

**2017 SENATE APPROPRIATIONS**

**SB 2002**

# 2017 SENATE STANDING COMMITTEE MINUTES

**Appropriations Committee**  
Harvest Room, State Capitol

SB 2002 & SB 2062

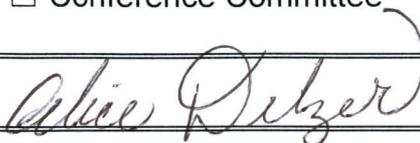
1/5/2017

Job # 26594

Subcommittee

Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch: and to provide a transfer.

## Minutes:

#1 Judicial Branch Budget – Sally Holewa  
#2 ND Court System Reduction –Don Wolf  
#3 House Appropriations – Don Wolf

**Chairman Holmberg** called the Committee to order on SB 2002 and 2062. Roll call was taken. All committee members were present. Alex Cronquist, Legislative Council and Becky Deichert, OMB were also present. We are starting with an unusual budget from the standpoint it is the 2<sup>nd</sup> budget that does not go through OMB. The Judiciary and the Legislative branch of government put in their own budgets. The 2002 will be the vehicle for this legislative session has only the base budget numbers and there might be other bills that we have and will have. 2062, the adjustments, they are not the OMB adjustments. They are the adjustments the Court put in to combine both the court and the legislative assembly when they put together their budgets they don't know what the governor is going to recommend. They know that the governor wanted 2% less, etc. These are their numbers and that is neither good or bad. We will start with Chief Justice Gerald W. VandeWalle.

**Chief Justice Gerald W. VandeWalle:** This is a very difficult budget to put together. Two years ago when we were presenting our budget we were asked to cut about \$1m plus side of the budget. We did. We left the new positions in, cut the operating costs down to the bare minimum. We have nothing left to cut but positions in our budget because we don't operate with many programs. So our budget is essentially a person budget so it's a very difficult budget to put together. I do have one comment. Most of our budget is on the trial courts where the real action is. But on the Supreme court, our recent case filings went from 349 in 2015 to 424 in 2016. That's the third highest in the last ten years. I have some concerns as far as the appeals are concerned from the protest movements and some of those issues. We've also been very busy dealing with several cases we heard on the legislation involving the criminalization of the refusal to take a blood test so that's kept us pretty busy at both the trial court and Supreme court level. I hope if you have questions, we have people here that can probably answer them. I will ask Sally to come forward.

**Chairman Holmberg:** There will be a subcommittee on this budget. They are Senator Kilzer, Chairman; and then two new committee members who have spent the last years in judiciary committee. Senator Hogue and Senator Grabinger will be on that particular subcommittee working on this budget over the next weeks.

**Senator Robinson:** Asked about the back-log in the system.

**Chief Justice Gerald W. VandeWalle:** Our primary backlog was in the northwest corner of the state. Because we added 3 judges in the last two sessions so, until those judges were added, we had a backlog there that was worse than I had anticipated, so we sent in an extra Judge for a couple of months to help clear up the backlog and then at least we have our nose above water on that. We are always behind the ball. You keep us lean, and that's fine, but then when a wave comes along we are not prepared for that so then we get people after the fact. It is kind of one extreme to the other situation. We have a case system that we follow the cases and they have to report to Court Administrator who reports to me and so we pretty well know. There are always a few cases that are outstanding that may look old, but by and large we're fairly current although we are losing some. We have lost some referees. We are not losing the judicial positions because they are a little different. But the judicial positions will not be as effective as they have been without the staff to support them. It just can't happen like that so, I don't know if that answers your question.

**Senator Robinson:** With the down turn in the economy, less activity in western ND, this is a process, not an event, it takes time. What is the time line from the time there is an event until the event gets to the legal system?

**Chief Justice Gerald W. VandeWalle:** The judiciary is the most level when things are normal. When things go up our case load goes up. When things go down our case load goes down. In the 80's when farm prices were down we were hearing mortgage foreclosure cases and things like that. The down turn of the economy does not mean there is a downturn in the caseload of the judicial, yet on the other hand rather it moved as an increase.

**8.49 Sally Holewa, State Court Administrator:** testified in favor of SB 2002 and presented Testimony attached # 1 which is a general overview of the Judicial Branch budget request. Senator Robinson mentioned backlog and delay. There's been some delay in the court system, in the northeast specifically with those referees. One of the first things that they had to do, partly from the delay, partly because mostly the judges, they did have to stop their juvenile and adult drug courts. But they also had to take juvenile cases instead of letting priority scheduling with judicial referees now are priority schedule and back to scheduling more routine types of cases. It's kind of a nominal effect over there. We've also been holding open an average of 20 positions per month. It's difficult for us. We don't get to choose who's leaving. It's retirement or other jobs. For example, the Williston clerks' office has been operating about 50% staffing since February. They have difficulties. They do shut down the counters to the public one day a week. We use authorized overtime in that district to try to cover for that. One other thing I want to point out. We had planned to start a program called the Youth Cultural Achievement Program. It's specifically targeted for Native Americans. Basically, it's a Youth Works program where they combine wrap-around services for the child and the family when somebody is consistently delinquent or truant and the point is to get

them compliant with court conditions and to teach them better life skills so that they don't end up in YCC. We will ask for more money for that later on in the budget for the next biennium.

**13.42 Senator Robinson:** had questions about the slow-down in western ND. What have you experienced in terms of judicial activity with that slow-down. The Majority leader made a comment here, a month or so back, although a lot of folks have left western ND there is still a lot of bad guys and gals out there. Has the activity out there leveled off or is it about the same because this process we're talking about.

**Ms. Holewa:** It's had a varying effect. The Chief was absolutely, right down about the economy it is an embraced relationship to the Court. Case filings go up. As we start dealing with all of the broken contracts, broken leases, unpaid workers, unpaid suppliers, a building that is going into foreclosure, construction that never got done, or construction workers that never got paid. So we all dealing with all of that. So what we see in the case levels in Minot and Williston have not dipped at all. They are leveling. In fact, equivalent to what they were last year. They are coming down slightly from the 2013 high but they are still above what they were in 2009. Into Watford City and Dickinson, you see the interest is in the civil family area but you see a big drop in some of the traffic and infraction cases.

**Senator Robinson:** So the drug activity remains high? He was told she was not sure.

**15.38 Senator Oehlke:** Could you explain the differences between juvenile court services and the referee?

**Ms. Holewa:** The judicial referee is a lawyer who is hired to do certain types of cases, small claims, etc. Juvenile court and juvenile court probation officers can decide if the kid can plead guilty or give them their own sentence or plead not guilty and go into the formal district court. They also have the role of probation afterward. They are separated that by person so its' not one person who does the jury and one being the probation agent. It is separated within the offices.

**Senator Oehlke:** In the northeast the juvenile court is very valuable. It does save an incredible amount of time, would that be an accurate, is that true?

**Ms. Holewa:** Yes. I absolutely agree. The judicial court spends a lot of time working with kids and families to teach people how to produce good values in the kids. I will skip the operating. Two reasons: impact #1 judicial education. We require our judges to continue on education. The law is constantly changing. We have a robust internal education. We've never had the resources to bring in speakers. We allow some out of state travel, it is a grant and they have to have a scholarship or a grant. Last session when we came in we had a \$5m, it was \$6m less than what we asked for. We are not getting any equipment. We have a deficiency impact. We probably would have a cushion. There have been a lot of arrests. They are demanding a right to a trial. It is very expensive. There have been close to 700 arrests. We calculate only 400 will go to trial. The hours per trial, that equivalent figures out to 500 days in the next year. We will be relying on surrogate judges but the huge expense is the jury and contract court reporters to cover all those trials. The huge expense is jury and we did calculate based on a normal jury pool of 26, that is what that deficiency appropriation is based on. We have two increases in our budget (23.14) Again you won't see those in the 2002, but when you look at

the 2062, it's in there. The first one is technology cost us ½ million dollars. Those increases are due to an additional state wide network connection cost for our remote disaster recovery site. Some of you might remember that we had funding from the legislature to set up this disaster recovery site, and this is in public record. So that increases our cost as well. The number one network costs more and also software hardware costs to handle and duplicate equipment and licensing over to there; increased ITD fees will be upgrading all of the state's network lines so that is a cost that gets passed off to agencies increase fees there. Upgrades to the storage unit for court records, we have microfilm and we need to upgrade that. They've been keeping that up by E-bay because you can't buy that anymore. Then we have the routine software licensing fees. We need additional funds for the clerk of court services; we have 14 counties that clerks of court are stating for you, and that we obtain through contracts with 39 counties. So our increase is \$242,479 is for those contract counties. What we do is we contract in April and of even numbered years for the following biennium and so the increase reflects any increase in case filings in these counties over the last 2 ½ years and also includes any increased funding that the county makes for salaries and then as always we pay a 10% overhead charge to assume those costs.

**V. Chairman Bowman:** As we increased the technology in the state, is there any place in the court system if there is a savings by this investment, because this investment is growing and growing and everyone wants the services but is the cost exceeding what we can afford to have?

**Ms. Holewa:** Is it a question about the cost to have the clerks do the work, or the cost to buy the equipment?

**V. Chairman Bowman:** Basically the overall cost, we know we all have heard about technology and how it is increasing and, but are we getting something back in return for it that actually cheapens the overall cost to the government. Or it just continuing to increase because we have more things we have to do now?

**Ms. Holewa:** This is simply both. We put the equipment in, it's a lot like getting a new car, Distance from one place to another hasn't changed. The real jump in technology happened back in the 80's when people moved from paper to computers and the internet now is faster and easier to reach and compiling things faster and getting things more automated. So in answer to your question, it seems we are automated a lot, which we didn't have to ask for a lot of additional clerks. It hasn't kept up. We have not had to ask for a lot. We invest in automation, it gives information to the lawyers and others. Technology is to the point where we could probably close down all the small service places and run everything out of the legislature. That's not a choice but departments to make. But it is the personal contact thing. It is choice on how you want your service and how close do you want to be connected to the community, that's a choice I suppose for the legislature to make.

**Chairman Holmberg:** Have you seen a difference then as far as the utilization of online access to records versus the books?

**Ms. Holewa:** We have a few judges & justices who use books. Most are online information because we don't do a lot with books anymore.

**30.14 Senator Mathern:** Would you comment on the clerk of court information regarding some are employees and some are contract clerks. How is that system working and is there anything that we should be planning for in terms of change there or is just working fine the way it is?

**Ms. Holewa:** We have some control over some of those contract clerks 2 are contracting, through legislation that says they have to follow what we do. We have no control over who they hire. We have some that are highly trained and effective. There are some that are not and a constant retraining. There may be a lot of quality control issues. We don't have control on what the counties sets for the salaries on those. So far all of them have kept their salaries reasonable, probably because as you know in a courthouse if you rose one department salary, the other department is going to know about it and know the county commissioners' door too. That is an issue. The benefit to having their system is we only pay for the hours we work there and need. I am looking at Stanton, and if they only need 10 hours, that is what we pay for I am not paying for a half time person, or a full time person. You don' have full control over the quality of the work product.

**Chairman Holmberg:** Commented that his daughter works with contract people, and often there are many mistakes. Is this happening for your system also? He was told yes, many times that is so, it depends on the expertise of the clerks that are hired.

**34:01 Senator Robinson:** In the court system where is the responsibilities of fringe benefits rests and is that with the county?

**Ms. Holewa:** It is the counties responsibility to cover the benefits, but our salary reimbursement does include a percentage towards that. Reductions – Pge 4. We do try to follow the governor's recommendation. We still have all the cuts. **(36.42)** Written testimony.

**Chairman Holmberg:** The court needs to be thanked for participating in the allotment process. The court nor the Legislature required an allotment, but both did their duty as best they could.

**Ms. Holewa:** Continued with her written testimony. We have seen people leaving that we were not anticipating. We are interested to see if HB 1053 passes because that's the one where while increase the employee contribution to retirement.

**Chairman Holmberg:** Does the governor add into your budget the anticipated increase in health insurance so you don't have to do that? And the legislature has to do it, right? I can't remember in our budget.

**38:53 Alex Cronquist, Legislative Council:** Because we are working from a base budget, that will have to be amended and then added to the base budget.

**39:08 Ms. Holewa** talked about operating cuts they have done. Re: Juvenile Court Services determines what kind of help the youth need. The Youth Culture Achievement program will be continued but there will be some cuts for the contracts to the providers by we have had to cut back our funding by 54%. The Day Report Program is cut out in Fargo and Grand Forks is being reduced. Educational program is reduced by 10%.

Juvenile Court Services for abused and neglected children. The Guardian ad item services – we have struggled with this program. We are asking the guardian ad litem to not go beyond the initial disposition stage of the case. Social services are also involved in the cases.

**45:45 Senator Mathern:** In those situations where the services of the court are different from one judicial district than the other, are there non-budget monies paying for that difference or are we paying essentially for unequal services from district to district?

**Ms. Holewa:** We are paying for that. It is a large part of it is driven from judge preference. How involved they want that guardian to be. (48.58) the guardian ad litem is appointed by the court for children who are abused or neglected. The guardian is someone who is appointed by the court because they have an interest in the parties. This has been done to insure that person needing the care gets it. We really struggled with this program to fund it appropriately and we've had an increase over the years with the number of cases of abuse and neglect. A lot of that was driven first by the meth problem, now by the opioid problem, but there is just a lot more of abuse and neglect cases coming in. We have told the guardians not meet with the kids in person except with them unless there is issues going on later. We've also directed them to not personally attend meetings, and attend hearings unless there is a compelling reason for doing that. Most recently this month we've directed them to stop working on the case after you lose some except with abusive and neglect cases. What are we going to do with the case, that is emotional disposition? We have cases that don't move from emotional disposition and they want it until the child is in a safe and permanent place.

**47:46 Senator Mathern:** In those situations, where the services of the court are different from one judicial district than the other, are there non-budget monies paying for that difference or are we paying essentially for unequal services from district to district?

**48:09 Ms. Holewa:** We pay for equal services. They are just different. Part of that is resources in the community and part of it is just where you to allocate the money. A large part of that is the judge preference on certain cases.

**Ms. Holewa:** There are certain parts of the guardianship that can't leave the court, like appointment and reports. Other agencies cannot proactively go look for it. We would be happy if someone would do it. The Court Improvement Program is a federal program that will be reduced. Congress chose not to fund two of the grants.

**51.50 Senator Grabinger:** Sally do you think that you are the place to handle that guardianship or should that be under a different department within the state? Because I have heard from a constituent that does guardianship services and there's concern that there isn't real good oversight of what they're doing making sure that their clients are being given the services that they should and so, is that or would you make that as a recommendation if you're going to cut the program here.

**54.04 Ms. Holewa:** They say in parts in the guardian system can't move the court, and that would be the initial appointment and the annual filing, could another agency like other state services catch this and go on, they could with additional resources. I don't think it would be a conflict between the court and another office, like Adult Protection, but right now there are

steps to the limit and they can only react to parts of the steps, they can't pro-actively go look for it. That is kind of the difference here. We would be happy if someone did it.

She continued her testimony. You wanted an update on our projects from last time. Our disaster recovery project went very well, we cut some funding out of it and changed a little bit of the dynamics of how we do it. We got it up and running and have tested it live twice and it's successful; then the renovation of the old ITD space, done at about \$30,000 savings.

**Chairman Holmberg:** Do we have in many of our rooms the routine control during the interim but most of our physical committee rooms are turned over to, is the contract, do we turn control over the DeCouteau and Cheyenne River room over to somebody else, do you know?

**Ms. Holewa:** We are working on that yet. The hang-up now, we agreed on everything except for the historical language in the agreement was basically two sentences that we wanted to put in there not for any vindictive reasons, just we want to document the history for when everybody is gone. If the appropriation went through us but the legislation doesn't make it that. That's the hang-up right now. We've agreed on all the others in substance though,

**Chairman Holmberg:** The bottom line, those rooms may be used by someone probably during the interim? We've kept control of the Harvest Room, Roughrider.

**Ms. Holewa:** Exactly, we are operating now an understanding and so we do the scheduling for all the rooms except during the Legislative session, and if you come back for a special session (58.52). She continued on page 9 regarding juvenile drug court, and the legal self-help center. It is a great program to understand the legal process.

**1.02.03 Don Wolf, Director of Finance:** Testified in favor of SB 2002 and presented Testimony attached #2, #3 regarding the North Dakota Court System Reduction in Force Implementation Plan which shared the amounts of reductions, savings by reductions and Page 4(108.53), we have assessment to determine. It is good ball park estimate. Sally mentioned with deputy clerks we moved 6 of them. We tried to balance out the clerk need in the counties. That Burleigh Co, Morton, Billings had a shortage. We are overall we are showing a 20% shortage. We are trying to balance the pain. With the juvenile court officer's, we had a little extra in those counties; after the cuts we are going from a surplus to a just above what we need. Total funding contract counties. That is an increase. He concluded his testimony regarding the funding for the judicial system (1.16.53)

**1.16.53 Senator Mathern:** This deficiency appropriation of \$1.5 million, is that detailed in any way? How are we determining that this is costing \$1.5 million?

**Mr. Wolf:** Based upon the assumption that there is going to be 400 additional jury trials just to deal with these protesters, from the Dakota Access Pipeline protests. What we factor into is a combination of depending upon whether it's a felony or a misdemeanor. A felony would probably take an average of 3 days to hear the whole case, a misdemeanor it would take probably take a day or less. So, it's a combination of we pay the jurors to come in. Normally we would bring in 26 jurors, and all but 12 of those are sent home. But we still pay for people to show up for a jury trial to get paid \$25 just for coming in. If they are there for the full day, they get \$50, so that combination we factored in a little bit for during deliberation, if we have to pay for meals for the jurors; we pay for the surrogate judges to come in and their time; we pay mileage for the jurors to come.

**Senator Mathern:** If I could just interrupt there, a surrogate judges, are these judges from other states or all they already on salary, if they are already here?

**Mr. Wolf:** The salary you talked briefly about is because of this significant increase that the current judges aren't able to handle the or keep up with their work. They are retired judges. They are not already on staff.

**Senator Hogue:** I have a procedural question for you and a question for Mr. Wolf concerning this deficiency appropriation. My procedural question is whether these two bills will be married up or will they be on separate tracts because of the deficiency? I guess if not, is it part of what the court offers in that deficiency bill, is there expenses that have been incurred to date that are reflected in the testimony that is part of that bill, or is that something we could get ahold of?

**Chairman Holmberg:** Procedurally, yes that is a separate bill. Theoretically, it should pass early because of the deficiency. That is over in the House too. We would probably not want to put deficiencies into the budget because this budget won't be passed until the end of April and that theoretically should be passed much earlier.

**Mr. Wolf:** To date we probably haven't had very many expenses yet, just because they are just starting to go to trial.

**Senator Grabinger:** I've had similar conversations with the people from the Indigent and Defense Fund who are going to have similar position on this funding, because of the added case load, similar of what you're facing in Judiciary. Has there been any consideration of talking to the Governor and maybe it doesn't any difference, I am new on this committee, but they are using emergency funds now to fund the Law Enforcement and everything because of this situation, was there any discussion about going in that direction to get this funding rather than an appropriation bill? **Mr. Wolf:** Not that I am aware of.

**1.21.18 Chief Justice Gerald W. VandeWalle:** We were told by OMB to go this way. I questioned the same thing. Could we get in under the emergency? This is a new ground for me. I am not an expert on this at all.

**Chairman Holmberg:** I think you also, look at Becky, she could also answer the question, because I think you will find to there is money in that in that same deficiency appropriation.

**1.21.56 Becky Deichert, OMB:** Yes, there is money in that deficiency, there is \$1M in there, just short of \$1 Million dollars for indigenous decent.

**1.22.31 Senator Wanzek:** When we are looking at deficiency budgets, aren't they typically reflected back to the past? Deficiency requests don't go under the new budget, typically do they?

**Chairman Holmberg:** To cover the covered the costs incurred.

**Senator Wanzek:** When we showed it up in that in 15-17, or 17-19? **Chairman Holmberg:** It would be reflected.

**1.23.04 Alex Cronquist, Legislative Council** It would be reflected in the 15-17 general fund? If it would come from the General Fund which at this point a bill introduced by the Governor's office they are all coming from the most part coming from the SIFF fund, but in the past when there's been deficiency appropriations from the General Fund it would show up as a reduction and available General Fund revenue for the following biennium, but since this is all out of SIFF it will be a reduction in the SIFF available budget.

**Chairman Holmberg:** If this was a year ago and some of the deficiencies would come up the court would come to the Emergency Commission and ask for some money from the contingency fund and then the Emergency Commission, then it would go to the budget section and then the money would come out and they would be paid. But they were told that this should go through the deficiency appropriations to be issued.

**1.24.10 Senator Robinson:** We were told during the organizational session that the money borrowed from the bank of ND, will carry us through December. It is my understanding now, that we still have some issues, will there be additional costs, we don't know what level those costs are going to be. Will there be an amendment offered to the deficiency then, how are we going to handle that?

**Chairman Holmberg:** We are going to handle that, but I don't know how, there is no bill yet but there will be one.

**1.24.39 Mr. Alex Cronquist, Legislative Council.** As far as I know, nothing is set in stone as far as how.

**Chairman Holmberg:** There is no bill yet, that has been drafted. Amendment or a separate bill. It's in a state of flux.

**Senator Oehlke:** Help me understand the microfiche, that needs to be digitalized now, or you want to digitalize the microfiche because it gets to a point where it deteriorates, so once it's digitalized is that going to be available more readily on line for my good friend Senator Hogue, because he's an attorney and he might want to research information or is that just for Supreme Court cases?

**1.26.00 Ms. Holewa:** This digitizing of the microfiche is for in office use. What we are digitizing are old records like probate records and those types of things. Scan into a PDF file and then put it on a server, and that would be what we are digitizing is years' worth of probate records and other permanent storage type records. So, the cost to put it in our server storage would be much more expensive than just putting it onto the CD's that I am certain would be CD's. It won't be connected that way.

**Chairman Holmberg:** Are there any other questions of Don. What we will do now is take a short break after we hear from Mr. Tony Weiler.

**1.27.43 Tony Weiler, Executive State Bar Association:** My extern is Chase is a 3rd year law student at the North Dakota School of Law. He is externing with The State Bar Association. He will be assisting us during the session. He earns credit for his work with us and he will be assisting us. We have just over 3,000 lawyers in 2016 which is the most we've

ever had. That number will drop a little bit because some people won't pay their licenses. The bar association supports the court's budget and I look forward to working with you.

**1.29.05 Senator Mathern:** I have heard that there is not enough legal representation in our state and they are looking for people from out of state. What is your thought on that? Do we have enough attorneys in ND to represent people that are charged with crimes and we need to go elsewhere to get attorney's?

**1.29.43 Mr. Weiler:** We've had a lot of conversations with legal defense and the bar, to this point indigent defense and private defense is sufficient. There are ways for out of state lawyers to come to ND if they so choose.

**V. Chairman Bowman:** When people go to the court and are found guilty are they held accountable for what has been created for this fiasco down south? It seems to me that someone has orchestrated this and put it together and its' been a mess, a very expensive mess. Is anyone ever going to be held accountable for what's been created by this fiasco down south?

**Mr. Weiler:** I can't answer that. This is a question that requires a bigger answer than I am able to provide. There are costs often associated with having a criminal charge against you or a criminal conviction, restitution you may have to pay or that the defendant may have to pay, but it's not something that I deal with that maybe a question for court administration.

**1.32.33 Chief Justice Gerald W. VandeWalle:** About the juvenile court. When we unified the system all those years ago, we did away with any specialty court, so all of our judges are generalists. Most or many states have family and juvenile court, we have a juvenile court, but our district judges are sit. The true juvenile judges in ND have been the referees in many areas and I think that is what is probably you were being asking about. The referees have dealt with juveniles and they become the specialists in many instances. Now, not every district has a referee, but then they are used differently, but in many districts, the juvenile referees are the juvenile court people that are the specialists. It's true.

**Chairman Holmberg:** We have a subcommittee. Committee members should contact them and delve in a little deeper if they have an interest. We have recommendations from the court. I don't know if the new governor has any budgetary recommendations.

**Chairman Holmberg** closed the hearing on SB 2002 (1.34.43)

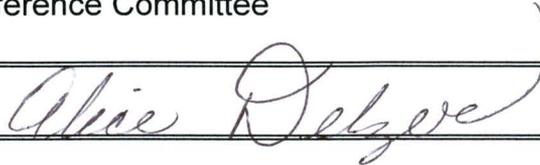
# 2017 SENATE STANDING COMMITTEE MINUTES

**Appropriations Committee**  
Harvest Room, State Capitol

SB 2002 & 2062  
1/23/2017  
JOB # 27237

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

The Judicial Branch Committee Discussion

## Minutes:

**(0.14.00-0.22.19)** This portion of testimony is concerning discussion regarding the Judicial Branch. (At 8:30 am on 01-23-17 the Appropriations Committee heard testimony from Sheila Peterson, OMB regarding the Revised Executive Budget Recommendation 2017-2019 Biennium.) (Job # 27231)

**Chairman Holmberg:** Is there anything for the Judicial Branch? They didn't make any changes but the salaries. He asked Senator Kilzer if he had a chance to look at this. He was told no. Chairman Holmberg stated they didn't make any changes except for the 0 and 1 and the 5%, they didn't remove any FTE's or any program changes. Is there anything else on the Judicial budget?

**(0.14.56-0.15.56) Senator Hogue:** I did attend a meeting hosted by a couple assistant Attorney Generals regarding the Marcy's Law will have some impacts on both the judiciary budget and the Council for Indigents. One of the provisions of the Marcy's Law is that the victim gets to intercept the first dollar of any recovery for restitution. Traditionally the way the courts have been doing that is that they order restitution and fines and they also have a victim advocacy, and that's been going to the State's Attorney's office to fund a victim coordinator position. So, Marcy's Law is going to have impacts to both of those budgets. We didn't hear that during the committee hearings.

**Chairman Holmberg:** That would be one thing that would be helpful. Who is our staff attorney on the fiscal area and policy? It is Alex Cronquist, Legislative Council.

**(0.16.18-0.16.34) Senator Gary Lee** made comments regarding the money in the deficiency appropriation regarding Marcy's Law

**Senator Sorvaag:** Just on that for the indigents in that budget they did bring up that there would be some affect.

**(0.16.56-0.18.18) Senator Grabinger:** I have concerns about the money being cut for the guardianship program we started last biennium. I am real concerned with that because I heard testimony from people that we're are looking at 150 new clients in the next biennium in that program. That's why I asked Sally to testify if they thought that program should be under another group. I made a phone call to Theresa Larson with Protection and Advocacy. She hasn't gotten back to me yet today. I want to see something done on that program. It's critical to many, many people throughout our state that receive those services so we can make sure they are getting the services they should. There was a bill we passed on the floor today that had a little bit to do with that. Anyway, that is one of the concerns that we should look at trying to move that to Protection & Advocacy, take it out of the Judiciary. I will go along with that but we shouldn't discount that program.

**(0.18.28-0.19.33) Senator Robinson:** The program that is struggling because of budget reductions is the drug court program. Grand Forks was scheduled to all but close and now they are hanging on. There's also the juvenile side of the budget that I heard from constituents that they are really concerned about losing ground in a program that's working and we're keeping, not just kids, but folks out there. There's a youth drug court and the adult drug court keeping folks out of prison. It is one of the programs that makes sense. I sit on the drug court advisory committee and periodically we have a report of what's happening around the state and it's refreshing to know that we are having folks graduate from that program and months and months later, they are out there, productive, the recidivism has been down, but that's an area the committee could take a look at as well.

**Chairman Holmberg:** And throughout all of this you have to keep in mind that you are dealing with close to \$2B less to spend then we had last time. I'd be surprised if there was a general tax increase bill put in between now and 5:00 o'clock to day. So the pie is kind of set. The margins will move depending on how the economy is going. Most of these things we are talking about this legislature has approved. We like drug court, but some things are going to be left behind and I think as long as we keep in mind that we need to prioritize and we need to be fair. I think, using the example of Grand Forks, they had no questions on Higher Ed at our forum, even though it has been a hot bed of discussion and I think part of that is they know there is going to be changes, they are not necessarily going to like them, but what do you do.

**(0.20.47-0.21.33) Senator Mathern:** Frankly I was very surprised that the revised budget was as it was. In light of the campaign, in light of the discussion, maybe it's up to us to reinvent government. I would just suggest we be open to what are some things we can do quite different then we've done in the past.

**(0.21.34-0.22.19) Chairman Holmberg:** Those are some of the things we are talking about here. Do we need a new delivery model for some of the things we do around the state? At the end of the day the way our constitution is, the legislature is the body that really makes those decisions. The governor can come in with new suggestions. We are the ones that have to implement them. He has veto power, that is true and governors have used that. The discussion regarding the judicial Branch was closed.

# 2017 SENATE STANDING COMMITTEE MINUTES

**Appropriations Committee**  
Harvest Room, State Capitol

SB 2002  
1/30/2017  
Job # 27591

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Mary Munder for Albert Selzer*

## Explanation or reason for introduction of bill/resolution:

A Subcommittee hearing regarding the judicial system.

## Minutes:

- 1.Recommendation Comparison Summary
- 2.Base Level Funding Changes

**Chairman Kilzer:** Called the subcommittee to order at 2:00 pm in the Harvest Room. Roll call was taken. Senators Hogue and Grabinger were present. Becky Deichert, OMB and Alex Cronquist, Legislative Council were also present. As you know SB 2062 has been defeated, so we'll be talking about 2002. That will be what we are working off. We are fortunate to have two new faces on the subcommittee. I would like to commend the judiciary taking very seriously the cuts and occasions that they had prioritized themselves. We are in good shape. In the other budgets, there is a lot of apprehension of employees paying insurance, we have found in the Senate that that is unpopular, there will probably be other changes to the health insurance policy, the deductible will probably be increased and the co-pay might be increased so don't be too focused on that as we face the cuts.

**Sally Holewa:** There are two small mild increases and I will go over them first. The first is the technology piece, that increased just over a ½ million dollars. That's because this biennium we put in a remote disaster recovery site, most of the increase is due to that, increases in services contracts, and licensing fees. The second piece is that we have to update our storage media. We have probate records on old microfilm, the film is degrading, especially in Ward County. They also are having difficulty getting a machine functioning to read those even when the tracks are working. We are looking at getting 3 counties still with the old film and we would like to get them digitized. Ward County is the most urgent piece. The other place where we have an increase is for the clerk of court services for county employees. We use a weighted case load study, we apply that to the counties and we pay them only the number of hours that we need. For example, in Slope County we need .17% of a person's time per month, so that's what we pay the county for reimbursement on that. Our payments for the county lag, by statute we contact them in April, even numbered years, for a 2-year period going forward, so if a county gives an increase in an even numbered year, we don't pick up those increases until the following contract. We adjust that to the different case-loads.

**Senator Grabinger:** Is that what you are referring to is the increased payments to the counties?

**Sally Holewa:** Exactly.

**Senator Kilzer:** Would there be resistance to unifying them. Would the counties object? Is there a big difference in the pay with the same duties?

**Sally Holewa:** The answer is yes to both questions. I think that the small counties would be resistant to having us close those small offices. It probably would not save a lot of money because we only pay for the hours we need them. There is not a lot of slack. We maybe could cut a person or two but we can't cut 33 people spread out over the 43 counties. I think you would get resistance. I can't speak for the counties. As far as the pay differential the state employees are paid higher than the county employees.

**Senator Kilzer:** So we might be losing money if that did happen?

**Sally Holewa:** To be absolutely honest, the county is carrying the state on this one.

**Senator Kilzer:** One of my observations is that some of the clerks have other jobs in the county.

**Sally Holewa:** If I were a county commissioner, you are not going to lose the staff, but you would be losing the part that the state is paying now.

**Senator Kilzer:** These seem to be at the top of your priority list. Any questions on those two priorities.

**Don:** The payment to contract counties, that increase is what we originally asked for the biennium because it is a fixed amount, it's actually an increase to that line item.

**Senator Hogue:** I have the impression whenever an agency signs a lease, it is always subject to the appropriations.

**Don:** That is the only out that we do have. (0.08.54)

**Senator Kilzer:** I am not very clear about the guardianship and where it should be, how under founded it really is. On the placement of guardianship in this budget. I know other agencies are involved, both public and private.

**Sally Holewa:** Guardianship is when an adult has the right to make decisions, where you work, where you live, who you will marry, if someone wants to take those rights away they have to go through the court to get that done. The guardian has a lot of control. The guardian has to file an annual report. There are about 3500 active guardianships in the state. They don't get the kind of scrutiny they should get. There was never an objection.

**Senator Kilzer:** It has to be an order from the court.

**Sally Holewa:** Exactly. So the court in response to what's been happening nationally, because crooks can find a way, it was fairly easy for someone to get in and steal all the money and also public administrators appointed when there was no other guardian available. We got permission from the Legislature to start the pilot program to do some extra monitoring of those cases. I know Senator Grabinger has been talking to Protection and Advocacy.

**Senator Grabinger:** We have a situation in the state. It's expected that the number of guardianships needed will probably increase at least 150 with the next biennium. Some of these guardians have more than 150 clients under them and it is very concerning. One of the reasons, right now there is no guide lines or rules except an annual report, giving them any direction at all. We have to come up with a guideline and make sure they are providing these services. Not only should the court expect this but we should too, because the people are vulnerable and that is why they were given the guardianship position. So rather having this cut and in the judiciary, we have been talking to Protection Advocacy to see if it would fall within their scope, and they think they can. If the funding is there to do this, they would like to expand what has already been started by our judiciary. My wife runs a TL home, and most of her clients have guardians, and we have seen bad ones too. There are lots of good ones out there too. We need more oversight for these people.

**Senator Kilzer:** Wouldn't P & A already have guidelines?

**Senator Grabinger:** No. There really isn't. They need training, and what is expected of them, and what they need to do.

**Senator Hogue:** Could you talk about public administrators. There are some nonprofits out there.

**Sally Holewa:** A public administrator is a guardian of last resort. If you have family that has been abusive in the past, or they can't stop fighting long enough to help you, or if they are just not interested in you at all, then you could end up with a public administrator. Up until the 1970's, the public administrator was an elected county official and they reported to the county judge or board of social services. Somewhere in the 80s, when the county and district courts consolidated those became appointed positions. Then in 95 when all the judges became district judges, the county was appointing them, but the statutes still said it was the district judges job to appoint. The counties stopped appointing them and at this point, we have two designated public administrators in the state, one in the south central that is the Guardian and Protective Services and the other that is up in Ward county. In other parts of the state they have stopped designating, but they have some non-profit ones that they will go to, so a total of 13 all-together who are performing that service, including those two public administrators.

