

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2002

2001 SENATE APPROPRIATIONS  
SB 2002

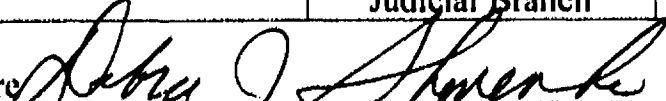
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2002

Senate Appropriations Committee

Conference Committee

Hearing Date January 17, 2001

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

Minutes:

Senator Nething opened the hearing on the Judicial Branch.

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

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

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

(testimony attached.)

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

(testimony attached.)

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

(testimony attached.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Tape #1, start Side B, meter 0.0

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

Senator Nething: Is this criminal or civil defense counsel?

Judge Kleven: Civil legal aid.

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

OMB: Operation line item District Court.

Senator Robinson: Is this falling short or satisfied?

Judge Kleven: Satisfied.

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

Tape #1, Side B, meter 26.2

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

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

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

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

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

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

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

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

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

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

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

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

Senator Andrist: Do you have assistance on the material?

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

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

Tape #1, end Side B, meter 50.7

Tape #2, Side A, meter 0.0

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

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

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

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

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

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



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Judge Kapsner: Under District Court operations.

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

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

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

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

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

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

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

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

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

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

Senator Andrist: Are kids sentenced to this program?

Judge Kapsner: Both voluntary and by sentence.

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

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

Tape #2, Side A, meter 24.4

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

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

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

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

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

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

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

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

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

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

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

Tape #2, Side A, meter 43.3

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

