UND Central Legal Research					
Alternative dispute resolution					
Total all funds	(\$29,928)	(\$136,537)	\$152,632	\$2,990,547	\$2,976,714
Less estimated income					
General fund	(\$29,928)	(\$136,537)	\$152,632	\$2,990,547	\$2,976,714

FTE 0.00 0.00 0.00 0.00 0.00

- 1 This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.
- 2 This amendment reduces funding for information technology by \$136,537 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 5 percent.
- 3 This amendment restores \$152,832 in the operating expenses line for the administration of indigent defense services that the House removed as part of the transfer of indigent defense services to the Office of Administrative Hearings in House Bill No. 1044.
- 4 This amendment restores funding of \$2,990,547 to the operating expenses line for indigent defense fees that the House had removed as part of the transfer of indigent defense services to the Office of Administrative Hearings in House Bill No. 1044.

House Bill No. 1002 - Judicial Conduct Commission - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Judicial Conduct Commission and Disciplinary Board	\$544,227	\$539,445	(\$502)	\$538,643	\$538,722	(\$79)
Total all funds	\$544,227	\$539,445	(\$502)	\$538,643	\$538,722	(\$79)
Less estimated income	283,500	281,014	(213)	280,801	280,801	
General fund	\$260,727	\$258,431	(\$589)	\$257,842	\$257,921	(\$79)
FTE	4.00	4.00	0.00	4.00	4.00	0.00

Dept. 183 - Judicial Conduct Commission - Detail of Conference Committee Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	TOTAL CONFERENCE COMMITTEE CHANGES
Judicial Conduct Commission and Disciplinary Board	(\$411)	(\$391)	(\$802)
Total all funds	(\$411)	(\$391)	(\$802)
Less estimated income	(213)		(213)
General fund	(\$198)	(\$391)	(\$589)
FTE	0.00	0.00	0.00

- 1 This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.
- 2 This amendment reduces funding for information technology by \$391 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 5 percent.

REPORT OF CONFERENCE COMMITTEE (420)
April 22, 2003 1:12 p.m.

Module No: SR-72-R108

Insert LC: 38002.0204

REPORT OF CONFERENCE COMMITTEE

HB 1002, as engrossed: Your conference committee (Sens. Holmberg, Schobinger, Krauter and Reps. Koppelman, Carlisle, Warner) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1317-1319, adopt amendments as follows, and place HB 1002 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1317-1319 of the House Journal and pages 1146-1148 of the Senate Journal and that Engrossed House Bill No. 1002 be amended as follows:

Page 1, line 10, replace "5,852,238" with "5,847,592"

Page 1, line 11, replace "1,681,580" with "1,652,809"

Page 1, line 13, replace "7,666,106" with "7,632,689"

Page 1, line 16, replace "33,943,108" with "33,913,180"

Page 1, line 17, replace "10,992,308" with "13,998,950"

Page 1, line 22, replace "45,936,860" with "48,913,574"

Page 1, line 24, replace "44,174,125" with "47,150,839"

Page 2, line 3, replace "539,445" with "538,643"

Page 2, line 4, replace "539,445" with "538,643"

Page 2, line 5, replace "281,014" with "280,801"

Page 2, line 6, replace "258,431" with "257,842"

Page 2, line 7, replace "52,098,662" with "55,041,370"

Page 2, line 8, replace "2,043,749" with "2,043,536"

Page 2, line 9, replace "54,142,411" with "57,084,906"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1002 - Summary of Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Supreme Court						
Total all funds	\$7,794,858	\$7,666,106	(\$33,417)	\$7,632,689	\$7,638,442	(\$5,753)
Less estimated income						
General fund	\$7,794,858	\$7,666,106	(\$33,417)	\$7,632,689	\$7,638,442	(\$5,753)
District courts						
Total all funds	\$50,034,808	\$45,938,860	\$2,976,714	\$48,913,574	\$48,940,882	(\$27,308)
Less estimated income	1,762,735	1,762,735		1,762,735	1,762,735	
General fund	\$48,272,073	\$44,174,125	\$2,976,714	\$47,150,839	\$47,178,147	(\$27,308)
Judicial Conduct Commission						
Total all funds	\$544,227	\$539,445	(\$802)	\$538,643	\$538,722	(\$79)
Less estimated income	283,500	281,014	(213)	280,801	280,801	

(2) DESK, (2) COMM

Page No. 1

SR-72-8108

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John C. Rickford
Operator's Signature

9/30/03
Date

REPORT OF CONFERENCE COMMITTEE (420)
April 22, 2003 1:12 p.m.

Module No: SR-72-8108

Insert LC: 38002.0204

General fund	\$260,727	\$258,431	(\$589)	\$257,842	\$257,921	(\$79)
BIM Total						
Total all funds	\$58,373,893	\$54,142,411	\$2,942,495	\$57,084,906	\$57,118,046	(\$33,140)
Less estimated income	2,046,235	2,043,749	(213)	2,043,536	2,043,536	
General fund	\$56,327,658	\$52,098,662	\$2,942,708	\$55,041,370	\$55,074,510	(\$33,140)

House Bill No. 1002 - Supreme Court - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$5,955,990	\$5,852,238	(\$4,648)	\$5,847,592	\$5,847,592	
Operating expenses	1,706,580	1,681,580	(28,771)	1,652,809	1,658,562	(\$5,753)
Judges' retirement	132,288	132,288		132,288	132,288	
Total all funds	\$7,794,858	\$7,666,106	(\$33,417)	\$7,632,689	\$7,638,442	(\$5,753)
Less estimated income						
General fund	\$7,794,858	\$7,666,106	(\$33,417)	\$7,632,689	\$7,638,442	(\$5,753)
FTE	44.50	44.50	0.00	44.50	44.50	0.00

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

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$4,648)		(\$4,648)
Operating expenses		(\$28,771)	(28,771)
Judges' retirement			
Total all funds	(\$4,648)	(\$28,771)	(\$33,417)
Less estimated income			
General fund	(\$4,648)	(\$28,771)	(\$33,417)
FTE	0.00	0.00	0.00

1 This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

2 This amendment reduces funding for information technology by \$28,771 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 5 percent.

House Bill No. 1002 - District Courts - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$34,662,877	\$33,943,108	(\$29,928)	\$33,913,180	\$33,913,180	
Operating expenses	14,223,487	10,992,308	3,006,842	13,998,950	14,026,258	(\$27,308)
Capital assets	109,500	74,500		74,500	74,500	
Judges' retirement	918,944	826,944		826,944	826,944	
UND Central Legal Research	80,000	80,000		80,000	80,000	
Alternative dispute resolution	40,000	20,000		20,000	20,000	
Total all funds	\$50,034,808	\$45,936,860	\$2,976,714	\$48,913,574	\$48,940,882	(\$27,308)
Less estimated income	1,782,735	1,782,735		1,782,735	1,782,735	
General fund	\$48,272,073	\$44,174,125	\$2,976,714	\$47,150,839	\$47,178,147	(\$27,308)
FTE	287.50	287.50	0.00	287.50	287.50	0.00

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

(2) DESK, (2) COMM

Page No. 2

SR-72-8108

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Jo Costa Rickford
 Operator's Signature

9/30/03
 Date

REPORT OF CONFERENCE COMMITTEE (420)
April 22, 2003 1:12 p.m.

Module No: SR-72-8108

Insert LC: 38002.0204

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS ²	RESTORES FUNDING FOR OPERATING EXPENSES ³	RESTORES FUNDING FOR INDIGENT DEFENSE FEES ⁴	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$29,928)				(\$29,928)
Operating expenses		(\$136,537)	\$152,632	\$2,990,547	3,006,642
Capital assets					
Judges' retirement					
UND Central Legal Research					
Alternative dispute resolution					
Total all funds	(\$29,928)	(\$136,537)	\$152,632	\$2,990,547	\$2,976,714
Less estimated income					
General fund	(\$29,928)	(\$136,537)	\$152,632	\$2,990,547	\$2,976,714
FTE	0.00	0.00	0.00	0.00	0.00

¹ This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

² This amendment reduces funding for information technology by \$136,537 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 5 percent.

³ This amendment restores \$152,632 in the operating expenses line for the administration of indigent defense services that the House removed as part of the transfer of indigent defense services to the Office of Administrative Hearings in House Bill No. 1044.

⁴ This amendment restores funding of \$2,990,547 to the operating expenses line for indigent defense fees that the House had removed as part of the transfer of indigent defense services to the Office of Administrative Hearings in House Bill No. 1044.

House Bill No. 1002 - Judicial Conduct Commission - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Judicial Conduct Commission and Disciplinary Board	\$544,227	\$539,445	(\$802)	\$538,643	\$538,722	(\$79)
Total all funds	\$544,227	\$539,445	(\$802)	\$538,643	\$538,722	(\$79)
Less estimated income	<u>283,500</u>	<u>281,014</u>	<u>(213)</u>	<u>280,801</u>	<u>280,801</u>	
General fund	\$260,727	\$258,431	(\$589)	\$257,842	\$257,921	(\$79)
FTE	4.00	4.00	0.00	4.00	4.00	0.00

Dept. 183 - Judicial Conduct Commission - Detail of Conference Committee Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS ²	TOTAL CONFERENCE COMMITTEE CHANGES
Judicial Conduct Commission and Disciplinary Board	(\$411)	(\$391)	(\$802)
Total all funds	(\$411)	(\$391)	(\$802)
Less estimated income	<u>(213)</u>		<u>(213)</u>
General fund	(\$198)	(\$391)	(\$589)
FTE	0.00	0.00	0.00

¹ This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

² This amendment reduces funding for information technology by \$391 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 5 percent.

REPORT OF CONFERENCE COMMITTEE (420)
April 22, 2003 1:12 p.m.

Module No: SR-72-8108

Insert LC: 38002.0204

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

(2) DESK, (2) COMM

Page No. 4

SR-72-8108

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LaCoste Rickford
Operator's Signature

9/30/03
Date

2003 TESTIMONY

HB 1002

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Joe Costa Rickford
Operator's Signature

9/30/03
Date

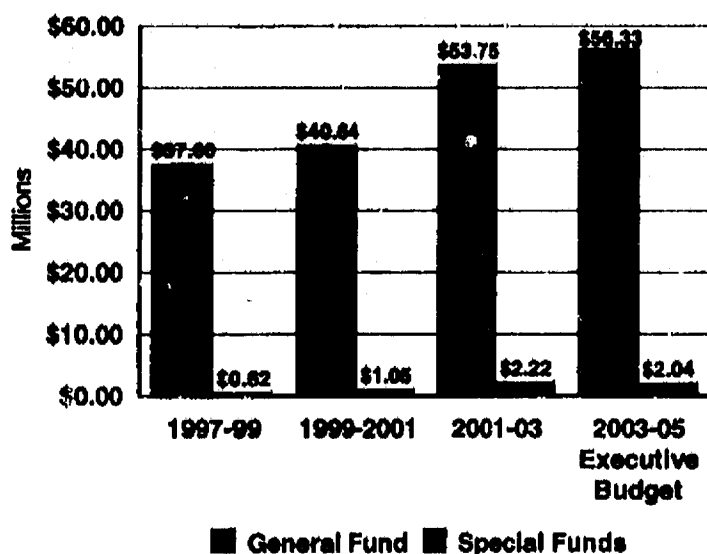
Department 180 - Judicial Branch
House Bill No. 1002

	FTE Positions	General Fund	Other Funds	Total
2003-05 Executive Budget	336.00	\$56,327,658	\$2,046,235	\$58,373,893
2001-03 Legislative Appropriations	336.00	\$53,753,509 ¹	2,217,821	\$55,971,330 ²
Increase (Decrease)	0.00	\$2,574,149	(\$171,586)	\$2,402,563

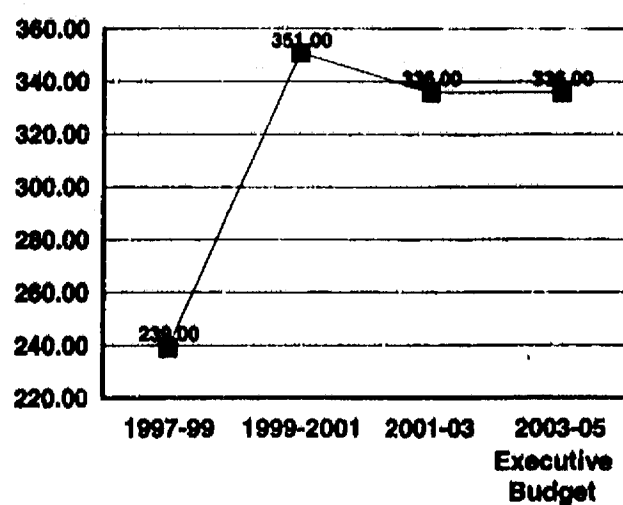
¹ The 2001-03 general fund appropriation is the amount appropriated by the 2001 Legislative Assembly. In July 2002, Governor Hoeven ordered a 1.05 percent budget allotment. Although the judicial branch is not subject to the allotment, pursuant to North Dakota Century Code Section 54-44.1-12, the agency plans to turn back 1.05 percent of their 2001-03 general fund appropriation, which would be \$564,412.

² The 2001-03 appropriation amounts do not include \$350,000 of additional general fund carryover from the 1999-2001 biennium.

Agency Funding



FTE Positions



Executive Budget Highlights

	General Fund	Other Funds	Total
1. Provides for the following Supreme Court changes:			
a. Provides funding for a 3 percent salary increase for the Supreme Court justices for the first year of the biennium and a 2 percent increase for the second year	\$48,606		\$48,606
b. Decreases funding for former judges' retirement	(\$76,781)		(\$76,781)
c. Decreases operating expenses primarily in the area of office equipment and furniture (\$74,000)	(\$30,348)		(\$30,348)
d. Provides funding to continue employee salary increases given during the 2001-03 biennium pursuant to judicial branch salary schedule	\$108,860		\$108,860
2. Provides for the following district court changes:			
a. Provides funding for a 3 percent salary increase for the district court judges for the first and second years of the biennium	\$461,764		\$461,764
b. Decreases operating expenses primarily in the areas of travel (\$94,435), information technology software/supplies (\$72,903), information technology contractual services (\$217,223), office equipment and furniture (\$158,340), and information technology equipment (\$361,514). Some increases in operating expenses include contract payments to counties for clerk services (\$225,199), a 5 percent increase for indigent defense attorneys	(\$120,220)	(\$213,599)	(\$333,819)

UP

(\$220,626), and information technology data processing (\$145,989)			
c. Increases funding for former judges' retirement	\$40,563		\$40,563
d. Increases funding for drug courts and tracking services	\$67,382	\$21,512	\$88,894
e. Provides funding for a new copy machine in each of the seven districts	\$74,500		\$74,500
f. Provides funding for a new telephone system in the northwest district	\$35,000		\$35,000
g. Provides funding to continue employee salary increases given during the 2001-03 biennium pursuant to the judicial branch salary schedule	\$1,137,316	\$32,263	\$1,169,579

3. No significant changes for the Judicial Conduct Commission and Disciplinary Board.

Major Related Legislation

House Bill No. 1044 - This bill transfers the responsibility for contracting for the legal services of indigents from the judicial branch to the Office of Administrative Hearings.

House Bill No. 1045 - This bill transfers the costs relating to indigent defense costs for mental illness commitment proceedings, civil commitment of sexual predators, and guardian ad litem services from counties to the state.

House Bill No. 1066 - This bill provides a continuing appropriation to the district court from a \$10 increase in civil case filing fees for the establishment of a court facilities improvement and maintenance fund.

Senate Bill No. 2044 - This bill requires the court, when ordering restitution in insufficient funds cases, to impose a fee of the greater of \$10 or 25 percent of the amount of restitution ordered to be used to offset operating costs of the state's attorney and clerk of district court.

1-21-03

House Bill 1002 - Judicial Appropriation
by Gerald W. VandeWalle, Chief Justice

Good morning Chairman Carlisle and members of the Government Operations Subcommittee of the House Appropriations Committee. For the record, I am Gerald VandeWalle, Chief Justice. I will lead off on our appropriation request this morning. We are very fortunate in North Dakota to enjoy the confidence of the citizens of this state. Our judiciary is able to process cases timely as we provide judicial services in all counties of North Dakota. That is due to the adequacy of funding we have received from the Legislative Assembly.