**Senator Hogue:** The non-profits, they charge fees, is their fees structured or set.

**Sally Holewa:** There is no oversight or fee structure. They have the past program, it was passed 2 Biennium ago, from OMB that if you are beneath the poverty level, and also have a guardian of last resort, they can apply for that funding. They can also collect other fees for other people, and the counties like Burleigh, Morton and Ward county contribute something toward their public administrators but the rest is all fees so essentially what happens as the

tax base as a whole paying for these it's the private individuals, like retired school teacher who has savings or a retired doctor or somebody so what they do then is they charge those people more to cover the ones that can't afford the fee. Another common issue that we see, is the guardians themselves will charge a fee like if they mow the lawn or some are RN's and they charge them if they give them medicine, or taking someone shopping can range from \$10. to \$100. So we need some set guidelines for these people.

**Senator Kilzer:** It seems every biennium the judiciary and human services, there is always a shortage of these folks. These people can't really wait. What happens to them?

**Sally Holewa:** In some the non-profits are taking these individuals and charging no fee and charging others to cover the cost. Some are in the hospital in a transition bed or swing bed waiting till they can get a guardian who will then move them to a nursing home.

**Senator Kilzer:** How bad is it at the present time? How many people are not receiving a guardian when they are really needing one?

**Sally Holewa:** We don't have a waiting list.

**Senator Grabinger:** The only thing I can add is that the non-profits were asked by Grand Forks county to come and take over up there. Guardian Angels, the director there, has one way up in the far northern part of the county, the people have to be seen, so they try to meet others at the same time. This concerns me, and now we are getting more as this goes forward and we have to get this in line and make sure they are getting the services they need.

**Senator Hogue:** (23:58) You see where some of these guardianships are next of kin, close family members, and quite frankly I don't think they need a lot of supervision or oversight as they tend to act in the best interest of their ward, although I know that is not always the case. The ones that are most troubling is the public administrators who are acting as guardians of last resort, because no one else will step forward. Sometimes the medical profession gets involved. The doctor can't turn to the ward, and say will you authorize this treatment because they already are deemed as incompetent.

**Senator Kilzer:** My experience in the hospital situation is that social workers are involved in finding representation and the funds, otherwise it becomes a no pay at the hospitals, too. I know we can't solve the problem today.

**Senator Grabinger:** I am new on this committee. I want to see this taken over to Protection and Advocacy and get the funding restored for that. I want to try and get that started if we can, and I don't know the best way to do that, so I am kind of asking if there are people around the table here that can get this directed, if we want to do that, and make sure we get it started.

**Senator Kilzer:** It is also before the Human services department, aging services, within the department of Human services, it's a problem in many of their divisions. We are open to your proposals. It is a growing problem and is getting worse.

**Sally Holewa:** This is the situation we are in. When Senator Grabinger talks about Grand Forks county coming down to Jamestown asking for help in their guardianships, they were doing that because the public guardian who was dismissed for taking money from their clients was going down to the guardianship provider in Jamestown, who was charged federally for taking benefits from their clients and using it for their own use. We need to get a good handle on this and make sure we have some control over the administrators and make sure we have resources so that we aren't having to go to what is essentially a tainted pool. We'd like to think that in ND that wouldn't happen, but it does.

**Senator Kilzer:** It is an opportunity for criminal activity, an invitation in some cases.

**Senator Hogue:** I see that Governor Burgum's budget wasn't out when you presented to the appropriation committee. Do you have any thoughts about that?

**Sally Holewa:** I am glad he didn't try to adjust the budget further. We can see the 1% and the health insurance. But we feel we have cut to the bone, not only our operating expenses but our staff and we are as deep as we can possibly go.

**Senator Hogue:** In the Chief's testimony we alluded to 10 district judge shortage and 21 clerks. Do you have the geographical representation of where the court thinks those shortages are?

**Sally Holewa:** Eight of the clerk shortages are right here in Bismarck and Mandan. Two of the judges are here too. Don would have the information for you.

**Senator Kilzer:** This could be a lot worse as the protest cases that might be coming?

**Sally Holewa:** Correct. With the protest cases it's like going down for the 3<sup>rd</sup> time.

**Senator Grabinger:** The funding for law enforcement, the indigent defense on the other side, can you file for emergency funding like law enforcement has done to cover some of those costs or not?

**Sally Holewa:** We cannot. That fund was restricted for law enforcement activities. HB 1024 which is the deficiency appropriation, we asked for \$1.5 million dollars and then last week we reduced that to basically a quarter of a million for this Biennium and then we are coming in here to ask for another million because a lot of the trials have been moved to the upcoming biennium, but just this morning I saw the HB 1024 has been amended and it would give the court borrowing authority up to \$1.5 Million dollars this Biennium up to the end of next Biennium. To answer your question, if HB 1024 passes we would cover the costs of those trials to that.

**Senator Kilzer:** I think a lot of those loans are never satisfied. I think a lot of them turn out to be a grant.

**Senator Hogue:** I was going through your cut positions, law clerks in Fargo and Minot, can you tell me which districts will have a law clerk in them and what districts will have a cut. Is this a complete elimination of all law clerks in any district?

**Sally Holewa:** No, it's a mixed bag, we let each of the districts come up with their initial proposal. Some chose to keep their law clerks and some have not.

**Don:** I believe we went from 12 to 9 law clerks.

**Senator Grabinger:** You gave each judicial district an opportunity to make the decision of where their cuts would be? I heard just the opposite from a district judge and he was concerned as he said us judges aren't much good without a clerk. The cuts were devastating in his opinion. That was confirmed. (0.34.51)

**Sally Holewa:** We went through an extensive process with this. Most of our employees don't report to district judges, they are supervised and hired by the administrators and the exception to that is law clerks and court reporters and referees. When we initially told the districts to cut 10% off of their budget the administrators went through and cut their staffing and then the judges looked at their staff, so it was a joint process. Then it went to the administrative council, which is the council of all the presiding judges plus an additional judge from each district, so at that point we have 14 judges sitting on the council with the supreme court, to make a decision. They were given input there and ultimately the supreme court and Chief justice made the final decision on the cuts. There was ample opportunity for input.

**Senator Grabinger:** So you would disagree with his assumption that with the cuts that were made within the judiciary budget and the decisions that were made, we are not creating a very top heavy department here, because that's what he was coming across with me.

**Sally Holewa:** I am sure that everybody has heard it said that we should cut all the management and leave all the staff workers, but we only have, as far as administration, and particularly in your district, it is a joint administrative district, they have 2 management positions supervising over 80 people. No I don't believe they are top heavy and no we didn't cut them.

**Senator Kilzer:** On the handout, Alex, is there anything you want to tell us about? Base Level Funding Changes.

**Alex Cronquist, Legislative Council:** In that first column, that is the Governor Burgum recommendation, the bold items are the numbers that were changed from Governor Dalrymple's budget to his budget; the second column would be the Senate version. You would take what you like in that first column and move them over. The 3<sup>rd</sup> will be the difference between Governor Burgum's recommendation and what you decide to have as the budget.

**Senator Kilzer:** This is a little bit turned around.

**Alex Cronquist, Legislative Council:** The base level is that top row of numbers and the final base is at the bottom.

**Senator Kilzer:** Are we getting another green sheet?

**Alex Cronquist:** The only information is this information sheet.

**Senator Kilzer:** Any directives for next time.

**Senator Hogue:** Do you have any current updates about your expenditures about the trials in Morton County, that are extraordinary, I would like to see those.

**Senator Kilzer:** Any certain time we could have that information Don?

**Don:** There hasn't been a whole lot of activity yet. I know there is going to be another one this week. We can come up with some figures but it will be a small amount of what we have incurred so far to date.

**Senator Kilzer:** Can we have our next meeting late next week. It was agreed for Thursday, February 9<sup>th</sup> at 2:00 in the Harvest Room. The meeting was adjourned.

# 2017 SENATE STANDING COMMITTEE MINUTES

## Appropriations Committee Harvest Room, State Capitol

SB 2002 sub-committee  
2/9/2017  
Job # 28140

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Sandy Baumgartner for Rose Lanning*

### Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch.

### Minutes:

Testimony Attached # 1 – 3.

**Legislative Council: Alex Cronquist**  
**OMB: Becky Deichert**

**Senator Kilzer** called the sub-committee to order on SB 2002. Senator Hogue and Senator Grabinger were also present. We will open with the 3-page handout from Don Wolf.

### **Don Wolf, Finance Director, North Dakota Supreme Court**

DAPL expenses through 2/9/17 – Testimony Attached # 1.

State Funded Clerk Need per 2014-15 Weighted Caseload Study – Testimony Attached # 2.

Judicial Officer Need per 2014-15 Weighted Caseload Study – Testimony Attached # 3.

**Senator Kilzer:** The anticipated request will start at \$1.5 million?

**Don Wolf:** Yes. Explained attachment #2 and attachment #3. We are eliminating 36.5 positions.

**Senator Hogue:** We had testimony at the original bill hearing. Just because there's a drop off in the oil activity, doesn't mean that there is a drop in the caseload. This is based on 2014-15. In caseload today, what would you expect in the NW and SW to look like?

**Don Wolf:** We have a preliminary draft for the 2015-16 of what numbers will look like. It hasn't been presented to the Supreme Court yet and it is not finalized, but there will be some drop off in NW and North Central. We will see an increase in the east and south central.

**Senator Hogue:** Increase in the caseload or the shortage?

**Don Wolf:** There will be an increase in the caseload. There will be a need for a judge in those 2 areas.

**Senator Kilzer:** Sally explained the technology increase of \$586,000. Refresh my memory on that.

**Don Wolf:** There are a number of factors that go into the increase in IT costs. A lot of the costs we have is for software licenses and maintenance that we purchased from outside commercial vendors. They tend to increase a bit from year to year. Sometimes we experience maybe 10-15% increases each year. It is substantial dollars. We are also incurring additional costs because of our disaster recoveries site that we just implemented this current biennium. Some of that is data processing costs because we are not just using the local system, but the system that data has to be transported to the eastern part of the state also. Our IT rates have been going up because of this additional cost. Also incurring additional costs because of disaster recovery costs. Some is data processing costs. Some of the data has to be transported so IT rates have gone up with disaster recovery site. The \$280,000 cost would help us digitize the old records.

**Senator Kilzer:** Do you think the IT costs will continue to increase?

**Don Wolf:** Based on previous experience, there has always been a cost higher than before.

**Senator Kilzer:** Do you have a lot of records that need to be put into digital form?

**Sally Holewa:** Court Administrator, North Dakota Supreme Court We have checked and the only microfilm that we have left is with three counties of Ward, McKenzie and Grand Forks. We do have a lot of counties that have information on microfiche, that so far has been a sustainable archival method. The equipment to run that is still available.

**Senator Kilzer:** Do you have a lot of requests or are they on their own as far as digitalizing their records?

**Sally Holewa:** At this point we have control over the records to the extent that we know they exist. We work with the counties on it. Most of the data now will be coming in electronically and stored on our servers. The counties were all independent at one time. IT costs continue to go up. We know that the microfilm stored in Ward county is in very bad shape because of when they had the flood and it can't run on tracks anymore.

**Senator Grabinger:** On Monday we will be hearing a mineral case in which a deed was issued in 1945. Some of those records on minerals go way back to 1945. Some of those records are necessary. I don't know what would happen if the record of that deed was not in existence.

**Senator Kilzer:** Are there any other questions? Do you like your additional quarters?

**Sally Holewa:** We like the space of 6000 sq. feet when in fact, we only get 2500.

**Chief Justice Gerald VanderWalle:** North Dakota Supreme Court: I think it turned out well. How does legislature like it? I don't know if people have trouble finding their rooms. I think it turned out well.

**Senator Kilzer:** I thought it was fine.

**Chief Justice Gerald VanderWalle:** They now have the monitors above the doors and in the hallways and they help quite a bit to find it.

**Senator Hogue:** Universities are wanting to repurpose their shelf space in their libraries that was once used for books. Is the Supreme Court planning to keep their traditional library with hard bound volumes?

**Chief Justice Gerald VanderWalle:** We are keeping up with the systems and some of the textbooks are hornbooks and are not available elsewhere. The library is not only the Supreme Court Library. It's used by lawyers and other people across the state. Our librarian, Ted Smith would be better to answer your question. We are pruning some of that stuff down.

**Senator Kilzer:** Going back to your budget, one of the items was for \$1.179 million for Judicial Conduct and Judicial Commission and Disciplinary Board. Please review what that item is.

**Sally Holewa:**— The Judicial Conduct and Judicial Disciplinary Board is a separate board from the Supreme Court. They are independent from us. They have two functions. They investigate complaints against judges, which is the judicial conduct piece. They investigate complaints against attorneys which is the disciplinary board piece of it. I think it goes back to the 1970's. Their budget runs through us.

**Senator Kilzer:** My question is, in professional or licensing boards, if there are problems, the expenses stay within that organizations? In my field of medicine when there are bad doctors they just raise the license fees. It was \$50 a year when I started and now it's \$200-\$300 a year. That's how that went?

**Sally Holewa:** The chief has all the history on this. In the licensing fees for attorneys, a portion of that fee goes to the judicial conduct commission and disciplinary board.

**Chief Justice Gerald VanderWalle:** They are two separate boards, but share the same staff. Judicial Conduct Commission is provided by the Constitution. The lawyers do pay about 50% of the costs of the Lawyer Disciplinary Board. I do not believe they pay any of the costs of the Judicial Conduct Commission. Lawyers are the complainants against the judges.

**Senator Grabinger:** Does that board answer to you?

**Chief Justice Gerald VanderWalle:**—No, I wish the appropriation wasn't in our budget. That was a legislative decision not ours. We have to review what those boards do. If a lawyer is up for discipline, the court has to approve disbaring a lawyer or putting that lawyer on suspension. That is up to the court. The same way with a judge. If a judge is to be disciplined or removed from office, that comes to the court on recommendation from the Judicial Conduct Commission and the Disciplinary Board. We do not appoint the members.

**Senator Grabinger:** Their funding is all general fund money?

**Chief Justice Gerald VanderWalle:** No, the Disciplinary Board has about 50% come from the Bar Association for the cost of the Disciplinary Board.

**Don Wolf:** The total budget is \$696,699. It is from the general fund. \$482,701 is special funds from the attorney fees. It is about a 60-40 split.

**Senator Grabinger:** What I'm wondering is, we don't have their operating expenses, their salaries, how much is going here and there in the budget. I don't have that information.

**Don Wolf:** We can provide that. Basically, they have 4 staff people on salaries. Their total salary for a budget request is \$930,000 and about \$249,000 is for operating cost. That includes rent for office space on North Washington.

**Chief Justice Gerald VanderWalle:** Were they required to take a cut too?

**Don Wolf:** They did take in an allotment too, yes.

**Chief Justice Gerald VanderWalle:** I would just as soon you get rid of the Judicial Conduct Commission and then I wouldn't have to worry. It has been the subject of a bill in this session by a person who says steps are being taken. That is separate from the lawyer discipline board. Although they share the same staff and quarters. The boards are totally different.

**Senator Grabinger:** I was questioning why they get by just putting a line item and we don't have a breakdown of salaries and everything like everyone else has to. It raises questions.

**Sally Holewa:** It goes in that way because they just one-line item in our budget. That's the only reason it goes in that way.

**Chief Justice Gerald VanderWalle:** In fact, in order to avoid an appearance that we are running the board to our own advantage, there is an Operations Committee. I think Sally sits on it and one member of the Judicial Conduct Commission and one member of the Bar Association. They sort of determine what the finance is. Otherwise, we could come in and request no funds for Judicial Conduct Commission. They couldn't investigate any of us. There is that tension and conflict of interest in the two.

**Senator Kilzer:** I appreciate the work that has come to us. I am looking at both SB2002 and SB2062, but 2062 has been defeated. Any comments from the judiciary about that situation? Are there things from 2062 that you would like to have in 2002?

**Don Wolf:** There was very little difference in dollar wise. SB2002 was a slightly higher dollar amount than the other. One of the biggest items in the budget layoffs that we did was cut positions. We cut 36.5 positions which is 9.3% of our staff. That is a substantial cut. Our salaries and wages are a line item and it is over 77% of our total budget. I guess they request that we would have to maintain our operating budget. We cut as much as we possibly can out of our operating budget. Any additional cuts of the operating budget might affect our ability to have daily operations processed. Comparing what we did with legislative council,

they only cut 1 position where we in comparison cut 4 positions. It is a relatively significant cut in our budget compared to the comparable agencies.

**Chief Justice Gerald VanderWall**– This is the most difficult budget that we've worked with. We did put a lot of work into it. The district judges don't agree with the cuts we made or where we made them. We did the best that we good. We don't have a lot of room.

**Senator Kilzer**: I am sure for the people of this state, having you make the cuts rather than us would serve the people better. My wish would be that we would forward the budget as is intact to the whole Appropriations Committee. The budget has a long road ahead of it.

**Senator Grabinger**: I agree with the judge. It's up to him to make those decisions. We can't micromanage too much. I'm concerned about the cuts in the juvenile and drug courts. I am real concerned about the guardianship and we have had those discussions with Sally and the Chief. I hope you'd help me to get that over to Protection and Advocacy. On the back of this, we are looking at the salary increases, we haven't done that for the others. I don't know if we can include that in here either.

**Chief Justice Gerald VanderWalle**: I'd be willing to help you but I don't know if Senator Dever will except the Guardianship Program. He has some concerns about that.

**Senator Dever**: District 32, I chair the committee on Protection and Advocacy. We have had some conversations and we would be happy to have further conversations on how this would work. One of my concerns is the same that the court does that the role of protection advocacy is to keep an arm's length in order that they might advocate for people that are wronged by the system. I am not sure how that would work on those who are wronged by the system. A new concern I have today is the House cut an FTE and \$60,000 out of their budget. They would need to have that restored and resources to go along with the program.

**Senator Kilzer**: Do you feel SB2002 is the right place for that subject?

**Senator Dever**: Only that it has been there. Guardianship is there, but carrying on the conversation, you need to bring them together.

**Senator Grabinger**: If we do that, we would be bringing a little over \$300,000 was the intent. It was the same amount that was in the Judiciary for that. That might help out Protection Advocacy with the FTE if it comes to it.

**Senator Dever**: That could certainly be a part of the conversation.

**Senator Kilzer**: That could well be down the road because this bill has opportunities to be amended. I would like to move it out today if possible at the level I am not sure the 2062 level or the 2002.

**Senator Hogue**: I want clarity on the two bills we've moved out of committee, we went along with suggestion of Governor Burgum to delete 1% for the second year of the biennium. If we pass 2002, that would be same as what we've done on other bills. We have rejected the 5%

health care insurance, but we have been adopting electing not to provide a 1% increase in the second year of the biennium in the other budgets.

**Alex Cronquist:** So the Governor Burgum's recommendations aren't included? SB2062 reflected Past Governor's budget which included the 1%. The difference between 2002 & 2062 is \$225,000 of general funds. Most committees making the bills coming out of senate by not including that 1% salary increase and they are not doing the 5% employee health insurance portion. We implement the recommend from Burgum without the 5% health insurance. We can get that drawn up as an amendment, if you'd like.

**Senator Grabinger:** I don't think we should make anything different.

**Senator Kilzer:** Can you remove 1% and 5%?

**Senator Grabinger:** I move that we draw up a new amendment adopting SB 2002, and put back in 5% medical and remove the 1% for the second year of the salary increase.

**Senator Hogue:** Seconded the motion.

**Don Wolf** – Could I get a clarification? Are we in effect doing 2062, less the 1% salary increase? I wanted to make sure that other things in our budget were still being adopted.

**Alex Cronquist:** Yes, that would be correct.

**Roll Called:**

Senator Kilzer: Y

Senator Hogue: Y

Senator Grabinger: Y

**A Roll Call Vote was taken: 3 yeas, 0 nays, 0 absent.**

**Alex Cronquist:** The amendment will go to you by tomorrow mid-morning.

**Senator Kilzer:** Hopefully we can meet on Monday, approve it, and get it to the Full Appropriations Committee. The amendment can be in my name.

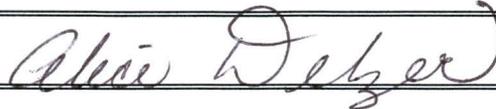
# 2017 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee  
Harvest Room, State Capitol

SB 2002  
2/13/2017  
JOB # 28277

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A DO PASS AS AMENDED ON THE JUDICIAL BRANCH

## Minutes:

1. Proposed Amendment # 17.0510.01001

**Chairman Holmberg:** called the Committee to order on SB 2002. All committee members were present. Becky Deichert, OMB and Sheila M. Sandness, Legislative Council were also present.

**Senator Kilzer:** This is the funding for supreme court, district court and disciplinary board. This agency has done a great job of doing the cuts. He explained attachment # 1 amendment # 17.0510.01001 and the changes that were made to the budget by the amendment.

**Senator Kilzer:** moved the Amendment. 2<sup>nd</sup> by Senator Grabinger.

**Chairman Holmberg:** Call the roll on Amendment # 17.0510.01001. **A Roll Call vote was taken. Yea: 14; Nay: 0; Absent: 0**

**Senator Kilzer:** Moved a Do Pass as Amended. 2<sup>nd</sup> by Senator Grabinger.

**Senator Grabinger:** expressed concerns regarding the Guardianship project and stated there will be an effort to put it into Protection and Advocacy so we can keep that program going. I would appreciate support in doing that.

**Senator Kilzer:** I agree with Senator Grabinger. In addition, the courts have told us that with the additional 400 cases down in Morton County that they will be asking for a deficiency.

**Senator Mathern:** why would the deficiency not be in this bill right now?

**Chairman Holmberg:** Deficiency appropriation theoretically, no always, are bills that go through and are more rushed. This bill will not see the end of the day until the end of April.

**Senator Mathern:** This does not fund the deficiency that they told us about. That was correct.

Senate Appropriations Committee

SB 2002

02-13-17

Page 2

**Chairman Holmberg:** Call the roll on a Do Pass as Amended. **A Roll Call vote was taken. Yea:14; Nay: 0; Absent: 0. Senator Hogue will carry the bill.**

The hearing was closed on SB 2002.

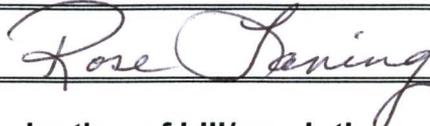
# 2017 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee  
Harvest Room, State Capitol

SB 2002 Discussion  
2/14/2017  
Job # 28352

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch.

Minutes:

**Legislative Council: Adam Mathiak**  
**OMB: Becky Keller**

**Chairman Holmberg** said Senator Grabinger and Senator Dever discovered some information in talking to colleagues and opened a discussion on the Judiciary budget.

**Senator Dever:** The genesis came from **Senator Grabinger** and suggested that we move guardianship services from Judiciary to Protection and Advocacy. I serve as chairman of the committee on Protection and Advocacy which is its governing board and did not object to that. It was pulled from the Judiciary budget in this committee a couple days ago. The House is resistant to the idea of putting it into the Protection and Advocacy budget, so at least we may want to put it back into the Judiciary budget just to make sure it continues to exist. It might also be of interest that there is money in the Department of Human Services for guardianship services and also in OMB. Those are our grants to guardianship services and what we are talking about here is the administration of those. The Judiciary sees it as a conflict for them to handle. I see it as a conflict for P&A also, but the executive director of P&A doesn't see it that way.

**Chairman Holmberg:** If the wishes of the committee are that we should put that back in the Judiciary, there are two ways we could do it. The Judiciary budget is upstairs and been turned into the front desk. We could ask for the bill back and then have an amendment drafted and do that or if the committee feels that this is something that should go in the bill, **Senator Grabinger** could offer a floor amendment. That would be viewed as a friendly amendment by the committee. Senator Kilzer chaired that particular sub-committee, so we'll start with his comments.

**Senator Kilzer:** The judiciary was not too interested because of the conflict problem, but there are quite a few different aspects. That's why it's so divvied up among different organizations. The judiciary is mainly coming in on the monitoring part of it.

**Chairman Holmberg:** Is there a desire to place back into that bill, these provisions?

**Senator Hogue:** Sometimes the judiciary is skiddish about what they regard as conflicts, and I think of them as soft conflicts. They're really not in an adversarial relationship with these guardians. I don't see anything wrong with putting it back in their budget, but my preference would be to bring the bill back, add it to the committee, so it goes to the floor with a clean bill and not something we're trying to amend on the floor.

**Chairman Holmberg:** Any objection? (None.) I will ask **Adam Mathiak** to have the amendment drafted ASAP and then I'll ask Jerry to send the bill back down to us this afternoon.

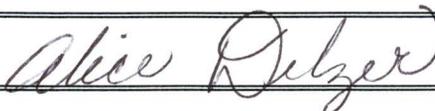
# 2017 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee  
Harvest Room, State Capitol

SB 2002  
2/15/2017  
JOB # 28377

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A DO PASS AS AMENDED on the Judiciary Branch

## Minutes:

# 1Proposed Amendment #17.0510.01002

**Chairman Holmberg:** called the Committee to order on SB 2002. All committee members were present except Senator Dever. Alex Cronquist, Legislative Council and Becky Deichert, OMB were also present. Senate Bill # 2002 was called back so we can take further action on the bill.

**Senator Kilzer:** There is a new amendment dated 02-15-17. I just received it a minute ago so I don't know the details but I'll make sure that everybody gets a copy of both of them.

**Chairman Holmberg:** The February 15<sup>th</sup> one is to correct errors that are corrected in the one we passed. Do we need both of them?

**Alex Cronquist, Legislative Council:** If the intention of the committee is to add back in funding for the guardianship program, the February 14<sup>th</sup> amendment #01002 is the one that includes that.

**Chairman Holmberg:** So if we pass 01002, that's all we have to do?

**Alex Cronquist:** Yes, if the intention of the committee is to add funding in for the guardianship monitoring program you will want to pass # 01002. # 01003, that is for the most part the amendment that passed last week, that did not include funding for the guardianship program. We just had to change one number that was an error in that prior amendment and we wanted to make sure that you have the amendment without an error in it for the one that was passed last week.

**Chairman Holmberg:** So, bottom line is 01003 – set that aside. We will vote on 01002 which will solve all the problems.

**Senator Mathern:** moved the amendment # 01002. 2<sup>nd</sup> by Senator Kilzer.

**Chairman Holmberg:** This replaces the management of the guardianship program. I am trying to find it on the amendment.

**Senator Kilzer:** It is on the front page at the top- guardianship monitoring program.

**Chairman Holmberg:** we have a motion and a second. Would you call the roll on amendment #01002?

**A Roll Call vote was taken on the amendment. Yea: 13; Nay: 0; Absent: 1. It carried.**

**Chairman Holmberg:** Now can we have a motion on the bill as amended.

**Senator Robinson: Moved a Do Pass as Amended. 2<sup>nd</sup> by Senator Erbele.**

**Chairman Holmberg:** Call the roll on a Do Pass as Amended on SB 2002.

**A Roll Call vote was taken. Yea: 13; Nay: 0; Absent: 1. Senator Hogue will carry the bill.**

The hearing was closed on SB 2002

PROPOSED AMENDMENTS TO SENATE BILL NO. 2002

Page 1, replace lines 13 through 18 with:

"Salaries and wages	\$11,059,109	(\$141,081)	\$10,918,028
Operating expenses	2,483,980	247,602	2,731,582
Judges' retirement	79,588	1,176	80,764
Guardianship monitoring program	<u>228,789</u>	<u>(228,789)</u>	<u>0</u>
Total general fund	\$13,851,466	(\$121,092)	\$13,730,374"

Page 1, remove lines 23 and 24

Page 2, replace lines 1 through 7 with:

"Salaries and wages	\$68,669,330	(\$1,002,420)	\$67,666,910
Operating expenses	19,930,733	876,240	20,806,973
Judges' retirement	343,649	(359)	343,290
University of North Dakota central legal research	<u>80,000</u>	<u>(80,000)</u>	<u>0</u>
Total all funds	\$89,023,712	(\$206,539)	\$88,817,173
Less estimated income	<u>1,922,150</u>	<u>(583,012)</u>	<u>1,339,138</u>
Total general fund	\$87,101,562	\$376,473	\$87,478,035"

Page 2, replace lines 12 through 16 with:

"Judicial conduct commission and disciplinary board	<u>\$1,082,762</u>	<u>\$92,889</u>	<u>\$1,175,651</u>
Total all funds	\$1,082,762	\$92,889	\$1,175,651
Less estimated income	<u>444,656</u>	<u>38,045</u>	<u>482,701</u>
Total general fund	\$638,106	\$38,045	\$692,950"

Page 2, replace lines 21 through 24 with:

"Grand total general fund	\$101,591,134	\$310,225	\$101,901,359
Grand total special funds	<u>2,366,806</u>	<u>(544,967)</u>	<u>1,821,839</u>
Grand total all funds	\$103,957,940	(\$234,742)	\$103,723,198
Full-time equivalent positions	391.00	(36.50)	354.50"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2002 - Summary of Senate Action**

	Base Budget	Senate Changes	Senate Version
Supreme Court			
Total all funds	\$13,851,466	(\$121,092)	\$13,730,374
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$13,851,466	(\$121,092)	\$13,730,374
District Courts			
Total all funds	\$89,023,712	(\$206,539)	\$88,817,173
Less estimated income	<u>1,922,150</u>	<u>(583,012)</u>	<u>1,339,138</u>
General fund	\$87,101,562	\$376,473	\$87,478,035

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Judicial Conduct Commission			
Total all funds	\$1,082,762	\$92,889	\$1,175,651
Less estimated income	444,656	38,045	482,701
General fund	\$638,106	\$54,844	\$692,950
Bill total			
Total all funds	\$103,957,940	(\$234,742)	\$103,723,198
Less estimated income	2,366,806	(544,967)	1,821,839
General fund	\$101,591,134	\$310,225	\$101,901,359

**Senate Bill No. 2002 - Supreme Court - Senate Action**

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$11,059,109	(\$141,081)	\$10,918,028
Operating expenses	2,483,980	247,602	2,731,582
Judges' retirement	79,588	1,176	80,764
Guardianship monitoring program	228,789	(228,789)	
Total all funds	\$13,851,466	(\$121,092)	\$13,730,374
Less estimated income	0	0	0
General fund	\$13,851,466	(\$121,092)	\$13,730,374
FTE	47.00	(4.50)	42.50

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

	Adjusts Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Health Insurance Premium Increases <sup>2</sup>	Removes FTE Positions <sup>3</sup>	Increases Funding for Information Technology <sup>4</sup>	Adjusts Funding for Operating Expenses <sup>5</sup>	Adjusts Funding for Judges' Retirement <sup>6</sup>
Salaries and wages	(\$62,034)	\$123,066	(\$202,113)			
Operating expenses				40,608	206,994	
Judges' retirement						1,176
Guardianship monitoring program	9,766		(212,311)		(26,244)	
Total all funds	(\$52,268)	\$123,066	(\$414,424)	\$40,608	\$180,750	\$1,176
Less estimated income	0	0	0	0	0	0
General fund	(\$52,268)	\$123,066	(\$414,424)	\$40,608	\$180,750	\$1,176
FTE	0.00	0.00	(4.50)	0.00	0.00	0.00

	Total Senate Changes
Salaries and wages	(\$141,081)
Operating expenses	247,602
Judges' retirement	1,176
Guardianship monitoring program	(228,789)
Total all funds	(\$121,092)
Less estimated income	0
General fund	(\$121,092)
FTE	(4.50)

<sup>1</sup> Funding is adjusted for cost-to-continue 2015-17 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> Funding is added for increases in health insurance premiums from \$1,130 to \$1,249 per month.

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<sup>3</sup> The following FTE positions and related funding are adjusted:

	FTE	General Fund
Administrative assistant	(2.00)	(\$350,159)
Law library assistant	(1.00)	(138,409)
Deputy clerk	(0.50)	(63,545)
Guardian project manager	(1.00)	(212,311)
2015-17 budget reduction restoration		350,000
<b>Total</b>	<b>(4.50)</b>	<b>(\$414,424)</b>

<sup>4</sup> Information technology funding is, including data processing costs.

<sup>5</sup> Funding for operating expenses is adjusted as follows:

	General Fund
Supreme Court operating expenses	\$206,994
Guardianship monitoring program operating expenses	(26,244)
<b>Total</b>	<b>\$180,750</b>

<sup>6</sup> Judges' retirement funding is increased.

**Senate Bill No. 2002 - District Courts - Senate Action**

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$68,669,330	(\$1,002,420)	\$67,666,910
Operating expenses	19,930,733	876,240	20,806,973
Judges' retirement	343,649	(359)	343,290
UND central legal research	80,000	(80,000)	
<b>Total all funds</b>	<b>\$89,023,712</b>	<b>(\$206,539)</b>	<b>\$88,817,173</b>
Less estimated income	1,922,150	(583,012)	1,339,138
<b>General fund</b>	<b>\$87,101,562</b>	<b>\$376,473</b>	<b>\$87,478,035</b>
FTE	340.00	(32.00)	308.00

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

	Adds Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Health Insurance Premium Increases <sup>2</sup>	Removes FTE Positions <sup>3</sup>	Increases Funding for Payments to Contract Counties <sup>4</sup>	Increases Funding for Information Technology <sup>5</sup>	Adjusts Funding for Operating Expenses <sup>6</sup>
Salaries and wages	\$912,114	\$887,220	(\$2,801,754)			
Operating expenses				342,479	545,867	(12,106)
Judges' retirement						
UND central legal research						(80,000)
<b>Total all funds</b>	<b>\$912,114</b>	<b>\$887,220</b>	<b>(\$2,801,754)</b>	<b>\$342,479</b>	<b>\$545,867</b>	<b>(\$92,106)</b>
Less estimated income	(216,654)	0	0	0	0	(366,358)
<b>General fund</b>	<b>\$1,128,768</b>	<b>\$887,220</b>	<b>(\$2,801,754)</b>	<b>\$342,479</b>	<b>\$545,867</b>	<b>\$274,252</b>
FTE	0.00	0.00	(32.00)	0.00	0.00	0.00

	Adjusts Funding for Judges' Retirement <sup>7</sup>	Total Senate Changes
Salaries and wages		(\$1,002,420)
Operating expenses		876,240
Judges' retirement	(359)	(359)
UND central legal research		(80,000)
<b>Total all funds</b>	<b>(\$359)</b>	<b>(\$206,539)</b>
Less estimated income	0	(583,012)

General fund	(\$359)	\$376,473
FTE	0.00	(32.00)

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<sup>1</sup> Funding is adjusted for cost-to-continue 2015-17 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> Funding is added for increases in health insurance premiums from \$1,130 to \$1,249 per month.

