

**Judicial Branch
Budget 180
House Bill No. 1002**

	FTE Positions	General Fund	Other Funds	Total
1999-2001 legislative appropriation	351.00	\$40,640,576	\$1,049,943	\$41,690,519
1997-99 legislative appropriation	<u>239.00</u>	<u>37,605,551</u>	<u>618,052</u>	<u>38,223,603</u>
1999-2001 appropriation increase (decrease) to 1997-99 appropriation	112.00	\$3,035,025	\$431,891	\$3,466,916

Item Description

District court judgeships - North Dakota Century Code Section 27-05-01 provides that the Supreme Court is to reduce the number of district court judges to 42 before January 2, 2001.

Indigent defense funds - The judicial branch received a \$3,466,180 general fund appropriation for indigent defense costs. Section 5 of House Bill No. 1002 provides that the Supreme Court should develop criteria for the equitable allocation of indigent defense funds. The criteria must be based on number of cases, complexity of cases, the level of efficiency in handling cases, and the historical funding levels in different districts. The Supreme Court may use any other factors deemed appropriate by the Supreme Court.

Status/Result

The 1999 Legislative Assembly approved funding for 43 district court judgeships. The judicial branch conducted hearings and reviewed the contracts for all five of the judgeships whose terms were set to expire in 2000. The decision was made to terminate a judgeship in southwest North Dakota effective December 31, 2000. With this elimination, the number of district court judgeships will be at the required level of 42.

The court analyzes the number of cases, the hours associated with the cases, and historical funding levels in districts when renewing or establishing indigent defense contracts in an attempt to allocate funds to the districts in accordance with workloads.

Clerk of court unification - Section 6 of House Bill No. 1002, provides that the Supreme Court implement the clerk of court unification effective April 1, 2001. The Supreme Court received a general fund appropriation of \$1 million for costs associated with the implementation.

North Dakota Century Code Chapter 27-05.2 provides the details for the clerk of court unification. Counties in which the Supreme Court determines need at least five full-time employees have two options. The county may elect to provide clerk of district court services at their own expense or the county may choose to transfer costs and operations of the district court to the state.

Counties in which the Supreme Court determines need more than one full-time employee but less than five full-time employees have three options. The county may elect to provide clerk of district court services at their own expense, transfer costs and operations of the district court to the state, or enter into an agreement with the Supreme Court where the Supreme Court will provide funding for the provision of clerk of district court services.

Counties in which the Supreme Court determines need less than one full-time employee must decide between providing clerk of district court services at their own expense or entering into an agreement with the Supreme Court where the Supreme Court will provide funding for the clerk of district court services.

As of April 1, 2000, 52 of the 53 counties had reported their election to the Supreme Court. The following table details the county elections:

County	State-Operated/ State-Funded	County-Operated/ County-Funded	County-Operated/ Partially State-Funded
Adams			X
Barnes			X
Benson			X
Billings		X	
Bottineau			X
Bowman			X
Burke			X
Burleigh	X		
Cavalier			X
Cass	X		
Dickey			X
Divide			X
Dunn			X
Eddy			X
Emmons			X
Foster			X
Golden Valley			X
Grand Forks	X		
Grant			X
Griggs			X
Hettinger			X
Kidder			X
LaMoure			X
Logan			X
McHenry			X
McIntosh			X
McKenzie			X
McLean			X
Mercer			X
Morton	X		
Mountrail			X
Nelson			X
Oliver		X	
Pembina			X
Pierce			X
Ramsey	X		
Ransom			X
Renville			X
Richland	X		
Rolette			X
Sargent			X
Sheridan			
Sioux		X	
Slope			X
Stark	X		
Steele			X
Stutsman	X		
Towner			X
Traill			X
Walsh	X		

County	State-Operated/ State-Funded	County-Operated/ County-Funded	County-Operated/ Partially State-Funded
Ward	X		
Wells			X
Williams	X		
Total	11	3	38

The Supreme Court is in the process of developing policies and procedures involved with the transition and operation of clerk of court services.

The preliminary clerk of court unification cost estimate for the final three months of the 1999-2001 biennium is \$1.3 million. The cost estimate for the 2001-03 biennium is \$11 million.