Before any specific remarks regarding the budget, I want to take this opportunity to respond to the letter, dated January 8, 2003, I received from Senator Bob Stenehjem, Senate Majority Leader, and Representative Rick Berg, House Majority Leader, having to do with a request for us to respond to some specific questions as part of our appropriation hearing.

As a separate branch of government we do have line item transfer authority. Within that framework I will respond to the questions contained in their request.

We continue to provide services in all 53 counties of the state. The most visible overall way of judging the effectiveness of our judiciary is to review whether our trial courts schedule and process cases in a timely fashion. For many years we have had Administrative Rule 12 in effect which provides for docket currency reporting by all trial courts on a twice a year basis to the Supreme Court. This means that judges must respond on the status of any case that is outside the time standard provided in that rule. Our judges receive regular, monthly reports on the status of all pending cases assigned to them. As part of our semi-annual reporting, a judge's

House Bill 1002

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exceptional or outstanding cases must be reviewed and approved by the Presiding Judge of each judicial district before a status report is received in our state administrative office. The reports are then analyzed and a report provided to me. I can then provide specific waivers to judges for specific cases beyond the time standards.

We have a similar management system in place for all cases submitted to the Supreme Court on appeal. We monitor cases routinely to make sure oral arguments are scheduled and decisions entered in a timely manner. Our commitment is to ensure that we do not "lose track" of cases and that we have mechanisms in place to ensure the timely resolution of litigation.

I noted with interest in the newspaper on Saturday, January 11, that the Legislative Assembly will hold legislative proceedings on a trial basis in the evening to make your proceedings more accessible to our citizens. Likewise, for a number of years now, we have had in place a commitment to conduct oral arguments of our Supreme Court in communities throughout the state. This has been a very successful initiative, allowing our citizens an opportunity to see their Supreme Court in action. Ordinarily, we travel out three to five times per year. Along with the oral arguments, we always make a point of visiting with students in the local schools on the work of the judiciary.

In November 1998, I created a committee to look at issues of public trust and confidence in the courts. This initiative, chaired by Justice William Neumann of our court, involves citizens throughout the state to look at strategies to ensure we are responding to the public's needs to their trust and confidence in the working of the judiciary. A number of initiatives have been implemented as a result of that

House Bill 1002

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committee's work. Perhaps the two most prominent efforts have been the establishment of a judicial improvement program and a speaker's bureau. The judicial improvement program, which began as a recommendation from Justice Neumann's Committee and was then recommended by our Judiciary Standards Committee, is set out in our Administrative Rule 48, which becomes effective in March. The program will provide a mechanism for lawyers and court personnel to provide comments regarding a judge's performance.

We have also adopted AR 44 implementing an informal complaint procedure providing for an informal, confidential, non-confrontational and educational method for addressing complaints or concerns about judicial offices and employees. The panel consists of three judges, one layperson and one lawyer. In addition, of course, the Judicial Conduct Commission established by Chapter 27-23 of the Century Code to hear formal complaints against judges remains operative.

Our recently inaugurated Speaker's Bureau makes speakers available to classrooms and civic groups throughout the state on the role and function of the courts. Presentations on the role of the clerks of court offices, the judge's role, and our juvenile court, are scheduled upon request.

Our web page, which I referred to in my State of the Judiciary Message, is another initiative we are fully committed to as part of ensuring accessibility to our courts by all citizens. Citizens can listen to oral arguments before our court, they can review our court's schedule, as well as statistics and workings of our trial courts. We are also exploring putting daily district court calendar information on our web page so it, likewise, is accessible by all citizens. We have installed a child support

House Bill 1002

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Date

calculator on our website to allow citizens the ability to calculate child support obligations for litigation they are contemplating or that has been initiated.

Now let me turn to the budget we have submitted to the Legislative Assembly for 2003-05 operations. I will provide a general overview and then turn it over to staff, Justices, and Judges to touch on a number of program areas and provide a detailed outline of our budget request. We have allowed enough time in our presentation to respond to all questions of the Committee.

Overall, we are requesting ~~(\$58,373,893)~~ for the operation of the judicial branch for the next two year period. In creating our budget, my direction to our state court administrator was that all program areas were to be reviewed with the objective of approaching a no growth budget. Without salary or health care increases, our budget had a 2% increase over the current biennium. The budget you have before you is 4% larger than our current budget, or an increase of \$2,052,563. This increase includes proposed salary increases as recommended by Governor Hoeven for employees, as well as funds for health care coverage increases. The budget before you does provide increases of 3% and 2% for our Supreme Court Justices and 3% and 3% for our district judges. However, as I pointed out in the State of the Judiciary Message, we are reducing that request to the same increase for our Justices and Judges as is awarded all other personnel. In 2001, the Legislature awarded a substantial salary increase to our District Judges and Supreme Court Justices. This was the first step in an effort to create parity with judicial salaries in neighboring states. While our long term objective is to ensure there is parity with neighboring states, we recognize that with the financial picture as it is, we cannot expect additional increases to achieve that this biennium.

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We have reduced technology initiatives so that the only funds for new programs is a modest amount of just over \$100,000 to fund an enhanced records management system that Justice Sandstrom will cover. However, our budget does include the necessary funds to support the expansion of our unified court information system into all 53 counties of the state, which will be completed by June 30 of this year.

We are requesting a 5% increase for indigent defense service. The Council of Presiding Judges recommended a 10% increase. The Supreme Court, after reviewing the entire budget, concluded that, while we need to get the hourly rate up for indigent defense attorneys, overall fiscal constraints dictated that an additional 5%, or \$200,276 was all we would request. I am concerned that with the dramatic increase in the number of methamphetamine cases that are being filed in all courts of our state, this may not be an adequate sum. The amount of law enforcement and prosecution resources committed to fighting methamphetamine problems has a direct impact on case filings. It is a substantial problem and one that is most apparent in our rural areas, because it is those areas in which it is becoming most difficult to get counsel to handle appointments. If HB 1044, transferring indigent defense from the judiciary to the office of administrative hearings is enacted, three-fourths of that sum, \$4,312,000, would be transferred to that budget.

We have taken a very measured, thoughtful approach in the preparation and review of our budget, reducing it by 7% from what was originally submitted by our trial courts. With the changing dynamics of our courts' workload, this budget maintains the programs to which we are committed, ensures we are applying the most

House Bill 1002

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Jo Costa Rickford
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relevant technology, and reflects a review of all of our operations for cost-effectiveness.

If you have any questions, I can respond now but will point out that we have allowed time in our presentations to respond to any questions you may have of the next presenters.

At this time, I will turn the podium over to Ted Gladden, our state court administrator, for an overview of our budget submission.

House Bill 1002

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Exhibit 1

13-17-03

House Bill 1002 - Judicial Appropriation
by Gerald W. VandeWalle, Chief Justice

Good morning Chairman Holmberg and members of the Senate Appropriations Committee. For the record, I am Jerry VandeWalle, Chief Justice. I will lead off on our appropriation request this morning.

We are very fortunate in North Dakota to enjoy the confidence of the citizens of this state. Our judiciary is able to process cases timely as we provide judicial services in all counties of North Dakota. That is due to the adequacy of funding we have received from the Legislative Assembly.

Before any specific remarks regarding the budget, I want to comment on the letter, dated January 8, 2003, I received from Senator Bob Stenehjem, Senate Majority Leader, and Representative Rick Berg, House Majority Leader, having to do with a request for us to respond to some specific questions as part of our appropriation hearing.

As a separate branch of government we do have line item transfer authority. Within that framework I will respond to the questions contained in their request.

We continue to provide services in all 53 counties of the state. The most visible overall way of judging the effectiveness of our judiciary is to review whether our trial courts schedule and process cases in a timely fashion. For many years we have had Administrative Rule 12 in effect which provides for docket currency reporting by all trial courts on a twice a year basis to the Supreme Court. This means that judges must respond on the status of any case that is outside the time standard provided in that rule. Our judges receive regular, monthly reports on the status of all pending cases assigned to them. As part of our semi-annual reporting, a judge's

House Bill 1002

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exceptional or outstanding cases must be reviewed and approved by the Presiding Judge of each judicial district before a status report is received in our state administrative office. The reports are then analyzed and a report provided to me. I can then provide specific waivers to judges for specific cases beyond the time standards.

We have a similar management system in place for all cases submitted to the Supreme Court on appeal. We monitor cases routinely to make sure oral arguments are scheduled and decisions entered in a timely manner. Our commitment is to ensure that we do not "lose track" of cases and that we have mechanisms in place to ensure the timely resolution of litigation.

I noted with interest that the Legislative Assembly held legislative proceedings on a trial basis in the evening to make your proceedings more accessible to our citizens. Likewise, for a number of years now, we have had in place a commitment to conduct oral arguments of our Supreme Court in communities throughout the state. This has been a very successful initiative, allowing our citizens an opportunity to see their Supreme Court in action. Ordinarily, we travel out three to five times per year. Along with the oral arguments, we always make a point of visiting with students in the local schools on the work of the judiciary.

In November 1998, I created a committee to look at issues of public trust and confidence in the courts. This initiative, chaired by Justice William Neumann of our court, involves citizens throughout the state to look at strategies to ensure we are responding to the public's needs to their trust and confidence in the working of the judiciary. A number of initiatives have been implemented as a result of that committee's work. Perhaps the two most prominent efforts have been the

House Bill 1002

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establishment of a judicial improvement program and a speaker's bureau. The judicial improvement program, which began as a recommendation from Justice Neumann's Committee and was then recommended by our Judiciary Standards Committee, is set out in our Administrative Rule 48, which becomes effective in March. The program will provide a mechanism for lawyers and court personnel to provide comments regarding a judge's performance.

We have also adopted AR 44 implementing an informal complaint procedure providing for an informal, confidential, non-confrontational and educational method for addressing complaints or concerns about judicial offices and employees. The panel consists of three judges, one layperson and one lawyer. In addition, of course, the Judicial Conduct Commission established by Chapter 27-23 of the Century Code to hear formal complaints against judges remains operative.

Our recently inaugurated Speaker's Bureau makes speakers available to classrooms and civic groups throughout the state on the role and function of the courts. Presentations on the role of the clerks of court offices, the judge's role, and our juvenile court, are scheduled upon request.

Our web page, which I referred to in my State of the Judiciary Message, is another initiative we are fully committed to as part of ensuring accessibility to our courts by all citizens. Citizens can listen to oral arguments before our court, they can review our court's schedule, as well as statistics and workings of our trial courts in their own home or place of business. We are also exploring putting daily district court calendar information on our web page so it, likewise, is accessible by all citizens. We have installed a child support calculator on our website to allow citizens

the ability to calculate child support obligations for litigation they are contemplating or that has been initiated.

Now let me turn to the budget we have submitted to the Legislative Assembly for 2003-05 operations. I will provide a general overview and then turn it over to staff to touch on a number of program areas and provide a detailed outline of our budget request. We have others present as resources to answer specific questions you may have concerning drug courts, technology, indigent defense, and other matters. We have attempted to allow enough time in our presentation to respond to all questions of the Committee.

Our budget as amended by the House is a request of \$54,142,411 for the operation of the judicial branch for the next two year period. The budget is 4% less than our current budget, or a decrease of \$2,178,919. The budget before you does not provide for increases for personnel or for our Supreme Court Justices or district judges. As I pointed out in the State of the Judiciary Message, we reduced the request for our Justices and Judges to the same increase as is awarded all other personnel. In 2001, the Legislature awarded a substantial salary increase to our District Judges and Supreme Court Justices. This was the first step in an effort to create parity with judicial salaries in neighboring states. While our long term objective is to ensure there is parity with neighboring states, we recognize that with the financial picture as it is, we cannot expect additional increases to achieve that this biennium.

We have reduced technology initiatives so that the only funds for new programs is a modest amount of just over \$100,000 to fund an enhanced records management system. However, our budget does include the necessary funds to

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support the expansion of our unified court information system into all 53 counties of the state, which will be completed by June 30 of this year.

As you are aware, HB 1044 has transferred the indigent defense program out of the judiciary to the Office of Administrative Hearings. We had requested a 5% increase for indigent defense service. The Council of Presiding Judges recommended a 10% increase. The Supreme Court, after reviewing the entire budget, concluded that, while we need to get the hourly rate up for indigent defense attorneys, overall fiscal constraints dictated that an additional 5%, or \$200,276 was all we would request. But, since the budget was prepared, the contract indigent defense counsel have told us they cannot afford to renew their contracts. We use contracts because payment to indigent defense counsel on an hourly, open-ended basis means we have no control over costs. We cannot employ counsel in an employer-employee relationship because of the need for our courts to deal at arm's length with all counsel, whether prosecutor or defense, and the resulting conflict of interest an employer-employee relationship would create.

I am concerned that with the dramatic increase in the number of methamphetamine cases that are being filed in all courts of our state, this is not an adequate sum. The amount of law enforcement and prosecution resources committed to fighting methamphetamine problems has a direct impact on case filings. It is a substantial problem and one that is most apparent in our rural areas, because it is those areas in which it is becoming most difficult to get counsel to handle appointments.

HB 1044, approved by the House, transfers indigent defense from the judiciary to the Office of Administrative Hearings. Three-fourths of the budgeted amount,

\$4,312,000, has been transferred to that budget. The Office of Administrative Hearings has indicated they cannot operate the indigent defense program on the budgeted amount. We have no magic formula to operate the program at less cost than does that office.

Finally, we also received a communication from the leadership concerning vacant positions. We have few vacant positions and they are being filled. Two of those positions should be mentioned. One is the position of Assistant State Court Administrator for the Trial Courts, a position held by Ted Gladden before he was named State Court Administrator last fall. The other is a position of Administrative Assistant in the Northeast Central District. The Court is looking at a proposal from the Judicial Planning Committee, chaired by Justice Neumann, to realign the judicial districts for administrative purposes, and the type of positions needed in that realignment. To prevent, at least in part, asking for additional positions should that proposal be adopted, we have not filled those positions. The FTE's will be filled in the near future.

We have taken a measured, thoughtful approach in the preparation and review of our budget. With the changing dynamics of our courts' workload, this budget attempts to maintain the programs to which we are committed, ensures we are applying the most relevant technology, and reflects a review of all of our operations for cost-effectiveness.

If you have any questions, I can respond now but will point out that we have allowed time in our presentations to respond to any questions you may have of the next presenters.

House Bill 1002

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At this time, I will turn the podium over to Ted Gladden, our state court administrator, for an overview of our budget submission.

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House Bill 1002
Government Operations Subcommittee -
House Appropriations Committee
by Ted Gladden, State Court Administrator

Good morning Chairman Carlisle and members of the Government Operations Subcommittee:

My name is Ted Gladden. I am the State Court Administrator. I will be providing a general overview of our budget request. Following my general remarks, Susan Sisk our Director of Finance will provide the details contained in our 2003-05 budget request.

In preparing our 2003-05 budget, we directed the judicial districts, operating units of the Supreme Court, as well as the Judicial Conduct Commission, to build their budgets based on need. While the directive was to consider need, everyone was admonished to consider that Governor Hoeven had already provided directions to departments and agencies under his supervision to prepare a budgets based on 95% of the 2001-03 authorization.

When the initial budgets were assembled, the seven judicial district budgets reflected a 9% increase and the Supreme Court budget reflected a 3% increase. At this point, fiscal staff in the administrator's office began working with trial court administrative personnel and Supreme Court department heads to pare back their requests as we prepared our final budget for submission to the 2003 Legislative Assembly. The budget that was submitted reflected a 2% increase over our 2001-03 appropriation, not including employee salary increases or health care spending. The increase is \$1,057,000. Once we include the salary increases and health care benefits

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for judges and staff at the amount recommended by Governor Hoeven, our final budget is \$58,373,893 or a 4% increase of \$2,052,563 over our current appropriation.

Appropriation Request

The Supreme Court makes up \$7,794,858 of our budget. This is a 3% increase over the present biennium. The increase for the district courts is 4% and makes up the vast majority of our total appropriation, with a request of \$50,034,805. The Judicial Conduct Commission and Disciplinary Board budget request is \$544,227 or a 3% increase of \$15,965.