<sup>3</sup> The following FTE positions and related funding are adjusted:

	FTE	General Fund
Referee	(3.00)	(\$903,192)
Court recorder	(3.00)	(400,478)
Calendar control clerk	(2.00)	(321,985)
Administrative assistant	(5.00)	(720,272)
Assistant district court administrator	(1.00)	(237,320)
Juvenile court officer	(8.00)	(1,614,130)
Law clerk	(3.00)	(559,492)
Deputy clerk	(3.00)	(353,052)
Citizen access paralegal	(1.00)	(151,042)
Assistant state court administrator	(1.00)	(307,194)
Technology support specialist	(1.00)	(172,338)
Technology coordinator	(1.00)	(161,259)
2015-17 budget reduction restoration		3,100,000
Total	(32.00)	(\$2,801,754)

<sup>4</sup> Funding from the general fund for payments to contract counties is increased.

<sup>5</sup> Information technology funding is increased, including software, data processing, and contractual services and repairs.

<sup>6</sup> Funding for operating expenses is adjusted as follows:

	General Fund	Federal Funds	Total
District courts operating expenses	\$354,252	(\$366,358)	(\$12,106)
University of North Dakota central legal research	(80,000)		(80,000)
Total	\$274,252	(\$366,358)	(\$92,106)

<sup>7</sup> Judges' retirement funding is reduced.

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

	Base Budget	Senate Changes	Senate Version
Judicial conduct commission	\$1,082,762	\$92,889	\$1,175,651
Total all funds	\$1,082,762	\$92,889	\$1,175,651
Less estimated income	444,656	38,045	482,701
General fund	\$638,106	\$54,844	\$692,950
FTE	4.00	0.00	4.00

**Department No. 183 - Judicial Conduct Commission - Detail of Senate Changes**

Adds Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Health Insurance Premium	Reduces Funding for Operating Expenses <sup>3</sup>	Restores Funding for Salaries and Wages <sup>4</sup>	Total Senate Changes

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		Increases <sup>2</sup>			
Judicial conduct commission	\$105,193	\$11,448	(\$68,477)	\$44,725	\$92,889
Total all funds	\$105,193	\$11,448	(\$68,477)	\$44,725	\$92,889
Less estimated income	64,897	0	(26,852)	0	38,045
General fund	\$40,296	\$11,448	(\$41,625)	\$44,725	\$54,844
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is added for cost-to-continue 2015-17 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> Funding is added for increases in health insurance premiums from \$1,130 to \$1,249 per month.

<sup>3</sup> Funding is reduced for operating expenses, including travel, office equipment and furniture, and professional services.

<sup>4</sup> Funding is restored for salaries and wages reduced by the judicial branch to meet the 2015-17 budget reductions.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2002

Page 1, replace lines 13 through 18 with:

"Salaries and wages	\$11,059,109	(\$141,081)	\$10,918,028
Operating expenses	2,483,980	247,602	2,731,582
Judges' retirement	79,588	1,176	80,764
Guardianship monitoring program	<u>228,789</u>	<u>87,622</u>	<u>316,411</u>
Total general fund	\$13,851,466	\$195,319	\$14,046,785"

Page 1, remove lines 23 and 24

Page 2, replace lines 1 through 7 with:

"Salaries and wages	\$68,669,330	(\$1,002,420)	\$67,666,910
Operating expenses	19,930,733	876,240	20,806,973
Judges' retirement	343,649	(359)	343,290
University of North Dakota central legal research	<u>80,000</u>	<u>(80,000)</u>	<u>0</u>
Total all funds	\$89,023,712	(\$206,539)	\$88,817,173
Less estimated income	<u>1,922,150</u>	<u>(583,012)</u>	<u>1,339,138</u>
Total general fund	\$87,101,562	\$376,473	\$87,478,035"

Page 2, replace lines 12 through 16 with:

"Judicial conduct commission and disciplinary board	<u>\$1,082,762</u>	<u>\$92,889</u>	<u>\$1,175,651</u>
Total all funds	\$1,082,762	\$92,889	\$1,175,651
Less estimated income	<u>444,656</u>	<u>38,045</u>	<u>482,701</u>
Total general fund	\$638,106	\$54,844	\$692,950"

Page 2, replace lines 21 through 24 with:

"Grand total general fund	\$101,591,134	\$626,636	\$102,217,770
Grand total special funds	<u>2,366,806</u>	<u>(544,967)</u>	<u>1,821,839</u>
Grand total all funds	\$103,957,940	\$81,669	\$104,039,609
Full-time equivalent positions	391.00	(35.50)	355.50"

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2002 - Summary of Senate Action**

	Base Budget	Senate Changes	Senate Version
Supreme Court			
Total all funds	\$13,851,466	\$195,319	\$14,046,785
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$13,851,466	\$195,319	\$14,046,785
District Courts			
Total all funds	\$89,023,712	(\$206,539)	\$88,817,173
Less estimated income	<u>1,922,150</u>	<u>(583,012)</u>	<u>1,339,138</u>
General fund	\$87,101,562	\$376,473	\$87,478,035

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Judicial Conduct Commission			
Total all funds	\$1,082,762	\$92,889	\$1,175,651
Less estimated income	444,656	38,045	482,701
General fund	\$638,106	\$54,844	\$692,950
Bill total			
Total all funds	\$103,957,940	\$81,669	\$104,039,609
Less estimated income	2,366,806	(544,967)	1,821,839
General fund	\$101,591,134	\$626,636	\$102,217,770

**Senate Bill No. 2002 - Supreme Court - Senate Action**

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$11,059,109	(\$141,081)	\$10,918,028
Operating expenses	2,483,980	247,602	2,731,582
Judges' retirement	79,588	1,176	80,764
Guardianship monitoring program	228,789	87,622	316,411
Total all funds	\$13,851,466	\$195,319	\$14,046,785
Less estimated income	0	0	0
General fund	\$13,851,466	\$195,319	\$14,046,785
FTE	47.00	(3.50)	43.50

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

	Adjusts Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Health Insurance Premium Increases <sup>2</sup>	Removes FTE Positions <sup>3</sup>	Increases Funding for Information Technology <sup>4</sup>	Adjusts Funding for Operating Expenses <sup>5</sup>	Adjusts Funding for Judges' Retirement <sup>6</sup>
Salaries and wages	(\$62,034)	\$123,066	(\$202,113)			
Operating expenses				40,608	206,994	
Judges' retirement						1,176
Guardianship monitoring program	9,766	2,856			75,000	
Total all funds	(\$52,268)	\$125,922	(\$202,113)	\$40,608	\$281,994	\$1,176
Less estimated income	0	0	0	0	0	0
General fund	(\$52,268)	\$125,922	(\$202,113)	\$40,608	\$281,994	\$1,176
FTE	0.00	0.00	(3.50)	0.00	0.00	0.00

	Total Senate Changes
Salaries and wages	(\$141,081)
Operating expenses	247,602
Judges' retirement	1,176
Guardianship monitoring program	87,622
Total all funds	\$195,319
Less estimated income	0
General fund	\$195,319
FTE	(3.50)

<sup>1</sup> Funding is adjusted for cost-to-continue 2015-17 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> Funding is added for increases in health insurance premiums from \$1,130 to \$1,249 per month.

<sup>3</sup> The following FTE positions and related funding are adjusted:

	FTE	General Fund
Administrative assistant	(2.00)	(\$350,159)
Law library assistant	(1.00)	(138,409)
Deputy clerk	(0.50)	(63,545)
2015-17 budget reduction restoration		350,000
Total	(3.50)	(\$202,113)

<sup>4</sup> Funding is added for information technology costs, including data processing costs.

<sup>5</sup> Funding for operating expenses is adjusted as follows:

	General Fund
Supreme Court operating expenses	\$206,994
Guardianship monitoring program	75,000
Total	\$281,994

<sup>6</sup> Judges' retirement funding is increased.

**Senate Bill No. 2002 - District Courts - Senate Action**

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$68,669,330	(\$1,002,420)	\$67,666,910
Operating expenses	19,930,733	876,240	20,806,973
Judges' retirement	343,649	(359)	343,290
UND central legal research	80,000	(80,000)	
Total all funds	\$89,023,712	(\$206,539)	\$88,817,173
Less estimated income	1,922,150	(583,012)	1,339,138
General fund	\$87,101,562	\$376,473	\$87,478,035
FTE	340.00	(32.00)	308.00

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

	Adds Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Health Insurance Premium Increases <sup>2</sup>	Removes FTE Positions <sup>3</sup>	Increases Funding for Payments to Contract Counties <sup>4</sup>	Increases Funding for Information Technology <sup>5</sup>	Adjusts Funding for Operating Expenses <sup>6</sup>
Salaries and wages	\$912,114	\$887,220	(\$2,801,754)			
Operating expenses				342,479	545,867	(12,106)
Judges' retirement						
UND central legal research						(80,000)
Total all funds	\$912,114	\$887,220	(\$2,801,754)	\$342,479	\$545,867	(\$92,106)
Less estimated income	(216,654)	0	0	0	0	(366,358)
General fund	\$1,128,768	\$887,220	(\$2,801,754)	\$342,479	\$545,867	\$274,252
FTE	0.00	0.00	(32.00)	0.00	0.00	0.00

	Adjusts Funding for Judges' Retirement <sup>7</sup>	Total Senate Changes
Salaries and wages		(\$1,002,420)
Operating expenses		876,240
Judges' retirement	(359)	(359)
UND central legal research		(80,000)
Total all funds	(\$359)	(\$206,539)
Less estimated income	0	(583,012)

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General fund	(\$359)	\$376,473
FTE	0.00	(32.00)

<sup>1</sup> Funding is adjusted for cost-to-continue 2015-17 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> Funding is added for increases in health insurance premiums from \$1,130 to \$1,249 per month.

<sup>3</sup> The following FTE positions and related funding are adjusted:

	FTE	General Fund
Court recorder	(3.00)	(\$400,478)
Referee	(3.00)	(903,192)
Calendar control clerk	(2.00)	(321,985)
Administrative assistant	(5.00)	(720,272)
Assistant district court administrator	(1.00)	(237,320)
Juvenile court officer	(8.00)	(1,614,130)
Law clerk	(3.00)	(559,492)
Deputy clerk	(3.00)	(353,052)
Citizen access paralegal	(1.00)	(151,042)
Assistant state court administrator	(1.00)	(307,194)
Technology support specialist	(1.00)	(172,338)
Technology coordinator	(1.00)	(161,259)
2015-17 budget reduction restoration		3,100,000
Total	(32.00)	(\$2,801,754)

<sup>4</sup> Funding from the general fund for payments to contract counties is increased.

<sup>5</sup> Funding is added for information technology costs, including software, data processing, and contractual services and repairs.

<sup>6</sup> Funding for operating expenses is adjusted as follows:

	General Fund	Federal Funds	Total
District courts operating expenses	\$354,252	(\$366,358)	(\$12,106)
UND central legal research	(80,000)		(80,000)
Total	\$274,252	(\$366,358)	(\$92,106)

<sup>7</sup> Judges' retirement funding is reduced.

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

	Base Budget	Senate Changes	Senate Version
Judicial Conduct Commission	\$1,082,762	\$92,889	\$1,175,651
Total all funds	\$1,082,762	\$92,889	\$1,175,651
Less estimated income	444,656	38,045	482,701
General fund	\$638,106	\$54,844	\$692,950
FTE	4.00	0.00	4.00

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2-15-17  
p. 5 of 5

**Department No. 183 - Judicial Conduct Commission - Detail of Senate Changes**

	Adds Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Health Insurance Premium Increases <sup>2</sup>	Reduces Funding for Operating Expenses <sup>3</sup>	Restores Funding for Salaries and Wages <sup>4</sup>	Total Senate Changes
Judicial Conduct Commission	\$105,193	\$11,448	(\$68,477)	\$44,725	\$92,889
Total all funds	\$105,193	\$11,448	(\$68,477)	\$44,725	\$92,889
Less estimated income	64,897	0	(26,852)	0	38,045
General fund	\$40,296	\$11,448	(\$41,625)	\$44,725	\$54,844
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is added for cost-to-continue 2015-17 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> Funding is added for increases in health insurance premiums from \$1,130 to \$1,249 per month.

<sup>3</sup> Funding is reduced for operating expenses, including travel, office equipment and furniture, and professional services.

<sup>4</sup> Funding is restored for salaries and wages reduced by the judicial branch to meet the 2015-17 budget reductions.

Date: 2/9/2017  
 Roll Call Vote #: 1

**2017 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2002**

Senate Appropriations Committee

Subcommittee

Amendment LC# or Description: approval to draw up amendment with changes

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar

Other Actions:  Reconsider     Draw up an amendment

Motion Made By Grabinger    Seconded By Hogue

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg			Senator Mathern		
Vice Chair Krebsbach			Senator Grabinger	y	
Vice Chair Bowman			Senator Robinson		
Senator Erbele					
Senator Wanzek					
Senator Kilzer	y				
Senator Lee					
Senator Dever					
Senator Sorvaag					
Senator Oehlke					
Senator Hogue	y				

Total (Yes) 3    No 0

Absent 0

Floor Assignment \_\_\_\_\_

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

Date: 2-13-17  
 Roll Call Vote #: 1

**2017 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2002**

Senate Appropriations Committee

Subcommittee

Amendment LC# or Description: # 17.0510.01001

- Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Kilzer    Seconded By Grabinger

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Mathern	✓	
Vice Chair Krebsbach	✓		Senator Grabinger	✓	
Vice Chair Bowman	✓		Senator Robinson	✓	
Senator Erbele	✓				
Senator Wanzek	✓				
Senator Kilzer	✓				
Senator Lee	✓				
Senator Dever	✓				
Senator Sorvaag	✓				
Senator Oehlke	✓				
Senator Hogue	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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

Date: 2-13-17  
 Roll Call Vote #: 2

**2017 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2002**

Senate Appropriations Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

- Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Kilzer Seconded By Grabinger

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Mathern	✓	
Vice Chair Krebsbach	✓		Senator Grabinger	✓	
Vice Chair Bowman	✓		Senator Robinson	✓	
Senator Erbele	✓				
Senator Wanzek	✓				
Senator Kilzer	✓				
Senator Lee	✓				
Senator Dever	✓				
Senator Sorvaag	✓				
Senator Oehlke	✓				
Senator Hogue	✓				

Total (Yes) 14 No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment Of you

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

Date: 2-15-17

Roll Call Vote #: 1

**2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2002**

Senate Appropriations Committee

Subcommittee

Amendment LC# or Description: 17.0510.01002

- Recommendation:  Adopt Amendment
- Do Pass     Do Not Pass     Without Committee Recommendation
- As Amended     Rerefer to Appropriations
- Place on Consent Calendar
- Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Mathern    Seconded By Kilzer

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Mathern	✓	
Vice Chair Krebsbach	✓		Senator Grabinger	✓	
Vice Chair Bowman	✓		Senator Robinson	✓	
Senator Erbele	✓				
Senator Wanzek	✓				
Senator Kilzer	✓				
Senator Lee	✓				
Senator Dever	A				
Senator Sorvaag	✓				
Senator Oehlke	✓				
Senator Hogue	✓				

Total (Yes) 13    No 0

Absent 1

Floor Assignment \_\_\_\_\_

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

Date: 2-15-17  
 Roll Call Vote #: 2

**2017 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2002**

Senate Appropriations Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

- Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Robinson Seconded By Erbele

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Mathern	✓	
Vice Chair Krebsbach	✓		Senator Grabinger	✓	
Vice Chair Bowman	✓		Senator Robinson	✓	
Senator Erbele	✓				
Senator Wanzek	✓				
Senator Kilzer	✓				
Senator Lee	✓				
Senator Dever	A				
Senator Sorvaag	✓				
Senator Oehlke	✓				
Senator Hogue	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Hogue

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

**REPORT OF STANDING COMMITTEE**

**SB 2002: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2002 was placed on the Sixth order on the calendar.

Page 1, replace lines 13 through 18 with:

"Salaries and wages	\$11,059,109	(\$141,081)	\$10,918,028
Operating expenses	2,483,980	247,602	2,731,582
Judges' retirement	79,588	1,176	80,764
Guardianship monitoring program	<u>228,789</u>	<u>87,622</u>	<u>316,411</u>
Total general fund	\$13,851,466	\$195,319	\$14,046,785"

Page 1, remove lines 23 and 24

Page 2, replace lines 1 through 7 with:

"Salaries and wages	\$68,669,330	(\$1,002,420)	\$67,666,910
Operating expenses	19,930,733	876,240	20,806,973
Judges' retirement	343,649	(359)	343,290
University of North Dakota central legal research	<u>80,000</u>	<u>(80,000)</u>	<u>0</u>
Total all funds	\$89,023,712	(\$206,539)	\$88,817,173
Less estimated income	<u>1,922,150</u>	<u>(583,012)</u>	<u>1,339,138</u>
Total general fund	\$87,101,562	\$376,473	\$87,478,035"

Page 2, replace lines 12 through 16 with:

"Judicial conduct commission and disciplinary board	<u>\$1,082,762</u>	<u>\$92,889</u>	<u>\$1,175,651</u>
Total all funds	\$1,082,762	\$92,889	\$1,175,651
Less estimated income	<u>444,656</u>	<u>38,045</u>	<u>482,701</u>
Total general fund	\$638,106	\$54,844	\$692,950"

Page 2, replace lines 21 through 24 with:

"Grand total general fund	\$101,591,134	\$626,636	\$102,217,770
Grand total special funds	<u>2,366,806</u>	<u>(544,967)</u>	<u>1,821,839</u>
Grand total all funds	\$103,957,940	\$81,669	\$104,039,609
Full-time equivalent positions	391.00	(35.50)	355.50"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2002 - Summary of Senate Action**

	Base Budget	Senate Changes	Senate Version
Supreme Court			
Total all funds	\$13,851,466	\$195,319	\$14,046,785
Less estimated income	0	0	0
General fund	<u>\$13,851,466</u>	<u>\$195,319</u>	<u>\$14,046,785</u>
District Courts			
Total all funds	\$89,023,712	(\$206,539)	\$88,817,173
Less estimated income	<u>1,922,150</u>	<u>(583,012)</u>	<u>1,339,138</u>
General fund	<u>\$87,101,562</u>	<u>\$376,473</u>	<u>\$87,478,035</u>
Judicial Conduct Commission			
Total all funds	\$1,082,762	\$92,889	\$1,175,651
Less estimated income	<u>444,656</u>	<u>38,045</u>	<u>482,701</u>
General fund	<u>\$638,106</u>	<u>\$54,844</u>	<u>\$692,950</u>

Bill total			
Total all funds	\$103,957,940	\$81,669	\$104,039,609
Less estimated income	2,366,806	(544,967)	1,821,839
General fund	\$101,591,134	\$626,636	\$102,217,770

**Senate Bill No. 2002 - Supreme Court - Senate Action**

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$11,059,109	(\$141,081)	\$10,918,028
Operating expenses	2,483,980	247,602	2,731,582
Judges' retirement	79,588	1,176	80,764
Guardianship monitoring program	228,789	87,622	316,411
Total all funds	\$13,851,466	\$195,319	\$14,046,785
Less estimated income	0	0	0
General fund	\$13,851,466	\$195,319	\$14,046,785
FTE	47.00	(3.50)	43.50

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

	Adjusts Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Health Insurance Premium Increases <sup>2</sup>	Removes FTE Positions <sup>3</sup>	Increases Funding for Information Technology <sup>4</sup>	Adjusts Funding for Operating Expenses <sup>5</sup>	Adjusts Funding for Judges' Retirement <sup>6</sup>
Salaries and wages	(\$62,034)	\$123,066	(\$202,113)			
Operating expenses				40,608	206,994	1,176
Judges' retirement						
Guardianship monitoring program	9,766	2,856			75,000	
Total all funds	(\$52,268)	\$125,922	(\$202,113)	\$40,608	\$281,994	\$1,176
Less estimated income	0	0	0	0	0	0
General fund	(\$52,268)	\$125,922	(\$202,113)	\$40,608	\$281,994	\$1,176
FTE	0.00	0.00	(3.50)	0.00	0.00	0.00

	Total Senate Changes
Salaries and wages	(\$141,081)
Operating expenses	247,602
Judges' retirement	1,176
Guardianship monitoring program	87,622
Total all funds	\$195,319
Less estimated income	0
General fund	\$195,319
FTE	(3.50)

<sup>1</sup> Funding is adjusted for cost-to-continue 2015-17 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> Funding is added for increases in health insurance premiums from \$1,130 to \$1,249 per month.

<sup>3</sup> The following FTE positions and related funding are adjusted:

	FTE	General Fund
Administrative assistant	(2.00)	(\$350,159)
Law library assistant	(1.00)	(138,409)
Deputy clerk	(0.50)	(63,545)
2015-17 budget reduction restoration		350,000
Total	(3.50)	(\$202,113)

<sup>4</sup> Funding is added for information technology costs, including data processing costs.

<sup>5</sup> Funding for operating expenses is adjusted as follows:

	<b>General Fund</b>
Supreme Court operating expenses	\$206,994
Guardianship monitoring program	75,000
Total	<u>\$281,994</u>

<sup>6</sup> Judges' retirement funding is increased.

**Senate Bill No. 2002 - District Courts - Senate Action**

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$68,669,330	(\$1,002,420)	\$67,666,910
Operating expenses	19,930,733	876,240	20,806,973
Judges' retirement	343,649	(359)	343,290
UND central legal research	80,000	(80,000)	
Total all funds	\$89,023,712	(\$206,539)	\$88,817,173
Less estimated income	1,922,150	(583,012)	1,339,138
General fund	\$87,101,562	\$376,473	\$87,478,035
FTE	340.00	(32.00)	308.00

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

	Adds Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Health Insurance Premium Increases <sup>2</sup>	Removes FTE Positions <sup>3</sup>	Increases Funding for Payments to Contract Counties <sup>4</sup>	Increases Funding for Information Technology <sup>5</sup>	Adjusts Funding for Operating Expenses <sup>6</sup>
Salaries and wages	\$912,114	\$887,220	(\$2,801,754)			
Operating expenses				342,479	545,867	(12,106)
Judges' retirement						
UND central legal research						(80,000)
Total all funds	\$912,114	\$887,220	(\$2,801,754)	\$342,479	\$545,867	(\$92,106)
Less estimated income	(216,654)	0	0	0	0	(366,358)
General fund	\$1,128,768	\$887,220	(\$2,801,754)	\$342,479	\$545,867	\$274,252
FTE	0.00	0.00	(32.00)	0.00	0.00	0.00

	Adjusts Funding for Judges' Retirement <sup>7</sup>	Total Senate Changes
Salaries and wages		(\$1,002,420)
Operating expenses		876,240
Judges' retirement	(359)	(359)
UND central legal research		(80,000)
Total all funds	(\$359)	(\$206,539)
Less estimated income	0	(583,012)
General fund	(\$359)	\$376,473
FTE	0.00	(32.00)

<sup>1</sup> Funding is adjusted for cost-to-continue 2015-17 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> Funding is added for increases in health insurance premiums from \$1,130 to \$1,249 per month.

<sup>3</sup> The following FTE positions and related funding are adjusted:

	FTE	General Fund
Court recorder	(3.00)	(\$400,478)
Referee	(3.00)	(903,192)
Calendar control clerk	(2.00)	(321,985)
Administrative assistant	(5.00)	(720,272)
Assistant district court administrator	(1.00)	(237,320)
Juvenile court officer	(8.00)	(1,614,130)
Law clerk	(3.00)	(559,492)
Deputy clerk	(3.00)	(353,052)
Citizen access paralegal	(1.00)	(151,042)
Assistant state court administrator	(1.00)	(307,194)
Technology support specialist	(1.00)	(172,338)
Technology coordinator	(1.00)	(161,259)
2015-17 budget reduction restoration		3,100,000
Total	(32.00)	(\$2,801,754)

<sup>4</sup> Funding from the general fund for payments to contract counties is increased.

<sup>5</sup> Funding is added for information technology costs, including software, data processing, and contractual services and repairs.

<sup>6</sup> Funding for operating expenses is adjusted as follows:

	General Fund	Federal Funds	Total
District courts operating expenses	\$354,252	(\$366,358)	(\$12,106)
UND central legal research	(80,000)		(80,000)
Total	\$274,252	(\$366,358)	(\$92,106)

<sup>7</sup> Judges' retirement funding is reduced.

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

	Base Budget	Senate Changes	Senate Version
Judicial Conduct Commission	\$1,082,762	\$92,889	\$1,175,651
Total all funds	\$1,082,762	\$92,889	\$1,175,651
Less estimated income	444,656	38,045	482,701
General fund	\$638,106	\$54,844	\$692,950
FTE	4.00	0.00	4.00

**Department No. 183 - Judicial Conduct Commission - Detail of Senate Changes**

	Adds Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Health Insurance Premium Increases <sup>2</sup>	Reduces Funding for Operating Expenses <sup>3</sup>	Restores Funding for Salaries and Wages <sup>4</sup>	Total Senate Changes
Judicial Conduct Commission	\$105,193	\$11,448	(\$68,477)	\$44,725	\$92,889
Total all funds	\$105,193	\$11,448	(\$68,477)	\$44,725	\$92,889
Less estimated income	64,897	0	(26,852)	0	38,045
General fund	\$40,296	\$11,448	(\$41,625)	\$44,725	\$54,844
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is added for cost-to-continue 2015-17 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> Funding is added for increases in health insurance premiums from \$1,130 to \$1,249 per month.

<sup>3</sup> Funding is reduced for operating expenses, including travel, office equipment and furniture, and professional services.

<sup>4</sup> Funding is restored for salaries and wages reduced by the judicial branch to meet the 2015-17 budget reductions.

**2017 HOUSE APPROPRIATIONS**

**SB 2002**

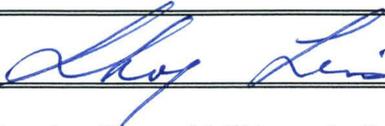
# 2017 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee - Government Operations Division  
Medora Room, State Capitol

SB2002  
3/6/2017  
Recording Job# 28753

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; and to provide a transfer.

Minutes:

Attachment A

**Chairman Brandenburg:** Opened the hearing on SB2002.

**Chief Justice, Gerald VandeWalle, ND Supreme Court:** Made introductions and testified in support of SB2002.

**Representative Delmore:** Is it your intent to replace those judgeships that are going to be vacated?

**Gerald VandeWalle:** Our weighted caseload study shows that we are short 10 judgeships around the state. I would be very concerned about cutting judgeships.

**Vice Chairman Boehning:** Are we looking at any way that we can speed up these trials? Is there anything we could switch in the legislature that we could speed up these trials?

**Gerald VandeWalle:** We do have a docket currency standard and we do push our trial judges to meet those standards. They're set by a study that sets days and periods of time in which these cases are to be decided. There is a right to a speedy trial in the criminal cases not in the civil cases.

**Chairman Brandenburg:** I don't think you've seen anything like we've seen in the last six months.

**Gerald VandeWalle:** We've asked for the deficiency and brought in a surrogate to handle the cases. We've provided a rule that allowed out of state lawyers to come in and a few have.

**Representative Kempnich:** A lot of this is a strategy and it works to a point.

**Gerald VandeWalle:** When we put out the rule and the admission state lawyers to help these people, we required them to come in pro bono. We asked for comments and we received out 18,000 comments.

**Sally Holewa, State Court Administrator, ND Supreme Court:** See testimony attachment A.

**Representative Delmore:** Those positions that you talked about with the hiring freeze, those weren't positions that you couldn't find people to fill; you just didn't fill them because of the crisis with the finances. Correct?

**Sally Holewa:** That's correct. We would have filled them but for the fact that we had no money to pay them.

**Vice Chairman Boehning:** You said you usually run 20 unfilled positions per month?

**Sally Holewa:** That's where we've been at.

**Vice Chairman Boehning:** So with our budget are you going to have to lay some people off?

**Sally Holewa:** Yes. Our layoff plan is 36.5 FTE's plus contract staff and temporary employees; the total would be 56 people.

**Chairman Brandenburg:** How many people are under temporary contract?

**Sally Holewa:** We're laying them all off.

**Representative Kempenich:** It looks like most of them are in the juvenile services. Is the utilization of them why you are targeting that area more so?

**Sally Holewa:** The numbers are going down on the juvenile side. Just like the justice reinvestment on the criminal side, a lot of that has been going on for a long time as far as trying to get them out of the system. We don't need as many juvenile officers.

**Representative Delmore:** Do you have some statistics you can show?

**Sally Holewa:** I'm sure there are some statistics out there; but we don't collect a lot of that data.

Sally Holewa continued with her testimony.

**Representative Kempenich:** What kind of turnover do you have? Do you have more in one than the other?

**Sally Holewa:** We do have less turnover than other areas with the state.

Sally Holewa continued with her testimony.

**Representative Kempenich:** When the Senate did your budget, they just gave you some suggestions; but they didn't give you a number?

**Sally Holewa:** At the end of day they didn't take SB2062, which was our proposal. They added back in the guardianship monitoring program. There's a lot of conversation about whether it should be housed in another agency like protection and advocacy or human services.

Sally Holewa continued with her testimony.

**Chairman Brandenburg:** Are some of these people going to come back?

**Sally Holewa:** Some of them will come back.

**Vice Chairman Boehning:** Are the jury costs in the \$1.5 million also?

**Sally Holewa:** Yes. It includes juries, jury mileage and jury fees. We also give them snacks and if they're deliberating, they get a meal. We also budget two bailiffs per day, because we need temporary help to cover this, Dakota staffing would provide people to cover the court reporting and clerk of court duties and also the surrogate judges.

**Vice Chairman Boehning:** This is to finish out the full prosecution to all of them or just to the end of the biennium?

**Sally Holewa:** Because of the way HB1024 is structured, it would cover this biennium and the following one.

Sally Holewa continued with her testimony

**Representative Kempenich:** Where are you at with the disaster recovery?

**Sally Holewa:** We are under budget.

Sally Holewa continued with her testimony.

**Representative Vigesaa:** Increased ITD fees, was that additional work they did or was it simply a rate increase? If it was a rate increase, how much was it?

**Sally Holewa:** Mostly it's an increased cost because of the disaster recovery site. There were some increased cost in data processing.

Sally Holewa continued with her testimony.

**Chairman Brandenburg:** Do you see anything happening with that this session?

**Sally Holewa:** They don't want to come over to us.

**Vice Chairman Boehning:** With that additional increase, I'm assuming the counties are probably giving their clerk of courts salary increases? How do we pay them?

**Sally Holewa:** Yes. For some counties it does include more work. We pay them by the hour for hours of work. We only pay them for hours that we say it should take them to do that work. As far as salaries, the county sets the salary and we pay a percentage for benefits and a 10% overhead.

Sally Holewa continued with her testimony.

**Chairman Brandenburg:** So that's \$7.4 million with 36.5 FTE's, 7 temps and 3 interns.

**Sally Holewa:** That's out of the salary line item.

**Chairman Brandenburg:** An additional 6 positions.

**Sally Holewa:** The six were told to transfer to another county or be laid off. Four have already left our employment. The other two are still looking.

Sally Holewa continued with her testimony.

**Chairman Brandenburg:** If I remember right it's family members that take advantage of them?

**Sally Holewa:** That's correct.

Sally Holewa continued with her testimony.

**Chairman Brandenburg:** You're back to somewhere close to 2011-2013.

**Sally Holewa:** Exactly, but I don't count those 9 county transfers because they came on as state employees; but they're doing the same work as county employees. I count all of those temps and contracts that don't show up in our FTE count; but really have been helping out.

**Chairman Brandenburg:** For the juveniles I see you closed in Bottineau, Grafton, Jamestown and Wahpeton. That's another 9 FTE's.

**Sally Holewa:** Right.

Sally Holewa continued with her testimony.

**Chairman Brandenburg:** They can still do it can't they?

**Sally Holewa:** They still need to get some experience.

**Vice Chairman Boehning:** Out of that \$80,000.00 how many students would that be?

**Sally Holewa:** I have no idea.

**Vice Chairman Boehning:** What year law students are these?

**Sally Holewa:** I was told they were second year.

**Representative Nathe:** Are there any other additional funds added on top of that from the bar association or other private sector businesses that help do this?

**Sally Holewa:** I don't have that information.

**Tony Wyler, Executive Director, ND State Bar Association:** The bar association has had conversations with the law school and the court on ways that we can help.

Sally Holewa continued with her testimony.

**Vice Chairman Boehning:** Have we seen a decline in the juvenile cases in court after this program has been implemented?

**Sally Holewa:** I don't have that information.

**Vice Chairman Boehning:** Is that something that you can find?

**Sally Holewa:** We do know the juvenile numbers are down again.

Sally Holewa continued with her testimony.

**Representative Kempenich:** So it's 17 and under?

**Sally Holewa:** It's 18 and under.

Sally Holewa continued with her testimony.

**Representative Kempenich:** Does that work?

**Sally Holewa:** It's voluntary on the part of the victim.

**Vice Chairman Boehning:** The juveniles that were the offenders, do they re-offend again?

**Sally Holewa:** It depends on the kid.

**Vice Chairman Boehning:** They don't get sentenced out of this?

**Sally Holewa:** They don't get sentenced they typically get a disposition. A lot of these are going through our informal procedure. If they admit to doing it they get their disposition.

Sally Holewa continued with her testimony.

**Vice Chairman Boehning:** How many guardian ad litem are there and how many kids do they serve?

**Sally Holewa:** The number I've heard is 60 guardians for the state. I don't know how many kids are involved.

**Chairman Brandenburg:** I see you looked at what you could cut; but I noticed a lot of budgets that you really feel are important you're taking a 10% cut.

**Sally Holewa:** We tried to look at everything.

**Chairman Brandenburg:** Recessed the hearing.

# 2017 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee - Government Operations Division  
Medora Room, State Capitol

SB2002  
3/6/2017  
Recording Job # 28755

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; and to provide a transfer.

## Minutes:

Attachments A through C

**Chairman Brandenburg:** Brought the committee to order

**Sally Holewa, State Court Administrator, ND Supreme Court:** Continued with her testimony from recording job# 28753. See attachment A.

**Representative Delmore:** Do you remember the dollar figure?

**Sally Holewa:** For this one it was the cost of the paralegal.

**Vice Chairman Boehning:** On the IT, is that something that's always in that project looking forward?

**Sally Holewa:** Yes and no. The disaster recovery site mirrors what we're doing here. It's definitely going to be a part of it.

**Vice Chairman Boehning:** I'm assuming that these records are kept in perpetuity?

**Sally Holewa:** Not all of them are kept. There are some that are kept permanently; most tend to be the probate ones. There are some that you keep for 75 years and 50 years. On the other end of the scale there are some that you can throw away after a year or two years.

**Chairman Brandenburg:** So the electronic you keep but the paper you destroy.

**Sally Holewa:** Yes.

**Representative Brabandt:** Do you have human resource people?

**Sally Holewa:** We have one human resource person.

**Don Wolf, Finance Director, ND Supreme Court:** Regarding the paralegal, that position is \$151,042.00 plus the cost of the health insurance increase for the biennium.

**Don Wolf:** See testimony attachment B.

**Chad Peterson, Chairman, Cass County Commission:** See attachment C.

**Vice Chairman Boehning:** Is there a way we can raise more revenue through fees?

**Chad Peterson:** I would yield to the court's decision on that.

Don Wolf continued with his testimony.

**Representative Delmore:** How much of the commission board is for salaries? Is all of the money spent every year?

**Don Wolf:** We've had some turn back from the appropriation over the last number of bienniums. It's not a significant amount; may 2% of that.

**Representative Delmore:** What percentage of that \$1.2 million is salaries?

**Don Wolf:** Ninety percent of the budget.

Don Wolf continued with his testimony.

**Chairman Brandenburg:** How much of that \$1.5 million have you requested at this point? Do you have any idea?

**Don Wolf:** We haven't requested anything yet to this point. The last we had totaled up to what the actual costs were dates back to the first week of February and we had just over \$17,000.00 in costs incurred. We only had 3 or 4 jury trials at that point.

**Chairman Brandenburg:** You have the fund there that you're using right now but you know you're going to have to tap more to defend them?

**Don Wolf:** Correct.

**Chairman Brandenburg:** On judicial conduct and the 4 FTE's, do they keep them in line?

**Don Wolf:** I think that's what they do.

**Representative Delmore:** Can you tell me how many complaints are investigated by the conduct commission?

**Carrie Erickson, Disciplinary Council, Judicial Conduct Commission, ND Supreme Court:** The vast majority are investigated of complaints that come in. There are a few that are not investigated where they do not implicate the rules of professional responsibility or the

code of judicial conduct. We'll take a look to see if there is an accurate complaint that does implicate some of the ethical rules that we can do an analysis of.

**Representative Delmore:** Can you give me the number of complaints that are issued? Can you give me some solid numbers to look at?

**Carrie Erickson:** The solid numbers are recorded in the annual review of the courts. I think it's around 250 cases for lawyers and 30 or more for judges.

**Chairman Brandenburg:** Can you put a number on the ITD portion?

**Don Wolf:** Typically what we have been experiencing is that costs are going up about 20% per biennium. We try to do certain things. If there's a chance where we can do a 3 year maintenance agreement to get a lower rate, we've been doing that.

**Chairman Brandenburg:** Some agencies have been having some conversations and making reductions in ITD.

**Don Wolf:** I don't think we've realized any significant increases. Most of the increases have been dealing with the disaster recovery site and the additional communication necessary between the eastern part of the state and our current location. There's some minor increases in band width for some of the counties. A lot of those are shared with the counties also.

**Vice Chairman Boehning:** With the county contracts, have you talked about not having to pay that 10% overhead for the next biennium?

**Don Wolf:** We've talked about that. There's been some question on if this is something that we can cut. It's been a question of whether we have appropriation authority to continue those. It does state that it's subject to legislative appropriation; so if there was a reduction coming from you, I think we would be able to cut a portion of that amount.

**Chief Justice Gerald VandeWalle, ND Supreme Court:** The authority rests with the counties and the legislature. The 10% was put in there and is a contract situation. I suppose the counties can refuse to contract with us.

**Vice Chairman Boehning:** Is this something we can negotiate or is it something that the counties just say this is how much it's going to cost?

**Gerald VandeWalle:** We have a contract with them and contracts are protected by the constitution. So we could not cut with them. If we don't have the money going forward, we have to strike the best deal we can.

**Vice Chairman Boehning:** Is there any place that we can generate more fees?

**Gerald VandeWalle:** If you're looking at the criminal law part, fees are regressive. Generally, people that are in the system can't pay to begin with. There's a national movement now because we incarcerating people that can't pay their fines and fees. It costs more to keep them in than the fee that you're going to charge them.

**Vice Chairman Boehning:** What do other states do as far as fees? Some states work off their fine revenue rather than general funds. I'm guessing it's all over.

**Gerald VandeWalle:** It is. That's one of the reasons the National Center for State Courts and their other entities has a program aimed at scale fines and forfeitures as violating the constitution. It's coming under attack. If you're dealing with the criminal side, by and large a lot of them do not have money to begin with. On the civil side, a lot of the cases are traffic cases already and there are fines and fees being collect on those. They do not go to the court system generally speaking. In domestic cases there are several fees; but I would be opposed to raising those fees too much because we want them to settle issues in court rather than at home.

**Tony Wyler, Executive Director, ND State Bar Association:** Asked for a "Do Pass" recommendation.

**Travis Fink, Deputy Director, ND Legal Counsel for Indigents:** Testified in support of SB2002.

**Vice Chairman Boehning:** We've seen cuts in budgets, but most of the people we see are being cut are not there; they're empty vacancies. With these 50 people out of the budget, are we going to get sued for not having timely trials? Are we going to have an issue in 2 years that somebody didn't get processed quickly enough and will sue us?

**Gerald VandeWalle:** If it's a criminal case, it would be dismissed for lack of a speedy trial. The acute cases will be taken care of and the ordinary cases will linger. I'm very concerned about domestic divorce cases with custody of children will linger for months and years at a time.

**Chairman Brandenburg:** Closed the hearing.

# 2017 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee - Government Operations Division  
Medora Room, State Capitol

SB2002  
3/14/2017  
Recording Job# 29148

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; and to provide a transfer.

## Minutes:

**Chairman Brandenburg:** Opened the hearing on SB2002

**Vice Chairman Boehning:** I don't think we can make juveniles full; but I think the intent is to have that money go out to juvenile area. I think you have line item authority. We'd like to see you take care of the juveniles first.

**Sally Holewa, State Court Administrator, ND Supreme Court:** We have the 4 juvenile directors that cover the state. We'd have an additional \$74,000.00 and let them pick the highest priorities.

**Representative Kempenich:** You have salaries and operating?

**Sally Holewa:** Right. It's supreme court, district court, judicial conduct commission and inside it's salary and operating for judicial conduct that's one flat line.

**Representative Vigesaa:** When we passed out the House bills we had section 2 which outlined the insurance costs for the departments. Do we need to have that in these bills also so that we're consistent?

**Levi Kinnitschke, Fiscal Analyst, ND Legislative Council:** If those health insurance sections in the bills continued to go forward, they will be updated for the new amounts.

**Representative Delmore:** The budgets we're carrying that will also have a reflection of how much under budget they were from this last biennium. I may need to know that so I have the right figures.

**Vice Chairman Boehning:** Can you remind me what the guardianship program does?

**Sally Holewa:** We have one employee who is looking at the guardianship cases after they have been in effect for a year or more.

**Vice Chairman Boehning:** So it's kind of like auditing?

**Sally Holewa:** Right. She's randomly auditing the financial accounts. A part that we're starting is she is also randomly assigning a court visitor to go physically out after a year or two to make sure that that person knows who their guardian is.

**Vice Chairman Boehning:** Went through the changes that are planned for the budget.

**Chairman Brandenburg:** Closed the discussion.

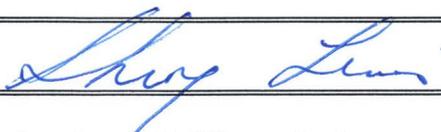
# 2017 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee - Government Operations Division  
Medora Room, State Capitol

SB2002  
3/14/2017  
Recording Job# 29128

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; and to provide a transfer.

## Minutes:

Attachments A and B

**Chairman Brandenburg:** Opened the hearing on SB2002.

**Sally Holewa, State Court Administrator, ND Supreme Court:** See testimony attachments A and B.

**Vice Chairman Boehning:** Looking at the amendment in the budget, total of all funds taken out were 35.5 FTE's.

**Sally Holewa:** There were another 14 positions that were either contract or Dakota Staffing temps.

**Vice Chairman Boehning:** Where would that show up in your budget?

**Sally Holewa:** The temporaries are under salaries and wages and the contracts are under operating. It's listed by supreme court and district court because they come out of different line items.

**Vice Chairman Boehning:** We lost 35.5 FTE's; but your budget still went up a little bit. Is this some money that was carried over from last biennium into this one?

**Sally Holewa:** There are probably three reasons. When you add in the health insurance and the wages from the last half of the biennium, that 2% accounts for most of the increase. There are very slight increases in technology and in the clerk of court services. Both of those are less than \$500,000.00.

Sally Holewa continued with her testimony.

**Vice Chairman Boehning:** The full amount would be those numbers you have on the front page that would take to restore everything?

**Sally Holewa:** We cut many more services and the actual dollar amount is higher. It's around \$175,000.00.

**Vice Chairman Boehning:** Can you get that exact number?

**Sally Holewa:** Yes. The number is \$175,332.00.

Sally Holewa continued with her testimony.

**Vice Chairman Boehning:** What is the definition of unruly?

**Sally Holewa:** Unruly behavior is not a crime if you're of age to do it; but it's a crime if you're too young. Skipping school and curfew are things that fall under there. In North Dakota unruly behavior still allows to refer if you're having trouble getting your kid to listen at home. There's no crime, but you'd like better assistance in directing your child.

**Representative Delmore:** Do those include any of the referrals from schools? Disciplinary things that would happen there, would they fall under the unruly or somewhere else?

**Sally Holewa:** It depends on what's happening. Some are charged with delinquencies and some are not.

Sally Holewa continued with her testimony.

**Vice Chairman Boehning:** Is that restorative justice in this \$175,000.00?

**Sally Holewa:** Yes, that's included in that.

**Vice Chairman Boehning:** We talked last time about the program that was going on here in Bismarck with some of the juveniles. Is that in here also?

**Sally Holewa:** We talked about the youth cultural achievement program for Native Americans.

**Vice Chairman Boehning:** Is that included in the \$175,000.00?

Sally Holewa continued with her testimony.

**Vice Chairman Boehning:** This program was just started?

**Sally Holewa:** It was started in 2015.

Sally Holewa continued with her testimony.

**Chief Justice Gerald VandeWalle, ND Supreme Court:** Testified in support of SB2002.

**Vice Chairman Boehning:** I think some of the schools in Fargo have cut back some of their resource offices in the school system.

**Gerald VandeWalle:** I'm concerned that the juvenile court system not become the disciplinary system for the school.

**Representative Delmore:** The students that I saw were far beyond that stage and needed big help.

**Tony Wiler, Executive Director, State Bar Association:** Testified in support of SB2002.

**Chairman Brandenburg:** Closed the hearing.

# 2017 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee – Government Operations Division  
Medora Room, State Capitol

SB2002  
3/21/2017  
Recording Job# 29481

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; and to provide a transfer.

## Minutes:

Attachment A

**Chairman Brandenburg:** Opened the hearing on SB2002.

**Vice Chairman Boehning:** Explained the changes to the budget. See attachment A.

**Chairman Brandenburg:** Is it for the apprentice program?

**Vice Chairman Boehning:** The externship that was matched by the bar association. They put in \$40,000.00; it's a split match, they put in \$40,000.00 for their part and we also put in \$40,000.00. They'll have to take care of that through the courts and let OMB know that they received the money.

**Vice Chairman Boehning:** Made a motion to move amendment 17.0510.03002.

**Representative Brabandt:** Seconded the motion.

**Representative Delmore:** If this is adopted, it will be a full time study for any committee that takes it on.

**Vice Chairman Boehning:** They haven't raised their fees in almost 20 years. I think we need to take a look at some of the fees.

**Roll Call Vote:** 5 Yeas 1 Nay 1 Absent.

**Motion Carried.**

**Vice Chairman Boehning:** Made a motion to further amend by keeping 17 FTE's in the budget unfunded.

**Representative Nathe:** Would that come out of the FTE position line under the 35.5?

**Vice Chairman Boehning:** Yes.

**Representative Nathe:** We'd take 17 out of there?

**Vice Chairman Boehning:** Yes. They're losing 15 temporary ones that aren't on here that have been temporary employees.

Vice Chairman Boehning continued with his explanation of the proposed amendment.

**Representative Delmore:** You mean you would give them the discretion to fill them should they need them? Are you cutting an additional 17?

**Vice Chairman Boehning:** They're losing 17.5 FTE's. I want to retain 17 FTE's unfilled and unfunded; so they'll have the positions, but they'll be unable to fill them.

**Representative Delmore:** Seventeen out of how many?

**Vice Chairman Boehning:** Thirty-five and a half.

**Representative Vigesaa:** So 35.5 would just change to 18.5 but the money would stay the same?

**Vice Chairman Boehning:** The money would just stay the same. They would be unfilled and unfunded.

**Representative Vigesaa:** It would change the authority for them.

**Vice Chairman Boehning:** Yes.

**Representative Delmore:** Is there a reason you picked 17?

**Vice Chairman Boehning:** It was about half. The number has no real meaning.

**Representative Delmore:** Is there a reason we can't leave that up to the discretion of the court? What's the advantage of doing this?

**Vice Chairman Boehning:** I think when we come back next session, they're going to be needing FTE's and instead of having to fight to get more FTE's, they'll just have to fill the FTE positions.

**Representative Nathe:** We have 35.5 removed FTE's. So rather than lose those 35 positions; get rid of the 18.5 but leave 17 on the books unfunded.

**Vice Chairman Boehning:** I think they've taken a bigger hit than any other agency.

**Vice Chairman Boehning:** Made a motion to put 17 unfilled and unfunded FTE's back in the budget.

**Representative Nathe:** Seconded the motion.

**Representative Vigesaa:** I'm going to resist the motion. I know it's difficult to have 35.5 FTE's removed. Because of our situation, the Senate made these adjustments and I'm going to stick with what they thought.

**Vice Chairman Boehning:** I told them I would try to put in 17 FTE's unfilled and unfunded.

**Representative Delmore:** I look at the cuts we made to DOT and compare it to a separate branch of government. I'm going to support this in the hopes that in the next biennium they don't have to come back and have no way to maneuver.

**Roll Call Vote:** 3 Yeas 3 Nays 1 Absent.

**Motion tied and will carry over.**

**Vice Chairman Boehning:** Made a motion to move amendment 17.0510.03001.

**Representative Vigesaa:** Seconded the motion.

**Vice Chairman Boehning:** Explained the amendment.

**Roll Call Vote:** 6 Yeas 0 Nays 1 Absent.

**Motion Carried.**

**Chairman Brandenburg:** Closed the hearing.

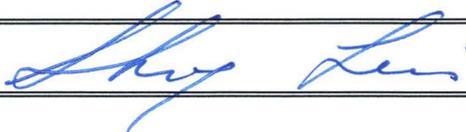
# 2017 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee – Government Operations Division  
Medora Room, State Capitol

SB2002  
3/24/2017  
Recording Job# 29661

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; and to provide a transfer.

Minutes:

**Chairman Brandenburg:** Opened the hearing on SB2002.

**Representative Delmore:** Is legislative intent adequate to cover that rather than putting it into the bill.

**Vice Chairman Boehning:** That's what we're trying to discuss here. The crime rate in Fargo has gone up and we know there's a need for the court system.

**Representative Delmore:** Have we ever done this on a budget before? We're trying to say that the 17 are sitting here; but, at the they are unfunded so I'm not sure what the advantage is of putting it in here.

**Vice Chairman Boehning:** I don't think we've run into a situation like this since I've been on this committee. We've always been giving FTE's; we haven't been taking them away.

**Representative Nathe:** Is this a result of some of the conversations you've had with the department? Did they request you to do this?

**Vice Chairman Boehning:** They did not request me to do it. I ran it by them and they said they'd appreciate it if we could do it.

**Representative Kempenich:** Most of those are out in the districts. Just looking at it we haven't changed it much from what the Senate did have we?

**Vice Chairman Boehning:** No.

**Representative Kempenich:** So once it's passed, it's passed.

**Vice Chairman Boehning:** We did give them \$40,000.00 for their externship. The money we saved on the health insurance, we put that back in the juvenile services for \$75,000.00.

**Representative Kempenich:** A good chunk of these are juvenile FTE's. Keeping them unfunded; they aren't going to do anything. It's like what we've been doing with these special funded agencies.

**Chairman Brandenburg:** When we took a vote last week, it was a 3/3 tie and we thought we'd wait until you came back. Some of the concern is that if we give them the FTE's is that it will stick out and there will be some more discussion on their budget.

**Representative Kempenich:** Here's the problem with changing this; it becomes the base again. The money goes back in two years from now with no discussion. That's one of the reasons to unfund them and get rid of the positions. If you leave them in, it becomes an automatic increase in the budget.

**Representative Vigesaa:** One of the initiatives that the House, Senate and the governor's office want to do is right size our government. We've been hearing it's people and programs and until we remove FTE's, some of these departments don't realize that they can get their work done with less people. When the Senate removes FTE's, I think it's an opportunity for us to go along with them. I won't support this amendment.

**Vice Chairman Boehning:** I don't disagree with the discussion. They're a separate branch of government and they've probably been the leanest agency that we have. Their court load is going up.

**Representative Kempenich:** Technology is going to replace people. Not every district court is seeing increases.

**Representative Delmore:** I understand the need for efficiencies. In a third branch of government that protects the people's right, not everyone can make those moves as easily as we can within government agencies. I will support this amendment.

**Vice Chairman Boehning:** How many judgeships are empty currently?

**Alex Cronquist, Fiscal Analyst, ND Legislative Council:** When they filed their vacant FTE report as of December 31, there were three district judges that were vacant at that time.

**Vice Chairman Boehning:** If we leave the FTE's the way they are, they're not going to be able to fill those three judgeships. Correct?

**Alex Cronquist:** I don't believe there were any judges that were removed.

**Representative Kempenich:** There's a certain amount of FTE's that go with each judgeship.

**Alex Cronquist:** In the Senate amendments, there were no district judges that were removed. There were three court recorders, three referees, two calendar control clerks, five

administrative assistants, one assistant district court administrator, eight juvenile court officers, three law clerks, three deputy clerks, one citizen access paralegal, one assistant state court administrator, one technology support specialist, and one technology coordinator.

**Vice Chairman Boehning:** Made a motion to retain 17 FTE's unfilled and unfunded.

**Representative Delmore:** Seconded the motion.

**Roll Call Vote:** 3 Yeas 4 Nays 0 Absent.

**Motion Failed.**

**Vice Chairman Boehning:** Made a motion for a "Do Pass as Amended".

**Representative Vigesaa:** Seconded the motion.

**Roll Call Vote:** 6 Yeas 1 Nay 0 Absent.

**Motion Carried.**

**Chairman Brandenburg:** Closed the hearing.

# 2017 HOUSE STANDING COMMITTEE MINUTES

**Appropriations Committee**  
Roughrider Room, State Capitol

SB 2002  
March 30<sup>th</sup> 2017  
29823

- Subcommittee  
 Conference Committee



## **Explanation or reason for introduction of bill/resolution:**

A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch;  
and to provide a transfer.

## **Minutes:**

**Representative Boehning:** Reviewing SB 2002 and amendment 17.0510.03003. The court system starting out with almost 115 million dollars in their budget. They had their 6.5% reduction, which they lost another 7.3 and then they did another onetime adjustment of 3.6. They did a lot of cutting in their budget to meet their requirements. We didn't do a whole lot in our section, one thing that we did do was on page 2 the first section was the decrease in health insurance and we did put another 40 thousand in to match the externships, the American Bar Association of ND, their foundation put in 40 thousand dollars for externships, and that is one of the things that attorney need to have so they can go and get their credits and learn to practice to become an attorney. Most of that money is over head and travel for the supervisors. It's a very important component of becoming an attorney. There was a decrease in health insurance of 74 thousand, that money that we saved we put back into the juvenile court services because they have been doing some really good work there. They did lose 35.5 FTEs and all of those are bodies that are currently being laid off or are contract employees. So in total they are taking a bout a 50 person hit. They are down 3 judges, 3 referees, 3 court reporters, 3 calendar control clerks, 2 court administrative assistants, 8 law clerks, 8 juvenile court officers. Total money that they come out with in the budget would be 104 million dollars so it's a decrease of approximately 10 million dollars from the previous biennium.

**I would make the Motion to move amendment 17.0510.03003**

**Representative Brandenburg: Second**

**Representative J. Nelson:** Did they identify which districts the judgeships would come from?

**Representative Boehning:** There are 3 vacancies currently and they have been able to move the judges from different areas as they need to.

**Representative J. Nelson:** That would be the lowest hanging fruit, but it so happens that in the NW district where there's a vacancy that's where pulled a referee as well. That leaves a void and that's a concern to those of us that have a lot of activity in that district. Just the loss of the referee has caused some hardships.

**Representative Boehning:** They are not losing the judges they are losing the other people below them. They are taking the same reduction that the rest of us are. I know there are areas that have crime rate increases, they made the decisions of who and from where the people are going to be removed.

**Representative J. Nelson:** I thought you said that there were three judgeships that were being taken, they are existing judgeships and are only vacant because of timing.

**Representative Boehning:** We didn't take any judges; they are empty FTEs right now.

**Representative Schatz:** How many FTEs have been reduced?

**Representative Boehning:** There was 35.5 FTE on the budget and another 15 that were contract employees for a total of about 50 FTEs

**Representative Kempenich:** Most were districts courts and juvenile services. Further discussion?

**Voice vote, all in favor, motion carries**

**Representative Boehning: Do Pass as Amended**

**Representative Brandenburg: Second**

**A Roll Call vote was taken. Yea: 16    Nay: 2    Absent: 3**

**Motion carried Representative Boehning will carry the bill**

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

Page 1, line 2, remove "and"

Page 1, line 2, after "transfer" insert "; and to provide for a legislative management study"

Page 3, after line 10, insert:

**"SECTION 5. LEGISLATIVE MANAGEMENT STUDY - JUDICIAL BRANCH FEES.** During the 2017-18 interim, the legislative management shall consider studying fees charged by the judicial branch, including fees charged by the clerk of district court under section 27-05.2-03. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

17.0510.03001  
Title.

Fiscal No. 1

Prepared by the Legislative Council staff for  
House Appropriations - Government  
Operations Division Committee  
March 14, 2017

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

Page 1, replace lines 13 through 17 with:

"Salaries and wages	\$11,059,109	(\$149,997)	\$10,909,112
Operating expenses	2,483,980	247,602	2,731,582
Judges' retirement	79,588	1,176	80,764
Guardianship monitoring program	<u>228,789</u>	<u>87,415</u>	<u>316,204</u>
Total general fund	\$13,851,466	\$186,196	\$14,037,662"

Page 1, remove lines 22 through 24

Page 2, replace lines 1 through 5 with:

"Salaries and wages	\$68,669,330	(\$1,066,702)	\$67,602,628
Operating expenses	19,930,733	950,474	20,881,207
Judges' retirement	343,649	(359)	343,290
University of North Dakota central legal research	<u>80,000</u>	<u>(40,000)</u>	<u>40,000</u>
Total all funds	\$89,023,712	(\$156,587)	\$88,867,125
Less estimated income	<u>1,922,150</u>	<u>(583,012)</u>	<u>1,339,138</u>
Total general fund	\$87,101,562	\$426,425	\$87,527,987"

Page 2, replace lines 10 through 14 with:

"Judicial conduct commission and disciplinary board	<u>\$1,082,762</u>	<u>\$92,060</u>	<u>\$1,174,822</u>
Total all funds	\$1,082,762	\$92,060	\$1,174,822
Less estimated income	<u>444,656</u>	<u>38,045</u>	<u>482,701</u>
Total general fund	\$638,106	\$54,015	\$692,121"

Page 2, replace lines 19 through 22 with:

"Grand total general fund	\$101,591,134	\$666,636	\$102,257,770
Grand total special funds	<u>2,366,806</u>	<u>(544,967)</u>	<u>1,821,839</u>
Grand total all funds	\$103,957,940	\$121,669	\$104,079,609
Full-time equivalent positions	391.00	(35.50)	355.50

SECTION 2. **HEALTH INSURANCE INCREASE.** The appropriation in section 1 of this Act includes the sum of \$950,356 from the general fund for increases in employee health insurance premiums from \$1,130 to \$1,241 per month."

Page 3, after line 10, insert:

**"SECTION 6. UNIVERSITY OF NORTH DAKOTA CENTRAL LEGAL RESEARCH - MATCHING FUND REQUIREMENT.** Subdivision 2 of section 1 of this Act includes \$40,000 from the general fund for university of North Dakota central legal research, which may not be spent until the chief justice of the supreme court certifies to the office of management and budget that \$40,000 in matching funds from nonstate sources have been provided to the university of North Dakota for central legal research."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2002 - Summary of House Action**

	Base Budget	Senate Version	House Changes	House Version
<b>Supreme Court</b>				
Total all funds	\$13,851,466	\$14,046,785	(\$9,123)	\$14,037,662
Less estimated income	0	0	0	0
General fund	\$13,851,466	\$14,046,785	(\$9,123)	\$14,037,662
<b>District Courts</b>				
Total all funds	\$89,023,712	\$88,817,173	\$49,952	\$88,867,125
Less estimated income	1,922,150	1,339,138	0	1,339,138
General fund	\$87,101,562	\$87,478,035	\$49,952	\$87,527,987
<b>Judicial Conduct Commission</b>				
Total all funds	\$1,082,762	\$1,175,651	(\$829)	\$1,174,822
Less estimated income	444,656	482,701	0	482,701
General fund	\$638,106	\$692,950	(\$829)	\$692,121
<b>Bill total</b>				
Total all funds	\$103,957,940	\$104,039,609	\$40,000	\$104,079,609
Less estimated income	2,366,806	1,821,839	0	1,821,839
General fund	\$101,591,134	\$102,217,770	\$40,000	\$102,257,770

**Senate Bill No. 2002 - Supreme Court - House Action**

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$11,059,109	\$10,918,028	(\$8,916)	\$10,909,112
Operating expenses	2,483,980	2,731,582		2,731,582
Judges' retirement	79,588	80,764		80,764
Guardianship monitoring program	228,789	316,411	(207)	316,204
Total all funds	\$13,851,466	\$14,046,785	(\$9,123)	\$14,037,662
Less estimated income	0	0	0	0
General fund	\$13,851,466	\$14,046,785	(\$9,123)	\$14,037,662
FTE	47.00	43.50	0.00	43.50

**Department No. 181 - Supreme Court - Detail of House Changes**

	Adjusts Funding for Health Insurance Increases <sup>1</sup>	Total House Changes
Salaries and wages	(\$8,916)	(\$8,916)
Operating expenses		
Judges' retirement		
Guardianship monitoring program	(207)	(207)
Total all funds	(\$9,123)	(\$9,123)
Less estimated income	0	0
General fund	(\$9,123)	(\$9,123)
FTE	0.00	0.00

<sup>1</sup> Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month.

**Senate Bill No. 2002 - District Courts - House Action**

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$68,669,330	\$67,666,910	(\$64,282)	\$67,602,628
Operating expenses	19,930,733	20,806,973	74,234	20,881,207
Judges' retirement	343,649	343,290		343,290
UND central legal research	80,000		40,000	40,000
Total all funds	\$89,023,712	\$88,817,173	\$49,952	\$88,867,125
Less estimated income	1,922,150	1,339,138	0	1,339,138
General fund	\$87,101,562	\$87,478,035	\$49,952	\$87,527,987
FTE	340.00	308.00	0.00	308.00

**Department No. 182 - District Courts - Detail of House Changes**

	Adjusts Funding for Health Insurance Increases <sup>1</sup>	Adds Matching Funds for UND Central Legal Research <sup>2</sup>	Adds Funding for Juvenile Court Services <sup>3</sup>	Total House Changes
Salaries and wages	(\$64,282)			(\$64,282)
Operating expenses			74,234	74,234
Judges' retirement				
UND central legal research		40,000		40,000
Total all funds	(\$64,282)	\$40,000	\$74,234	\$49,952
Less estimated income	0	0	0	0
General fund	(\$64,282)	\$40,000	\$74,234	\$49,952
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month.

<sup>2</sup> Matching funds of \$40,000 from the general fund are added for University of North Dakota central legal research. The general fund appropriation must be matched by nonstate funds provided to the University of North Dakota for central legal research.

<sup>3</sup> Funding is added for juvenile court services.

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

	Base Budget	Senate Version	House Changes	House Version
Judicial Conduct Commission	\$1,082,762	\$1,175,651	(\$829)	\$1,174,822
Total all funds	\$1,082,762	\$1,175,651	(\$829)	\$1,174,822
Less estimated income	444,656	482,701	0	482,701
General fund	\$638,106	\$692,950	(\$829)	\$692,121
FTE	4.00	4.00	0.00	4.00

**Department No. 183 - Judicial Conduct Commission - Detail of House Changes**

	Adjusts Funding for Health Insurance Increases <sup>1</sup>	Total House Changes
Judicial Conduct Commission	(\$829)	(\$829)
Total all funds	(\$829)	(\$829)
Less estimated income	0	0
General fund	(\$829)	(\$829)
FTE	0.00	0.00

---

<sup>1</sup> Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month.

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This amendment also adds:

- A section to identify the amount of funding included in the bill for the increase in employee health insurance premiums; and
- A section to provide a matching fund requirement relating to University of North Dakota central legal research.

3/31/17 VPA  
1 of 4

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

Page 1, line 2, remove "and"

Page 1, line 2, after "transfer" insert "; and to provide for a legislative management study"

Page 1, replace lines 13 through 17 with:

"Salaries and wages	\$11,059,109	(\$149,997)	\$10,909,112
Operating expenses	2,483,980	247,602	2,731,582
Judges' retirement	79,588	1,176	80,764
Guardianship monitoring program	<u>228,789</u>	<u>87,415</u>	<u>316,204</u>
Total general fund	\$13,851,466	\$186,196	\$14,037,662"

Page 1, remove lines 22 through 24

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"Salaries and wages	\$68,669,330	(\$1,066,702)	\$67,602,628
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University of North Dakota central legal research	<u>80,000</u>	<u>(40,000)</u>	<u>40,000</u>
Total all funds	\$89,023,712	(\$156,587)	\$88,867,125
Less estimated income	<u>1,922,150</u>	<u>(583,012)</u>	<u>1,339,138</u>
Total general fund	\$87,101,562	\$426,425	\$87,527,987"

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Less estimated income	<u>444,656</u>	<u>38,045</u>	<u>482,701</u>
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Page 2, replace lines 19 through 22 with:

"Grand total general fund	\$101,591,134	\$666,636	\$102,257,770
Grand total special funds	<u>2,366,806</u>	<u>(544,967)</u>	<u>1,821,839</u>
Grand total all funds	\$103,957,940	\$121,669	\$104,079,609
Full-time equivalent positions	391.00	(35.50)	355.50

**SECTION 2. HEALTH INSURANCE INCREASE.** The appropriation in section 1 of this Act includes the sum of \$950,356 from the general fund for increases in employee health insurance premiums from \$1,130 to \$1,241 per month."

Page 3, after line 10, insert:

**"SECTION 6. UNIVERSITY OF NORTH DAKOTA CENTRAL LEGAL RESEARCH - MATCHING FUND REQUIREMENT.** Subdivision 2 of section 1 of this Act includes \$40,000 from the general fund for university of North Dakota central legal research, which may not be spent until the chief justice of the supreme court certifies to

the office of management and budget that \$40,000 in matching funds from nonstate sources have been provided to the university of North Dakota for central legal research.

**SECTION 7. LEGISLATIVE MANAGEMENT STUDY.** During the 2017-18 interim, the legislative management shall consider studying fees charged by the judicial branch, including fees charged by the clerk of district court under section 27-05.2-03. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2002 - Summary of House Action**

	Base Budget	Senate Version	House Changes	House Version
<b>Supreme Court</b>				
Total all funds	\$13,851,466	\$14,046,785	(\$9,123)	\$14,037,662
Less estimated income	0	0	0	0
General fund	\$13,851,466	\$14,046,785	(\$9,123)	\$14,037,662
<b>District Courts</b>				
Total all funds	\$89,023,712	\$88,817,173	\$49,952	\$88,867,125
Less estimated income	1,922,150	1,339,138	0	1,339,138
General fund	\$87,101,562	\$87,478,035	\$49,952	\$87,527,987
<b>Judicial Conduct Commission</b>				
Total all funds	\$1,082,762	\$1,175,651	(\$829)	\$1,174,822
Less estimated income	444,656	482,701	0	482,701
General fund	\$638,106	\$692,950	(\$829)	\$692,121
<b>Bill total</b>				
Total all funds	\$103,957,940	\$104,039,609	\$40,000	\$104,079,609
Less estimated income	2,366,806	1,821,839	0	1,821,839
General fund	\$101,591,134	\$102,217,770	\$40,000	\$102,257,770

**Senate Bill No. 2002 - Supreme Court - House Action**

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$11,059,109	\$10,918,028	(\$8,916)	\$10,909,112
Operating expenses	2,483,980	2,731,582		2,731,582
Judges' retirement	79,588	80,764		80,764
Guardianship monitoring program	228,789	316,411	(207)	316,204
Total all funds	\$13,851,466	\$14,046,785	(\$9,123)	\$14,037,662
Less estimated income	0	0	0	0
General fund	\$13,851,466	\$14,046,785	(\$9,123)	\$14,037,662
FTE	47.00	43.50	0.00	43.50

**Department No. 181 - Supreme Court - Detail of House Changes**

	Adjusts Funding for Health Insurance Increases <sup>1</sup>	Total House Changes
Salaries and wages	(\$8,916)	(\$8,916)
Operating expenses		
Judges' retirement		

3/31/17 DO  
3 of 4

Guardianship monitoring program	(207)	(207)
Total all funds	(\$9,123)	(\$9,123)
Less estimated income	0	0
General fund	(\$9,123)	(\$9,123)
FTE	0.00	0.00

<sup>1</sup> Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month.

**Senate Bill No. 2002 - District Courts - House Action**

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$68,669,330	\$67,666,910	(\$64,282)	\$67,602,628
Operating expenses	19,930,733	20,806,973	74,234	20,881,207
Judges' retirement	343,649	343,290		343,290
UND central legal research	80,000		40,000	40,000
Total all funds	\$89,023,712	\$88,817,173	\$49,952	\$88,867,125
Less estimated income	1,922,150	1,339,138	0	1,339,138
General fund	\$87,101,562	\$87,478,035	\$49,952	\$87,527,987
FTE	340.00	308.00	0.00	308.00

**Department No. 182 - District Courts - Detail of House Changes**

	Adjusts Funding for Health Insurance Increases <sup>1</sup>	Adds Matching Funds for UND Central Legal Research <sup>2</sup>	Adds Funding for Juvenile Court Services <sup>3</sup>	Total House Changes
Salaries and wages	(\$64,282)			(\$64,282)
Operating expenses			74,234	74,234
Judges' retirement				
UND central legal research		40,000		40,000
Total all funds	(\$64,282)	\$40,000	\$74,234	\$49,952
Less estimated income	0	0	0	0
General fund	(\$64,282)	\$40,000	\$74,234	\$49,952
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month.