Budget Reduction

As part of our preparation of the budget, once staff reviewed and made preliminary cuts, the district court budget was reviewed by the Council of Presiding Judges. The Council recommended to the Supreme Court what the district court budgets submission should be. The Supreme Court then considered the total judicial branch appropriation and made a final determination of the budget before you.

To provide the framework for our budget, I will outline the areas that were reduced as part of our evaluation prior to submission to you.

1. Out-of-state travel for judges and personnel was reduced by 50%.
2. All temporary salaries other than that which is required for jury bailiffs were eliminated in all judicial districts.
3. This same standard was applied to the Supreme Court resulting in the elimination of temporary employee salaries.

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4. A number of information technology initiatives were scaled back or eliminated all together. All funds for the expansion of interactive television projects have been eliminated from our budget request.
5. In the area of enhanced records management we had originally requested \$245,000. Rather than eliminate all of these funds we are requesting \$108,000 to allow us to move forward with one application, based on the study that is currently underway.
6. Funds for electronic filing of cases were eliminated this biennium.
7. Our Unified Court Information System (UCIS) is a legacy based system that is now over 12 years old. We were planning a review of the system for possible upgrade this coming biennium. Those funds have been eliminated.
8. All funds for the installation of additional digital audio recording equipment have likewise been eliminated from our budget.

We have reduced \$845,000 of new technology initiatives.

In reviewing our professional supplies and materials, we have reduced a number of current holdings of legal research periodicals. We have done this, in part, recognizing that some of these services are available over the internet and, in part, that we cannot continue to support some infrequently used periodicals from a cost benefit perspective.

Payments to Counties

Included in our budget request is \$2,671,895 for payments to 41 counties for clerk of court services, an increase of three additional counties electing to be state

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funded over the present biennium. This represents a 6% increase over the current biennium. \$149,263 is primarily for salary increases that county government has provided its clerk personnel.

Conclusion

Our budget was prepared recognizing the difficult times the state faces financially. It is a thoughtful, conservative approach to fund core operations within the courts of the state assuring there will be no reduction in service delivery to the citizens in 53 counties of our state. With that said, we have been very cognizant of the need to reduce spending to cover bare essentials in our programs and assure that services will remain at the high level that all citizens of the state expect.

At this time, I will turn the podium over to Susan Sisk our Director of Finance who will go through the details of our budget request.

I would request that if you have any questions, I will respond to them when all presentations are completed and we will all be available for questions at that time.

Thank you.

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Exhibit 2

House Bill 1002
Senate Appropriations Committee
by Ted Gladden, State Court Administrator

Good morning Chairman Holmberg and members of the Senate Appropriations Committee:

I will be providing a general overview of our budget request. Following my general remarks, Susan Sisk our Director of Finance will provide the details contained in our 2003-05 budget request.

In preparing our 2003-05 budget, we directed the judicial districts, operating units of the Supreme Court, as well as the Judicial Conduct Commission, to build their budgets based on need. While the directive was to consider need, everyone was admonished to consider that Governor Hoeven had already provided directions to departments and agencies under his supervision to prepare budgets based on 95% of their 2001-03 authorization.

Our original budget submission was for \$58,373,893. Our budget, as amended by the House, reflects a 4% decrease over our 2001-03 appropriation. As it now stands, our budget is \$54,142,411. The bulk of this \$4,231,482 reduction is for indigent defense services. Indigent defense services have been moved to the Office of Administrative Hearings for the last 18 months of the 2003-05 biennium as provided in HB 1044.

Appropriation Request

The Supreme Court makes up \$7,666,106 or 14% of our budget. This is a 1% increase over the present biennium. The decrease for the district courts is 5% and makes up 85% of our total appropriation, with a request of \$45,936,860. The Judicial

Budget Presentation - Page 1

Conduct Commission and Disciplinary Board budget request is \$539,445 or a 1% increase of \$11,183.

Budget Reduction

As part of our preparation of the budget, once staff reviewed and made preliminary cuts, the district court budget was reviewed by the Council of Presiding Judges. The Council recommended to the Supreme Court what the district court budgets submission should be. The Supreme Court then considered the total judicial branch appropriation and made a final determination of the budget that is before you.

To provide the framework for our budget, I will outline the areas that were reduced as part of our evaluation prior to the commencement of the legislative session.

1. Out-of-state travel for judges and personnel was reduced by 50%.
2. All temporary salaries other than that which is required for jury bailiffs were eliminated in all judicial districts with the exception of a reader for one of our district judges.
3. This same standard was applied to the Supreme Court resulting in the elimination of temporary employee salaries.
4. A number of information technology initiatives were scaled back or eliminated all together. All funds for the expansion of interactive television projects have been eliminated from our budget request.
5. In the area of enhanced records management we had originally requested \$245,000. Rather than eliminate all of these funds, we are requesting \$108,000 to allow us to move forward with one application, based on an enhanced records management study that is currently being conducted.

Budget Presentation - Page 2

Ja Costa Rickford
Operator's Signature

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Date

6. Funds for electronic filing of cases were eliminated.
7. Our Unified Court Information System (UCIS) is a legacy based system that is now over 12 years old. We were planning a review of the system for possible upgrade this coming biennium. Those funds have been eliminated.
8. All funds for the installation of additional digital audio recording equipment have likewise been eliminated from our budget.

These actions have resulted in a reduction of \$845,000 in the technology area.

In reviewing our professional supplies and materials, we have reduced a number of current holdings of legal research periodicals. We have done this, in part, recognizing that some of these services are available over the internet and, in part, that we cannot continue to support some infrequently used periodicals from a cost benefit perspective.

Based on action taken in November 2002 by the North Dakota Judges Association, our budget was reduced by \$515,584. This is the amount that was previously included for judicial salary increases. The judges and justices are requesting the same increase as is provided to state employees. This is a matter that will need to be revisited in the future as we strive for regional equity of judicial salaries, but with the financial problems our state is faced with today, this is the most appropriate action to take at this time.

House Appropriations Action

Reductions to our budget were made after we consulted with a subcommittee of the House Government Operations Division. We reviewed our budget and advanced the following additional \$260,000 reduction:

Budget Presentation - Page 3

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1. Retired Judges \$92,000;
 2. Alternative Dispute Resolution \$20,000; and
 3. District and Supreme Court Operating Expenses \$148,000.

District operating reductions include \$40,963 in travel, \$47,037 for payments to counties, and \$35,000 for a new telephone system in the Ward County Courthouse. Supreme Court operating reductions include \$25,000 for an electronic case filing initiative.

Payments to Counties

Included in our original budget request was \$2,671,895 for payments to 41 counties for clerk of court services, an increase of three additional counties electing to be state funded over the present biennium. This represented a 6% increase over the current biennium. \$149,263 is primarily for salary increases that county government has provided its clerk personnel. Under the reductions made by the House, the total amount requested has been reduced by \$47,037, for a total request of \$2,624,858. This represents a 4% increase over the current biennium.

Budget Restoration

The House Appropriations Committee reduced our budget an additional \$152,632. This amount represents the fiscal impact estimated by Allen Hoberg of the Office of Administrative Hearings for one person to handle the administration of indigent defense services by his agency, as provided in HB 1044. In the judiciary, the administration of indigent defense services is spread between seven judicial districts and the state administrative office. As a result, we are not able to isolate one person to carry out these administrative duties. We are requesting that \$152,632 be restored to our budget.

Budget Presentation - Page 4

Conclusion

Our budget was prepared recognizing the difficult times the state faces financially. It is a thoughtful, conservative approach to fund core operations within the courts of the state assuring there will be no reduction in service delivery to the citizens in 53 counties of our state. With that said, we have been very cognizant of the need to reduce spending to cover bare essentials in our programs and assure that services will remain at the high level that all citizens of the state expect. This statement still applies with the \$260,000 reduction we advanced in the House and the restoration of \$152,632 that was additionally removed.

At this time, I will turn the podium over to Susan Sisk our Director of Finance who will go through the details of our budget request.

Thank you.

Budget Presentation - Page 5

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Ted Costa-Rickford
Operator's Signature

9/30/03
Date

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**Budget Presentation
Government Operations Subcommittee -
House Appropriations Committee**

Mr. Chairman, members of the committee, good morning. My name is Susan Sisk and I am the Director of Finance for the judiciary. I will be providing you with some details regarding our budget request.

The total budget request for the judiciary is \$58,373,000. This is an increase of \$2,052,000 or 4% over the current biennium. The three appropriations are as follows:

Supreme Court	\$ 7,795,000	13%
District Court	\$50,034,000	86%
Judicial Conduct Commission/Disciplinary Board	\$ 544,000	1%

Without considering the salary increase for judges and justices proposed by the judiciary and the increase in salaries and benefits per the Governor's recommendation our increase would be \$541,000, or a 1% increase over the current biennium.

No new positions are being requested. The salaries and benefits requested are for the 336 full time employees currently appropriated.

Included in the salary line item is \$515,583 for proposed salary increases for justices and judges. This would provide for increases of 3% and 2% as of July 1, 2003 and 2004 for the justices and 3% and 3% as of July 1, 2003 and 2004 for the judges. Per action taken at the Judicial Conference, we will be requesting that the Appropriation Committee reduce these increases to the same level given to employees by the legislature. Based on the Governor's recommendation, this would result in a decrease of \$371,378 to the judicial budget.

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The operating line item for the judiciary reflects a decrease of \$364,167. All areas of the budget were scrutinized when preparing this request and reductions are reflected in many areas within the operating line item including IT (\$513,000), out-of-state travel (\$112,000) and office equipment and furniture (\$223,500). However, there are some areas where we are requesting increases, and I would like to focus on these areas:

Indigent Defense

We are requesting funds of \$4,312,000 to fund the indigent defense program. This reflects a 5% increase, or \$200,200 over the current biennium. This would provide for an increase of 5% to compensate the attorneys under contract who provide indigent defense services. It is estimated that this would compensate them using a statewide average at approximately \$60 - \$65 per hour. For your information:

- In 1996, the North Dakota Legal Counsel for Indigents Commission recommended a rate of \$75 per hour.
- In 2002, the Council of Presiding Judges established a goal of \$65 per hour for the current biennium.

This budget also includes \$250,000 (\$25,000 more than the current biennium) estimated to be spent for cases (foster care and termination of parental rights) resulting from the passage of the Adoption and Safe Families Act. Of this amount, \$65,000 is federal funds to be reimbursed from the Department of Human Services.

Judge Holte will be providing you with more information regarding the indigent defense program.

Clerk of Court Services

As you know, 2001-2003 is the first full biennium with the clerk operations as part of the judiciary. During the current biennium they are operating under a separate appropriation - we have combined these operations with the district and included them with the district appropriation for the 2003-2005 budget request.

Currently, 11 counties are state funded and operated, 38 are state funded and county operated, and 4 remain county funded and operated. During the 2003-2005 biennium 3 more counties have opted to be funded by the state while 1 will remain county funded and operated.

We are requesting \$2,671,800 to contract with the 41 counties for clerk services. This is an increase of \$149,260 or 6% over the current biennium. This increase represents pay increases given to employees by the counties, as well as funds for the 3 additional counties opting for state funding.

Juvenile Drug Court

Juvenile Drug Courts began operating in May of 2000 in two judicial districts - East Central (Fargo) and Northeast Central (Grand Forks). During the current biennium the South Central (Bismarck) Drug Court began operating in October. In the past these courts have operated on federal funds, with the only general fund request being for matching funds.

To fund these three courts we are requesting \$387,000, which is an increase of \$88,890 over the current biennium. Of this request, \$286,000 is federal grant funds, and \$100,800 is general funds. Of the \$100,800 general fund request we are requesting approximately \$40,800 for matching funds and \$60,000 to pay for a portion of the tracking costs. This \$60,000 general fund request is to be used only in the event that federal monies are not available.

Justice Maring will be providing you with more information regarding the juvenile drug courts. Judge Hagerty will also be discussing the adult drug courts.

Enhanced Records Management

Funds in the amount of \$108,708 are being requested for an enhanced records management project. The successful implementation of this project will provide a more effective and efficient method of archiving, storing and retrieving court related documents by Judicial Branch employees and the public. During the current biennium an analysis is being conducted to review this initiative and to prepare a phased implementation plan. The requested funds will be used to implement a pilot project in one of the districts.

Justice Sandstrom and Judge Schnalenderger will be discussing this project as well as other IT initiatives.

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Thank you for your attention. I will be available for questions at the end of the presentation.
At this time Justice Sandstrom will be providing comments.

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La Costa Rickford
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9/30/03
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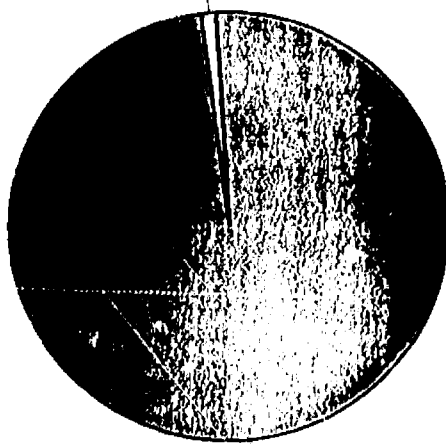
**ND Supreme Court
Detail of Budget Increases**

	Total <u>Request</u>	<u>Increase</u>
Supreme Court	\$ 7,794,858	\$ 190,907
District Court	50,034,808	1,845,691
JCC/DB	<u>544,227</u>	<u>15,965</u>
	\$58,373,893	\$2,052,563
Proposed Increases for Judges and Justices		
Increases in Salaries & Benefits per		(515,584)
Governor's recommendation		
Increase in Judicial Budget without salary		<u>(995,409)</u>
Increases		<u>\$ 541,570</u>
Indigent Defense Increase		200,276
County Clerk Services Increase		149,263
Juvenile Drug Court		88,894
Custody Investigator Training		15,000
Enhanced Records Management Initiative		108,708
Misc. Decreases		<u>(20,571)</u>
		<u>\$ 541,570</u>

**JUDICIAL PORTION OF THE STATE'S PROPOSED BUDGET
2003-2005 BIENNIUM**

Total State General and Special Funds Appropriation
\$4,993,371,102
Executive and Legislative Branch General and Special Funds Appropriation
\$4,934,997,209 (99%)
Judicial Branch General and Special Funds Appropriation
\$ 58,373,893 (1%)

**STATE JUDICIAL SYSTEM
1%**

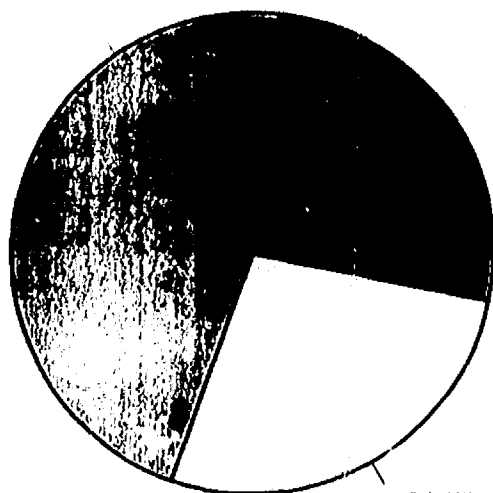


**NON-JUDICIAL GEN & SPEC FUNDS APPROP
99%**

**STATE JUDICIAL BRANCH PROPOSED APPROPRIATION
BY APPROPRIATED LINE ITEM
2003-2005 BIENNIUM**

Total Judicial Branch General and Special		
Funds Appropriation	\$58,373,893	
Salaries and Benefits	\$40,618,867	(70%)
Operating Expenses	\$15,930,067	(27%)
Capital Assets	\$ 109,500	(0%)
Special Purposes	\$ 1,715,459	(3%)

SALARIES & BENEFITS
70%



SPECIAL PURPOSES
3%

OPERATING EXPENSES
27%

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S. Costa Rickford
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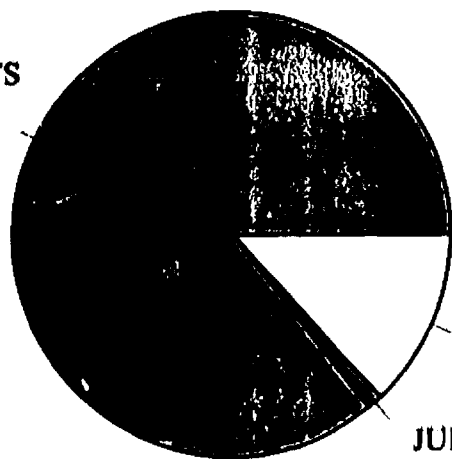
**STATE JUDICIAL BRANCH PROPOSED APPROPRIATION
BY TYPE OF ACTIVITY
2003-2005 BIENNIUM**

Supreme Court			
General Fund	\$ 7,794,858		
Special Funds	<u>0</u>		
TOTAL	\$ 7,794,858	(13%)	

District Courts			
General Fund	\$48,272,073		
Federal Funds	<u>1,451,721</u>		
Special Funds	<u>311,014</u>		
TOTAL	\$50,034,808	(86%)	

Judicial Conduct Commission & Disciplinary Board			
General Fund	\$ 260,727		
Special Funds	<u>283,500</u>		
TOTAL	\$ 544,227	(1%)	

**DISTRICT COURTS
86%**



**SUPREME COURT
13%**
**JUD. COND.COMM. & DISC. BRD.
1%**

Exhibit 3

House Bill 1002
Senate Appropriations Committee
By Susan Sisk, Director of Finance

Mr. Chairman, members of the committee, good morning. My name is Susan Sisk and I am the Director of Finance for the judiciary. I will be providing you with some details regarding our budget request.