<sup>2</sup> Matching funds of \$40,000 from the general fund are added for University of North Dakota central legal research. The general fund appropriation must be matched by nonstate funds provided to the University of North Dakota for central legal research.

<sup>3</sup> Funding is added for juvenile court services.

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

Base	Senate	House	House
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3/31/17 DR  
4 of 1

	Budget	Version	Changes	Version
Judicial Conduct Commission	\$1,082,762	\$1,175,651	(\$829)	\$1,174,822
Total all funds	\$1,082,762	\$1,175,651	(\$829)	\$1,174,822
Less estimated income	444,656	482,701	0	482,701
General fund	\$638,106	\$692,950	(\$829)	\$692,121
FTE	4.00	4.00	0.00	4.00

**Department No. 183 - Judicial Conduct Commission - Detail of House Changes**

	Adjusts Funding for Health Insurance Increases <sup>1</sup>	Total House Changes
Judicial Conduct Commission	(\$829)	(\$829)
Total all funds	(\$829)	(\$829)
Less estimated income	0	0
General fund	(\$829)	(\$829)
FTE	0.00	0.00

---

<sup>1</sup> Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month.

This amendment also adds:

- A section to identify the amount of funding included in the bill for the increase in employee health insurance premiums.
- A section to provide a matching fund requirement relating to University of North Dakota central legal research.
- A section to provide for a Legislative Management study of fees charged by the judicial branch.

**2017 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB2002**

House Appropriations - Government Operations Division Committee

Subcommittee

Amendment LC# or Description: 17.0510.03002

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Vice Chairman Boehning Seconded By Representative Brabandt

Representatives	Yes	No	Representatives	Yes	No
Chairman Brandenburg	X		Representative Delmore	X	
Vice Chairman Boehning	X				
Representative Brabandt	X				
Representative Nathe	X				
Representative Kempenich					
Representative Vigesaa		X			

Total (Yes) 5 No 1

Absent 1

Floor Assignment \_\_\_\_\_

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

**2017 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB2002**

House Appropriations - Government Operations Division Committee

Subcommittee

Amendment LC# or Description: To keep 17 FTE's unfilled and unfunded

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Vice Chairman Boehning Seconded By Representative Nathe

Representatives	Yes	No	Representatives	Yes	No
Chairman Brandenburg		X	Representative Delmore	X	
Vice Chairman Boehning	X				
Representative Brabandt		X			
Representative Nathe	X				
Representative Kempenich					
Representative Vigesaa		X			

Total (Yes) 3 No 3

Absent 1

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:  
 Motion tied and carried over.

**2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SB2002**

House Appropriations - Government Operations Division Committee

Subcommittee

Amendment LC# or Description: 17.0510.03001

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Vice Chairman Boehning Seconded By Representative Vigesaa

Representatives	Yes	No	Representatives	Yes	No
Chairman Brandenburg	X		Representative Delmore	X	
Vice Chairman Boehning	X				
Representative Brabandt	X				
Representative Nathe	X				
Representative Kempenich					
Representative Vigesaa	X				

Total (Yes) 6 No 0

Absent 1

Floor Assignment \_\_\_\_\_

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





Date: 3/30/2017  
 Roll Call Vote #: 1

**2017 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2002**

House Appropriations Committee

Subcommittee

Amendment LC# or Description: 17.0510.03003

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Representative Boehning Seconded By Representative Brandenburg

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer					
Representative Kempenich			Representative Streyle		
Representative: Boehning			Representative Vigesaa		
Representative: Brabandt					
Representative Brandenburg					
Representative Kading			Representative Boe		
Representative Kreidt			Representative Delmore		
Representative Martinson			Representative Holman		
Representative Meier					
Representative Monson					
Representative Nathe					
Representative J. Nelson					
Representative Pollert					
Representative Sanford					
Representative Schatz					
Representative Schmidt					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

**MOTION CARRIES**

Date: 3/30/2017  
 Roll Call Vote #: 2

**2017 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2002**

House Appropriations Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Representative Boehning Seconded By Representative Brandenburg

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	A				
Representative Kempenich	X		Representative Streyle	X	
Representative: Boehning	X		Representative Vigesaa	X	
Representative: Brabandt	X				
Representative Brandenburg	X				
Representative Kading	A		Representative Boe		X
Representative Kreidt	X		Representative Delmore	X	
Representative Martinson	X		Representative Holman	X	
Representative Meier	X				
Representative Monson	X				
Representative Nathe	X				
Representative J. Nelson		X			
Representative Pollert	X				
Representative Sanford	X				
Representative Schatz	X				
Representative Schmidt	A				

Total (Yes) 16 No 2

Absent 3

Floor Assignment Representative Boehning

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

**MOTION CARRIES**

REPORT OF STANDING COMMITTEE

SB 2002, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2002 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 2, after "transfer" insert "; and to provide for a legislative management study"

Page 1, replace lines 13 through 17 with:

"Salaries and wages	\$11,059,109	(\$149,997)	\$10,909,112
Operating expenses	2,483,980	247,602	2,731,582
Judges' retirement	79,588	1,176	80,764
Guardianship monitoring program	<u>228,789</u>	<u>87,415</u>	<u>316,204</u>
Total general fund	\$13,851,466	\$186,196	\$14,037,662"

Page 1, remove lines 22 through 24

Page 2, replace lines 1 through 5 with:

"Salaries and wages	\$68,669,330	(\$1,066,702)	\$67,602,628
Operating expenses	19,930,733	950,474	20,881,207
Judges' retirement	343,649	(359)	343,290
University of North Dakota central legal research	<u>80,000</u>	<u>(40,000)</u>	<u>40,000</u>
Total all funds	\$89,023,712	(\$156,587)	\$88,867,125
Less estimated income	<u>1,922,150</u>	<u>(583,012)</u>	<u>1,339,138</u>
Total general fund	\$87,101,562	\$426,425	\$87,527,987"

Page 2, replace lines 10 through 14 with:

"Judicial conduct commission and disciplinary board	<u>\$1,082,762</u>	<u>\$92,060</u>	<u>\$1,174,822</u>
Total all funds	\$1,082,762	\$92,060	\$1,174,822
Less estimated income	<u>444,656</u>	<u>38,045</u>	<u>482,701</u>
Total general fund	\$638,106	\$54,015	\$692,121"

Page 2, replace lines 19 through 22 with:

"Grand total general fund	\$101,591,134	\$666,636	\$102,257,770
Grand total special funds	<u>2,366,806</u>	<u>(544,967)</u>	<u>1,821,839</u>
Grand total all funds	\$103,957,940	\$121,669	\$104,079,609
Full-time equivalent positions	391.00	(35.50)	355.50

**SECTION 2. HEALTH INSURANCE INCREASE.** The appropriation in section 1 of this Act includes the sum of \$950,356 from the general fund for increases in employee health insurance premiums from \$1,130 to \$1,241 per month."

Page 3, after line 10, insert:

**"SECTION 6. UNIVERSITY OF NORTH DAKOTA CENTRAL LEGAL RESEARCH - MATCHING FUND REQUIREMENT.** Subdivision 2 of section 1 of this Act includes \$40,000 from the general fund for university of North Dakota central legal research, which may not be spent until the chief justice of the supreme court certifies to the office of management and budget that \$40,000 in matching funds from nonstate sources have been provided to the university of North Dakota for central legal research.

**SECTION 7. LEGISLATIVE MANAGEMENT STUDY.** During the 2017-18 interim, the legislative management shall consider studying fees charged by the judicial branch, including fees charged by the clerk of district court under section 27-05.2-03. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2002 - Summary of House Action**

	Base Budget	Senate Version	House Changes	House Version
<b>Supreme Court</b>				
Total all funds	\$13,851,466	\$14,046,785	(\$9,123)	\$14,037,662
Less estimated income	0	0	0	0
General fund	\$13,851,466	\$14,046,785	(\$9,123)	\$14,037,662
<b>District Courts</b>				
Total all funds	\$89,023,712	\$88,817,173	\$49,952	\$88,867,125
Less estimated income	1,922,150	1,339,138	0	1,339,138
General fund	\$87,101,562	\$87,478,035	\$49,952	\$87,527,987
<b>Judicial Conduct Commission</b>				
Total all funds	\$1,082,762	\$1,175,651	(\$829)	\$1,174,822
Less estimated income	444,656	482,701	0	482,701
General fund	\$638,106	\$692,950	(\$829)	\$692,121
<b>Bill total</b>				
Total all funds	\$103,957,940	\$104,039,609	\$40,000	\$104,079,609
Less estimated income	2,366,806	1,821,839	0	1,821,839
General fund	\$101,591,134	\$102,217,770	\$40,000	\$102,257,770

**Senate Bill No. 2002 - Supreme Court - House Action**

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$11,059,109	\$10,918,028	(\$8,916)	\$10,909,112
Operating expenses	2,483,980	2,731,582		2,731,582
Judges' retirement	79,588	80,764		80,764
Guardianship monitoring program	228,789	316,411	(207)	316,204
Total all funds	\$13,851,466	\$14,046,785	(\$9,123)	\$14,037,662
Less estimated income	0	0	0	0
General fund	\$13,851,466	\$14,046,785	(\$9,123)	\$14,037,662
FTE	47.00	43.50	0.00	43.50

**Department No. 181 - Supreme Court - Detail of House Changes**

	Adjusts Funding for Health Insurance Increases'	Total House Changes
Salaries and wages	(\$8,916)	(\$8,916)
Operating expenses		
Judges' retirement		
Guardianship monitoring program	(207)	(207)
Total all funds	(\$9,123)	(\$9,123)
Less estimated income	0	0
General fund	(\$9,123)	(\$9,123)
FTE	0.00	0.00

<sup>1</sup> Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month.

**Senate Bill No. 2002 - District Courts - House Action**

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$68,669,330	\$67,666,910	(\$64,282)	\$67,602,628
Operating expenses	19,930,733	20,806,973	74,234	20,881,207
Judges' retirement	343,649	343,290		343,290
UND central legal research	80,000		40,000	40,000
Total all funds	\$89,023,712	\$88,817,173	\$49,952	\$88,867,125
Less estimated income	1,922,150	1,339,138	0	1,339,138
General fund	\$87,101,562	\$87,478,035	\$49,952	\$87,527,987
FTE	340.00	308.00	0.00	308.00

**Department No. 182 - District Courts - Detail of House Changes**

	Adjusts Funding for Health Insurance Increases <sup>1</sup>	Adds Matching Funds for UND Central Legal Research <sup>2</sup>	Adds Funding for Juvenile Court Services <sup>3</sup>	Total House Changes
Salaries and wages	(\$64,282)			(\$64,282)
Operating expenses			74,234	74,234
Judges' retirement				
UND central legal research		40,000		40,000
Total all funds	(\$64,282)	\$40,000	\$74,234	\$49,952
Less estimated income	0	0	0	0
General fund	(\$64,282)	\$40,000	\$74,234	\$49,952
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month.

<sup>2</sup> Matching funds of \$40,000 from the general fund are added for University of North Dakota central legal research. The general fund appropriation must be matched by nonstate funds provided to the University of North Dakota for central legal research.

<sup>3</sup> Funding is added for juvenile court services.

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

	Base Budget	Senate Version	House Changes	House Version
Judicial Conduct Commission	\$1,082,762	\$1,175,651	(\$829)	\$1,174,822
Total all funds	\$1,082,762	\$1,175,651	(\$829)	\$1,174,822
Less estimated income	444,656	482,701	0	482,701
General fund	\$638,106	\$692,950	(\$829)	\$692,121
FTE	4.00	4.00	0.00	4.00

**Department No. 183 - Judicial Conduct Commission - Detail of House Changes**

	Adjusts Funding for Health Insurance Increases <sup>1</sup>	Total House Changes
Judicial Conduct Commission	(\$829)	(\$829)
Total all funds	(\$829)	(\$829)
Less estimated income	0	0
General fund	(\$829)	(\$829)
FTE	0.00	0.00

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<sup>1</sup> Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month.

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This amendment also adds:

- A section to identify the amount of funding included in the bill for the increase in employee health insurance premiums.
- A section to provide a matching fund requirement relating to University of North Dakota central legal research.
- A section to provide for a Legislative Management study of fees charged by the judicial branch.

**2017 TESTIMONY**

**SB 2002**

**Department 180 - Judicial Branch  
Senate Bill Nos. 2002 and 2062**

**Executive Budget Comparison to Prior Biennium Appropriations**

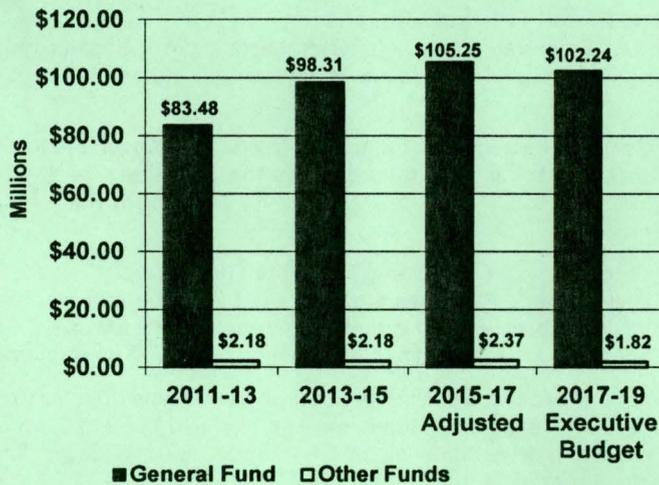
	FTE Positions	General Fund	Other Funds	Total
2017-19 Executive Budget	354.50	\$102,236,654	\$1,821,839	\$104,058,493
2015-17 Adjusted Legislative Appropriations <sup>1</sup>	391.00	105,253,664	2,366,806	107,620,470
Increase (Decrease)	(36.50)	(\$3,017,010)	(\$544,967)	(\$3,561,977)

<sup>1</sup>The 2015-17 biennium agency appropriation amounts reflect general fund budget reductions made in August 2016.

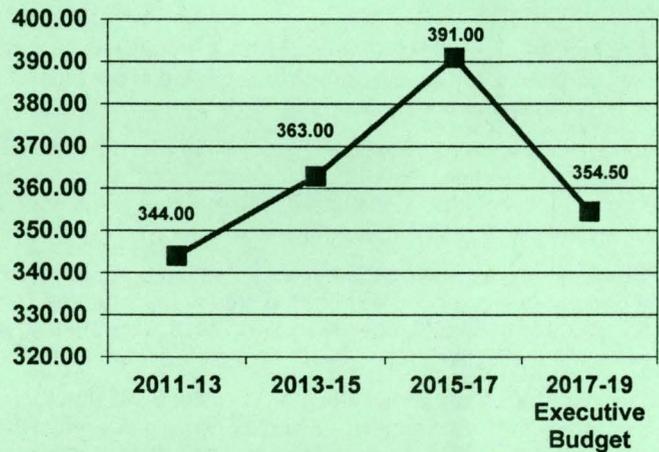
**Ongoing and One-Time General Fund Appropriations**

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2017-19 Executive Budget	\$102,236,654	\$0	\$102,236,654
2015-17 Adjusted Legislative Appropriations	101,591,134	3,662,530	105,253,664
Increase (Decrease)	\$645,520	(\$3,662,530)	(\$3,017,010)

**Agency Funding**



**FTE Positions**



**Executive Budget Comparison to Base Level**

	General Fund	Other Funds	Total
2017-19 Executive Budget	\$102,236,654	\$1,821,839	\$104,058,493
2017-19 Base Level	101,591,134	2,366,806	103,957,940
Increase (Decrease)	\$645,520	(\$544,967)	\$100,553

**Executive Budget Highlights**

	General Fund	Other Funds	Total
<b>Judicial Branch</b>			
1. Provides funding for state employee salary and benefit increases, of which \$335,295 is for salary increases and \$1,021,734 is for health insurance increases	\$1,357,029	\$0	\$1,357,029
2. Adjusts funding for base payroll changes	\$1,116,796	(\$151,757)	\$965,039
3. Adjusts funding for operating expenses	\$413,377	(\$393,210)	\$20,167
<b>Supreme Court</b>			
4. Removes the following 4.50 FTE positions: <ul style="list-style-type: none"> <li>• 2 FTE administrative assistants</li> <li>• 1 FTE law library assistant</li> <li>• 0.5 FTE deputy clerk</li> <li>• 1 FTE guardian project manager</li> </ul>	(\$414,424)	\$0	(\$414,424)
5. Increases funding for information technology costs	\$40,608	\$0	\$40,608

## District Court

6. Removes the following 32 FTE positions:	(\$2,801,754)	\$0	(\$2,801,754)
• 3 FTE referees			
• 3 FTE court recorders			
• 2 FTE calendar control clerks			
• 2 FTE district court administrative assistants			
• 1 FTE assistance district court administrator			
• 3 FTE juvenile court administrative assistants			
• 8 FTE juvenile court officers			
• 3 FTE law clerks			
• 3 FTE deputy clerks			
• 1 FTE citizen access paralegal			
• 1 FTE assistant state court administrator			
• 1 FTE technology support specialist			
• 1 FTE technology coordinator			
7. Increases funding for information technology costs	\$545,867	\$0	\$545,867
8. Increases funding for payments to contract counties	\$342,479	\$0	\$342,479

## Other Bill Sections Recommended to be Added in the Executive Budget (As Detailed in Senate Bill No. 2062)

**Appropriation** - Section 3 appropriates to the judicial branch all funds received pursuant to federal acts and private gifts, grants, and donations, for the purpose as designated in the federal acts or private gifts, grants, and donations, for the period beginning July 1, 2017, and ending June 30, 2019.

**Line item transfers** - Section 4 requires the Director of the Office of Management and Budget and the State Treasurer to transfer funds between line items of appropriation for the judicial branch of government as requested by the Supreme Court upon a finding by the court that the nature of the duties of the court and its staff requires the transfers to carry on properly the functions of the judicial branch of government.

**Supreme Court justices' salaries** - Section 5 provides the statutory changes increasing Supreme Court justices' salaries by 1 percent in the second year of the biennium. Supreme Court justices' annual salaries are increased from the current level of \$157,009 to \$158,579, effective July 1, 2018. The Chief Justice of the Supreme Court is entitled to receive an additional \$4,550 per annum effective July 1, 2018, an increase from the current additional amount for the Chief Justice of \$4,508 per annum.

**District judges' salaries** - Section 6 provides the statutory changes increasing district court judges' salaries by 1 percent in the second year of the biennium. District court judges' annual salaries are increased from the current level of \$143,869 to \$145,308, effective July 1, 2018. A presiding judge of a judicial district is entitled to receive an additional \$4,197 per annum effective July 1, 2018, an increase from the current additional amount for presiding judges of \$4,156.

## Continuing Appropriations

**Restitution collection assistance fund** - North Dakota Century Code Section 12.1-32-08 - This fund is used for defraying expenses incident to the collection of restitution through imposing a fee equal to the greater of \$10 or 25 percent of the amount of restitution ordered, not to exceed \$1,000.

**Court facilities improvement and maintenance fund** - Sections 27-05.2-08 and 29-26-22 - Funding from this fund may be used by the Court Facilities Improvement Advisory Committee to make grants to counties to provide funds for court facilities and improvement and maintenance projects. The source of these funds is a \$100 fee charged in all criminal cases except infractions. The first \$750,000 collected is used for indigent defense services, the next \$460,000 is used for court facilities, and additional collections are deposited equally into the two funds.

**Court receivables fund** - Section 27-05.2-04 - Any money received by the clerk which is not required to be deposited in the general fund, a different special fund, or the county treasury, and which is received as bail or restitution, or otherwise received pursuant to an order of the court is deposited in this fund. Amounts are used for refunding bail, forwarding restitution amounts to entitled recipients, or otherwise making payments as directed by the court.

## Deficiency Appropriation

The executive budget recommendation includes a deficiency appropriation of \$1.5 million from the strategic investment and improvements fund for the cost of jury trials and to hire surrogate judges to assist with trials relating to the pipeline protests.

## Significant Audit Findings

In a followup information systems audit of the Odyssey Case Management System used by the judicial branch, the State Auditor's office reported the judicial branch did not fully implement the recommendation to reconcile all funds received into the case management system to deposits on the state's accounting system.

## Major Related Legislation

**House Bill No. 1095** - Relating to guardianship and conservatorship proceedings.

**Senate Bill No. 2098** - Relating to adding victim services providers to the list of persons to which juvenile court files and records are open to inspection.

**Senate Bill No. 2121** - Relating to costs for insufficient funds checks and assessment of court fees.

**Judicial Branch - Budget No. 180**  
**Senate Bill Nos. 2002 and 2062**  
**Base Level Funding Changes**

	<b>Executive Budget Recommendation</b>			
	<b>FTE Position</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
<b>2017-19 Biennium Base Level</b>	391.00	\$101,591,134	\$2,366,806	\$103,957,940
<b>2017-19 Ongoing Funding Changes</b>				
Base payroll changes		\$1,116,796	(\$151,757)	\$965,039
Salary increase		335,295		335,295
Health insurance increase		1,021,734		1,021,734
Increase payments to contract counties		342,479		342,479
Remove FTE positions	(36.50)	(3,216,178)		(3,216,178)
Increase funding for information technology		586,475		586,475
Adjust funding for operating expenses		413,377	(393,210)	20,167
Adjust funding for judges retirement		817		817
Restore funding for Judicial Conduct Commission salaries and wages		44,725		44,725
<b>Total ongoing funding changes</b>	<b>(36.50)</b>	<b>\$645,520</b>	<b>(\$544,967)</b>	<b>\$100,553</b>
<b>One-time funding items</b>				
No one-time funding items				\$0
<b>Total one-time funding changes</b>	<b>0.00</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Changes to Base Level Funding</b>	<b>(36.50)</b>	<b>\$645,520</b>	<b>(\$544,967)</b>	<b>\$100,553</b>
<b>2017-19 Total Funding</b>	<b>354.50</b>	<b>\$102,236,654</b>	<b>\$1,821,839</b>	<b>\$104,058,493</b>

**Other Sections in Judicial Branch - Budget No. 180**

	<b>Executive Budget Recommendation</b>
Appropriation	Section 3 appropriates to the judicial branch all funds received pursuant to federal acts and private gifts, grants, and donations, for the purpose as designated in the federal acts or private gifts, grants, and donations, for the period beginning July 1, 2017, and ending June 30, 2019.
Line item transfers	Section 4 requires the Director of the Office of Management and Budget and the State Treasurer to transfer funds between line items of appropriation for the judicial branch of government as requested by the Supreme Court upon a finding by the court that the nature of the duties of the court and its staff requires the transfers to carry on properly the functions of the judicial branch of government.

**Other Sections in Judicial Branch - Budget No. 180**

**Executive Budget Recommendation**

Supreme Court justices' salaries

Section 5 provides the statutory changes increasing Supreme Court justices' salaries by 1 percent in the second year of the biennium. Supreme Court justices' annual salaries are increased from the current level of \$157,009 to \$158,579, effective July 1, 2018. The Chief Justice of the Supreme Court is entitled to receive an additional \$4,553 per annum effective July 1, 2018, an increase from the current additional amount for the Chief Justice of \$4,508 per annum.

District Court justices' salaries

Section 6 provides the statutory changes increasing district court judges' salaries by 1 percent in the second year of the biennium. District court judges' annual salaries are increased from the current level of \$143,869 to \$145,308, effective July 1, 2018. A presiding judge of a judicial district is entitled to receive an additional \$4,197 per annum effective July 1, 2018, an increase from the current additional amount for presiding judges of \$4,156.

## Department 180 - Judicial Branch

## Appropriations Comparisons to the Original and Adjusted Base Budgets

### General Fund Appropriations Adjustments (As a result of the August 2016 General Fund Budget Reductions)

	Ongoing	One-Time	Total
2015-17 original general fund appropriations	\$108,172,464	\$4,458,530	\$112,630,994
General fund reductions	(6,581,330)	(796,000)	(7,377,330)
Adjusted 2015-17 appropriations	\$101,591,134	\$3,662,530	\$105,253,664
Executive Budget changes	645,520	(3,662,530)	(3,017,010)
2017-19 Executive Budget	\$102,236,654	\$0	\$102,236,654

### Summary of August 2016 General Fund Budget Reductions

	Ongoing	One-Time	Total
Supreme Court			
Reduce funding for salaries and wages	(\$350,000)	\$0	(\$350,000)
Reduce funding for operating expenses, including one-time funding relating to the facility space expansion	(524,019)	(100,000)	(624,019)
Reduce funding for the guardianship monitoring program	(75,000)	0	(75,000)
District Courts			
Reduce funding for salaries and wages	(3,100,000)		(3,100,000)
Reduce funding for operating expenses, including one-time funding relating to the disaster recovery project	(2,422,586)	(175,000)	(2,597,586)
Reduce funding for office equipment and furniture	0	(220,000)	(220,000)
Reduce funding for information technology equipment	0	(301,000)	(301,000)
Reduce funding for judges' retirement	(65,000)	0	(65,000)
Judicial Conduct Commission and Disciplinary Board	(44,725)		(44,725)
Total reductions	(\$6,581,330)	(\$796,000)	(\$7,377,330)
Percentage reduction to ongoing and one-time general fund appropriations	6.08%	17.85%	6.55%

### 2017-19 Executive Budget Changes to the Original and Adjusted Base Budgets

	Changes to Original Budget	Budget Reduction Adjustments	Changes to Adjusted Budget
Supreme Court			
Reduces funding for base payroll changes	(\$52,268)	\$0	(\$52,268)
Adds funding for recommended salary and benefit increases	170,078	0	170,078
Removes 4.50 FTE positions	(764,424)	350,000	(414,424)
Increases funding for information technology expenses	40,608	0	40,608
Adjusts funding for operating expenses	(418,269)	599,019	180,750
Adjusts funding for judges retirement	1,176	0	1,176
District Courts			
Increases funding for base payroll changes	1,128,768	0	1,128,768
Adds funding for recommended salary and benefit increases	1,171,754	0	1,171,754
Removes 32.00 FTE positions	(5,901,754)	3,100,000	(2,801,754)
Increases funding for information technology expenses	545,867	0	545,867
Adjusts funding for operating expenses	(2,148,334)	2,422,586	274,252
Increases payments to contract counties	342,479	0	342,479

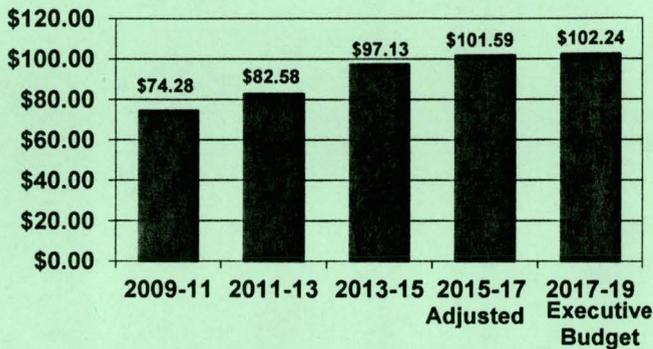
	Changes to Original Budget	Budget Reduction Adjustments	Changes to Adjusted Budget
Adjusts funding for judges retirement Judicial Conduct Commission and Disciplinary Board	(65,359)	65,000	(359)
Increases funding for base payroll changes	40,296	0	40,296
Adds funding for recommended salary and benefit increases	15,197	0	15,197
Restores funding for Judicial Conduct Commission salaries and wages	0	44,725	44,725
Adjusts funding for operating expenses	(41,625)	0	(41,625)
<b>Total</b>	<b>(\$5,935,810)</b>	<b>\$6,581,330</b>	<b>\$645,520</b>

Department 180 - Judicial Branch

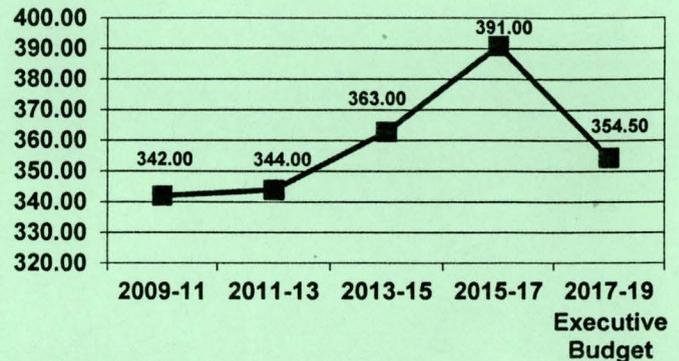
# Historical Appropriations Information

## Ongoing General Fund Appropriations Since 2009-11

Agency Funding (in Millions)



FTE Positions



Ongoing General Fund Appropriations					
	2009-11	2011-13	2013-15	2015-17 Adjusted	2017-19 Executive Budget
Ongoing general fund appropriations	\$74,282,634	\$82,580,882	\$97,133,117	\$101,591,134	\$102,236,654
Increase (decrease) from previous biennium	N/A	\$8,298,248	\$14,552,235	\$4,458,017	\$645,520
Percentage increase (decrease) from previous biennium	N/A	11.2%	17.6%	4.6%	0.6%
Cumulative percentage increase (decrease) from 2009-11 biennium	N/A	11.2%	30.8%	36.8%	37.6%

### Major Increases (Decreases) in Ongoing General Fund Appropriations

#### 2011-13 Biennium

- |  |           |
|--|-----------|
| 1. Added 1 law clerk FTE position (\$149,992) and 1 juvenile court officer FTE position (\$164,042)        | \$314,034 |
| 2. Added funding for increases in information technology fees and maintenance contracts and licensing fees | \$497,379 |
| 3. Increased funding for payments to contract counties for clerk of court services                         | \$445,909 |
| 4. Added funding for maintenance, support, and enhancements for the Odyssey Unified Case Management System | \$750,420 |

#### 2013-15 Biennium

- |  |             |
|--|-------------|
| 1. Added 19 FTE positions, including 3 new judgeships                              | \$3,747,883 |
| 2. Increased funding for information technology costs                              | \$946,815   |
| 3. Increased funding for payments to contract counties for clerk of court services | \$1,276,250 |
| 4. Increased funding for juvenile court  | \$412,858   |
| 5. Added funding for the lay guardian ad litem project                             | \$523,279   |

#### 2015-17 Biennium (Original Changes)

- |   |             |
|---|-------------|
| 1. Added 28 FTE positions, including 4 new district judges  | \$5,408,884 |
| 2. Increased funding for payments to contract counties for clerk of court services                    | \$381,748   |
| 3. Increased funding for operating expenses (this item was affected by the 2015-17 budget reductions) | \$1,074,354 |

#### 2017-19 Biennium (Executive Budget Recommendation)

- |  |               |
|--|---------------|
| 1. Removes 36.5 FTE positions  | (\$3,216,178) |
| 2. Increases funding for payments to contract counties for clerk of court services | \$342,479     |
| 3. Increases funding for information technology costs                              | \$586,475     |
| 4. Increases funding for operating expenses  | \$413,377     |

SB 2002/2062

# 1-A  
1-5-17

**Judicial Branch Budget Hearing**  
SB 2002/2062

Senate Appropriations Committee  
January 5, 2017  
Harvest Room

8:30 a.m.

Opening Remarks ..... Chief Justice Gerald W. VandeWalle  
General Overview ..... Sally Holewa  
Detailed Budget Presentation ..... Don Wolf

**Senate Bill 2002/2062**  
**Senate Appropriations Committee**

**Testimony Presented by Sally Holewa**  
**State Court Administrator**  
**January 5, 2017**

Good morning, Chairman Holmberg and members of the Committee. For the record, my name is Sally Holewa. I am the State Court Administrator. I will be providing a general overview of the Judicial Branch budget request.

The Judicial Branch appropriation funds the personnel, programs, and operating costs of the Supreme Court, the district courts, and the Judicial Conduct Commission and Disciplinary Board. Our budget request for the 2017-2019 biennium is \$104,058,493. This is a decrease of \$10,939,307 from our original 2015-2017 appropriation. It is a slight increase over our 2015-2017 revised appropriation of \$103,957,940. This appropriation request contains no new initiatives, capital assets, or one-time funding.

**Impact of the 2015-2017 Reduction in Appropriation**

**Salaries and Wages**

As a result of the reduction in appropriation, three judicial referees and one court recorder position have been eliminated. But for the reduction, these positions would have been transferred to another district to address the shortage in judges. The reduction in judicial services in the Northeast Central Judicial District has led to the suspension of both the juvenile and adult drug courts in that district.

We have implemented a hiring freeze and have been holding open an average of twenty positions per month since March 2016.

### **Juvenile Services**

We were unable to start a minority justice program for Native American children in the Devils Lake area.

### **Operating**

We removed all funding for upgrade or replacement of furniture and equipment except those instances where the equipment or furniture is needed to continue courtroom functionality or to comply with the Americans with Disabilities Act. In-state and out-of-state travel was curtailed, legal publications were discontinued and staff training was reduced.

### **Deficiency Appropriation (HB 1024)**

For the first time in its history, the judicial branch has had to ask for a deficiency appropriation of \$1.5 million. This is to cover the anticipated costs of approximately 400 trials stemming from pipeline protest arrests. The estimated cost of juror fees, mileage and meals is \$613,380. Additional dollars are necessary to bring in surrogate judges, freelance court reporters, and temporary staff to clerk the cases. We currently have a 10 judge/21 clerk shortage in the state and do not have the resources to transfer judges, court reporters and clerks from other districts to cover that volume of cases in that short a period of time.

## **Increases in the 2017-2019 Appropriations Request**

### **Technology**

This budget includes increased technology costs of \$586,475. Those increases are due to additional statewide network connection costs for our remote disaster recovery site, increased ITD fees, upgrades to storage media for court records, and for increased maintenance fees and software licenses.

### **Clerk of Court Services**

The budget includes an additional \$342,479 for clerk of court services that we obtain through contracts with 39 counties.

Since 2001, clerk of court services are delivered in two ways in North Dakota. In fourteen counties,<sup>1</sup> the state employs the personnel for this office. In the remaining 39 counties, the state contracts with the county to perform those duties under NDCC 27-05.2-02. The contracts for those counties are calculated using the court's workload assessment formula. This formula determines the amount of work required based on number and types of cases filed using a two-year average. The \$342,479 increase for contract clerk of court services is due to increased case filings, increases in salaries for the period of January 2014 through January 2016, and increases in technology, travel, and operating expenses.