The total budget request for the judiciary as amended by the House, is \$54,142,411. This is a decrease of \$2,178,919 or 4% over the current biennium. The three appropriations are as follows:

Supreme Court	\$ 7,666,106	14%
District Court	\$45,936,860	85%
Judicial Conduct Commission/Disciplinary Board	\$ 539,445	1%

This budget does not allow for salary increases for judges and justices. Our original budget request provided for increases per the Judicial Compensation Committee. However, per action taken at the Judicial Conference, we have requested that these increases be reduced to the same level given to employees by the legislature. This has resulted in a decrease of \$515,584 to the judicial budget.

No new positions are being requested. The salaries and benefits requested are for the 336 full time employees currently appropriated.

The operating line item for the judiciary reflects a decrease of \$3,620,346. All areas of the budget were scrutinized when preparing this request and reductions are reflected in many areas within the operating line item including IT (\$513,000), out-of-state travel (\$112,000), and office equipment and furniture (\$223,500). Further budget reductions in operating made by the House Appropriations Committee include payments to counties for clerk of court services (\$47,037), additional travel costs (\$40,963), and \$25,000 for a pilot IT project. The largest decrease made by the House within the operating line item is related to Indigent Defense.

Page 1

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We requested funds of \$4,312,396 to fund the indigent defense program. This reflects a 5% increase, or \$200,276 over the current biennium. This would provide for an increase of 5% to compensate the attorneys under contract who provide indigent defense services. It is estimated that this would compensate them using a statewide average at approximately \$55 - \$60 per hour. For your information:

- In 1996, the North Dakota Legal Counsel for Indigents Commission recommended a rate of \$75 per hour.
- In 2002, the Council of Presiding Judges established a goal of \$65 per hour for the current biennium.

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This budget also includes \$250,000 (\$25,000 more than the current biennium) estimated to be spent for cases (foster care and termination of parental rights) resulting from the passage of the Adoption and Safe Families Act. Of this amount, \$65,000 is federal funds to be reimbursed from the Department of Human Services.

HB 1044 which passed the House, transfers the indigent defense program out of the judiciary to the Office of Administrative Hearings. This would go into effect on January 1, 2004, so three-fourths of the amount budgeted (\$2,990,547) has been transferred out of our budget. An additional \$152,632 has also been removed from our budget to fund one FTE at the Office of Administrative Hearings to administer the Indigent Defense Program. As Ted Gladden previously stated, we are asking that this amount be restored back to our budget.

Judge Holte will be providing you with more information regarding the indigent defense program.

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Other reductions made by the House in our budget include \$35,000 in the capital asset line item for a phone system in the NW District, \$20,000 in the Alternative Dispute Resolution line item, and \$92,000 in the District Court Judges Retirement Line Item.

At this time I would like to review areas of the budget where we are requesting increases:

Clerk of Court Services

As you know, 2001-2003 is the first full biennium with the clerk operations as part of the judiciary. During the current biennium they are operating under a separate appropriation - we have combined these operations with the district and included them with the district appropriation for the 2003-2005 budget request.

Currently, 11 counties are state funded and operated, 38 are state funded and county operated, and 4 remain county funded and operated. During the 2003-2005 biennium 3 more counties have opted to be funded by the state while 1 will remain county funded and operated.

Our original budget request included \$2,671,800 to contract with the 41 counties for clerk services. This was an increase of \$149,260 or 6% over the current biennium. This increase represents pay increases given to employees by the counties, as well as funds for the 3 additional counties opting for state funding. As part of the reductions made by the House, this request has been reduced by \$47,037. This reduces the total request of \$2,624,858 to a 4% increase over the current biennium.

Juvenile Drug Court

Juvenile Drug Courts began operating in May of 2000 in two judicial districts - East Central (Fargo) and Northeast Central (Grand Forks). During the current biennium the South Central

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(Bismarck) Drug Court began operating in October. In the past these courts have operated on federal funds, with the only general fund request being for matching funds.

To fund these three courts we are requesting \$387,000, which is an increase of \$88,890 over the current biennium. Of this request, \$286,000 is for federal grant funds, and \$100,800 is for general funds. Of the \$100,800 general fund request we are requesting approximately \$40,800 for matching federal funds and \$60,000 to pay for a portion of the tracking costs. This \$60,000 general fund request is to be used only in the event that federal monies are not available.

Enhanced Records Management

Funds in the amount of \$108,708 are being requested for an enhanced records management project. The successful implementation of this project will provide a more effective and efficient method of archiving, storing and retrieving court related documents by Judicial Branch employees and the public. During the current biennium an analysis is being conducted to review this initiative and to prepare a phased implementation plan. The requested funds will be used to implement a pilot project in one of the districts.

Thank you for your attention. I would be happy to answer any questions.

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Yolanda Rickford
Operator's Signature

9/30/03
Date

**ND Judiciary
Detail of Net Budget Decreases**

Original Budget Submitted:	Total Request	Increase
Supreme Court	\$ 7,794,858	\$ 190,907
District Court	50,034,808	1,845,691
JCC/DB	544,227	15,965
	\$ 58,373,893	\$ 2,052,563

Proposed Increases for Judges and Justices	515,584
Increases in Salaries & Benefits per Governor's recommendation	995,409
Indigent Defense Increase	200,276
County Clerk Services Increase	149,263
Juvenile Drug Court	88,894
Custody Investigator Training	15,000
Enhanced Records Management Initiative	108,708
Misc. Decreases	(20,571)
Total Net Increase in Judicial Budget Submitted	\$ 2,052,563

Changes made by House:	
Salaries and Wages	(823,521)
SC - IT costs - electronic filing pilot project	(25,000)
DC - Payments to County Clerks	(47,037)
DC - Out-of-State Travel	(40,963)
DC - FTE for OAH	(152,632)
DC - 3/4 ID to OAH	(2,990,547)
DC - ID Costs paid by Counties	0
DC - Judges Retirement	(92,000)
DC - Capital Assets - Phone System	(35,000)
DC - Alternative Dispute Resolution	(20,000)
DC - Salaries - JCCDB	(4,782)
Total Decreases in Judicial Budget submitted	\$ (4,231,482)

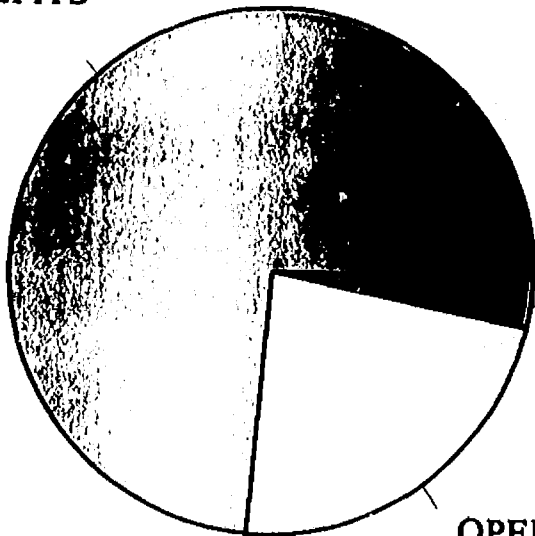
	Total Request	Increase/ (Decrease) from 2001-03
Supreme Court	7,666,106	62,155
District Court	45,936,860	(2,252,257)
JCC/DB	539,445	11,183
	\$ 54,142,411	\$ (2,178,919)

CR

STATE JUDICIAL BRANCH PROPOSED APPROPRIATION
BY APPROPRIATED LINE ITEM
AS AMENDED BY HOUSE
2003-2005 BIENNIUM

Total Judicial Branch General and Special		
Funds Appropriation	\$54,142,411	
Salaries and Benefits	\$39,795,346	(74%)
Operating Expenses	\$12,673,888	(23%)
Capital Assets	\$ 74,500	(0%)
Special Purposes	\$ 1,598,677	(3%)

SALARIES & BENEFITS
74%



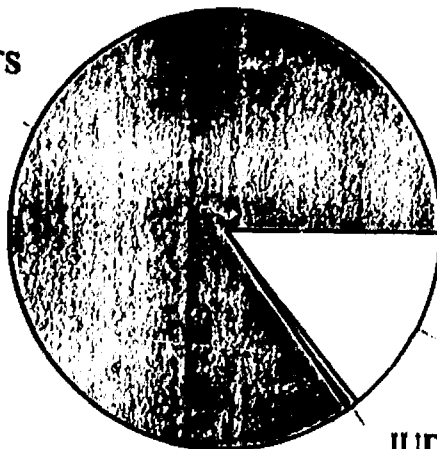
SPECIAL PURPOSES
3%

OPERATING EXPENSES
23%

**STATE JUDICIAL BRANCH PROPOSED APPROPRIATION
AS AMENDED BY HOUSE
BY TYPE OF ACTIVITY
2003-2005 BIENNIUM**

Supreme Court			
General Fund	\$ 7,666,106		
Special Funds	0		
TOTAL	\$ 7,666,106	(14%)	
District Courts			
General Fund	\$44,174,125		
Federal Funds	1,451,721		
Special Funds	311,014		
TOTAL	\$45,936,860	(85%)	
Judicial Conduct Commission & Disciplinary Board			
General Fund	\$ 258,431		
Special Funds	281,014		
TOTAL	\$ 539,445	(1%)	

**DISTRICT COURTS
85%**



**SUPREME COURT
14%**

**JUD. COND.COMM. & DISC. BRD.
1%**

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Testimony of Justice Dale V. Sandstrom on H.B. 1002
Government Operations Division
House Judiciary Committee
January 21, 2003

Same testimony given to Senate

The judiciary continues to seek to expand the use of technology to improve efficiency and effectiveness in making judicial services and information accessible to all.

Supreme Court Website

The Supreme Court website continues to expand the available information. The usage of the site continues to grow. This biennium, the National Council of State Governments recognized the website as the Best Judicial Branch Site. A multi-branch panel of state officials judged nominations based on:

- Innovative use of technology to streamline and integrate government services
- Ability to make state government closer, more reliable and more trustworthy for citizens and businesses
- Ability to meet the emerging needs of constituents and make government more relevant to their lives via the Web
- Overall ease of use and accessibility

Enhanced Records Management

Our budget calls for funding for a pilot project for enhanced records management. The basic concept is that legal documents not acquired in an electronic format would be scanned upon filing with the clerk of court. The electronic image of the documents would be available in the local clerk of court's office at all times. But the electronic documents would also be available to the judge wherever located. And when a case is on appeal, the electronic file would still be available locally. We believe this will improve the efficiency

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Dale V. Sandstrom
Operator's Signature

9/30/03
Date

of judicial services while improving access throughout the state. Here are highlights:

- Providing the capability for clerks of court to store case related 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 pleadings would be available from remote sites by computer terminal.
- Actual location of the hard copy case file becomes less relevant because the documents are stored electronically and accessible by computer.
- As storage of hard copies becomes less relevant, their storage could also be less expensive by storing them in a remote site.
- Allow for ease of faxing documents to support and correctional agencies.
- Clerk personnel could prepare cases on appeal from their desks, rather than having to retrieve actual paper copies.
- Use of imaging could allow clerks to handle an increasing workload without additional full time equivalent personnel being added.

Criminal Justice Information System (CJIS)

The Judicial Branch is fully committed to Criminal Justice Information System project, a multi-branch effort to facilitate and enable sharing of criminal justice related information. We have developed the judicial data warehouse to facilitate sharing of information within the justice community, and state court personnel are actively involved in the design of CJIS.

Overall

Our technology requests this biennium are down, not because of a lessening of commitment to technology and the benefits it can bring our state, but because of timing and the recognition of the financial challenges facing us all.

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**Comments by
Allan Schmalenberger
District Judge**

INTRODUCTION

The trial courts have several statewide information systems. We have the Unified Court Information System, Juvenile Court Management System, and Jury Management System.

Today, I will highlight the Unified Court Information System, which we call UCIS, the data warehouse, digital audio recording, interactive television, support, and other initiatives.

UCIS

UCIS is a comprehensive case management information system used by the trial courts to manage all cases from the time of filing through post-judgment proceedings. The major components of the system are document indexing, case monitoring, financial management, and case scheduling.

The last time I appeared, we had 29 counties on UCIS. Now, it is operational in 41 counties. Including Cass county, Cass county had its own informational system providing services to the State's Attorney's office, local corrections and the courts, but the system was not compatible with the judicial information system in the rest of the state. We have now successfully integrated the two systems. Although 12 counties are not on the system, they will be by the end of this biennium. This means all case-related information will be in one shared data base. It will provide timely, accurate, and appropriate data for all the judges and the court personnel, as well as providing all counties with automated case management systems.

As a result of funding by the 2001 legislative assembly, we will have one unified court information system operating statewide.

In addition to the counties, Mandan, Bismarck, Minot, and Jamestown are also using UCIS, and we expect to add Dickinson and Devils Lake in 2003. This will allow sharing information between the district and municipal courts.

DATA WAREHOUSE

UCIS is a case management system designed to assist the courts with the processing of cases. Once a case is completed, the value of having the case within UCIS is minimal. For this reason, there are no ongoing efforts to have previously closed cases entered into UCIS. Typically, the data from a specific county is included from the date the county started using UCIS. Cases that were closed before the date the county started using UCIS may be included in UCIS if the case is reopened.

Although the data in UCIS may not be a full and complete criminal history, it does provide a history of the contact the individual had with the court since the county began using UCIS.

Because this information is important to criminal justice personnel and others, a data warehouse was developed to provide a web based inquiry system to provide access to this information. In addition to providing an easy web access for criminal justice personnel, it also protects the integrity of the underlying data because the data warehouse is a separate system that is constantly updated with current information. The data warehouse provides inquiry access to the Department of Corrections, State's Attorneys, and law enforcement personnel. In the future, the data warehouse will become the focal point for information sharing with other criminal justice information systems.

OTHER INITIATIVES

Currently, we send traffic citation dispositional information electronically to the Department of Transportation and send divorce information electronically to the Health Department.

We are working with the Department of Transportation and the Highway Patrol to be able to accept citation information electronically. Thus, the citation process would proceed electronically from the Highway Patrol issuing the traffic ticket, to the Courts, to the Department of Transportation, and back to the Highway Patrol. This would provide timely, accurate information and eliminate the repeated manual entering of it by each agency.

We are also working on initiatives which would automate the process for protection orders. We are working with the North Dakota Council on Abused Women's Services on a project to gather domestic violence petition information electronically. This petition information would be electronically transmitted to the Court for inclusion in the domestic violence protection orders. Then, the full protection order would be sent electronically to the Bureau of Criminal Investigation and law enforcement through the state data network and state radio network. This would provide timely, correct information to law enforcement agencies to protect abuse victims.