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<sup>1</sup>The fourteen counties where clerk offices are state employees are: Twelve counties are eligible to transfer clerk services to the state but have elected to retain those services. Those counties are: Benson, Bottineau, Divide, Dunn, McHenry, McLean, Mercer, Mountrail, Pembina, Pierce, Ransom and Traill.

## **Reductions in the 2017-2019 Appropriations Request**

### **Salaries and Wages**

The salary and wages portion of our budget has been reduced by \$7,417,771 through the elimination of 36.5 regular FTEs, 7 temporary FTEs and 3 interns. We have identified an additional 6 positions where the incumbent has been given the opportunity to transfer to another city or be included in the reduction in force. To date, none of those identified have chosen the transfer option.

A total of 56 individuals will be affected by the reduction-in-force implementation plan through a lay-off, loss of contract, or transfer to another position. A copy of the Reduction-in-Force Plan is attached.

The appropriation request includes a 1% salary increase in the second half of the biennium. This is consistent with the executive branch recommendation and will offset the 1% increase in employee contribution to the defined benefit plan in the event HB 1053 is enacted as proposed.

### **Operating**

An additional \$608,800 was obtained by eliminating the contracts for 5 full-time deputy clerks, a part-time staff attorney and a court security consultant. Another \$80,000 in reductions was achieved by eliminating funding to the UND law school for their extern placement program.

### **Juvenile Court Services for delinquent children**

*Youth Cultural Achievement Program:* Since 2009, the South Central Judicial District has had a very successful Youth Cultural Achievement

Program based in Bismarck. This program works with both the child and the family to keep Native American children charged with a delinquent offense in their homes and communities.

In the 2015-2017 biennium, there was an appropriation of \$75,000 to recreate this program in Devils Lake to serve the Northeast Judicial District and \$150,000 to create a similar program in Fargo that would serve the New American communities in the East Central Judicial District.

The 2015-2017 appropriation request contains funding to continue the Bismarck and Fargo programs but with a funding reduction of 11% and 10% respectively.

We were able to start the Fargo program immediately, however the program was on a hiatus for several months when the person providing the services left and there was a delay in filling the vacancy.

Due to the reduction in our appropriation, we were unable to start the Devils Lake program this biennium. We are requesting the \$75,000 appropriation be carried forward as part of the 2017-2019 appropriation to allow a delayed start date of July 2018.

*Community Service Work:* Juveniles are frequently assigned community service work as a consequence for violations laws. Most of the community service programs are run by private, non-profit entities. Contracts with these providers are reduced by 54% under the proposed budget.

*Restorative Justice and Accountability Conferencing:* The court contracts with Lutheran Social Services to provide restorative justice and accountability conferencing which brings juveniles and victims together to discuss what happened and plan a suitable reparation. This contract has been reduced by 10% under the proposed budget.

*Day Report Program:* The Day Report Program is an afterschool program in Grand Forks and Fargo that provides tutoring and life skills for youth that are under the supervision of the juvenile court. The Fargo program will be eliminated on June 30, 2017 and the Grand Forks program will continue with an 11% reduction in funding.

*Educational programming:* Juvenile court utilizes numerous educational programs to prevent youth from engaging in unlawful or self-destructive behavior. They include classes on drug and alcohol use, suicide prevention, body image and eating disorders, and others. Contracts with these providers are reduced by 10% under the proposed budget.

### **Juvenile Court Services for abused and neglected children**

*Guardian ad litem services:* North Dakota statute requires that a guardian *ad litem* be appointed for all children who are the subject of a petition alleging abuse or neglect. Guardians *ad litem* are persons appointed by the court to represent the best interests of a child. They are not attorneys and they do not represent the wishes of the child. Instead they advocate for what they think is best for the child. They are specially trained community members who stay with the child from the beginning of the case until the child has been returned home or placed in a safe, permanent living

arrangement. We contract with Youthworks to provide this service. To meet the reduced 2015-2017 appropriation, we directed guardians ad litem to reduce in-person visits with the child, to attend hearings by telephone unless required to testify, and to attend school and social service planning meetings by telephone rather than in-person. Beginning this month, we will be terminating their service at the initial disposition stage of the case unless a judge finds that continued involvement in the case is necessary. The proposed budget continues these reductions (equal to a 9.9% reduction in funding) and additionally reduces the administration costs of the program by 7.7%.

### **Guardianship Monitoring Project**

In the last session, we received an appropriation of \$303,789 to start a guardianship monitoring program involving both financial reviews and well-being checks. The cost for the pilot project includes hiring one full-time accountant to manage the program and conduct the financial reviews and funds to hire court visitors to make personal contact with the wards a year after the guardianship was established to ascertain whether the guardian was providing appropriate care for them. To meet the need to reduce our budget, this program will be terminated as of June 30, 2017.

### **Further Reductions in Operations**

The operations budget has been reduced by an additional \$505,248 by cutting professional development and supplies.

## **Federal Funds**

Federal funding for the 2017-2019 biennium will be reduced by \$583,012. This includes \$569,269 from three Court Improvement Program grants. Court Improvement Grants are awarded to each state to study and strengthen their response to abused and neglected children. In the latest Continuing Resolution, Congress chose not to fund two of the grants. We have not applied for the remaining grant. This grant funds two temporary staff positions which were eliminated under the Court's Reduction-in-Force plan.

The remaining decrease of \$13,743 is federal child support funding. These funds are received as reimbursement for the time referees spend on child support enforcement cases. Judge time is not reimbursable. The decrease reflects the shift of enforcement work from the three referees that were cut to the district judges in the northeast and northeast central judicial district.

## **Updates on 2015-2017 projects**

### **Disaster Recovery Project**

The remote disaster recovery site based outside the Bismarck/Mandan area has been established and satisfactorily tested. The project was completed on time and slightly under budget. The backup site is capable of receiving and storing an up-to-date copy of production data and providing, within hours, replacement functionality for the primary IT infrastructure.

### **Renovation of ITD Space**

The renovation of 6,100 square feet formerly occupied by ITD was completed on time and within budget. The Supreme Court occupies a three-office suite and conference room. The remaining space has been designated

by statute as legislative rooms. Those are the Coteau and Sheyenne River rooms.

**Juvenile Drug Court**

The Grand Forks juvenile drug court has been on a semi-suspended status<sup>2</sup> due to the reduction in judicial resources in that district. We believe there is a viable plan in place to allow the court to continue.

The Williston juvenile drug court has been inactive due to a lack of judicial, prosecution, and indigent defense resources. We removed the funding for the program in the 2015-2017 budget and no funding for this court is included in this appropriation request.

During the biennium, we investigated the possibility of adding a juvenile drug court in Dickinson. It was determined that a court in that area would not be feasible due to a lack of local treatment options for juveniles. The 2015-2017 budget did not include any funding for this and we have not requested any funds for it in this appropriation request.

We currently have active juvenile drug courts in Bismarck, Grand Forks, Devils Lake, Fargo, Jamestown-Valley City, and Minot.<sup>3</sup>

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<sup>2</sup>No new participants have been allowed to enter the program but those who were in the program prior to October 2016 have been allowed to continue.

<sup>3</sup>The Williams County juvenile drug court is currently inactive and funding for it was removed in the current budget proposal. There are also adult drug courts operating in Bismarck, Grand Forks, Fargo and Minot. Adult drug courts are funded through the Department of Corrections and Rehabilitation. There is also an adult DWI court operating in Wahpeton.

### **Legal Self-Help Center**

In 2013, we implemented a self-help center staffed by a licensed attorney and operated as a division of our law library. In 2015, the legislature authorized a full-time paralegal to assist with the program. The purpose of the center is to address the needs of the thousands of people in the state who are involved in a legal issue but are not represented by counsel. Our most recent study is from 2013 where we found that more than 1,700 people represented themselves in civil, family and juvenile cases, and another 6,500 were self-represented in felony, misdemeanor and infraction cases. Most of these people fall in the middle where they don't make enough money to pay the retainer and hourly fees charged by attorneys but make too much money to qualify for reduced fee or free legal services programs. The self-help center is able to provide procedural advice and education to self-represented litigants through forms and brochures we have developed and posted on our website and personal contact by telephone and email. The Center does not provide legal advice or represent people in court. As you might imagine, just giving someone a form doesn't mean they understand why it is necessary, how to fill it out correctly, or what to do next with their case. The self-help center staff helps to fill in those gaps. The Center interacts with an average of 620 individuals every quarter and the resources created by the Center are access by an average of 913 individuals per week.

Due to the need to reduce our budget, we have included the paralegal assigned to the Center in our Reduction-in-Force plan. With the potential for a summer extern placement through the UND law school, we expect that we will be able to maintain our current resources but do not believe we will be able to expand these resources or our outreach efforts.

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### Conclusion

Don Wolf, our Director of Finance, will provide more detail in his presentation.

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Testimony of Don Wolf, Director of Finance

### North Dakota Court System Reduction in Force Implementation Plan

#### A. Positions Designated for Elimination

On August 19, 2016 the Supreme Court determined that a reduction in force is necessary due to a 6.55% (\$7.37 million) reduction in the Judicial Branch appropriation for the 2015-2017 biennium. The Court considered the most recent weighted caseload studies along with the need to reduce expenditures and issued an order vacating judicial referee positions in the Northeast Central Judicial District and the Northeast Judicial District effective December 31, 2016.

Policy 143(A) allows for a reduction in force due to a lack of work. One full-time electronic court recorder is assigned to provide services for two Northeast Central Judicial District referees. Since one referee position was previously eliminated in 2015 there will no longer be any referees in the Northeast Central Judicial District after December 31, 2016.

Therefore, the following position will be eliminated effective December 31, 2016.

Eliminated Position		
Location	Number	Position
Grand Forks	1 FTE	Electronic Court Recorder

The Supreme Court took note of the 2015 Juvenile Court Staffing Study which indicates a staff overage of 7.18 staff compared to workload need and a proposed reduction in force plan prepared by the state court administrator. The Court directed the trial court administrators to present unit plans to reduce juvenile court positions sufficient to eliminate the staff overage and to meet a targeted reduction in juvenile salaries of \$1.065 to \$1.153 million for the 2017-2019 biennium. Following review of all of the plans, the Court approved a reduction in force in the juvenile court, effective June 30, 2017, that includes the positions identified below.

<b>Eliminated Positions</b>		
<b>Location</b>	<b>Number</b>	<b>Position</b>
<b>Unit One</b>		
Bottineau	1 FTE	Juvenile Court Officer
Bottineau	.5 FTE	Juvenile Court Administrative Assistant
Grafton	.5 FTE	Juvenile Court Officer
Grafton	1 FTE	Juvenile Court Officer III
Grand Forks	.5 FTE	Juvenile Court Officer
<b>Unit Two</b>		
Jamestown	1 FTE	Juvenile Court Officer
Valley City	.5 FTE	Juvenile Court Administrative Assistant
Wahpeton	1 FTE	Juvenile Court Administrative Assistant
<b>Unit Three</b>		
Dickinson	1 FTE	Juvenile Court Officer
<b>Unit Four</b>		
Minot	1 FTE	Juvenile Court Administrative Assistant
Minot	1 FTE	Juvenile Court Officer

In drafting a budget for the 2017-2019 biennium, the Court took notice of the reports of revenue shortfall released by the Office of Management and Budget and Governor Dalrymple's directive to state agencies to submit a proposed 2017-2019 budget at 90% of their current base budget. Following review of the reduction in force plans prepared by the trial court administrators and the September 23, 2016 Administrative Council meeting discussion on the plans, an alternative reduction in force plan submitted by the East Central Judicial District and comments in response to the alternative plan, projected weighted caseload needs and weighted workload assessment needs based on calendar year 2016 case filings through September 30, 2016, and a reduction in force plan for the

Supreme Court and Shared Court Services prepared by the state court administrator based on the ability of the court system to absorb the duties of the identified positions into other positions or eliminate them altogether, the Court determined that a base budget reduction of 10% (\$10.8 million) will seriously interfere with the Court's obligation and ability to deliver statewide services in a timely, equitable and consistent manner. In addition, the Court determined that after reducing positions, it is necessary to redistribute some of the remaining positions in order to maintain an adequate staffing level for each clerk of court and juvenile court office. The Court established an average staffing standard of 98.35% for juvenile courts and an average staffing standard of 82.54% for clerks as shown in the attached charts.

Although it is recognized that this will cause significant disruptions and delays in service, the Supreme Court has submitted a budget for the 2017-2019 biennium that is a 7.6% (\$8.25 million) reduction from the 2015-2017 base budget. To meet this level of reduction, in addition to the positions noted above, the proposed budget includes the elimination of the positions identified below effective, June 30, 2017.

Eliminated Positions		
Unit One		
Location	Number of Positions	Position Title
Grand Forks	1 FTE	District Court Administrative Assistant
Unit Two		
Location	Number of Positions	Position Title
Fargo	2 FTE	Calendar Control Clerk
Fargo	1 FTE	Law Clerk
Fargo	2 FTE	Deputy Clerk of Court
Jamestown	1 FTE	Law Clerk
Jamestown	1 FTE	Juvenile Court Officer
Valley City	1 FTE	Deputy Clerk of Court

<b>Unit Three</b>		
<b>Location</b>	<b>Number of Positions</b>	<b>Position Title</b>
Bismarck	1 FTE	Assistant Court Administrator
Bismarck	1 FTE	District Court Administrative Assistant
Bismarck	1 FTE	Juvenile Court Officer
<b>Unit Four</b>		
<b>Location</b>	<b>Number of Positions</b>	<b>Position Title</b>
Minot	1 FTE	Electronic Court Recorder
Minot	1 FTE	Law Clerk
Williston	1 FTE	Electronic Court Recorder
<b>Supreme Court</b>		
<b>Location</b>	<b>Number of Positions</b>	<b>Position Title</b>
Bismarck	2 FTE	Administrative Assistant – Central Legal
Bismarck	1 FTE	Law Library Assistant I
Bismarck	.5 FTE	Deputy Supreme Court Clerk
Bismarck	1 FTE	Guardianship Monitoring Program Manager
<b>Shared Services</b>		
<b>Location</b>	<b>Number of Positions</b>	<b>Position Title</b>
Bismarck	1 FTE	Citizen Access Paralegal
Bismarck	1 FTE	Assistant State Court Administrator
Bismarck	1 FTE	Technical Support Specialist
Bismarck	1 FTE	Technology Coordinator

The following positions will be transferred effective July 1, 2017. Priority is to be given to transferring current vacant positions. If a position designated for transfer is currently filled, the incumbent employee shall be given the option of transferring to the new location. If the incumbent chooses not to relocate, then the reduction in force policy will apply.

<b>Transferred Positions</b>			
<b>Position Title</b>	<b>Number of Positions</b>	<b>From</b>	<b>To</b>
Deputy Clerk of Court	2 FTE	Grand Forks	Burleigh
Deputy Clerk of Court	1 FTE	Ramsey	Morton
Deputy Clerk of Court	1 FTE	Richland	Ward
Deputy Clerk of Court	1 FTE	Richland	Williams
Deputy Clerk of Court	1 FTE	Walsh	Williams

In addition to the reduction in force of regular employees, the following temporary or contract positions are eliminated effective June 30, 2017.

<b>Eliminated Positions - Temporary Staff</b>		
<b>Location</b>	<b>Number of Positions</b>	<b>Position Title</b>
Bismarck	.5 FTE	Juvenile Court Administrative Assistant
Bismarck	1 FTE	Research Analyst – Court Improvement Program
Bismarck	.5 FTE	Quality Assurance Monitor – Court Improvement Program
Bismarck	.75 FTE	Staff Attorney – Minority Justice Implementation Committee
Dickinson	1 FTE	Deputy Clerk of Court

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Fargo	.5 FTE	Juvenile Court Administrative Assistant
Minot	1 FTE	Deputy Clerk of Court
Multiple	3 Internships	Rural Law Clerk
<b>Eliminated Positions - Contract Staff</b>		
<b>Location</b>	<b>Number of Positions</b>	<b>Position Title</b>
Multiple	5	Deputy Clerk of Court
Bismarck	1	Staff Attorney – Pattern Jury Instruction Commission
Bismarck	1	Court Security Consultant

#### **B. Reduction in Force Procedure**

Temporary positions are not subject to Policy 143 and the persons holding the temporary positions identified in the chart above will be released from employment.

Contract positions are not subject to Policy 143 and the persons holding those contracts will be provided a notice that the court does not intend to renew the contract.

In those locations where a single employee holds the position identified in the charts above there is no need for further consideration of job-related criteria and the employee holding the position will be released from employment.

In those locations where more than one employee holds the position identified in the charts above, the hiring authority must apply the following job-related criteria to determine which employees will remain employed with the court system.

1. Length of Service;
2. Demonstrated work performance; and
3. Acquired knowledge and documented skills.

**Length of service** is the number of years the employee has been employed within the North Dakota Court System. **Demonstrated work performance** is the overall performance level of the employee compared to other employees in the same position. Demonstrated work performance includes consideration of past performance reviews and corrective actions. **Acquired knowledge and demonstrated skills** is the degree to which an employee's knowledge and skill levels compare to the knowledge and skill levels necessary to accomplish the work assigned. It is also an assessment of how well an employee has incorporated new skills and knowledge into their everyday work compared to other employees in the same position. If all other aspects of work performance and knowledge and skills are equal, the longest length of service shall be the defining factor in determining which employee remains with the court system.

The hiring authority must complete a written analysis for each position listed in the chart above. The written analysis must be submitted to the Director of Human Resources no later than December 15, 2016.

Each hiring authority must forward his or her list of employees identified for release from employment to the Director of Human Resources for analysis to ensure the reduction in force process has not created a disparate impact on any protected class.

The Director of Human Resources will forward the results of the analysis and the combined list of employees to the Supreme Court for consideration and a final designation of the employees to be released from employment.

Consistent with Policy 143, an employee who will be released as a result of a reduction in force will be given a written notice of the release from employment. Prior to release, an employee may apply for a transfer to a vacant position being filled for which the employee is qualified.

### **C. Plan Approval**

This reduction in force implementation plan has been approved by the Supreme Court effective November 9, 2016. This plan may be amended as needed to adjust for a greater or lesser budget reduction as determined by the legislature.

**Senate Bill 2002/2062**  
**House Appropriations**  
Don Wolf, Director of Finance  
January 5, 2017

Mr. Chairman, members of the committee, good morning. For the record my name is Don Wolf and I am the Director of Finance for the court system. I will be providing you with the details regarding the Judicial Branch budget request.

JUDICIAL BRANCH	2015-17 Biennium Original Appropriation	6.55% Reduction	One-time Funding Adjustment	2015-17 Biennium Base Level
Supreme Court	\$16,015,555	(\$1,049,019)	(\$1,115,070)	<b>\$13,851,466</b>
District Court	97,854,758	(6,283,586)	(2,547,460)	<b>\$89,023,712</b>
JCC/DB	<u>1,127,487</u>	<u>(44,725)</u>	<u>0</u>	<b>\$1,082,762</b>
<b>Total base budget</b>	<b>\$114,997,800</b>	<b>(\$7,377,330)</b>	<b>(\$3,662,530)</b>	<b>\$103,957,940</b>

The total **2015-17 biennium original appropriation** for the Judicial Branch is \$114,997,800. The appropriation includes funding for the Supreme Court, District Courts and the Judicial Conduct Commission and Disciplinary Board (JCC/DB). The 2015-17 biennium Judicial Branch original appropriation was reduced by \$7,377,330 or 6.55 percent during the August 2016 special session of the Legislative Assembly. The total 2015-17 biennium **revised appropriation**, net of the one-time funding, is \$103,957,940, of which \$101,591,134 is from the General Fund.

The 2015-17 biennium appropriation included \$4,458,530 of **one-time funding** items for the disaster recovery project (\$2,000,000), criminal case eFile initiation (\$99,000), facility space expansion project (\$1,215,070) and capital assets (\$1,144,460). A total of \$796,000 of the one-time projects were included as part of the 6.55 percent budget reduction. All projects have been completed or will be completed within budget. The 2017-19 biennium budget request does not include any capital assets or one-time projects.

The **2017-19 biennium** Judicial Branch budget request is **\$104,058,493**, which includes **\$1,357,029** added by the Office of Management and Budget (OMB) for proposed salary and health insurance increases.

Subdivision	2015-17 Biennium Base	2017-19 Biennium Request	Increase (Decrease)
Supreme Court	\$13,851,466	\$13,777,386	(\$74,080)
District Court	89,023,712	89,101,707	\$77,995
JCC/DB	1,082,762	1,179,400	\$96,638
<b>Total</b>	<b>\$103,957,940</b>	<b>\$104,058,493</b>	<b>\$100,553</b>

The budget per funding source is as follows:

	2015-17 Biennium	2017-19 Biennium	Increase (Decrease)
General Fund	\$101,591,134	\$102,236,654	\$645,520
Special funds	444,656	482,701	\$38,045
Federal funds	1,922,150	1,339,138	(\$583,012)
<b>Total</b>	<b>\$103,957,940</b>	<b>\$104,058,493</b>	<b>\$100,553</b>

**Major components** of the 2017-19 biennium **Judicial Branch** budget request include the following:

- The budget proposal provides for a total of 354.5 FTE positions, which is a reduction of **36.5 FTEs** from the current budget. The total salary savings from the FTE reductions is **\$6,656,410**.
- Total savings of **\$761,361** was realized in **temporary salaries and wages** by eliminating the following positions: 2 deputy clerks of court, 2 part-time juvenile court administrative assistants, 2 Court Improvement Program positions, 3 rural summertime law clerk interns and a Minority Justice Committee staff position. The remaining budget for temporary salaries is \$666,050, which includes funding for bailiffs, surrogate judges and Juvenile Drug Court coordinators and trackers.
- The current budget includes funding to contract with a staffing agency for 5 deputy clerk of court positions. The funding for these contract positions is not part of the budget request, resulting in a savings of **\$480,000**.

- The total salaries and wages budget request accounts for **77.1 percent** of the total request.
- Information technology costs account for **6.4 percent** of the budget.
- Payments to counties for contract clerk of court services accounts for **5.3 percent** of the budget.
- The remaining operating budget is \$11,580,393 or **11.1 percent** of the total budget request. This budget provides for not only the court system's daily operating costs, but also funds juvenile treatment programs, Juvenile Drug Court, Guardian ad Litem services, and family mediation.
- The executive budget recommendation provides a salary increase of 1 percent for the second year of the biennium to justices and judges, the same increase as provided to court system employees.

**Highlights of the proposed Supreme Court Budget:**

Line item	2015-17 Original Appropriation	2015-17 Biennium Base Level	2017-19 Biennium Request	Increase (Decrease) to Base
Salaries and wages	\$11,409,109	\$11,059,109	\$10,965,040	(\$94,069)
Operating	\$3,144,999	\$2,483,980	\$2,731,582	\$247,602
Capital assets	\$1,078,070	\$0	\$0	\$ 0
Judges' retirement	\$79,588	\$79,588	\$80,764	\$1,176
Guardianship monitoring	<u>\$303,789</u>	<u>\$228,789</u>	<u>\$0</u>	<u>(\$228,789)</u>
<b>Total Supreme Court</b>	<b>\$16,015,555</b>	<b>\$13,851,466</b>	<b>\$13,777,386</b>	<b>(\$74,080)</b>

- **Staffing reductions** – The Supreme Court budget proposal provides for a reduction of **4.5 FTE** positions, for a total of 42.5 FTEs. The following positions would be eliminated:
  - ❖ 1 FTE guardianship monitoring program manager,
  - ❖ 2 FTE administrative assistants in central legal,
  - ❖ 0.5 FTE deputy Supreme Court clerk, and

❖ 1 FTE law library administrative assistant.

- **Guardianship Monitoring Pilot Program** – The 2015 Legislative Assembly approved funding for a pilot program in the Southeast and South Central Judicial Districts to provide oversight of the financial and personal well-being of guardianship wards. The program included one FTE guardianship program manager. Funding for this program and the program manager is not included in the 2017-19 biennium budget request. The total budget savings by eliminating the program is **\$303,789**.
- **Judges’ Retirement (NDCC Chapter 27-17 Old Retirement System)** – The judges’ retirement line item provides for the state's general fund portion of retirement payments to eligible retirees under the old retirement system. The budget request provides for the 6 remaining participants, including 1 within the Supreme Court budget and 5 within the district court budget. The budget request for judges’ retirement is **\$424,054**, of which \$80,764 is for the Supreme Court and \$343,290 is for District Court. The average age of the recipients as of December 31, 2016 was 89.

**Highlights of the proposed District Court Budget:**

Line item	2015-17 Original Appropriation	2015-17 Biennium Base Budget	2017-19 Biennium Request	Increase (Decrease) to Base
Salaries and wages	\$71,769,330	\$68,669,330	\$67,951,444	(\$717,886)
Operating	\$23,628,319	\$19,930,733	\$20,806,973	\$876,240
Capital assets	\$1,968,460	\$0	\$0	\$ 0
Judges’ retirement	\$408,649	\$343,649	\$343,290	(\$ 359)
UND grant	\$80,000	\$80,000	\$0	(\$80,000)
<b>Total Supreme Court</b>	<b>\$97,854,758</b>	<b>\$89,023,712</b>	<b>\$89,101,707</b>	<b>\$77,995</b>

- **Staffing reductions** – The District Court budget proposal provides for a reduction of **32 FTE positons**, for a total of 308 FTEs. The following positons would be eliminated:

- ❖ 3 FTE referees,
  - ❖ 3 FTE court recorders,
  - ❖ 2 FTE calendar control clerks,
  - ❖ 2 FTE District Court administrative assistants,
  - ❖ 1 FTE assistant District Court administrator,
  - ❖ 3 FTE Juvenile Court administrative assistants,
  - ❖ 8 FTE Juvenile Court officers,
  - ❖ 3 FTE law clerks,
  - ❖ 3 FTE deputy clerks,
  - ❖ 1 FTE citizen access paralegal,
  - ❖ 1 FTE assistant state court administrator,
  - ❖ 1 FTE technology support specialist, and
  - ❖ 1 FTE technology coordinator.
- **Payments to contract counties for clerk of court services** – Currently, 39 counties contract with the Supreme Court to provide for clerk of court services pursuant to NDCC Section 27-05.2-02. After surveying county auditors for salary information and applying the workload assessment formula based on cases filed in each county, the funding needed for 2017-19 biennium contract payments to counties for clerk services is **\$5,562,100** or an increase of **\$342,479**. This increase reflects changes in caseload since 2012 and salary increases given to county employees from January 2014 to January 2016. The contract clerks of court are county employees and their salaries are determined at the county level. To date, a total of 14 counties have made the election to have state judicial system employees. No counties made the election for the 2017-19 biennium.
  - **Information technology costs** – The District Court budget for information technology costs is \$5,965,354 or an increase of **\$545,867**. Monthly data processing charges have increased due to replacement and upgrade of statewide network components. Additional funding is also needed for server space rent to provide for the disaster recovery site and software license and maintenance agreement costs due to inflation. The request also includes \$242,000 to digitize aging microfilm records.

- **Court Improvement Program (CIP)** – The Court Improvement Program is a federal grant program established in 1993 to help state courts improve their processing of child welfare cases. The 2015-17 biennium budget included \$569,269 of federal funding from three CIP grants (basic, data collection and training). It is anticipated that the federal CIP grants will be eliminated or significantly reduced after 2016. The 2017-19 judicial branch budget request does not include funding for CIP. The total budget savings is **\$758,271**, of which \$189,002 is from the General Fund.

**Highlights of the proposed Judicial Conduct Commission and Disciplinary Board Budget:**

Line item	2015-17 Original Appropriation	2015-17 Biennium Base Budget	2017-19 Biennium Request	Increase (Decrease) to Base
Salaries and wages	\$809,976	\$765,251	\$930,366	\$165,115
Operating	\$317,511	\$317,511	\$249,034	(\$68,477)
<b>Total JCC/DB</b>	<b>\$1,127,487</b>	<b>\$1,082,762</b>	<b>\$1,179,400</b>	<b>\$96,638</b>

- **Judicial Conduct Commission and Disciplinary Board (JCC/DB)** – The Judicial Conduct Commission and Disciplinary Board is responsible for investigating complaints against North Dakota judges and attorneys. The total budget request for the JCC/DB is **\$1,179,400** of which \$696,699 is from the General Fund and \$482,701 is lawyer disciplinary funds. The request adds \$55,000 for a temporary investigator. The request for the temporary position is brought about by changes to the Rules of Lawyer Discipline, as investigations can no longer be conducted by inquiry committee member volunteers. The request provides for a total of 4 FTE positions, the same as the current biennium. No capital assets are being requested.

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**Deficiency appropriation:**

Due to unanticipated costs associated with the dramatic increase in jury trials as a result of the Dakota Access Pipeline protests, a 2015-17 biennium deficiency appropriation of \$1.5 million has been requested. This request is part of **2017 House Bill No. 1024**, the statewide deficiency appropriation bill.

In conclusion, I would be happy to try to answer any questions.

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P1

**Recommendation Comparison Summary**  
**180 Supreme Court**  
**Biennium 2017-2019**

Subcommittee

1-30-17

SB 2002

Description	Executive Budget Recommendation	Remove Compensation <sup>/1</sup>	5% Health Insurance <sup>/2</sup>	Remove FTE <sup>/3</sup>	Adjustments <sup>/4</sup>	Change +/-	Revised Executive Recommendation
<b>By Line Item</b>							
Salaries and Wages	78,916,484	(335,295)	(535,243)			(870,538)	78,045,946
Operating Expenses	23,538,555					0	23,538,555
Supreme Court-Judges Retirement	80,764					0	80,764
District Court-Judges Retirement	343,290					0	343,290
Judicial Conduct Comm & Disc. Brd	1,179,400					0	1,179,400
<b>Total Line Items</b>	<b>104,058,493</b>	<b>(335,295)</b>	<b>(535,243)</b>	<b>0</b>	<b>0</b>	<b>(870,538)</b>	<b>103,187,955</b>
<b>By Funding Source</b>							
General Funds	102,236,654	(335,295)	(535,243)			(870,538)	101,366,116
Federal Funds	1,339,138					0	1,339,138
Special Funds	482,701					0	482,701
<b>Total Funding Sources</b>	<b>104,058,493</b>	<b>(335,295)</b>	<b>(535,243)</b>	<b>0</b>	<b>0</b>	<b>(870,538)</b>	<b>103,187,955</b>
<b>Total FTE</b>	<b>354.50</b>			<b>0.00</b>		<b>0.00</b>	<b>354.50</b>

/1 The 0% and 1% increase for state employee salaries has been removed.  
 /2 Employees will be required to pay for 5% of their health insurance premium.  
 /3 No additional FTE were removed.  
 /4 No additional budget adjustments were made.

**Judicial Branch - Budget No. 180**  
**Senate Bill No. 2002**  
**Base Level Funding Changes**

*1-30-17 Subcommittee # 2*  
*SB 2002 P1*

	Burgum Executive Budget Recommendation (Changes to Dalrymple Budget in Bold)				Senate Version				Senate Changes to Revised Executive Budget Increase (Decrease) - Executive Budget			
	FTE Position	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
<b>2017-19 Biennium Base Level</b>	391.00	\$101,591,134	\$2,366,806	\$103,957,940	391.00	\$101,591,134	\$2,366,806	\$103,957,940	0.00	\$0	\$0	\$0
<b>2017-19 Ongoing Funding Changes</b>												
Base payroll changes		\$1,116,796	(\$151,757)	\$965,039				\$0		(\$1,116,796)	\$151,757	(\$965,039)
<b>Salary increase</b>				<b>0</b>				<b>0</b>				<b>0</b>
Health insurance increase		1,021,734		1,021,734				0		(1,021,734)		(1,021,734)
<b>Employee portion of health insurance</b>		<b>(535,243)</b>		<b>(535,243)</b>				<b>0</b>		<b>535,243</b>		<b>535,243</b>
Increase payments to contract counties		342,479		342,479				0		(342,479)		(342,479)
Remove FTE positions	(36.50)	(3,216,178)		(3,216,178)				0	36.50	3,216,178		3,216,178
Increase funding for information technology		586,475		586,475				0		(586,475)		(586,475)
Adjust funding for operating expenses		413,377	(393,210)	20,167				0		(413,377)	393,210	(20,167)
Adjust funding for judges retirement		817		817				0		(817)		(817)
Restore funding for Judicial Conduct Commission salaries and wages		44,725		44,725				0		(44,725)		(44,725)
Total ongoing funding changes	(36.50)	(\$225,018)	(\$544,967)	(\$769,985)	0.00	\$0	\$0	\$0	36.50	\$225,018	\$544,967	\$769,985
<b>One-time funding items</b>												
No one-time funding items				\$0				\$0				\$0
Total one-time funding changes	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0
<b>Total Changes to Base Level Funding</b>	(36.50)	(\$225,018)	(\$544,967)	(\$769,985)	0.00	\$0	\$0	\$0	36.50	\$225,018	\$544,967	\$769,985
<b>2017-19 Total Funding</b>	354.50	\$101,366,116	\$1,821,839	\$103,187,955	391.00	\$101,591,134	\$2,366,806	\$103,957,940	36.50	\$225,018	\$544,967	\$769,985
										0.2%	29.9%	0.7%

**Other Sections in Judicial Branch - Budget No. 180**

	Burgum Executive Budget Recommendation (Changes to Dalrymple Budget in Bold)	Senate Version
Appropriation	Section 3 appropriates to the judicial branch all funds received pursuant to federal acts and private gifts, grants, and donations, for the purpose as designated in the federal acts or private gifts, grants, and donations, for the period beginning July 1, 2017, and ending June 30, 2019.	

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Other Sections in Judicial Branch - Budget No. 180

**Burgum Executive Budget Recommendation  
(Changes to Dalrymple Budget in Bold)**

Senate Version

Line item transfers

Section 4 requires the Director of the Office of Management and Budget and the State Treasurer to transfer funds between line items of appropriation for the judicial branch of government as requested by the Supreme Court upon a finding by the court that the nature of the duties of the court and its staff requires the transfers to carry on properly the functions of the judicial branch of government.

Supreme Court justices' salaries

Section 5 provides the statutory changes increasing Supreme Court justices' salaries by 1 percent in the second year of the biennium. Supreme Court justices' annual salaries are increased from the current level of \$157,009 to \$158,579, effective July 1, 2018. The Chief Justice of the Supreme Court is entitled to receive an additional \$4,553 per annum effective July 1, 2018, an increase from the current additional amount for the Chief Justice of \$4,508 per annum. **(The Burgum budget recommendation removes this section.)**

District Court justices' salaries

Section 6 provides the statutory changes increasing district court judges' salaries by 1 percent in the second year of the biennium. District court judges' annual salaries are increased from the current level of \$143,869 to \$145,308, effective July 1, 2018. A presiding judge of a judicial district is entitled to receive an additional \$4,197 per annum effective July 1, 2018, an increase from the current additional amount for presiding judges of \$4,156. **(The Burgum budget recommendation removes this section.)**

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2-9-17

DAPL expenses through 2/9/17

Jury costs		jurors	Bailiff hrs	Bailiff cost	supplies	food	Total
2 defendants	12/20/2016	1,384.65	6	87.45			1,472.10
misc. supplies				-	69.99		69.99
8 defendants	12/19/2016	1,154.09	5	72.88	119.91		1,346.88
8 defendants	1/31-2/1/17	1,958.31	40.5	590.29	18.00	80.75	2,647.35
4 defendants	2/9/2017	1,300.00	20	291.50		80.75	1,672.25
							<b>\$ 7,208.56</b>

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Temp clerk			contract	
Dakota Staffing	12/18/2016		998.40	998.40
	12/25/2016		898.56	898.56
	1/1/2017		599.04	599.04
	1/8/2017		599.04	599.04
	1/15/2017		998.40	998.40
	1/22/2017		798.72	798.72
	1/29/2017		736.32	736.32
	2/5/2017		998.40	998.40
				<b>\$ 6,626.88</b>

Surrogate judge		hrs	salary	expenses	
	12/26-12/30	4.8	387.18		387.18
	1/6-1/31	18	1,451.94	108.00	1,559.94
	2/1-2/9	12	967.96	230.63	1,198.59
					-
					<b>\$ 3,145.71</b>

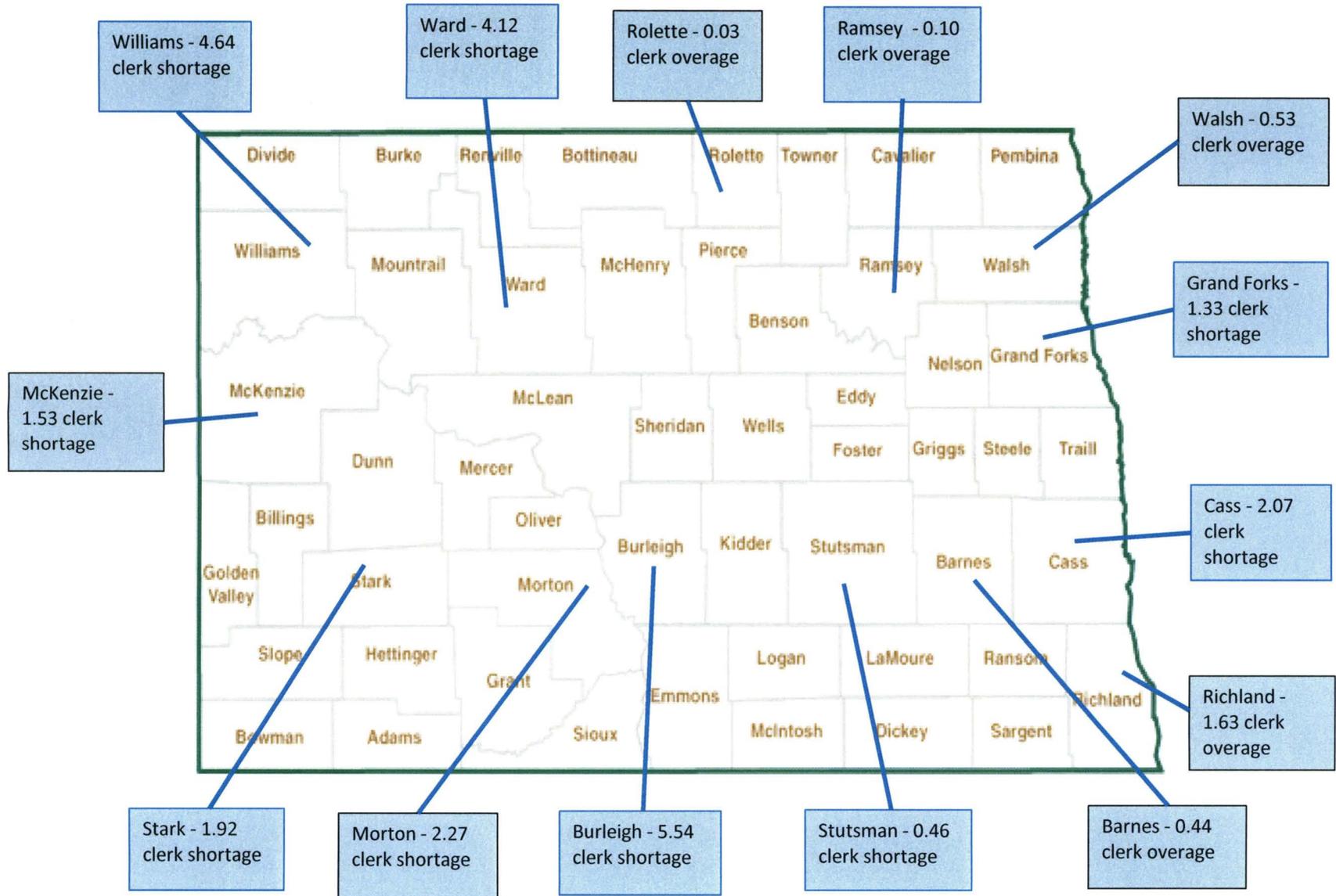
Recorder			expenses	
	2/9/17		122.63	122.63
				<b>\$ 122.63</b>

**Costs without regular staff** **\$ 17,103.78**

Other DAPL overtime		hours	comp accrued
Channing Backes	10/29/2016	4.5	6.75
Allie Knodel	10/29/2016	8	12
Joyce Bauer	10/29/2016	8	9.75 (1.5 leave earlier in week)
Janet Jochim	10/29/2016	10	0 flexed with 16 leave earlier in the week.
Sarah Engel	10/29/2016	2.5	3.75
Kristen Keegan	10/27/2016	0.2	0.3
Kristen Keegan	10/29/2016	5.75	8.625
Jana Aamodt	10/29/2016	6	9
Lois Scharnhorst	10/29/2016	7.5	no comp time
Donna Wunderlich	10/27/2016	2	no comp time
Donna Wunderlich	10/29/2016	6	no comp time
James Hill	10/29/2016	6	no comp time
Cynthia Feland	10/29/2016	1	no comp time
David Reich	10/29/2016	2	no comp time

/

STATE FUNDED CLERK NEED PER 2014-15 WEIGHTED CASELOAD STUDY

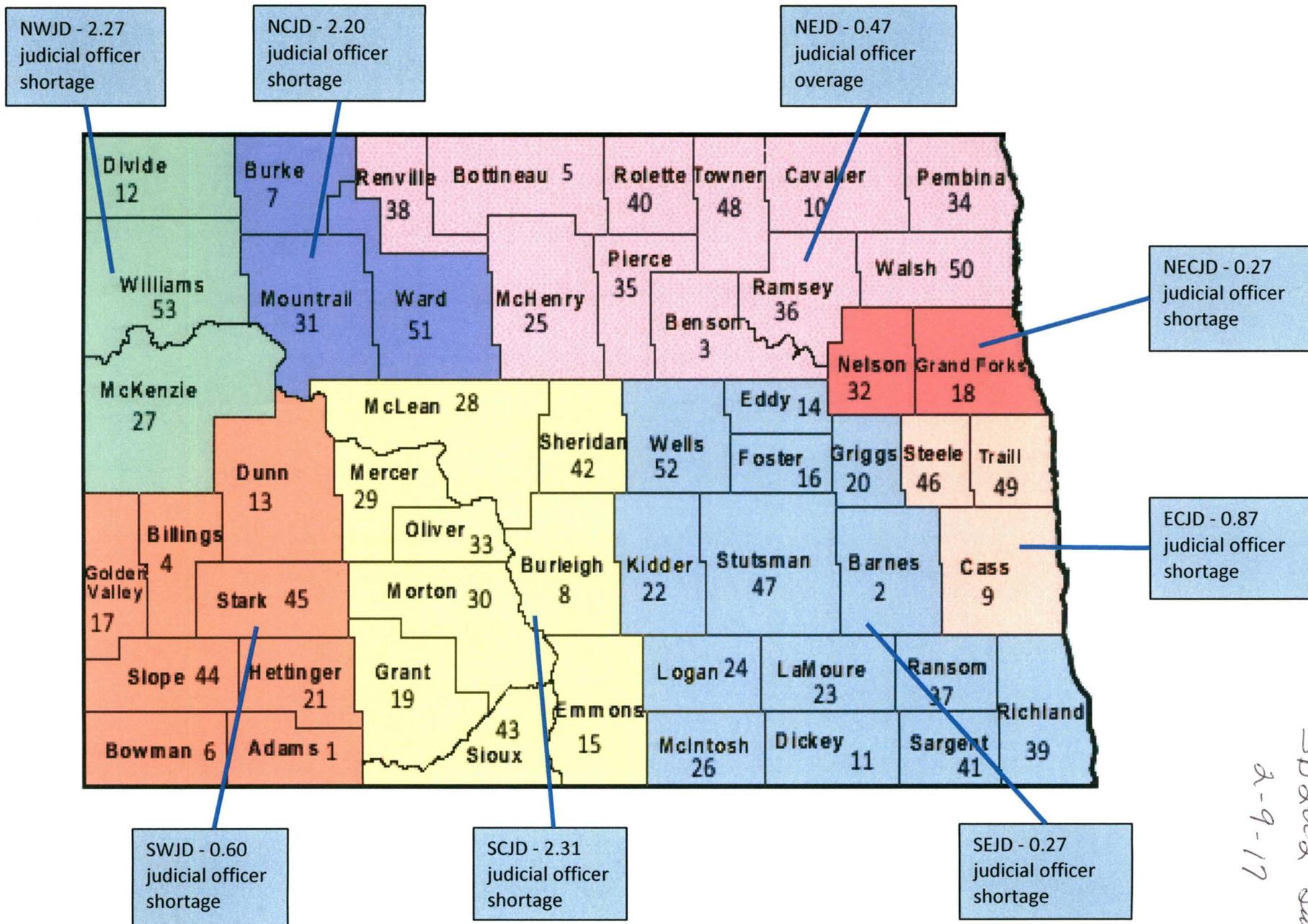


**2017-19 BIENIUM PROPOSED BUDGET (Not reflected in overages/shortages):**

- Cass County** - 2 deputy clerks eliminated
- Barnes County** - 1 deputy clerk eliminated
- Grand Forks County** - 2 deputy clerks transferred to Burleigh County
- Ramsey County** - 1 deputy clerk transferred to Morton County
- Walsh County** - 1 deputy clerk transferred to Williams County
- Richland County** - 1 deputy clerk transferred to Williams County
- Richland County** - 1 deputy clerk transferred to Ward County

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# 201

# JUDICIAL OFFICER NEED PER 2014-15 WEIGHTED CASELOAD STUDY



**2017-19 BIENIUM PROPOSED BUDGET (Not reflected in overages/shortages):**

- NEJD - 1 referee position eliminated
- NECJD - 2 referee positions eliminated

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PROPOSED AMENDMENTS TO SENATE BILL NO. 2002

Page 1, replace lines 13 through 18 with:

"Salaries and wages	\$11,059,109	(\$141,081)	\$10,918,028
Operating expenses	2,483,980	247,602	2,731,582
Judges' retirement	79,588	1,176	80,764
Guardianship monitoring program	<u>228,789</u>	<u>(228,789)</u>	<u>0</u>
Total general fund	\$13,851,466	(\$121,092)	\$13,730,374"

Page 1, remove lines 23 and 24

Page 2, replace lines 1 through 7 with:

"Salaries and wages	\$68,669,330	(\$1,002,420)	\$67,666,910
Operating expenses	19,930,733	876,240	20,806,973
Judges' retirement	343,649	(359)	343,290
University of North Dakota central legal research	<u>80,000</u>	<u>(80,000)</u>	<u>0</u>
Total all funds	\$89,023,712	(\$206,539)	\$88,817,173
Less estimated income	<u>1,922,150</u>	<u>(583,012)</u>	<u>1,339,138</u>
Total general fund	\$87,101,562	\$376,473	\$87,478,035"

Page 2, replace lines 12 through 16 with:

"Judicial conduct commission and disciplinary board	<u>\$1,082,762</u>	<u>\$92,889</u>	<u>\$1,175,651</u>
Total all funds	\$1,082,762	\$92,889	\$1,175,651
Less estimated income	<u>444,656</u>	<u>38,045</u>	<u>482,701</u>
Total general fund	\$638,106	\$38,045	\$692,950"

Page 2, replace lines 21 through 24 with:

"Grand total general fund	\$101,591,134	\$310,225	\$101,901,359
Grand total special funds	<u>2,366,806</u>	<u>(544,967)</u>	<u>1,821,839</u>
Grand total all funds	\$103,957,940	(\$234,742)	\$103,723,198
Full-time equivalent positions	391.00	(36.50)	354.50"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of Senate Action

	Base Budget	Senate Changes	Senate Version
Supreme Court			
Total all funds	\$13,851,466	(\$121,092)	\$13,730,374
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$13,851,466	(\$121,092)	\$13,730,374
District Courts			
Total all funds	\$89,023,712	(\$206,539)	\$88,817,173
Less estimated income	<u>1,922,150</u>	<u>(583,012)</u>	<u>1,339,138</u>
General fund	\$87,101,562	\$376,473	\$87,478,035

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Judicial Conduct Commission			
Total all funds	\$1,082,762	\$92,889	\$1,175,651
Less estimated income	444,656	38,045	482,701
General fund	\$638,106	\$54,844	\$692,950
Bill total			
Total all funds	\$103,957,940	(\$234,742)	\$103,723,198
Less estimated income	2,366,806	(544,967)	1,821,839
General fund	\$101,591,134	\$310,225	\$101,901,359

**Senate Bill No. 2002 - Supreme Court - Senate Action**

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$11,059,109	(\$141,081)	\$10,918,028
Operating expenses	2,483,980	247,602	2,731,582
Judges' retirement	79,588	1,176	80,764
Guardianship monitoring program	228,789	(228,789)	
Total all funds	\$13,851,466	(\$121,092)	\$13,730,374
Less estimated income	0	0	0
General fund	\$13,851,466	(\$121,092)	\$13,730,374
FTE	47.00	(4.50)	42.50

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

	Adjusts Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Health Insurance Premium Increases <sup>2</sup>	Removes FTE Positions <sup>3</sup>	Increases Funding for Information Technology <sup>4</sup>	Adjusts Funding for Operating Expenses <sup>5</sup>	Adjusts Funding for Judges' Retirement <sup>6</sup>
Salaries and wages	(\$62,034)	\$123,066	(\$202,113)			
Operating expenses				40,608	206,994	
Judges' retirement						1,176
Guardianship monitoring program	9,766		(212,311)		(26,244)	
Total all funds	(\$52,268)	\$123,066	(\$414,424)	\$40,608	\$180,750	\$1,176
Less estimated income	0	0	0	0	0	0
General fund	(\$52,268)	\$123,066	(\$414,424)	\$40,608	\$180,750	\$1,176
FTE	0.00	0.00	(4.50)	0.00	0.00	0.00

	Total Senate Changes
Salaries and wages	(\$141,081)
Operating expenses	247,602
Judges' retirement	1,176
Guardianship monitoring program	(228,789)
Total all funds	(\$121,092)
Less estimated income	0
General fund	(\$121,092)
FTE	(4.50)

<sup>1</sup> Funding is adjusted for cost-to-continue 2015-17 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> Funding is added for increases in health insurance premiums from \$1,130 to \$1,249 per month.

<sup>3</sup> The following FTE positions and related funding are adjusted:

	FTE	General Fund
Administrative assistant	(2.00)	(\$350,159)
Law library assistant	(1.00)	(138,409)
Deputy clerk	(0.50)	(63,545)
Guardian project manager	(1.00)	(212,311)
2015-17 budget reduction restoration		350,000
<b>Total</b>	<b>(4.50)</b>	<b>(\$414,424)</b>

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<sup>4</sup> Information technology funding is, including data processing costs.

<sup>5</sup> Funding for operating expenses is adjusted as follows:

	General Fund
Supreme Court operating expenses	\$206,994
Guardianship monitoring program operating expenses	(26,244)
<b>Total</b>	<b>\$180,750</b>

<sup>6</sup> Judges' retirement funding is increased.

**Senate Bill No. 2002 - District Courts - Senate Action**

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$68,669,330	(\$1,002,420)	\$67,666,910
Operating expenses	19,930,733	876,240	20,806,973
Judges' retirement	343,649	(359)	343,290
UND central legal research	80,000	(80,000)	
	<u>\$89,023,712</u>	<u>(\$206,539)</u>	<u>\$88,817,173</u>
Total all funds			
Less estimated income	1,922,150	(583,012)	1,339,138
	<u>\$87,101,562</u>	<u>\$376,473</u>	<u>\$87,478,035</u>
General fund			
	340.00	(32.00)	308.00
FTE			

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

	Adds Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Health Insurance Premium Increases <sup>2</sup>	Removes FTE Positions <sup>3</sup>	Increases Funding for Payments to Contract Counties <sup>4</sup>	Increases Funding for Information Technology <sup>5</sup>	Adjusts Funding for Operating Expenses <sup>6</sup>
Salaries and wages	\$912,114	\$887,220	(\$2,801,754)			
Operating expenses				342,479	545,867	(12,106)
Judges' retirement						
UND central legal research						(80,000)
	<u>\$912,114</u>	<u>\$887,220</u>	<u>(\$2,801,754)</u>	<u>\$342,479</u>	<u>\$545,867</u>	<u>(\$92,106)</u>
Total all funds						
Less estimated income	(216,654)	0	0	0	0	(366,358)
	<u>\$1,128,768</u>	<u>\$887,220</u>	<u>(\$2,801,754)</u>	<u>\$342,479</u>	<u>\$545,867</u>	<u>\$274,252</u>
General fund						
	0.00	0.00	(32.00)	0.00	0.00	0.00
FTE						

	Adjusts Funding for Judges' Retirement <sup>7</sup>	Total Senate Changes
Salaries and wages		(\$1,002,420)
Operating expenses		876,240
Judges' retirement	(359)	(359)
UND central legal research		(80,000)
	<u>(\$359)</u>	<u>(\$206,539)</u>
Total all funds		
Less estimated income	0	(583,012)

General fund	(\$359)	\$376,473
FTE	0.00	(32.00)

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<sup>1</sup> Funding is adjusted for cost-to-continue 2015-17 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> Funding is added for increases in health insurance premiums from \$1,130 to \$1,249 per month.

<sup>3</sup> The following FTE positions and related funding are adjusted:

	FTE	General Fund
Referee	(3.00)	(\$903,192)
Court recorder	(3.00)	(400,478)
Calendar control clerk	(2.00)	(321,985)
Administrative assistant	(5.00)	(720,272)
Assistant district court administrator	(1.00)	(237,320)
Juvenile court officer	(8.00)	(1,614,130)
Law clerk	(3.00)	(559,492)
Deputy clerk	(3.00)	(353,052)
Citizen access paralegal	(1.00)	(151,042)
Assistant state court administrator	(1.00)	(307,194)
Technology support specialist	(1.00)	(172,338)
Technology coordinator	(1.00)	(161,259)
2015-17 budget reduction restoration		3,100,000
Total	(32.00)	(\$2,801,754)

<sup>4</sup> Funding from the general fund for payments to contract counties is increased.

<sup>5</sup> Information technology funding is increased, including software, data processing, and contractual services and repairs.

<sup>6</sup> Funding for operating expenses is adjusted as follows:

	General Fund	Federal Funds	Total
District courts operating expenses	\$354,252	(\$366,358)	(\$12,106)
University of North Dakota central legal research	(80,000)		(80,000)
Total	\$274,252	(\$366,358)	(\$92,106)

<sup>7</sup> Judges' retirement funding is reduced.

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

	Base Budget	Senate Changes	Senate Version
Judicial conduct commission	\$1,082,762	\$92,889	\$1,175,651
Total all funds	\$1,082,762	\$92,889	\$1,175,651
Less estimated income	444,656	38,045	482,701
General fund	\$638,106	\$54,844	\$692,950
FTE	4.00	0.00	4.00

**Department No. 183 - Judicial Conduct Commission - Detail of Senate Changes**

Adds Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Health Insurance Premium	Reduces Funding for Operating Expenses <sup>3</sup>	Restores Funding for Salaries and Wages <sup>4</sup>	Total Senate Changes

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		Increases <sup>2</sup>			
Judicial conduct commission	\$105,193	\$11,448	(\$68,477)	\$44,725	\$92,889
Total all funds	\$105,193	\$11,448	(\$68,477)	\$44,725	\$92,889
Less estimated income	64,897	0	(26,852)	0	38,045
General fund	\$40,296	\$11,448	(\$41,625)	\$44,725	\$54,844
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is added for cost-to-continue 2015-17 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> Funding is added for increases in health insurance premiums from \$1,130 to \$1,249 per month.

<sup>3</sup> Funding is reduced for operating expenses, including travel, office equipment and furniture, and professional services.

<sup>4</sup> Funding is restored for salaries and wages reduced by the judicial branch to meet the 2015-17 budget reductions.

Department 180 - Judicial Branch  
Senate Bill No. 2002

**Dalrymple Executive Budget Comparison to Prior Biennium Appropriations**

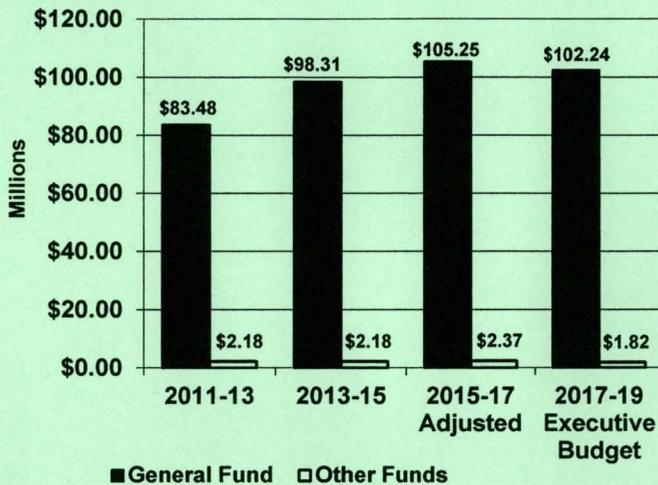
	FTE Positions	General Fund	Other Funds	Total
2017-19 Dalrymple Executive Budget	354.50	\$102,236,654	\$1,821,839	\$104,058,493
2015-17 Adjusted Legislative Appropriations <sup>1</sup>	391.00	105,253,664	2,366,806	107,620,470
Increase (Decrease)	(36.50)	(\$3,017,010)	(\$544,967)	(\$3,561,977)

<sup>1</sup>The 2015-17 biennium agency appropriation amounts reflect general fund budget reductions made in August 2016.

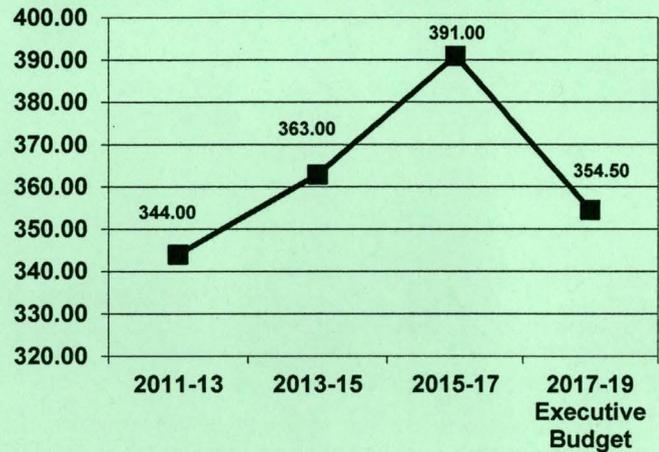
**Ongoing and One-Time General Fund Appropriations**

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2017-19 Dalrymple Executive Budget	\$102,236,654	\$0	\$102,236,654
2015-17 Adjusted Legislative Appropriations	101,591,134	3,662,530	105,253,664
Increase (Decrease)	\$645,520	(\$3,662,530)	(\$3,017,010)

Agency Funding



FTE Positions



**Dalrymple Executive Budget Comparison to Base Level**

	General Fund	Other Funds	Total
2017-19 Dalrymple Executive Budget	\$102,236,654	\$1,821,839	\$104,058,493
2017-19 Base Level	101,591,134	2,366,806	103,957,940
Increase (Decrease)	\$645,520	(\$544,967)	\$100,553

**First House Action**

Attached is a comparison worksheet detailing first house changes to base level funding and the executive budget.

**Dalrymple and Burgum Executive Budget Highlights  
(With First House Changes in Bold)**

Judicial Branch	General Fund	Other Funds	Total
1. Provides funding for state employee salary and benefit increases, of which \$335,295 is for salary increases and \$1,021,734 is for health insurance increases. (The Burgum budget removed funding for salary increases and provided for employees to pay for a portion of health insurance.) <b>The Senate removed funding for the salary increases.</b>	\$1,357,029	\$0	\$1,357,029
2. Adjusts funding for base payroll changes	\$1,116,796	(\$151,757)	\$965,039
3. Adjusts funding for operating expenses. <b>The Senate did not remove \$26,244 for the guardianship monitoring program removed in the executive budget and restored \$75,000 of</b>	\$413,377	(\$393,210)	\$20,167

operating funding reduced in the August 2016 special legislative session for the guardianship monitoring program.

**Supreme Court**

4. Removes the following 4.50 FTE positions:	(\$414,424)	\$0	(\$414,424)
• 2 FTE administrative assistants			
• 1 FTE law library assistant			
• 0.5 FTE deputy clerk			
• 1 FTE guardian project manager. <b>The Senate restored funding for the guardian project manager FTE position.</b>			
5. Increases funding for information technology costs	\$40,608	\$0	\$40,608

**District Court**

6. Removes the following 32 FTE positions:	(\$2,801,754)	\$0	(\$2,801,754)
• 3 FTE referees			
• 3 FTE court recorders			
• 2 FTE calendar control clerks			
• 2 FTE district court administrative assistants			
• 1 FTE assistance district court administrator			
• 3 FTE juvenile court administrative assistants			
• 8 FTE juvenile court officers			
• 3 FTE law clerks			
• 3 FTE deputy clerks			
• 1 FTE citizen access paralegal			
• 1 FTE assistant state court administrator			
• 1 FTE technology support specialist			
• 1 FTE technology coordinator			
7. Increases funding for information technology costs	\$545,867	\$0	\$545,867
8. Increases funding for payments to contract counties	\$342,479	\$0	\$342,479

**Other Sections in Senate Bill No. 2002**

**Appropriation** - Section 3 appropriates to the judicial branch all funds received pursuant to federal acts and private gifts, grants, and donations, for the purpose as designated in the federal acts or private gifts, grants, and donations, for the period beginning July 1, 2017, and ending June 30, 2019.

**Line item transfers** - Section 4 requires the Director of the Office of Management and Budget and the State Treasurer to transfer funds between line items of appropriation for the judicial branch of government as requested by the Supreme Court upon a finding by the court that the nature of the duties of the court and its staff requires the transfers to carry on properly the functions of the judicial branch of government.

**Continuing Appropriations**

**Restitution collection assistance fund** - North Dakota Century Code Section 12.1-32-08 - This fund is used for defraying expenses incident to the collection of restitution through imposing a fee equal to the greater of \$10 or 25 percent of the amount of restitution ordered, not to exceed \$1,000.

**Court facilities improvement and maintenance fund** - Sections 27-05.2-08 and 29-26-22 - Funding from this fund may be used by the Court Facilities Improvement Advisory Committee to make grants to counties to provide funds for court facilities and improvement and maintenance projects. The source of these funds is a \$100 fee charged in all criminal cases except infractions. The first \$750,000 collected is used for indigent defense services, the next \$460,000 is used for court facilities, and additional collections are deposited equally into the two funds.

**Court receivables fund** - Section 27-05.2-04 - Any money received by the clerk which is not required to be deposited in the general fund, a different special fund, or the county treasury, and which is received as bail or restitution, or otherwise received pursuant to an order of the court is deposited in this fund. Amounts are used for refunding bail, forwarding restitution amounts to entitled recipients, or otherwise making payments as directed by the court.

**Deficiency Appropriation**

House Bill No. 1024 provides an appropriation of \$1.5 million from other funds to the judicial branch for the cost of trials relating to the pipeline protests for the period beginning with the effective date of the Act and ending June 30, 2019. The source of funds is loan proceeds from the Bank of North Dakota.

**Significant Audit Findings**

In a followup information systems audit of the Odyssey Case Management System used by the judicial branch, the State Auditor's office reported the judicial branch did not fully implement the recommendation to reconcile all funds received into the case management system to deposits on the state's accounting system.

### **Major Related Legislation**

**House Bill No. 1060** - Relates to requiring a background check for a guardian ad litem who provides direct services to youth.

**House Bill No. 1095** - Relates to guardianship and conservatorship proceedings.

**House Bill No. 1222** - Relates to sexual assault restraining orders.

**Senate Bill No. 2015** - Relates to the management of inmate population and a community behavioral health program.

**Senate Bill No. 2098** - Relates to adding victim services providers to the list of persons to which juvenile court files and records are open to inspection.

**Senate Bill No. 2169** - Relates to recognition of foreign-country money judgments.

**Senate Bill No. 2170** - Relates to the uniform recognition and enforcement of Canadian protection orders.

**Senate Bill No. 2309** - Relates to the establishment of a domestic violence court pilot project.

**Senate Concurrent Resolution No. 4003** - Provides for a study of the current juvenile justice process, levels of collaboration among various service systems, implementation of dispositional alternatives, and methods for improving outcomes for juveniles involved in the process.

**Judicial Branch - Budget No. 180**  
**Senate Bill No. 2002**  
**Base Level Funding Changes**

	<b>Burgum Executive Budget Recommendation</b> <b>(Changes to Dalrymple Budget in Bold)</b>				<b>Senate Version</b>			
	<b>FTE Position</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>	<b>FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
<b>2017-19 Biennium Base Level</b>	391.00	\$101,591,134	\$2,366,806	\$103,957,940	391.00	\$101,591,134	\$2,366,806	\$103,957,940
<b>2017-19 Ongoing Funding Changes</b>								
Base payroll changes		\$1,116,796	(\$151,757)	\$965,039		\$1,116,796	(\$151,757)	\$965,039
<b>Salary increase</b>				<b>0</b>				<b>0</b>
Health insurance increase		1,021,734		1,021,734		1,024,590		1,024,590
<b>Employee portion of health insurance</b>		<b>(535,243)</b>		<b>(535,243)</b>				<b>0</b>
Increase payments to contract counties		342,479		342,479		342,479		342,479
Remove FTE positions	(36.50)	(3,216,178)		(3,216,178)	(35.50)	(3,003,867)		(3,003,867)
Increase funding for information technology		586,475		586,475		586,475		586,475
Adjust funding for operating expenses		413,377	(393,210)	20,167		514,621	(393,210)	121,411
Adjust funding for judges retirement		817		817		817		817
Restore funding for Judicial Conduct Commission salaries and wages		44,725		44,725		44,725		44,725
Total ongoing funding changes	(36.50)	(\$225,018)	(\$544,967)	(\$769,985)	(35.50)	\$626,636	(\$544,967)	\$81,669
<b>One-time funding items</b>								
No one-time funding items				\$0				\$0
Total one-time funding changes	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0
<b>Total Changes to Base Level Funding</b>	(36.50)	(\$225,018)	(\$544,967)	(\$769,985)	(35.50)	\$626,636	(\$544,967)	\$81,669
<b>2017-19 Total Funding</b>	354.50	\$101,366,116	\$1,821,839	\$103,187,955	355.50	\$102,217,770	\$1,821,839	\$104,039,609

**Other Sections in Judicial Branch - Budget No. 180**

	<b>Burgum Executive Budget Recommendation</b> <b>(Changes to Dalrymple Budget in Bold)</b>	<b>Senate Version</b>
Appropriation	Section 3 appropriates to the judicial branch all funds received pursuant to federal acts and private gifts, grants, and donations, for the purpose as designated in the federal acts or private gifts, grants, and donations, for the period beginning July 1, 2017, and ending June 30, 2019.	Section 3 appropriates to the judicial branch all funds received pursuant to federal acts and private gifts, grants, and donations, for the purpose as designated in the federal acts or private gifts, grants, and donations, for the period beginning July 1, 2017, and ending June 30, 2019.

Other Sections in Judicial Branch - Budget No. 180

**Burgum Executive Budget Recommendation  
(Changes to Dalrymple Budget in Bold)**

**Senate Version**

Line item transfers

Section 4 requires the Director of the Office of Management and Budget and the State Treasurer to transfer funds between line items of appropriation for the judicial branch of government as requested by the Supreme Court upon a finding by the court that the nature of the duties of the court and its staff requires the transfers to carry on properly the functions of the judicial branch of government.

Section 4 requires the Director of the Office of Management and Budget and the State Treasurer to transfer funds between line items of appropriation for the judicial branch of government as requested by the Supreme Court upon a finding by the court that the nature of the duties of the court and its staff requires the transfers to carry on properly the functions of the judicial branch of government.