There are ongoing discussions for sharing information with the Health Department and the Department of Transportation, as well as other agencies. We will continue to develop and enhance this system guided by the users to make it more functional and useful.

DIGITAL AUDIO RECORDING

A pilot project was completed in Stark County using digital audio recording. Digital audio recording is a technology for recording and storing judicial proceedings on a computer hard disk.

Benefits of a digital recording system are enhanced efficiency in making the record, instantaneous playback, attaching judge's and recorder's notes to the digital record for later search and retrieval, simultaneous access to the record by the recorder, the judge, the transcriber, and other authorized individuals. The recorded testimony can easily be copied and sent to authorized parties. This technology can replace conventional tape recording systems and a network environment would allow the record to be shared over web based interfaces.

Due to budget constraints, no funding is being requested for digital audio recording for the 2003-2005 biennium. We expect to continue with this project in the 2005-2007 biennium pending funding.

INTERACTIVE TELEVISION

The judiciary was the first to use the state network to establish interactive television. Currently, four county courthouses have systems installed and operational. These are in Burleigh, Morton, Mercer, and McLean counties. Cass County is adding an interactive video system between its courthouse and jail facilities to provide for video appearances.

The benefits of interactive video include:

- a. efficient and improved delivery of judicial services;
- b. reduced travel time and expense for judges, staff, parties, and witnesses;
- c. the ability to conduct proceedings involving incarcerated defendants located in remote locations; thus, providing a higher level of security and reducing the cost of transporting incarcerated defendants;
- d. reduce witness travel for medical professionals, particularly in mental health proceedings;
- e. it could also be used for training, which would reduce travel time and expense for the participants.

Due to budget constraints, no funding is requested for any interactive television projects for the 2003-2005 biennium. We expect to continue with this project in the 2005-2007 biennium pending funding.

ONGOING SUPPORT

Because these services are provided to over 330 state employed judicial personnel, as well as to 42 contract county employees, there is a continuing obligation of support. The support is provided through a help desk run by our Information Technology Department. They also provide training, network support, hardware support, and application support.

CONCLUSION

A more detailed discussion of this information can be found in the North Dakota Judicial Branch Information Technology Plan. It sets forth the Judicial Branch's Information Technology plan and the associated costs. An additional resource is our Information Technology Director, Kurt T. Schmidt. He has done an outstanding job for us, and I am sure he would be willing to respond to your inquiries.

Comments by
Allan Schmalenberger
District Judge

INTRODUCTION

For the record, I am Allan Schmalenberger, District Judge and chair of the Court Technology Committee. The Court Technology Committee is comprised of representatives from the Supreme Court, District Courts, Clerks of Court, and State Court Administrator's Office. The committee is responsible for general oversight and direction of technology for the Judicial Branch.

The trial courts have several statewide information systems. We have the Unified Court Information System, Juvenile Court Management System, and Jury Management System.

Today, I will highlight the Unified Court Information System, which we call UCIS, the data warehouse, digital audio recording, interactive television, support, and other initiatives.

UCIS

UCIS is a comprehensive case management information system used by the trial courts to manage all cases from the time of filing through post-judgment proceedings. The major components of the system are document indexing, case monitoring, financial management, and case scheduling.

The last time I appeared, we had 29 counties on UCIS. Now, it is operational in 47 counties. Including Cass County, Cass County had its own informational system providing services to the State's Attorney's office, local corrections and the courts, but the system was not compatible with the judicial information system in the rest of the state. We have now successfully integrated the two systems. Although six counties are not on the system, they will be by the end of this biennium. This means all case-related information will be in one shared data base. It will provide timely and accurate data for the judges and the court personnel, as well as providing all counties with an automated case management system.

The data sharing capabilities that exist between the State's Attorney Management System (SAMS) and UCIS have been extended so that data may still be shared with the two systems residing on

separate computers. We will continue to work with State's Attorneys and the Attorney General's office on a replacement for SAMS.

As a result of funding by the 2001 legislative assembly, we have one unified court information system operating statewide.

In addition to the counties, the cities of Mandan, Bismarck, Minot, Jamestown, Dickinson, and Devils Lake are also using UCIS. This will allowing sharing information between the district and municipal courts.

DATA WAREHOUSE

UCIS is a case management system designed to assist the courts with the processing of cases. Once a case is completed, the value of having the case within UCIS is minimal. For this reason, there are no ongoing efforts to have previously closed cases entered into UCIS. Typically, the data from a specific county is included from the date the county started using UCIS. Cases that were closed before the date the county started using UCIS may be included in UCIS if the case is reopened.

Although the data in UCIS may not be a full and complete criminal history, it does provide a history of the contact the individual had with the court since the county began using UCIS. Because this information is important to criminal justice personnel and others, a data warehouse was developed to provide a web-based inquiry system to provide access to this information. In addition to providing easy web access for criminal justice personnel, it also protects the integrity of the underlying data because the data warehouse is a separate system that is constantly updated with current information. The data warehouse provides inquiry access to the Department of Corrections, State's Attorneys, and law enforcement personnel. In the future, the data warehouse will become the focal point for information sharing with other criminal justice information systems.

Currently, web-based access is provided to nearly 200 non-judicial personnel, and UCIS access is provided to approximately 125 non-judicial personnel.

OTHER INITIATIVES

Currently, we send traffic citation dispositional information electronically to the Department of Transportation and send divorce information electronically to the Health Department.

We are working with the Department of Transportation and the

Highway Patrol to be able to accept citation information electronically. Thus, the citation process would proceed electronically from the Highway Patrol issuing the traffic ticket, to the Courts, to the Department of Transportation, and back to the Highway Patrol. This would provide timely, accurate information and eliminate the repeated manual entering of it by each agency.

We are also working on initiatives which would automate the process for protection orders. We are working with the North Dakota Council on Abused Women's Services on a project to gather domestic violence petition information electronically. This petition information would be electronically transmitted to the Court for inclusion in the domestic violence protection orders. Then, the full protection order would be sent electronically to the Bureau of Criminal Investigation and law enforcement through the state data network and state radio network. This would provide timely, correct information to law enforcement agencies to protect abuse victims.

Based on requests from the district judges, a web-based interactive child support calculator was also developed.

There are ongoing discussions for sharing information with the Health Department and the Department of Transportation, as well as other agencies. We will continue to develop and enhance this system guided by the users to make it more functional and useful.

DIGITAL AUDIO RECORDING

A pilot project was completed in Stark County using digital audio recording. Digital audio recording is a technology for recording and storing judicial proceedings on a computer hard disk.

Benefits of a digital recording system are enhanced efficiency in making the record, instantaneous playback, attaching judge's and recorder's notes to the digital record for later search and retrieval, simultaneous access to the record by the recorder, the judge, the transcriber, and other authorized individuals. The recorded testimony can easily be copied and sent to authorized parties. This technology can replace conventional tape recording systems and a network environment would allow the record to be shared over web-based interfaces.

Due to budget constraints, no funding is being requested for digital audio recording for the 2003-2005 biennium. We expect to continue with this project in the 2005-2007 biennium pending funding.

INTERACTIVE TELEVISION

The judiciary was the first to use the state network to establish interactive television (ITV). Currently, four county

courthouses have systems installed and operational. These are in Burleigh, Morton, Mercer, and McLean counties. The Court Technology Committee expanded the use of ITV to the Southeast Judicial District. They will be using it for mental health proceedings. Cass County is also working towards using ITV between the Cass County jail and the Cass County Courthouse for persons in custody.

The benefits of interactive video include:

- a. efficient and improved delivery of judicial services;
- b. reduced travel time and expense for judges, staff, parties, and witnesses;
- c. the ability to conduct proceedings involving incarcerated defendants located in remote locations; thus, providing a higher level of security and reducing the cost of transporting incarcerated defendants;
- d. reduce witness travel for medical professionals, particularly in mental health proceedings;
- e. it could also be used for training, which would reduce travel time and expense for the participants.

Due to budget constraints, no funding is requested for any interactive television projects for the 2003-2005 biennium. We expect to continue with this project in the 2005-2007 biennium pending funding.

ONGOING SUPPORT

Because these services are provided to over 330 state employed judicial personnel, as well as to 42 contract county employees, there is a continuing obligation of support. The support is provided through a help desk run by our Information Technology Department. They also provide training, network support, hardware support, and application support.

CONCLUSION

A more detailed discussion of this information can be found in the North Dakota Judicial Branch Information Technology Plan. It sets forth the Judicial Branch's Information Technology Plan and the associated costs. An additional resource is our Information Technology Director, Kurt T. Schmidt. He has done an outstanding job for us, and I am sure he would be willing to respond to your inquiries.

CP 1

**COMMENTS TO GOVERNMENT OPERATIONS DIVISION OF THE
HOUSE APPROPRIATION'S COMMITTEE**

JANUARY 21, 2003

by Robert W. Holte, Presiding Judge, Northwest Judicial District

Chairman Carlisle and Members of the Committee:

INTRODUCTION

My name is Bob Holte and I presently serve as the Presiding Judge for the Northwest Judicial District, which includes the six (6) counties of Burke, Divide, McKenzie, Mountrail, Ward and Williams.

Chief Justice VandeWalle requested that I share some thoughts with your committee on our contract indigent defense system. I suspect that the Chief's request was based at least in part because our district was confronted with a somewhat unique situation this past year when the three (3) attorneys who provided both adult criminal, and juvenile indigent defense services for Williams, McKenzie and Divide Counties (Williston, Watford City and Crosby) first announced their intention to withdraw from their contract if we would not increase their rate of compensation by some 25%, and, when we were unable to do so, they withdrew from the contract.

The opinions I share with you today are my own and based primarily upon this experience, and my observations in attempting to contract with attorneys to provide these services in the Northwest Judicial District over the past four years.

NOTE: Regarding the issue of indigent defense in general, I should bring to your attention that the Interim Judiciary A Committee has pre-filed a bill which would transfer administration of the indigent defense services from the judicial branch.

Chief Justice VandeWalle supported the transfer before the interim committee. In his State of the Judiciary Message on January 8, 2003, Chief Justice VandeWalle indicated that such a transfer would avoid the accusation of conflict of interest on the part of the judicial branch, and would permit greater flexibility in seeking the best and most cost effective ways to provide indigent defense services.

I can attest that I have often heard comments to this effect: "It was no surprise that I was found guilty, after all my attorney works for the court system, not for me." While such a statement is not true, the perception that it is often becomes a reality in the minds of those dissatisfied with the results of their case.

Before this legislative session ends, I expect the issue of the proposed transfer of the administration of indigent defense services will be dealt with. The remainder of my comments will deal with other issues dealing with indigent defense services. For the most part these comments would be applicable in principle whether there is a transfer of the administration of these indigent defense services or not.

INDIGENT DEFENSE

There are three (3) areas of law where trial judges, such as me, are required to consider providing an attorney at public expense for individuals who are unable to hire their own attorney without it causing them an undue financial hardship. All three of these areas are situations where a person's liberty may be in jeopardy:

- First:** For persons who are alleged to have committed criminal offenses
- Second:** For persons facing involuntary mental health and/or chemical addiction commitment for treatment; and,
- Third:** For both juveniles and their parents involved with formal juvenile court hearings.

HOW INDIGENT SERVICES ARE PROVIDED

There are three primary ways indigent defense services are provided:

1. A rotational appointment system, whereby a judge would individually appoint lawyers in a specified geographic area (such as a city or county) on a case by case basis.
2. Some states have created an independent state agency referred to as a public defender system. The administrator of such an agency would be authorized to hire or contract with attorneys to provide these services.
3. A third way for providing these indigent defense services, and the way we do so in the North Dakota state court system, is by contracting. Each of our seven judicial districts is authorized by the state to contract for these services for adult criminal cases and for juvenile cases. These contracts are funded with monies appropriated by the legislature.

At present, the counties are responsible for providing such attorneys for involuntary mental health and chemical addiction hearings. Some counties contract for these services. Usually these are the more populous counties. Many of the rural counties rely upon a judge making an appointment from local attorneys and paying the attorneys on a case by case basis upon the attorney's billing statements approved by the judge. In most cases the judges approve these statements at about the same rate as are being paid to state contract attorneys.

THE PROBLEMS WITH OUR CONTRACT SYSTEM

1. Some of the problems with our contract system are directly or indirectly related to contract reimbursement rates. This was the case with the three (3) attorneys who withdrew from our contract. Part of the problem is the current funding process.

It is the court's current policy to reimburse contract attorneys at the rate of \$65 per hour. But when we approach the legislature for funding we justify the amounts requested based upon historical statistics our contract attorneys are required to provide court administration. These statistics are used to determine the number of cases we anticipate assigning to the attorneys, and the reasonable amount of time it should take to dispose of cases assigned to our contract attorneys, and multiply times \$65 per hour. The case filing statistics we rely upon are about twelve (12) months old by the time we receive funds.

What happened in Williston this past year (and is currently happening all over the state) is a statistically significant increase in serious drug case filings in the court. Primarily I'm making reference to the large number of methamphetamine cases being filed. This is, of course, the predictable result of drug enforcement task forces which are aggressively operating in our district. This situation was not anticipated some three (3) years ago when preparing our requests for the current biennium budget funds for contract attorneys.

As a result of these increases in case filings, our contract attorneys are being assigned more cases, and these cases require more of their time and, ultimately, their actual reimbursement rate had dropped in Williston to about \$42 to \$50 per hour.

It is important to remember that the attorneys who we contract with are responsible for providing their own office space, their own secretaries and their other operating costs including required professional liability insurance, and the requirement that they take a certain amount of continuing legal education courses each year in the area of law that they provide contract services.

Christine Hogan, Executive Director of the North Dakota State Bar Association, indicated that the bar association is conducting another economic survey of law firms in North Dakota; however, the tabulated results of this survey will likely not be available until sometime this spring or early summer.

The last economic survey of North Dakota law firms was conducted in 1993. The results of that study indicated that lawyer billing rates varied from a low of \$75 per hour to a high of \$125 per hour. At that time, the rule of thumb was that 50% of their billing rate was to cover overhead costs. Thus, about ten years ago, overhead costs were ranging in the area of about \$38 per hour to about \$63 per hour.

This is in keeping with my personal experience. In 1985 when I left a rural three person law firm to accept a judicial appointment, our overhead costs were running \$52 per hour. That was eighteen (18) years ago.

The three attorneys who withdrew from their contract in our District this past year were alleging that their effective hourly reimbursement had decreased such that it was less than their hourly overhead requirements.

2. Gary Lee, the President of the State Bar Association of North Dakota, has expressed that the reduction of the number of attorneys in North Dakota is a matter of serious concern and has made that issue a matter of primary significance for the association.

This reduction in numbers of attorneys has consequences for indigent defense contracting.

A. A significant number of the reductions of lawyers in North Dakota are in the rural areas. In many counties the only attorney, if there is one, is a State's Attorney. Thus, we must count on the attorneys we are contracting with in the urban areas to provide these defense services in the rural counties as well.

You may recall that I mentioned that my district includes six (6) counties, but all our contract attorneys reside in only two of those six counties, ie. Ward and Williams. All these attorneys must, from time to time, travel to court in the other four (4) counties.

From these attorneys' home cities, (Minot or Williston) it is about two (2) hours of round trip driving time to each of the adjacent counties' county seat cities. However, under our contracts, we do not reimburse these attorneys for their windshield time. We only reimburse for mileage. Thus, this driving time, is time of zero income as far as they are concerned. I anticipate that sooner or later our attorneys will decline to provide services in rural counties, or insist upon hourly reimbursement for travel time.

B. Another consequence of the reduction of attorneys is that fewer and fewer attorneys are interested in contracting. On a few occasions in my district, we received no response to our invitations for contract bids. So far we have managed to negotiate contracts, but sooner or later we may just not be able to do so.

It should be remembered that providing indigent defense services is perhaps the least glamorous and least financially rewarding of the various areas of law in which an attorney can practice.

Convicted criminals are not often happy campers, and these attorneys are subjected to frequent referrals to the state ethics boards because the client was not happy with the results of his or her case, and in some instances sue their attorney. While these lawsuits and referrals are seldom successful, the attorneys are required to respond to and defend themselves each and every time such matters are filed.

Most of the contract attorneys in our district also maintain private law practices. However, all the areas of law that we contract for these services (criminal law, mental health law and juvenile law) are areas of law that require expedited deadlines for hearings. Thus, as their contract caseloads increase, they have less and less time to dedicate to their private practice cases, which are usually more financially rewarding for them.

ANOTHER PROBLEM

A situation that may be unique to our District is arising. The problem is most of our contract attorneys provide contract defense services in all three areas; i.e. they contract for adult criminal cases, juvenile court cases, and mental health cases.

All three of these areas have mandatory short-term hearing deadlines; in particular, juvenile court hearings and mental health hearings.

This is causing us a caseload management and scheduling nightmare. We often end up in situations where our contract counsel are being scheduled to attend two or more hearings at the same time, but before different judges. Obviously this is requiring the rescheduling of at least one hearing, and sometimes two.

A good example of how this happens is that hearings on emergency mental health petitions must be held by the court within seven (7) days that the petition is filed, or from the time that a person is placed involuntarily in a mental health unit on an emergency commitment.

We, of course, never know when these petitions are going to be filed or an emergency commitment made, but for some reason (perhaps Murphy's Law), weekends seem to be a popular time. The petition and supporting documents often don't reach the court until the following Monday or Tuesday, and by that time, three or four days of our seven day deadline for hearing has passed.

The Court must then coordinate a hearing date, time, and place with the state's attorney's office, a contract attorney, mental health professionals who may need to testify, and a judge. This must be done within the seven (7) day deadline in which the law requires such hearings to be held.

In the meantime, especially the contract attorneys may already have other short-term hearings scheduled in the other areas they contract for defense services.

Perhaps the only real good solution is for the Court to limit our attorneys who contract for defense counsel services to only one area, i.e. only adult criminal, or juvenile, or mental health. The problem with this solution in our district at least, is that we do not have enough attorneys in our district expressing an interest in such contracting, to be able to put such limitations on our contract attorneys.

CLOSING COMMENTS

In closing, let me raise a final concern regarding contracting for indigent defense in the immediate future.

In keeping with the state's present financial condition, the court only requested a five percent (5%) increase in funding for indigent defense contracting for the next biennium.

However, Susan Sisk, the court's accountant, advises me that based upon the current case load, these funds, even if provided in full, could result in an average contract rate of about \$60 - \$65 per hour for the next biennium. This could result in a reimbursement rate less than our current policy.

This concludes my comments. I would be happy to attempt to answer any questions the committee may have.

CR

**COMMENTS TO GOVERNMENT OPERATIONS DIVISION OF THE
SENATE APPROPRIATIONS COMMITTEE**

March 17, 2003

by Robert W. Holte, Presiding Judge, Northwest Judicial District

Chairman Holberg and Members of the Committee:

INTRODUCTION

My name is Bob Holte and I presently serve as the Presiding Judge for the Northwest Judicial District, which includes the six (6) counties of Burke, Divide, McKenzie, Mountrail, Ward and Williams.

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The opinions I share with you today are my own and based primarily upon this experience, and my observations in attempting to contract with attorneys to provide these services in the Northwest Judicial District over the past four years.

NOTE: Regarding the issue of indigent defense in general, I should bring to your attention that H.B. 1044 transfer administration of the indigent defense services from the judicial branch.

Chief Justice VandeWalle supported the transfer before the interim committee. In his State of the Judiciary Message on January 8, 2003, Chief Justice VandeWalle indicated that such a transfer would avoid the accusation of conflict of interest on the part of the judicial branch, and would permit greater flexibility in seeking the best and most cost effective ways to provide indigent defense services.

I can attest that I have often heard comments to the effect: "It was no surprise that I was found guilty, after all my attorney works for the court system, not for me." While such a statement is not true, the perception that it is often becomes a reality in the minds of those dissatisfied with the results of their case.

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Jackie R. Pickford
Operator's Signature

9/30/03
Date

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Jo Costa Rickford
Operator's Signature

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J. Costa Rickford
Operator's Signature

9/30/03
Date

UP 1

Same testimony given to Senk

Drug Court It's Not Business As Usual

**Testimony for Judicial Branch Budget Hearing
Gail Hagerty, District Judge**

Imagine a courtroom where the judges clap for the criminal defendants and know their families. There are donuts and coffee to celebrate successes. It's happening.

Since January of 2001, an adult drug court has been in operation in Bismarck and Mandan. Drug court meets every week. And it's working.

The concept has been around since the late 1980's. Offenders who continue to commit criminal offenses in large part because of chemical addiction are given an opportunity to participate in drug court instead of being incarcerated. It's not the easy way out. Those sentenced to drug court are on intensive probation supervision. They're tested several times every week. They're involved in an intensive treatment program. They are required to have full-time employment, be full-time students or do community service for 40 hours each week. And they go to court on a regular basis -- every week during the first phase of the program.

The criminal defendants sentenced to drug court are non-violent, chemically addicted individuals. Those charged with delivery are not candidates. Nor are those who most likely would not go to jail if they weren't sentenced to drug court. The clientele is made up of individuals with long-standing addiction problems. Defendants are recommended by prosecutors and law enforcement officers and must apply within days of arrest.

Judges meet with a representative of the parole and probation department, a representative of the treatment provider and, often, a prosecutor, every week to prepare for the court session. Each person who will make an appearance is discussed. When necessary, the team decides what sanctions should be imposed. More often, positive incentives are provided.

It takes a minimum of 12-months to complete the drug court program. Usage episodes happen, and are dealt with swiftly. Offenders may spend a weekend, or a week, or longer in jail. For less serious violations, community service is imposed or a curfew is imposed. There are a whole range of sanctions.

Research demonstrates that one of the best ways to predict whether treatment will work is to look at the length of the treatment. The longer people are actively involved in treatment, the more likely it is to work! Drug court keeps people involved in treatment for a significant period of time.

Since we began operating drug court, we've had:

- 39 people sentenced to the program
- 24 current participants
- 10 participants have been women
- 29 participants have been men
- 19 have been multiple DUI offenders

20 have been drug offenders
13 have of the drug offenders had meth as a drug of choice
9 have graduated from the program
6 have been terminated *ended at state pen.*

Judge Bruce Haskell is the lead judge for the program and we work together. Each of us spends three to four hours a week on the program. We've found it works well to have two judges involved, because neither of us could be there every week, and familiarity with the program and participants is necessary for anyone who presides.

We are volunteers, in a sense. We are not required to be involved. . . and our involvement doesn't affect the number of cases we are assigned. I think I speak for both of us in saying we are involved in the drug court program because we believe it works in a positive way. It is a cost effective way to deal with offenders. It helps build their lives and families in a way incarceration never would. And because it works, the community is a better and safer place.

If drug courts are to expand, it will require that the judges involved have the resources necessary to devote the time and energy necessary.

Drug Court Presentation
January 21, 2003
Mary Muchlen Maring

Same testimony given to Senate

- I. This month you have heard the term "drug court" used by the Governor in his State of the State and the Chief Justice in his State of the Judiciary.
- II. What is a drug Court —
- A. It is an alternative to incarcerating substance abusers who are not charged with manufacturing or selling drugs or violent felony crimes.
 - B. Drug courts are "treatment courts."
 - C. The drug court model is built on a team concept. We all work together in these courts:
 - 1. The judge - "accountability leader"
 - 2. The prosecutor
 - 3. The defense attorney
 - 4. The treatment provider
 - 5. The juvenile court officer
 - 6. The school representative
 - 7. Law enforcement
 - D. The program
 - 1. The participant will be in the drug court 6 to 12 months.
 - 2. High accountability
 - a. weekly appearances before the court
 - b. treatment plan - group or individual counseling
 - c. school attendance is required
 - d. community service - 20 hours minimum
 - e. weekly random and scheduled drug testing
 - f. intensive tracking as needed
 - 3. Sanctions for noncompliance
Incentives for compliance
 - 4. Parental/significant adult involvement
 - a. required attendance with the juvenile in court proceedings
 - E. Implementation of drug courts in North Dakota to date
 - 1. May 2000 - Fargo Juvenile Drug Court - Monday 4:00 p.m. to 5:00 p.m.
 - 2. May 2000 - Grand Forks Juvenile Drug Court - Thursday 4:00 p.m. to 5:00 p.m.
 - 3. October 2002 - Bismarck Juvenile Drug Court - Thursday 4:00 p.m. to 5:00 p.m.
 - 4. January 2001 - Bismarck Adult Drug Court - Friday 8:30 a.m. to 9:30 a.m.

Call Marilyn Moe, Program Director, 328-4207, North Dakota Supreme Court, to arrange a visit to drug court, to view a ten-minute video on our North Dakota Drug Courts, or to obtain information on drug courts.

III. Governor Hoeven said these courts are "reclaiming lives." Examples:

A. Parents of one juvenile who successfully completed drug court later thanked Judge Erickson, the drug court judge, for "giving our son back."

B. A mother wrote about her daughter who graduated from juvenile drug court:

"My daughter was out of control prior to entering drug court. Her continued drug/alcohol abuse and suicide attempts placed her in a life threatening situation. I do not believe she would be alive today if not for the drug court program. After completing the program and inpatient treatment, she is once again happy and enjoying life in a positive manner. The drug court program provided the structure and discipline that she needed but at the same time displayed compassion and understanding. It was obvious the drug court staff truly cares about the lives of the participants which enabled her to get control of her life. We credit the drug court staff in saving her life."

C. A graduate of drug court:

"There is no way I would have graduated without drug court. I was failing in school before drug court and because of drug court I was able to graduate from high school. From the tools I learned, I was able to weed out my true friends. I did community service at a performing arts school in Fargo. I continued even after my community service hours were completed. I sang a solo at the state music festival. My tracker was a very important part of my success. I continue to have contact with my tracker and the drug court team whenever I need help. I believe I have resources to help me make it now."

D. A current participant's parents wrote:

"Both John and I support [our son's] request to move to PATH 3. Despite his slip a month ago, he has shown improvement regarding taking responsibility for his actions, his overall attitude and being accountable. Since his involvement in Drug court, he has been free from marijuana (June 02), improved his GPA from .83 (Spring quarter 2002) to 3.2 (Fall Quarter 2002) and decreased his alcohol consumption considerably which directly impacted his physical health. The neurologist has seen significant improvement in his muscles and nerves since his abstinence from alcohol. In fact, she believes that his condition is reversing! Therefore, we think that he is moving in the right direction and has earned his way to the next level.

Overall, we have been happy with this program. We certainly had some struggles

along the way, but the program has benefited not only [our son], but also our family as a whole. We look forward to his graduation date and a positive exit. I hope you have seen his progress along the way. We thank you for the guidance and support to [our son] in this difficult journey."

IV. Statistical Summary of ND Juvenile Drug Court - May 1, 2000 to September 5, 2002

A. Number of Juveniles appearing from May 1, 2000 - September 5, 2002 = 80

B. Current participants 30.0% or 24
 Graduates 33.7% or 27
 Terminated/revoked 36.3% or 29

C. Retention Rate: North Dakota 64%
 Nationally 68%

	<u>DRUG COURT GRADUATES:</u>	<u>PARTICIPANTS:</u>
D. Males	70.4%	79%
Females	29.6%	21%
E. White	74.1%	79%
Ethnic Minority	25.9%	21%
F. Lives with both parents	61.5%	45%
Lives with one parent	38.5%	55%
G. Drug of choice: Marijuana	51.9%	51%
Alcohol	48.1%	47%
Meth		1%
Cocaine		1%
H. Mental Health Diagnosis in addition to substance abuse	50%	59.6%
I. Average number of referrals	5.0	5.33
J. Average age at first referral to drug court	16.7 years	16.67
K. Recidivism Rate as of June 20, 2002: Drug Court		35.7%
Comparison Group		55.6%

V. Report of impact of Drug Court on participant's school achievement (August 12, 2002):

- A. Average GPA among participants in 2 quarters preceding court: 1.78
Average GPA among participants in 2 quarters following court: 2.08
(Roughly 1/3 of a grade point)
- B. Decrease in absenteeism
- C. Qualitative data from teachers:
 - 1. one juvenile elected to student council
 - 2. one achieved a perfect grade point average
 - 3. another scored in the 82nd percentile on the ACT following a poor score prior to drug court
 - 4. several have gone on or are considering college

VI. Cost-Benefit Analysis: Youth Correctional Center, Group Residential Center, Community Supervision¹

- A. YCC costs \$120 per day or roughly \$3,667 per month - approximately \$44,000 per year
- B. Group residential facility costs \$100 per day or roughly \$3000 per month - approximately \$36,000 per year
- C. Community supervision costs \$11 per day or roughly \$330 per month - approximately \$4,015 per year

VII. Cost-Benefit Estimate of North Dakota's Juvenile Drug Court:

Recidivism Cost Savings

- A. Recidivism is defined as any subsequent arrest for an offense committed in North Dakota classified as Class B Misdemeanor or higher.
- B. The reduced recidivism rate among drug court juveniles produced a court and victim cost savings of \$62,400 over 18 months.

¹Figures provided by the Division of Juvenile Services, North Dakota Department of Corrections (2002).

VIII. Healthcare Professionals

- A. Discuss teenage alcohol and drug abuse as a national public health crisis. Drug court is a promising approach to the problem.²
- B. "[M]uch of Blue Cross Blue Shield of North Dakota's substance abuse payments are for its juvenile members. In 2001, BCBSND's allowed charge for substance abuse costs in treating cannabis abuse for members younger than 20 reached nearly \$900,000—90 percent of the total allowed costs for treating cannabis abuse."³
- C. "Early alcohol use is a strong predictor of lifetime alcohol abuse and dependence. . . . Research shows that drinking alcohol impairs brain function and adolescent memory."⁴

IX. Summary

- A. Reduced recidivism
- B. Improvement in school performance and attendance
- C. Cost savings to corrections
- D. Cost savings to victims and courts
- E. Improved treatment compliance and completion

We truly are "reclaiming lives."

²Physician Leadership on National Drug Policy, Adolescent Substance Abuse: A Public Priority, (2002).

³Blue Cross Blue Shield of North Dakota, "Drug courts provide therapeutic justice for teens," Health Care Discussions, Volume 5, Number 4, Winter 2002, at 31.

⁴U.S. Department of Health and Human Services, Making the Link - Underage Drinking and Violence, (August 2002 Rev).



TED C. GLADDEN
STATE COURT ADMINISTRATOR

State of North Dakota
OFFICE OF STATE COURT ADMINISTRATOR

February 4, 2003

SUPREME COURT
Judicial Wing, 1st Floor
600 E Boulevard Ave Dept 180
Bismarck, ND 58505-0630
Phone: (701) 328-4216
Fax: (701) 328-2082

TO: Representative Kim Koppelman
Representative Bob Skarphol
Representative John Warner

FROM: Ted Gladden

SUBJECT: Judicial Branch Appropriation Request 2003-2005 Biennium

The following represents a review of our 2003-2005 budget request and responses to questions raised about our current appropriation by subcommittee members during our meeting on January 29, 2003.

Let me first speak to the issue of potential reductions. After a thoughtful review of our budget request, I am identifying the following possible reductions. The total is \$260,000 and is contained in the following categories:

Special Funds <i>line items</i>	\$112,000
Operating Funds	<u>148,000</u>
Total Reduction	\$260,000

The special fund reductions are for alternative dispute resolution and judges retirement. The operating funds are for an electronic document transfer initiative between Grand Forks County and the Supreme Court, out-of-state travel, a new telephone system in Minot, and a reduction in payments to counties for clerk of district court services in the contract counties. The reduction for county payments will result in a 2% decrease in payments or \$53,400.

The following relates to questions that were raised at the January 29 meeting. At that meeting, inquiries were made focusing on our existing budget and those budget categories where there was more than 30% remaining as of December 31, 2002, as well as telephone services in the district courts. The attached worksheets address all of the program areas where we do have a budget remaining in excess of 30% as of the end of 2002. A general statement that applies to equipment purchases and some of our operating expenses is that we have historically deferred costs that could be deferred to the last quarter of the biennium to assure there were adequate funds available to complete the biennium. As a result of this action, there are a number of equipment items that have been deferred until the last quarter. Because of this, maintenance agreements become due towards the end of the biennium, as well.

If you have any questions concerning any of the documents, please contact me.

TG/rb
Attachments
cc: Representative Ron Carlisle, Chairman

Tal Costa Richard
Operator's Signature

9/20/03
Date

NO JUDICIARY			
Estimate of Expenditures through June 30, 2003			
as of February 1, 2003			
	Adjusted Appropriation	% Remaining at 12/31/02	
Supreme Court			
Salaries and Wages	5,657,964	29%	
Operating Expenses	1,803,637	37%	Anticipated expenditures include annual dues for National Center for State Courts, legal research annual subscriptions and renovations to 22 year-old Supreme Court courtroom.
Equipment	153,260	66%	Anticipated expenditures include computers on 4-year replacement cycle, replace printers based on need, equipment for Enhanced Records Management Project. Replacement of 2 copy machines.
Judges Retirement	200,000	46%	Will have approximately \$60,000 remaining due to death of 2 participants during biennium.
	7,824,110	31%	
Estimated Turnback to OMB		78,000	Based on data review as of Feb. 1, 2003.
District Court			
Salaries and Wages	25,056,564	27%	May need to transfer some to District Clerk appropriation - salaries line item.
Operating Expenses	9,707,600	34%	Anticipate increased expenditures in indigent defense due to loss of contracts in NW and NE districts. IT expenses will be increasing due to maintenance contracts due for PCs, Digital Audio, Interactive Television, and Jury Management System, and contractual expenses for systems integration and enhanced records management. Contracts for Court Improvement funds and Weighted Caseload study pending. Jury expenses are uncertain. Costs are based on jury trials held.
Equipment	763,501	65%	Based on anticipated equipment needs we expect to have a balance remaining of approximately \$103,000.
Judges Retirement	678,361	29%	Estimate of \$59,361 remaining due to death of 2 participants during biennium.
Alt. Dispute Resolution	40,000	71%	Used for training and travel for judges and committee to provide Alternative Dispute Resolution. Estimate remaining at end of biennium is \$25,000. Budget request for 2003-2005 will be reduced to 20,000.
UND - Central Research	60,000	0%	
Case Information Carryover	360,000	14%	Expended as of March 1, 2003.
	36,878,106	30%	
Federal Fund Authority			
Federal Fund Authority	827,651	20%	Anticipate spending all federal funds authorized. May need to request authority for additional expenditures.
Special Fund Authority	366,220	50%	Children's Services Coordinating Committee (CSCC) refinancing funds. Used by juvenile officers to fund programs and services, and purchase supplies for juveniles. Revenue from this source is unknown due to changes in federal law, so spending has slowed. Need funds available to fund programs that will not be available from local CSCCs due to lack of grant funds.
Estimated Turnback to OMB		428,000	Based on review as of February 1, 2003.
JCC/DB			
Salaries, Operating & Equip	525,590	30%	
District Clerks			
Salaries and Wages	7,132,968	24%	Will need to transfer additional funds from District Appropriation.

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Richard
Operator's Signature

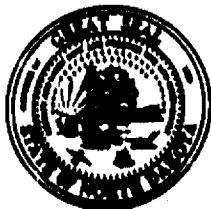
9/30/03
Date

ND JUDICIARY			
Estimate of Expenditures through June 30, 2003			
as of February 1, 2003			
	Adjusted	% Remaining	
	Appropriation	at 12/31/02	
Operating Expenses	3,328,298	28%	Will need to transfer additional funds from District Appropriation or from Clerk Equipment line item.
Equipment	318,848	71%	Based on anticipated equipment needs we expect to have a balance remaining of approximately \$88,274.
Collection of Restitution	60,000	100%	Will not be spent. Restitution services are already being provided in selected counties.
	10,831,113	28%	
Federal Fund Authority	760,000	28%	Anticipate spending all federal funds authorized. May need to request authority for additional expenditures.
Estimated Turnback to OMB		8	Based on review as of February 1, 2003.

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Jackie Rickford
Operator's Signature

9/30/03
Date



TED C. GLADDEN
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 58505-0630
Phone: (701) 328-4216
Fax: (701) 328-2092

February 6, 2003

TO: Stephanie Johnson, Legislative Council

FROM: Ted Gladden *jd*

RE: Detail of Increases in Salary Line Item

Per your request, below is the detail regarding the increases in the salary line item for the judiciary:

\$ 366,654	Judges legislative salary increase for second half of current biennium
235,128	Employees legislative increase for second half of current biennium
515,584	Proposed increase for judges and justices for 2003-2005
995,409	Proposed increase for employees per Governor's recommendation for 2003-2005
658,608	Estimate of annual and sick leave payout upon retirement and step increases given during current biennium ¹
<u>\$2,771,383</u>	Total Increase in Salary line item

These are estimates, as some of them are difficult to measure. The salaries and wages line item calculation is consistent with prior biennial budgets.

Please contact me or Susan with any questions.

¹Judicial Personnel System Administration

All new hires are at entry level.

All classified employees are eligible for a step increase of approximately 4-5% every other year based on successful job performance.

Ted Gladden
Operator's Signature

9/30/03
Date

CR

HB 1002

REH

RITTERBUSH - ELLIG - HULSING P.C.

ARCHITECTS - PLANNERS

711 RIVERWOOD DRIVE, SUITE 1
BISMARCK, NORTH DAKOTA 58504-6220

WILLIAM D. ELLIG, A.I.A.
DENNIS R. HULSING, A.I.A.
JEFFERY L. FEIST, A.I.A.
MERLIN E. RUDRUD, A.I.A.
ROBERT H. RITTERBUSH, A.I.A., P.E.
LANE S. GRUBE
JAMES P. NELSON

October 4, 2002

Mr. Ted Gladden
North Dakota Supreme Court
State Capitol Building
Bismarck, North Dakota 58505

RE: ND Supreme Court Renovations

#0227

We have prepared a preliminary estimate of construction and remodeling costs for the North Dakota Supreme Court Courtroom. This estimate is based on conversation with the Justices and yourself. I had a discussion on September 19th with the North Dakota Highway Patrol. There were four issues that we discussed:

1. They would like to add sound to the warning lights that are in the Court entryway and down in their main office. There are times that they cannot see the light.
2. They would like to have some cameras in the courtroom so they could better monitor the room.
3. They commented that they do lock the exterior courtroom doors at times. I discussed with them that for fire safety reasons, they need to leave the doors unlocked when the room is occupied.
4. I discussed the use of a magnetic lock at the head of the two courtroom entrance doors. These would have card key access.

TELEPHONE: 701.223.7780 • FAX: 701.258.6564
E-MAIL: reh@btinet.net

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Jackie Rickford
Operator's Signature

9/30/03
Date

We are recommending the number of fixed seats be reduced to 49. Presently, the room will seat approximately 61 people. The seating would be as follows: 5 Justices, 6 Attorneys, 2 Clerks, and 36 spectators.

The following estimate includes Architect/Engineering fees and a ten percent contingency.

The project can be in budget category I, II and III, if desired.

Budget Category I:

- New adjustable/movable lectern.
- Close the camera opening and paint the entire ceiling.
- Refinish attorney bookcase rail.
- Refinish the front of the Justice's bench.
- Miscellaneous woodworking items, as required.
- Lighting the bust of former Chief Justice Erickstad.
- Provide a flush floor box for the podium, allowing the podium to be rotated and moved. Includes power, microphone, data connections, timing lights, etc. for the podium. Also provides for additional undefined facilities.
- Provide rough-in only for future video teleconferencing. Included in conduit to judges benches, podium, counsel table, clerk's desk, and other miscellaneous locations.
- Plush carpeting installed in the courtroom and entrance. (Price includes carpeting and a high-density rubber pad using a double glue installation).
- Wood base (remove existing vinyl base and replace with new wood base).
- Wall fabric (remove existing wall fabric and replace with a mohair fabric, similar in quality to the existing fabric).

Our Opinion of Probable Cost for the above items is \$99,900.00.

Budget Category II:

- New attorney tables.
- New storage cabinet at the Clerk's desk.
- Miscellaneous woodworking items, as required.
- Add microphone capabilities to each of the counsel tables.
- Desktop vinyl.
- Theatre roping (reupholster existing ropes with new mohair fabric).
- Counsel table chairs: Replace six existing chairs with an ergonomic caster chair in leather.
- Court Recorder and Clerk of Court chairs: Replace two existing chairs with an ergonomic caster chair in leather.
- Modular furniture: 36 pieces of new modular furniture covering in a mohair fabric, similar in quality to the existing fabric.

Our Opinion of Probable Cost for the above items is \$67,000.00

Budget Category III:

- Electro-magnetic locks with card readers at each entrance door.
- Repair the entry ceiling and paint after lighting installation.
- Provide dimming for overhead lights above the Justice's bench.
- Provide audible alarm indication to the highway patrol's monitoring desk outside the courtroom and also in their office a floor below.

Our Opinion of Probable Cost for the above items is \$29,100.00.

We do not recommend reupholstering the existing modular furniture. It would be a stop gap measure. The chairs life span would be considerably shorter than installing new.

Reupholster 36 pieces of existing modular furniture (price includes new mohair fabric, a new Dacron wrap on seats and upholstery labor) – Deduct \$19,000.00

Please feel free to contact this office if we may be of further assistance to you, in regard to this subject.

William D. Ellig, AIA
Ritterbush-Ellig-Hulsing, P.C.
Architects-Engineers



TED O. GLADDEN
STATE COURT ADMINISTRATOR

State of North Dakota
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Fax: (701) 328-2092

February 10, 2003

TO: Sandy Paulson
FROM: Susan Sisk *[Signature]*
SUBJECT: Capital Asset Detail

Attached is the detail of the proposed capital asset purchases in the 2003-2005 District budget appropriation. These items were budgeted by the districts, and I contacted them for the detail of these items.

I have reviewed these estimates and based on the location and the types of copiers, feel that they are all reasonable.

Please call me with any questions.

J. Costa Rickford
Operator's Signature

9/30/03
Date

CR 1

**ND Judiciary
Detail of Capital Assets**

<u>Priority</u>	<u>Location</u>	<u>Estimate</u>	<u>Explanation</u>
1	Copy Machine - NW Juvenile Court	7,500	Will be purchased for Juvenile Court office in Minot. Estimated purchase price based on estimates received from vendors based on usage and volume.
2	Copy Machine - SC District Court	6,000	Will be purchased for District Judge offices in Mandan. Based on estimate considering usage and volume.
3	Copy Machine - NEC District Court	15,000	Will be purchased for Juvenile Court office in Grand Forks. Estimate from vendors based on usage and volume.
4	Copy Machine - EC District Court	13,000	Will be purchased for Fargo District Court office. Estimate based on purchase of last machine.
5	Copy Machine - SW District Court	10,500	Will be purchased for Dickinson office to be used by both District and Juvenile court. Includes fax, finisher and sorter. Their current copy machine was purchased in 1995. Based on estimate from vendor.
6	Copy Machine - NEC Clerk Office	15,000	Will be purchased for Clerk of Court office in Grand Forks. Estimate from vendors based on usage and volume.
7	Copy Machine - NW Juvenile Court	7,500	Will be purchased for Juvenile Court office in Williston. Estimated purchase price based on estimates received for vendors based on usage and volume.
Total Proposed Purchases		74,500	

Footnote: per Office Systems Inc. an estimate of a Digital Lanier Photocopier with document feeder, unlimited duplexing, reduction and enlargement, 4 way paper supply, offset sorter with stapling is \$12,905.

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Joel Costa Rickford
Operator's Signature

9/30/03
Date



TED C. GLADDEN
STATE COURT ADMINISTRATOR

State of North Dakota
OFFICE OF STATE COURT ADMINISTRATOR

Susan
SUPREME COURT
Judicial Wing, 1st Floor
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Phone: (701) 328-4216
Fax: (701) 328-2092

January 24, 2003

TO: Representative Bob Skarphol
Representative John Warner
FROM: Ted Gladden
SUBJECT: Information Request - HB 1002

This memo is in response to questions asked at our appropriation hearing on January 21, 2003. The first attachment relates to questions concerning our IT budget and the breakout by program areas for the coming biennium.

The second attachment relates to a question raised over indigent defense assignments. I am also including a copy of a memorandum sent to Representative Boehning in response to a question he had during a judiciary committee hearing as it provides additional data on the indigent defense program.

If you have any questions concerning any of the materials, please do not hesitate to contact Susan Sisk or me.

TG/rb
Attachments

J. Costa Rickford
Operator's Signature

9/30/03
Date

Judicial Branch IT Costs Detail By Category		1/22/2003
Category	Description	Cost
Salaries & Benefits	Salaries and Benefits for 9 IT positions	919,988
IT - Contractual Services	<i>total emp. 336 includes 42 judges - 42 support</i>	
	Contracted software programmers for maintenance and upkeep for Supreme Court information systems including Demands for Change of Judge; Disciplinary Board System and Docket system.	\$ 5,000
	Web and Database Server maintenance and upgrades related to operating systems and enhancements.	\$ 15,000
	WestLaw & Lexis Legal Research Contracts	\$ 82,245
	Miscellaneous, non-contract computer/printer repairs that arise throughout the state	\$ 83,877
	System enhancements to the Juvenile Case management system	\$ 15,000
	Integration projects including	
	Electronic delivery of the full text of Protection Orders to Law Enforcement and electronic registries	
	Potential UCIS integration with Human Services Child support system (FASCES)	
	Electronic transfer and reporting related to traffic citations	
	Data Warehouse expansion, maintenance and enhancements	
	Electronic transfer of District Court Case information to Supreme Court on case appeal	\$ 121,634
	Continuation of Enhanced Records Management System based on study currently under way	\$ 108,708
	Business Continuity (Continuum of Government)	\$ 66,150
	Maintenance contracts for existing software and hardware, including such things as: Software for tape backups; software to replicate databases for the data warehouse; reporting software for UCIS; Video Conferencing Systems; Juvenile Case Management System; Help Desk System	\$ 183,851
Total IT - Contractual Services		\$ 681,466
IT - Equip under \$5,000		
I-Series Server	Large server used to run the statewide UCIS system.	111,111 *
Client hardware & upgrades	Includes purchase of 168 computers for employees and 25 other computers at a rate of approximately \$1,700 each. Computer purchases are on a 4-year replacement cycle. In addition to replacing computers for employees it includes computers use for training, in courtrooms, for public terminals and the web. Also includes \$2,000 for scanner	333,125
Printers & upgrades	Purchase of approximately 20 printers at a range of \$750 - \$2,200. Includes printers for 13 counties to be added to UCIS.	65,350
CD Rom towers	Server devices to maintain the CD-ROM based legal research	5,000
Specialized Equipment	Voice Equipment for ADA compliance	1,300
UPS	Power-protection devices for servers	4,500
Phone Systems	Includes \$8,000 for SE District for Juvenile office in Jamestown.	8,000 **
Total IT - Equipment under \$5,000		528,386
IT - Data Processing		
Service Fees (ITD)	<i>Dept of Jud. Generated</i>	
Desktop Support	Estimate of 156 hours ITD support at \$54/hr. In anticipation of ERP implementation and miscellaneous needs.	8,424
Systems Analyst	Estimate of 130 hours ITD support at \$58/hr. In anticipation of ERP implementation and miscellaneous needs.	7,540
Programming	Estimate of 130 hours ITD Programming at \$54/hr	7,020
Records Mgmt. Fee	Per ITD - monthly records management fee at \$185/month	4,440
IBM Enterprise Server	Use of IBM server for Inventory, SAMIS, Drivers license transactions. Also includes \$2,500 increase in anticipation of ERP implementation.	13,500

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Jo Costa Rickford
Operator's Signature

9/30/03
Date

Connection Charges		
Dial-up User-ID	Based on Usage	5,922
Dial-up Long Distance	Based on Usage	4,920
Dedicated T-1 Connect.	Connection for all 53 counties to UCIS. Also includes fiber connection for Cass and Burleigh.	356,040
Device Connect. (WAN)	Connection for Supreme Court and Unallocated District Court within the Capitol Complex	89,088
VPN and Misc.	Virtual Private Network and Misc.	11,200
Total IT - Data Processing		508,084
IT - Telephone		
IT - Service Fees		
Teleph. Syst. Analyst	Estimate of usage of telephone analyst	\$2,700
Network Analyst	Estimate of usage of network analyst	\$14,472
Wiring Tech. Fees	Estimate for wiring technician	\$8,670
IT - Equipment Charges		
Phone-Basic Service	Actual and anticipated usage based on ITD rates	\$59,976
Analog Port	Actual and anticipated usage based on ITD rates	\$15,504
Speaker Phone	Actual and anticipated usage based on ITD rates	\$705
Speaker/Display Phone	Actual and anticipated usage based on ITD rates	\$3,248
Voice Mail	Actual and anticipated usage based on ITD rates	\$2,785
IT - Conf. Calls - Oper. Assist.	Actual and anticipated usage based on ITD rates	\$3,785
IT - Distance Calling Charges	Actual and anticipated usage based on ITD rates	\$45,473
IT - Miscellaneous	Includes transfer of phones from county to district in Grand Forks, LAN switch in Devils Lake, cable/re-wiring in Williston, LAN switch in Minot and Williston, replacement for phone system in Bismarck, cable/re-wiring and LAN switch in Valley City, potential network switch unallocated	\$36,501
Non-IT Fees & Charges		
* MEMO form from SUSAN	Includes costs of phone systems not through ITD and cost of cellular phones. Currently the judiciary has 22 cell phones at 21.29/mo for a biennial cost of \$11,563.	\$225,318
Total IT - Telephone		\$ 419,188
IT - Software and Supplies		
	Miscellaneous technology supplies including diskettes, tapes, postage etc	\$ 6,000
	UCIS Development tools (Auto-email documents etc)	\$ 25,000
	Server utility software, including proactive failure monitors; email filtering capability	\$ 31,250
	Resource/research subscriptions to Microsoft and other software vendors	\$ 6,000
	Server Operating Systems	\$ 10,000
	Network Licenses for each PC within the Judicial Branch	\$ 57,050
	Office productivity software such as word processing; spreadsheets, power point etc	\$ 58,200
	Miscellaneous IT Equipment under \$750. Includes items such as print devices; single-user printers; replacement parts etc.	\$ 36,900
Total IT - Software and Supplies - not thru thru ITD (central personnel) none thru ITD.		\$ 230,400
IT - Equipment over \$5,000	Phone System for NW (Minot)	\$ 35,000
TOTAL IT COSTS		\$ 3,322,488
* When allocated to 53 counties individual amounts are 2,096. However, total purchase is over \$5,000 and should be reclassified to "IT Equipment over \$5,000"		
** Total purchase is greater than \$5,000 - should be reclassified to "IT Equipment over \$5,000"		
These two items can be handled by the Judiciary through their line item transfer authority.		

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Jo Costa Rickford
Operator's Signature

9/30/03
Date



TED C. GLADDEN
STATE COURT ADMINISTRATOR

State of North Dakota
OFFICE OF STATE COURT ADMINISTRATOR

HB1002

SUPREME COURT
Judicial Wing, 1st Floor
600 E Boulevard Ave Dept 180
Bismarck, ND 58505-0630
Phone: (701) 328-4216
Fax: (701) 328-2092

April 21, 2003

Representative Carlisle
Appropriations Subcommittee

Representative Carlisle:

It seems there is a discrepancy regarding the inclusion of salaries in the IT budgets of the various government entities. The Judicial Branch has included salaries in our IT budgets while others may not have.

The inclusion of salaries takes on a more important role when calculating the proposed 5% reduction in IT budgets. Currently, the proposed 5% IT budget reduction in HB1002 is based on a general fund IT budget request of \$3,313,988 and is \$165,699. When salaries are included, the 5% reduction would be \$119,700.

I would ask that, when calculating the reductions, a consistent approach be applied and the reductions for the HB1002 be based the same factors as other IT budget reductions.

In regard to a pay increase for Supreme Court Justices and District Judges, I am renewing our request that whatever increase is provided state employees include Supreme Court Justices and District Judges.

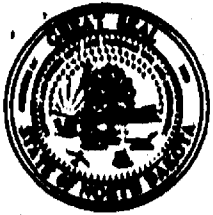
Thank you.

Sincerely,

Ted Gladden
ND State Court Administrator.

J. Costa Rickford
Operator's Signature

9/30/03
Date



TED O. GLADDEN
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 58505-0630
Phone: (701) 328-4216
Fax: (701) 328-2082

February 4, 2003

Ted Gladden
State Court Administrator

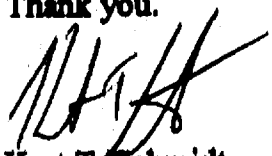
Below is the information requested by the House of Representatives Sub-committee regarding the telephone service utilized by the District Courts.

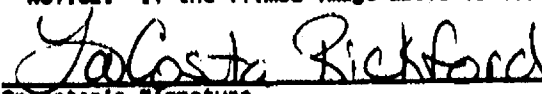
Telephone service is being obtained from several different providers. This includes:

- In the counties of Grand Forks, Ramsey, Richland, Barnes, Stark, and Ward, telephone services are provided by ITD at a cost of \$21.00 per telephone.
- In the counties of Cass, Williams, Stutsman, Grand Forks (one office only), Ward (one office only), telephone services are provided by the county in which the courthouse resides through the county-owned telephone system. The rates for these services range from \$10 to \$38 per phone, with the average cost per phone being \$21.06. Those locations costing \$30 and \$38 per telephone and those locations being serviced by both ITD and the county are being reviewed for possible migration to ITD's service.
- Other district court offices have purchased their own phone system. This includes the South Central Judicial District/Burleigh County. In this location, only the actual line costs for the shared lines are paid directly to Qwest.
- Service at the Capitol for the Supreme Court and Court Administrative Office is provided by ITD.

Please feel free to contact me with any questions.

Thank you.


Kurt T. Schmidt
ND Judicial Branch


Operator's Signature

9/30/03
Date



TED O. GLADDEN
STATE COURT ADMINISTRATOR

State of North Dakota
OFFICE OF STATE COURT ADMINISTRATOR

January 23, 2003

SUPREME COURT
Judicial Wing, 1st Floor
800 E Boulevard Ave Dept 180
Bismarck, ND 58505-0530
Phone: (701) 328-4216
Fax: (701) 328-2082

TO: Representative Randy Boehning
FROM: Ted Gladden
SUBJECT: Indigent Defense Information

Attached is the data we have compiled for your request of January 17. At this time we have forty-five (45) firms under contract to provide felony, misdemeanor, and juvenile indigent defense services in the state.

Attachment 1 is a spreadsheet with indigent defense data for contract counsel for the first year of the biennium, July 1, 2001 through June 30, 2002. We will have data for the first six months of the second year, July 1, 2002 through December 31, 2002, by the end of January. A summary of the data is contained below:

Case Type	Number of Assignments	X State Average Hours Per Case Type	= Total Hours
Felony	3,228	5	16,174
Misdemeanor	3,337	2.7	8,969
Juvenile	<u>2,043</u>	3.1	<u>6,331</u>
TOTAL	8,608		31,331

The amount of administrative time spent by attorneys is minimal. Attorneys are required to complete one report listing the number of hours per case. They must document any travel or miscellaneous expenses. With the exception of one district, the attorneys are not involved in designating or "administering" cases. In the South Central district a lead firm is identified on each of the three contracts. The lead firm is responsible for case assignments, assuring an equitable rotation. For these services three lead firms receive a total of \$865 per month for this administration.

Attachment 2 contains our indigent defense and guardian ad litem expenditures for the 1997-1999, 1999-2001, and the first 18 months of the current biennium.

If you have any questions, or need additional data, please contact me.

GW/cs
Attachment

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The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Ted Gladden
Operator's Signature

9/30/03
Date

ATTACHMENT 1

Agents Under Contract

July 1, 2001 - June 30, 2002 Incident Defense Statistics

District	Assignments	Assignment - Base Average Hours/Case	Hours
Felony			
Northwest	337	1689	
Northwest	333	1669	
NE Central	353	1769	
East Central	821	4114	
Southeast	339	1699	
South Central	962	4820	
Southwest	83	416	
TOTAL	3228		16174
Misdemeanor			
Northwest	305	2.7 hrs/case	820
Northwest	268		720
NE Central	209		562
East Central	800		2150
Southeast	580		1559
South Central	1927		2760
Southwest	148		398
TOTAL	3337		8969
Juvenile			
Northwest	350	3.1 hrs/case	1085
Northwest	348		1078
NE Central	139		431
East Central	515		1596
Southeast	114		353
South Central	499		1546
Southwest	78		242
TOTAL	2043		6331
Northwest			
Northwest	992		3611
NE Central	949		3454
East Central	701		2551
Southeast	2136		7775
South Central	1033		3760
Southwest	2488		9056
TOTAL	309		1125
	2608		31331

G:\WPICOM\WEGreg - C:\Incident Defense Data Reported to Data.wpd

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Jack Costa
Operator's Signature

9/30/03
Date

ATTACHMENT 2

DISTRICT COURTS
INDIGENT DEFENSE SUMMARY

DISTRICT	EXPEND. 97 - 99	EXPEND. 99 - 01	*EXPEND. 01 - 03
EAST CENTRAL	\$571,754	\$748,089	\$675,323
District			
Legal	\$4,125	\$2,250	\$0
Other	\$21,258	\$1,703	\$0
Juvenile			
Legal	\$3,589	\$24,895	\$13,791
Guardian Ad Litem Fees	\$0	\$20,537	\$53,967
Other	\$2,805	\$1,436	\$2,138
Contract			
Legal	\$539,977	\$689,072	\$597,024
Other		\$8,196	\$8,403
NORTHEAST CENTRAL	\$355,516	\$424,895	\$372,476
District			
Legal	\$1,075	\$0	\$1,097
Other	\$7,569	\$924	\$5
Juvenile			
Legal	\$245	\$3,483	\$0
Guardian Ad Litem Fees	\$0	\$10,483	\$30,585
Other	\$87	\$805	\$3,586
Contract			
Legal	\$346,560	\$396,634	\$324,000
Other		\$12,567	\$13,203
NORTHEAST	\$398,311	\$419,155	\$330,245
District			
Legal	\$12,104	\$7,510	\$5,645
Other	\$14,563	\$2,415	\$252
Juvenile			
Legal	\$2,746	\$10,923	\$6,897
Guardian Ad Litem Fees	\$6,373	\$10,824	\$6,205
Other	\$6,920	\$5,241	\$4,007
Contract			
Legal	\$355,604	\$360,284	\$278,151
Other		\$21,959	\$29,089

*PLEASE NOTE THAT THE 01 - 03 EXPENDITURES ARE ONLY THROUGH 12/31/02

**INCLUDES \$94,464 REIMBURSED BY HUMAN SERVICES FOR GUARDIAN AD LITEM FEES

***INCLUDES \$172,248 REIMBURSED BY HUMAN SERVICES FOR GUARDIAN
AD LITEM FEES

1

1/23/2003

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Jo Costa Rickford
Operator's Signature

9/30/03
Date

DISTRICT COURTS INDIGENT DEFENSE SUMMARY

DISTRICT	EXPEND. 97 - 99	EXPEND. 99 - 01	*EXPEND. 01 - 03
NORTHWEST	\$441,569	\$455,725	\$360,155
District			
Legal	\$89,502	\$53,775	\$16,734
Other	\$15,928	\$9,585	\$2,985
Juvenile			
Legal	\$86,145	\$45,088	\$25,054
Guardian Ad Litem Fees	\$17,121	\$10,288	\$15,480
Other	\$3,823	\$3,622	\$2,027
Contract			
Legal	\$229,050	\$331,193	\$290,630
Other		\$2,173	\$7,244
SOUTH CENTRAL	\$775,746	\$810,135	\$698,708
District			
Legal	\$19,778	\$13,295	\$13,130
Other	\$18,840	\$9,242	\$1,528
Juvenile			
Legal	\$1,663	\$6,795	\$20,735
Guardian Ad Litem Fees	\$0	\$0	\$20,098
Other	\$85	\$1,515	\$5,382
Contract			
Legal	\$735,380	\$778,872	\$630,329
Other		\$416	\$7,507
SOUTHEAST	\$451,593	\$502,339	\$365,424
District			
Legal	\$59,718	\$118,085	\$24,079
Other	\$17,859	\$10,578	\$2,319
Juvenile			
Legal	\$18,705	\$63,456	\$16,542
Guardian Ad Litem Fees	\$24,624	\$26,876	\$29,533
Other	\$6,423	\$13,958	\$8,567
Contract			
Legal	\$324,463	\$265,284	\$274,071
Other		\$4,102	\$10,313

non-contr. Legal 194,515
non-contr. other 34,447
228,962

*PLEASE NOTE THAT THE 01 - 03 EXPENDITURES ARE ONLY THROUGH 12/31/02

**INCLUDES \$94,464 REIMBURSED BY HUMAN SERVICES FOR GUARDIAN AD LITEM FEES

***INCLUDES \$172,248 REIMBURSED BY HUMAN SERVICES FOR GUARDIAN AD LITEM FEES

**DISTRICT COURTS
INDIGENT DEFENSE SUMMARY**

DISTRICT	EXPEND. 97 - 99	EXPEND. 99 - 01	*EXPEND. 01 - 03
SOUTHWEST	\$213,919	\$224,177	\$161,447
District			
Legal	\$2,283	\$2,966	\$2,629
Other	\$7,079	\$1,858	\$102
Juvenile			
Legal	\$90	\$2,605	\$2,137
Guardian Ad Litem Fees	\$7,550	\$11,841	\$3,087
Other	\$2,278	\$3,336	\$1,443
Contract			
Legal	\$194,640	\$194,640	\$145,980
Other		\$6,930	\$5,469
TOTALS	\$3,208,408	\$3,584,515	\$2,963,778

*PLEASE NOTE THAT THE 01 - 03 EXPENDITURES ARE ONLY THROUGH 12/31/02
 **INCLUDES \$94,464 REIMBURSED BY HUMAN SERVICES FOR GUARDIAN AD LITEM FEES
 ***INCLUDES \$172,248 REIMBURSED BY HUMAN SERVICES FOR GUARDIAN
 AD LITEM FEES

3

1/23/2003

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Jo Costa Rickford
 Operator's signature

9/30/03
 Date



TED C. GLADDEN
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
Phone: (701) 328-4216
Fax: (701) 328-2092

HB
1002

February 11, 2002

TO: Representative Svedjan, Chair
House Appropriations Committee

FROM: Susan Sisk, Director of Finance *[Signature]*

SUBJECT: HB 1045 - Indigent Defense Costs Currently Paid by Counties

I testified in front of the Appropriations Committee this morning regarding the cost of Guardians ad Litem currently paid by the counties that would be transferred to the state under HB 1045. I stated that of the \$390,000 in the fiscal note, \$56,915 would be paid from the judiciary and the remainder would be indigent defense costs transferred to the Office of Administrative Hearings under HB 1044.

The actual amount that would be paid by the judiciary should be \$113,830. The number I gave to the committee this morning was actually an annual number and needs to be doubled for the biennium. The correct information is as follows:

\$113,830 Guardians at Litem (Judiciary)
277,470 Sexual Predator, Mental Illness and Custody Investigators (OAH)
\$391,300 Total Costs per HB 1045

I have attached the information I gathered from the counties showing these numbers on the bottom.

Please call me (328-3509) with any questions.

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[Signature]
Operator's Signature

9/30/03
Date

ND Judiciary
 Indigent Defense - Assignments Under Contract
 (Does not include assignments outside of contracts)
 July 1, 2001 through June 30, 2002

<u>Case Type</u>	<u>Number of Assignments</u>	<u>State Average Hours per Case Type</u>	<u>Total Hours</u>
Felony	3,228	5	16,140
Misdemeanor	3,337	2.7	9,010
Juvenile	<u>2,043</u>	<u>3.1</u>	<u>6,333</u>
	8,608		31,483
Hours per Working Year			2,098
# FTE's			15.02

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Ja Costa Rickford
 Operator's Signature

9/30/03
 Date