Supreme Court justices' salaries

Section 5 provides the statutory changes increasing Supreme Court justices' salaries by 1 percent in the second year of the biennium. Supreme Court justices' annual salaries are increased from the current level of \$157,009 to \$158,579, effective July 1, 2018. The Chief Justice of the Supreme Court is entitled to receive an additional \$4,553 per annum effective July 1, 2018, an increase from the current additional amount for the Chief Justice of \$4,508 per annum. **(The Burgum budget recommendation removes this section.)**

District Court justices' salaries

Section 6 provides the statutory changes increasing district court judges' salaries by 1 percent in the second year of the biennium. District court judges' annual salaries are increased from the current level of \$143,869 to \$145,308, effective July 1, 2018. A presiding judge of a judicial district is entitled to receive an additional \$4,197 per annum effective July 1, 2018, an increase from the current additional amount for presiding judges of \$4,156. **(The Burgum budget recommendation removes this section.)**

## Department 180 - Judicial Branch

## Appropriations Comparisons to the Original and Adjusted Base Budgets

### General Fund Appropriations Adjustments (As a result of the August 2016 General Fund Budget Reductions)

	Ongoing	One-Time	Total
2015-17 original general fund appropriations	\$108,172,464	\$4,458,530	\$112,630,994
General fund reductions	(6,581,330)	(796,000)	(7,377,330)
Adjusted 2015-17 appropriations	\$101,591,134	\$3,662,530	\$105,253,664
Dalrymple Executive Budget changes	645,520	(3,662,530)	(3,017,010)
2017-19 Dalrymple Executive Budget	\$102,236,654	\$0	\$102,236,654

### Summary of August 2016 General Fund Budget Reductions

	Ongoing	One-Time	Total
Supreme Court			
Reduce funding for salaries and wages	(\$350,000)	\$0	(\$350,000)
Reduce funding for operating expenses, including one-time funding relating to the facility space expansion	(524,019)	(100,000)	(624,019)
Reduce funding for the guardianship monitoring program	(75,000)	0	(75,000)
District Courts			
Reduce funding for salaries and wages	(3,100,000)		(3,100,000)
Reduce funding for operating expenses, including one-time funding relating to the disaster recovery project	(2,422,586)	(175,000)	(2,597,586)
Reduce funding for office equipment and furniture	0	(220,000)	(220,000)
Reduce funding for information technology equipment	0	(301,000)	(301,000)
Reduce funding for judges' retirement	(65,000)	0	(65,000)
Judicial Conduct Commission and Disciplinary Board	(44,725)		(44,725)
Total reductions	(\$6,581,330)	(\$796,000)	(\$7,377,330)
Percentage reduction to ongoing and one-time general fund appropriations	6.08%	17.85%	6.55%

### 2017-19 Dalrymple Executive Budget Changes to the Original and Adjusted Base Budgets

	Changes to Original Budget	Budget Reduction Adjustments	Changes to Adjusted Budget
Supreme Court			
Reduces funding for base payroll changes	(\$52,268)	\$0	(\$52,268)
Adds funding for recommended salary and benefit increases	170,078	0	170,078
Removes 4.50 FTE positions	(764,424)	350,000	(414,424)
Increases funding for information technology expenses	40,608	0	40,608
Adjusts funding for operating expenses	(418,269)	599,019	180,750
Adjusts funding for judges retirement	1,176	0	1,176
District Courts			
Increases funding for base payroll changes	1,128,768	0	1,128,768
Adds funding for recommended salary and benefit increases	1,171,754	0	1,171,754
Removes 32.00 FTE positions	(5,901,754)	3,100,000	(2,801,754)
Increases funding for information technology expenses	545,867	0	545,867
Adjusts funding for operating expenses	(2,148,334)	2,422,586	274,252
Increases payments to contract counties	342,479	0	342,479

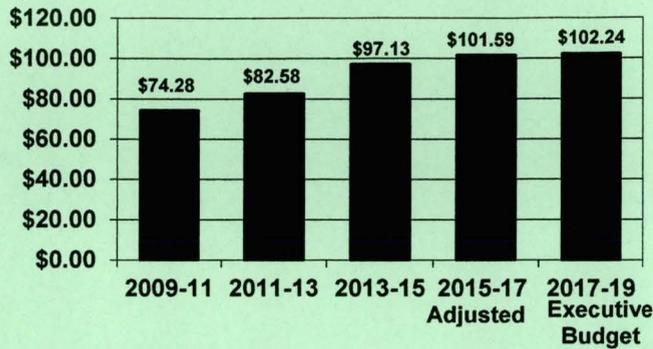
	Changes to Original Budget	Budget Reduction Adjustments	Changes to Adjusted Budget
Adjusts funding for judges retirement Judicial Conduct Commission and Disciplinary Board	(65,359)	65,000	(359)
Increases funding for base payroll changes	40,296	0	40,296
Adds funding for recommended salary and benefit increases	15,197	0	15,197
Restores funding for Judicial Conduct Commission salaries and wages	0	44,725	44,725
Adjusts funding for operating expenses	(41,625)	0	(41,625)
<b>Total</b>	<b>(\$5,935,810)</b>	<b>\$6,581,330</b>	<b>\$645,520</b>

## Department 180 - Judicial Branch

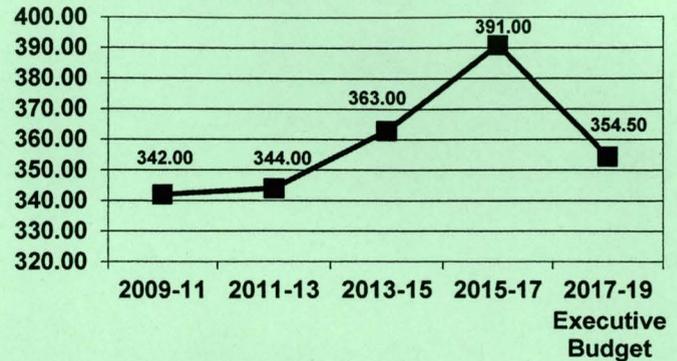
## Historical Appropriations Information

## Ongoing General Fund Appropriations Since 2009-11

Agency Funding (in Millions)



FTE Positions



Ongoing General Fund Appropriations					
	2009-11	2011-13	2013-15	2015-17 Adjusted	2017-19 Dalrymple Executive Budget
Ongoing general fund appropriations	\$74,282,634	\$82,580,882	\$97,133,117	\$101,591,134	\$102,236,654
Increase (decrease) from previous biennium	N/A	\$8,298,248	\$14,552,235	\$4,458,017	\$645,520
Percentage increase (decrease) from previous biennium	N/A	11.2%	17.6%	4.6%	0.6%
Cumulative percentage increase (decrease) from 2009-11 biennium	N/A	11.2%	30.8%	36.8%	37.6%

## Major Increases (Decreases) in Ongoing General Fund Appropriations

## 2011-13 Biennium

1. Added 1 FTE law clerk position (\$149,992) and 1 FTE juvenile court officer position (\$164,042) \$314,034
2. Added funding for increases in information technology fees and maintenance contracts and licensing fees \$497,379
3. Increased funding for payments to contract counties for clerk of court services \$445,909
4. Added funding for maintenance, support, and enhancements for the Odyssey Unified Case Management System \$750,420

## 2013-15 Biennium

1. Added 19 FTE positions, including 3 new judgeships \$3,747,883
2. Increased funding for information technology costs \$946,815
3. Increased funding for payments to contract counties for clerk of court services \$1,276,250
4. Increased funding for juvenile court \$412,858
5. Added funding for the lay guardian ad litem project \$523,279

## 2015-17 Biennium (Original Changes)

1. Added 28 FTE positions, including 4 new district judges \$5,408,884
2. Increased funding for payments to contract counties for clerk of court services \$381,748
3. Increased funding for operating expenses (this item was affected by the 2015-17 budget reductions) \$1,074,354

## 2017-19 Biennium (Dalrymple and Burgum Executive Budget Recommendations)

1. Removes 36.5 FTE positions. (The Senate restored \$215,167 for 1 FTE guardian project manager position.) (\$3,216,178)
2. Increases funding for payments to contract counties for clerk of court services \$342,479
3. Increases funding for information technology costs \$586,475

4. Adjusts funding for operating expenses. The Senate did not remove \$26,244 from the guardianship monitoring program removed in the executive budget and restored \$75,000 of operating funding reduced in the August 2016 special legislative session for the guardianship monitoring program. \$413,377

**Senate Bill 2002  
Government Operations Division  
House Appropriations Committee**

**Testimony Presented by Sally Holewa  
State Court Administrator  
March 6, 2017**

Good afternoon, Chairman Brandenburg and members of the Committee. For the record, my name is Sally Holewa. I am the State Court Administrator. I will be providing a general overview of the Judicial Branch budget request.

The Judicial Branch appropriation funds the personnel, programs, and operating costs of the Supreme Court, the district courts, and the Judicial Conduct Commission and Disciplinary Board. Our original budget request for the 2017-2019 biennium was \$104,058,493. This is a decrease of \$10,939,307 from our original 2015-2017 appropriation. It is a slight increase over our 2015-2017 revised appropriation of \$103,957,940. This request contains no new initiatives, capital assets, or one-time funding. Engrossed SB 2002 provides for an appropriation of \$104,039,609.

**Impact of the 2015-2017 Reduction in Appropriation**

**Salaries and Wages**

As a result of the reduction in appropriation, three judicial referees and one court recorder position have been eliminated. But for the reduction, these positions would have been transferred to another district to address the shortage in judges. The reduction in judicial services in the Northeast

Central Judicial District led to a temporary suspension of both the juvenile and adult drug courts in that district, which I will discuss in more detail later on.

We have implemented a hiring freeze and have been holding open an average of twenty positions per month since March 2016. The vacancies that exist now are due to the hiring freeze we imposed and people on our lay-off list who are exiting our employment ahead of their scheduled release date. As a result, some of our offices which were already under staffed have been operating at a 50 – 60% staffing level. This has disrupted court schedules, delayed case processing, transcript preparation, and the issuance of orders, and increased the probation caseloads for individual juvenile court officers. The lack of personnel has caused us to scale back the amount of quality control and fine collection we have been doing.

### **Juvenile Services**

We were unable to start a minority justice program for Native American children in the Devils Lake area.

### **Operating**

We removed all funding for upgrades or replacement of furniture and equipment except those instances where the equipment or furniture is needed to continue courtroom functionality or to comply with the Americans with Disabilities Act. In-state and out-of-state travel was curtailed, legal publications were discontinued and staff training was reduced.

### **Deficiency Appropriation (HB 1024)**

For the first time in anyone's recollection, the judicial branch has had to ask for a deficiency appropriation. We have requested \$1.5 million. This is to cover the anticipated costs to process the 766 cases stemming from pipeline protest arrests. We anticipate that out of those cases there will be 400 trials which will require an additional 500 days of judge time needed in the South Central Judicial District. The estimated cost of juror fees, mileage and meals is \$613,380. Additional dollars are necessary to bring in surrogate judges, freelance court reporters, and temporary staff to clerk the cases. We currently have a 10 judge/21 clerk shortage in the state and do not have the resources to transfer judges, court reporters and clerks from other districts to cover that volume of cases in that short a period of time. I have attached two maps showing the judge and clerk shortages.

### **Increases in the 2017-2019 Appropriations Request**

#### **Technology**

This budget includes increased technology costs of \$586,475. Those increases are due to additional statewide network connection costs for our remote disaster recovery site, increased ITD fees, upgrades to storage media for court records, and for increased maintenance fees and software licenses. Ongoing licensing and maintenance fees, data processing fees, and data center fees for the remote disaster recovery site were included in our presentation in support of the remote site that was approved by the 2015 legislative assembly

## **Clerk of Court Services**

The budget includes an additional \$342,479 for clerk of court services that we obtain through contracts with 39 counties.

Since 2001, clerk of court services are delivered in two ways in North Dakota. In fourteen counties,<sup>1</sup> the state employs the personnel for this office. In the remaining 39 counties, the state contracts with the county to perform those duties under NDCC 27-05.2-02. The contracts for those counties are calculated using the court's workload assessment formula. This formula determines the amount of work required based on number and types of cases filed using a two-year average. The \$342,479 increase for contract clerk of court services is due to increased case filings, increases in salaries for the period of January 2014 through January 2016, and increases in technology, travel, and operating expenses.

## **Reductions in the 2017-2019 Appropriations Request**

### **Salaries and Wages**

Our original appropriation request and SB 2002 included a 1% salary increase for employees and judges in the second half of the biennium consistent with the executive branch recommendation. The senate removed the funding for this increase.

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<sup>1</sup> The fourteen counties where clerk offices are state employees are: Twelve counties are eligible to transfer clerk services to the state but have elected to retain those services. Those counties are: Benson, Bottineau, Divide, Dunn, McHenry, McLean, Mercer, Mountrail, Pembina, Pierce, Ransom and Traill.

In order to meet our budget, the court has implemented a comprehensive reduction-in-force policy. A copy of the Reduction-in-Force Plan is attached. The salary and wages portion of our budget has been reduced by \$7,417,771 through the elimination of 36.5 regular FTEs, 7 temporary FTEs and 3 interns. We have identified an additional 6 positions where the incumbent has been given the opportunity to transfer to another city or be included in the reduction in force. To date, none of those identified have chosen the transfer option. While transfers in themselves do not save dollars, there will be some salary savings as the experienced employees who have declined transfer leave our employment and we bring in inexperienced workers at entry level salaries in the new locations.

The senate reinstated funding for one of the positions that was identified for lay-off in our reduction-in-force plan: the guardianship program manager.

In the last session, we received an appropriation of \$303,789 to start a guardianship monitoring program involving both financial reviews and well-being checks. The cost for the pilot project included hiring one full-time accountant to manage the program and conduct the financial reviews. It also included funds to hire court visitors to make personal contact with the wards a year after the guardianship was established to ascertain whether the guardian was providing appropriate care for them. Engrossed SB 2002 includes the FTE and the operating costs for this program.

Because of the number of instances of financial exploitation and abuse of vulnerable adults that have occurred in North Dakota and around the nation, the members of the Senate Appropriations Committee felt strongly, and we

agree, that this program is an important safeguard and should be continued. There is still a question of whether the program should stay with the court system or if it is more appropriately housed in Protection and Advocacy or within the Department of Human Services. We believe there is a need for this program and support its continuation regardless of whether it remains with us or is placed elsewhere.

Prior to the initial budget reductions in February 2016, all of the court systems 391 FTE positions, temporary positions, and contract positions were filled, except for short-term temporary vacancies due to normal turnover and the length of time needed to refill the position. Under our plan, a total of 55 individuals have been affected by the reduction-in-force implementation plan through a lay-off, loss of contract, or transfer to another location. This has a deeply personal impact on each of them and will have a profound impact on our operations.

With the plan fully implemented, we will be processing 33,000 more cases per year than we did in 2009 with the staffing level we had in 2009 after taking into account that nine of the FTE positions the court added last biennium were county clerk transfer positions and the loss of contract and temporary positions. We will also be closing the Bottineau juvenile court office and reducing staffing in the Grafton, Jamestown, Wahpeton and Williston offices to a single juvenile court officer in each of these locations.

We are suggesting these personnel cuts, knowing they will cause significant disruptions and delays in service, out of financial necessity only.

## **Operating**

An additional \$608,800 cut was made by eliminating the contracts for 5 full-time deputy clerks, a part-time staff attorney and a court security consultant. Another \$80,000 in reductions was achieved by eliminating funding to the UND law school for their extern placement program.

## **Juvenile Court Services for delinquent children**

*Youth Cultural Achievement Program:* Since 2009, the South Central Judicial District has had a very successful Youth Cultural Achievement Program based in Bismarck. This program works with both the child and the family to keep Native American children charged with a delinquent offense in their homes and communities.

In the 2015-2017 biennium, there was an appropriation of \$75,000 to recreate this program in Devils Lake to serve the Northeast Judicial District and \$150,000 to create a similar program in Fargo that would serve the New American communities in the East Central Judicial District.

The 2015-2017 appropriation request contains funding to continue the Bismarck and Fargo programs but with a funding reduction of 11% and 10% respectively.

We were able to start the Fargo program immediately, however the program was on a hiatus for several months when the person providing the services left and there was a delay in filling the vacancy.

Due to the reduction in our appropriation, we were unable to start the Devils Lake program this biennium. We are requesting the \$75,000 appropriation be carried forward as part of the 2017-2019 appropriation to allow a delayed start date of July 2018.

*Community Service Work:* Juveniles are frequently assigned community service work as a consequence for violations of law. Most of the community service programs are run by private, non-profit entities. Contracts with these providers are reduced by 54% under the proposed budget.

*Restorative Justice and Accountability Conferencing:* The court contracts with Lutheran Social Services to provide restorative justice and accountability conferencing which brings juveniles and victims together to discuss what happened and plan a suitable reparation. This contract has been reduced by 10% under the proposed budget.

*Day Report Program:* The Day Report Program is an afterschool program in Grand Forks and Fargo that provides tutoring and life skills for youth that are under the supervision of the juvenile court. The Fargo program will be eliminated on June 30, 2017 and the Grand Forks program will continue with an 11% reduction in funding.

*Educational programming:* Juvenile court utilizes numerous educational programs to prevent youth from engaging in unlawful or self-destructive behavior. They include classes on drug and alcohol use, suicide prevention, body image and eating disorders, and others. Contracts with these providers are reduced by 10% under the proposed budget.

## **Juvenile Court Services for abused and neglected children**

*Guardian ad litem services:* North Dakota statute requires that a guardian *ad litem* be appointed for all children who are the subject of a petition alleging abuse or neglect. Guardians *ad litem* are persons appointed by the court to represent the best interests of a child. They are not attorneys and they do not represent the wishes of the child. Instead they advocate for what they find is best for the child. They are specially trained community members who stay with the child from the beginning of the case until the child has been returned home or placed in a safe, permanent living arrangement. We contract with YouthWorks to provide this service. To meet the reduced 2015-2017 appropriation, we directed guardians ad litem to reduce in-person visits with the child, to attend hearings by telephone unless required to testify, and to attend school and social service planning meetings by telephone rather than in-person. Beginning this month, we will be terminating their service at the initial disposition stage of the case unless a judge finds that continued involvement in the case is necessary. The proposed budget continues these reductions (equal to a 9.9% reduction in funding) and additionally reduces the administration costs of the program by 7.7%.

## **Further Reductions in Operations**

The operations budget has been reduced by an additional \$505,248 by cutting professional development and supplies.

## **Federal Funds**

Federal funding for the 2017-2019 biennium will be reduced by \$583,012. This includes \$569,269 from three Court Improvement Program grants.

Court Improvement Grants are awarded to each state to study and strengthen their response to abused and neglected children. In the latest Continuing Resolution, Congress chose not to fund two of the grants. We have not applied for the remaining grant. This grant funds two temporary staff positions which were eliminated under the Court's Reduction-in-Force plan.

The remaining decrease of \$13,743 is federal child support funding. These funds are received as reimbursement for the time referees spend on child support enforcement cases. Judge time is not reimbursable. The decrease reflects the shift of enforcement work from the three referees that were cut to the district judges in the Northeast and Northeast Central judicial districts.

### **Updates on 2015-2017 projects**

#### **Disaster Recovery Project**

The remote disaster recovery site based outside the Bismarck/Mandan area has been established and satisfactorily tested. The project was completed on time and slightly under budget. The backup site is capable of receiving and storing an up-to-date copy of production data and providing, within hours, replacement functionality for the court system's primary IT infrastructure.

#### **Renovation of ITD Space**

The renovation of 6,100 square feet formerly occupied by ITD was completed on time and within budget. The Supreme Court occupies a three-office suite and conference room. The remaining space has been designated by statute as legislative rooms. Those are the Coteau and Sheyenne River rooms.

## **Drug Court**

The entry of new participants in the Grand Forks juvenile and adult drug courts was suspended for several months as the court wrestled with creating a viable plan to continue these courts in the face of the reduction in judicial resources in that district. The juvenile drug court is now back to normal operations and we believe there is a viable plan in place for the adult drug court to resume operations sometime this spring.

The Williston juvenile drug court has been inactive due to a lack of judicial, prosecution, and indigent defense resources. We removed the funding for the program in the 2015-2017 appropriation and no funding for this court is included in this appropriation request.

During the biennium, we investigated the possibility of adding a juvenile drug court in Dickinson. It was determined that a court in that area would not be feasible due to a lack of local treatment options for juveniles. The 2015-2017 appropriation did not include any funding for this and we have not requested any funds for it in this appropriation request.

We currently have active juvenile drug courts in Bismarck, Grand Forks, Devils Lake, Fargo, Jamestown-Valley City, and Minot.<sup>2</sup>

## **Legal Self-Help Center**

In 2013, we implemented a self-help center staffed by a licensed attorney and operated as a division of our law library. In 2015, the legislature

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<sup>2</sup> There are also **adult** drug courts operating in Bismarck, Grand Forks, Fargo and Minot. Adult drug courts are funded through the Department of Corrections and Rehabilitation. There is also an adult DWI court operating in Wahpeton.

authorized a full-time paralegal to assist with the program. The purpose of the center is to address the needs of the thousands of people in the state who are involved in a legal issue but are not represented by counsel. Our most recent study is from 2013 where we found that more than 1,700 people represented themselves in civil, family and juvenile cases, and another 6,500 were self-represented in felony, misdemeanor and infraction cases. Most of these people fall in the middle where they don't make enough money to pay the retainer and hourly fees charged by attorneys but make too much money to qualify for reduced fee or free legal services programs. The self-help center is able to provide procedural advice and education to self-represented litigants through forms and brochures we have developed and posted on our website and personal contact by telephone and email. The Center does not provide legal advice or represent people in court. As you might imagine, just giving someone a form doesn't mean they understand why it is necessary, how to fill it out correctly, or what to do next with their case. The self-help center staff helps to fill in those gaps. The Center interacts with an average of 620 individuals every quarter and the resources created by the Center are accessed by an average of 913 individuals per week.

Due to the need to reduce our budget, we have included the paralegal assigned to the Center in our Reduction-in-Force plan. With the potential for a summer extern placement through the UND law school, we expect that we will be able to maintain our current resources but do not believe we will be able to expand these resources or our outreach efforts.

### **Conclusion**

We have been thoughtful in preparing a 2017-2019 appropriation request that is fiscally responsible while retaining the personnel and operating expenses necessary to meet our constitutional and statutory requirements. We ask for your support for Engrossed SB 2002 without further reductions. Don Wolf, our Director of Finance, will provide more budget details in his presentation.

## North Dakota Court System Reduction in Force Implementation Plan

### A. Positions Designated for Elimination

On August 19, 2016 the Supreme Court determined that a reduction in force is necessary due to a 6.55% (\$7.37 million) reduction in the Judicial Branch appropriation for the 2015-2017 biennium. The Court considered the most recent weighted caseload studies along with the need to reduce expenditures and issued an order vacating judicial referee positions in the Northeast Central Judicial District and the Northeast Judicial District effective December 31, 2016.

Policy 143(A) allows for a reduction in force due to a lack of work. One full-time electronic court recorder is assigned to provide services for two Northeast Central Judicial District referees. Since one referee position was previously eliminated in 2015 there will no longer be any referees in the Northeast Central Judicial District after December 31, 2016.

Therefore, the following position will be eliminated effective December 31, 2016.

Eliminated Position		
Location	Number	Position
Grand Forks	1 FTE	Electronic Court Recorder

The Supreme Court took note of the 2015 Juvenile Court Staffing Study which indicates a staff overage of 7.18 staff compared to workload need and a proposed reduction in force plan prepared by the state court administrator. The Court directed the trial court administrators to present unit plans to reduce juvenile court positions sufficient to eliminate the staff overage and to meet a targeted reduction in juvenile salaries of \$1.065 to \$1.153 million for the 2017-2019 biennium. Following review of all of the plans, the Court approved a reduction in force in the juvenile court, effective June 30, 2017, that includes the positions identified below.

<b>Eliminated Positions</b>		
<b>Location</b>	<b>Number</b>	<b>Position</b>
<b>Unit One</b>		
Bottineau	1 FTE	Juvenile Court Officer
Bottineau	.5 FTE	Juvenile Court Administrative Assistant
Grafton	.5 FTE	Juvenile Court Officer
Grafton	1 FTE	Juvenile Court Officer III
Grand Forks	.5 FTE	Juvenile Court Officer
<b>Unit Two</b>		
Jamestown	1 FTE	Juvenile Court Officer
Valley City	.5 FTE	Juvenile Court Administrative Assistant
Wahpeton	1 FTE	Juvenile Court Administrative Assistant
<b>Unit Three</b>		
Dickinson	1 FTE	Juvenile Court Officer
<b>Unit Four</b>		
Minot	1 FTE	Juvenile Court Administrative Assistant
Minot	1 FTE	Juvenile Court Officer

In drafting a budget for the 2017-2019 biennium, the Court took notice of the reports of revenue shortfall released by the Office of Management and Budget and Governor Dalrymple's directive to state agencies to submit a proposed 2017-2019 budget at 90% of their current base budget. Following review of the reduction in force plans prepared by the trial court administrators and the September 23, 2016 Administrative Council meeting discussion on the plans, an alternative reduction in force plan submitted by the East Central Judicial District and comments in response to the alternative plan, projected weighted caseload needs and weighted workload assessment needs based on calendar year 2016 case filings through September 30, 2016, and a reduction in force plan for the

Supreme Court and Shared Court Services prepared by the state court administrator based on the ability of the court system to absorb the duties of the identified positions into other positions or eliminate them altogether, the Court determined that a base budget reduction of 10% (\$10.8 million) will seriously interfere with the Court's obligation and ability to deliver statewide services in a timely, equitable and consistent manner. In addition, the Court determined that after reducing positions, it is necessary to redistribute some of the remaining positions in order to maintain an adequate staffing level for each clerk of court and juvenile court office. The Court established an average staffing standard of 98.35% for juvenile courts and an average staffing standard of 82.54% for clerks as shown in the attached charts.

Although it is recognized that this will cause significant disruptions and delays in service, the Supreme Court has submitted a budget for the 2017-2019 biennium that is a 7.6% (\$8.25 million) reduction from the 2015-2017 base budget. To meet this level of reduction, in addition to the positions noted above, the proposed budget includes the elimination of the positions identified below effective, June 30, 2017.

<b>Eliminated Positions</b>		
<b>Unit One</b>		
<b>Location</b>	<b>Number of Positions</b>	<b>Position Title</b>
Grand Forks	1 FTE	District Court Administrative Assistant
<b>Unit Two</b>		
<b>Location</b>	<b>Number of Positions</b>	<b>Position Title</b>
Fargo	2 FTE	Calendar Control Clerk
Fargo	1 FTE	Law Clerk
Fargo	2 FTE	Deputy Clerk of Court
Jamestown	1 FTE	Law Clerk
Jamestown	1 FTE	Juvenile Court Officer
Valley City	1 FTE	Deputy Clerk of Court

<b>Unit Three</b>		
<b>Location</b>	<b>Number of Positions</b>	<b>Position Title</b>
Bismarck	1 FTE	Assistant Court Administrator
Bismarck	1 FTE	District Court Administrative Assistant
Bismarck	1 FTE	Juvenile Court Officer
<b>Unit Four</b>		
<b>Location</b>	<b>Number of Positions</b>	<b>Position Title</b>
Minot	1 FTE	Electronic Court Recorder
Minot	1 FTE	Law Clerk
Williston	1 FTE	Electronic Court Recorder
<b>Supreme Court</b>		
<b>Location</b>	<b>Number of Positions</b>	<b>Position Title</b>
Bismarck	2 FTE	Administrative Assistant – Central Legal
Bismarck	1 FTE	Law Library Assistant I
Bismarck	.5 FTE	Deputy Supreme Court Clerk
Bismarck	1 FTE	Guardianship Monitoring Program Manager
<b>Shared Services</b>		
<b>Location</b>	<b>Number of Positions</b>	<b>Position Title</b>
Bismarck	1 FTE	Citizen Access Paralegal
Bismarck	1 FTE	Assistant State Court Administrator
Bismarck	1 FTE	Technical Support Specialist
Bismarck	1 FTE	Technology Coordinator

The following positions will be transferred effective July 1, 2017. Priority is to be given to transferring current vacant positions. If a position designated for transfer is currently filled, the incumbent employee shall be given the option of transferring to the new location. If the incumbent chooses not to relocate, then the reduction in force policy will apply.

<b>Transferred Positions</b>			
<b>Position Title</b>	<b>Number of Positions</b>	<b>From</b>	<b>To</b>
Deputy Clerk of Court	2 FTE	Grand Forks	Burleigh
Deputy Clerk of Court	1 FTE	Ramsey	Morton
Deputy Clerk of Court	1 FTE	Richland	Ward
Deputy Clerk of Court	1 FTE	Richland	Williams
Deputy Clerk of Court	1 FTE	Walsh	Williams

In addition to the reduction in force of regular employees, the following temporary or contract positions are eliminated effective June 30, 2017.

<b>Eliminated Positions - Temporary Staff</b>		
<b>Location</b>	<b>Number of Positions</b>	<b>Position Title</b>
Bismarck	.5 FTE	Juvenile Court Administrative Assistant
Bismarck	1 FTE	Research Analyst – Court Improvement Program
Bismarck	.5 FTE	Quality Assurance Monitor – Court Improvement Program
Bismarck	.75 FTE	Staff Attorney – Minority Justice Implementation Committee
Dickinson	1 FTE	Deputy Clerk of Court

Fargo	.5 FTE	Juvenile Court Administrative Assistant
Minot	1 FTE	Deputy Clerk of Court
Multiple	3 Internships	Rural Law Clerk
<b>Eliminated Positions - Contract Staff</b>		
<b>Location</b>	<b>Number of Positions</b>	<b>Position Title</b>
Multiple	5	Deputy Clerk of Court
Bismarck	1	Staff Attorney – Pattern Jury Instruction Commission
Bismarck	1	Court Security Consultant

**B. Reduction in Force Procedure**

Temporary positions are not subject to Policy 143 and the persons holding the temporary positions identified in the chart above will be released from employment.

Contract positions are not subject to Policy 143 and the persons holding those contracts will be provided a notice that the court does not intend to renew the contract.

In those locations where a single employee holds the position identified in the charts above there is no need for further consideration of job-related criteria and the employee holding the position will be released from employment.

In those locations where more than one employee holds the position identified in the charts above, the hiring authority must apply the following job-related criteria to determine which employees will remain employed with the court system.

1. Length of Service;
2. Demonstrated work performance; and
3. Acquired knowledge and documented skills.

**Length of service** is the number of years the employee has been employed within the North Dakota Court System. **Demonstrated work performance** is the overall performance level of the employee compared to other employees in the same position. Demonstrated work performance includes consideration of past performance reviews and corrective actions. **Acquired knowledge and demonstrated skills** is the degree to which an employee's knowledge and skill levels compare to the knowledge and skill levels necessary to accomplish the work assigned. It is also an assessment of how well an employee has incorporated new skills and knowledge into their everyday work compared to other employees in the same position. If all other aspects of work performance and knowledge and skills are equal, the longest length of service shall be the defining factor in determining which employee remains with the court system.

The hiring authority must complete a written analysis for each position listed in the chart above. The written analysis must be submitted to the Director of Human Resources no later than December 15, 2016.

Each hiring authority must forward his or her list of employees identified for release from employment to the Director of Human Resources for analysis to ensure the reduction in force process has not created a disparate impact on any protected class.

The Director of Human Resources will forward the results of the analysis and the combined list of employees to the Supreme Court for consideration and a final designation of the employees to be released from employment.

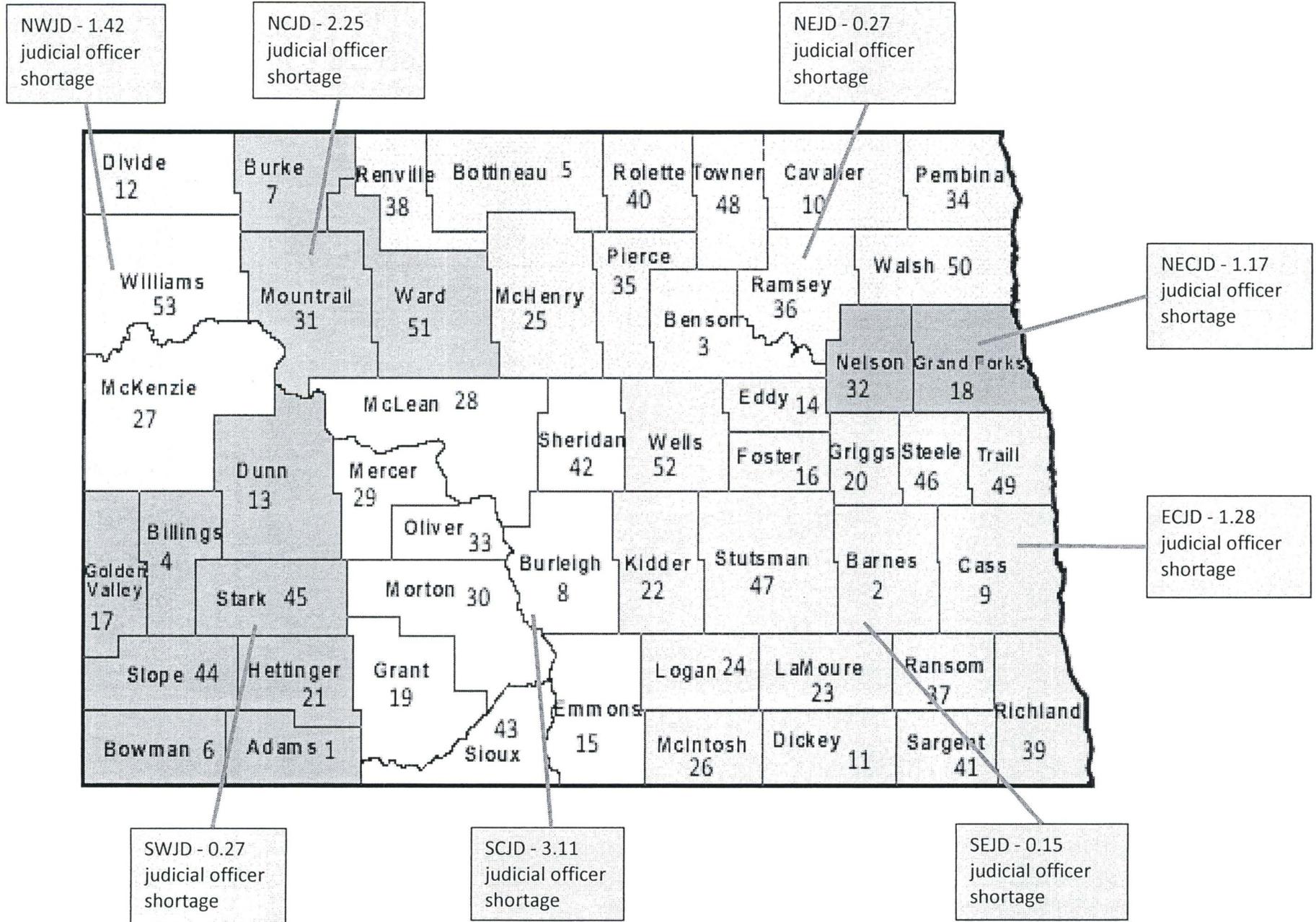
Consistent with Policy 143, an employee who will be released as a result of a reduction in force will be given a written notice of the release from employment. Prior to release, an employee may apply for a transfer to a vacant position being filled for which the employee is qualified.

### **C. Plan Approval**

This reduction in force implementation plan has been approved by the Supreme Court effective November 9, 2016. This plan may be amended as needed to adjust for a greater or lesser budget reduction as determined by the legislature.

# JUDICIAL OFFICER NEED PER 2015-16 WEIGHTED CASELOAD STUDY

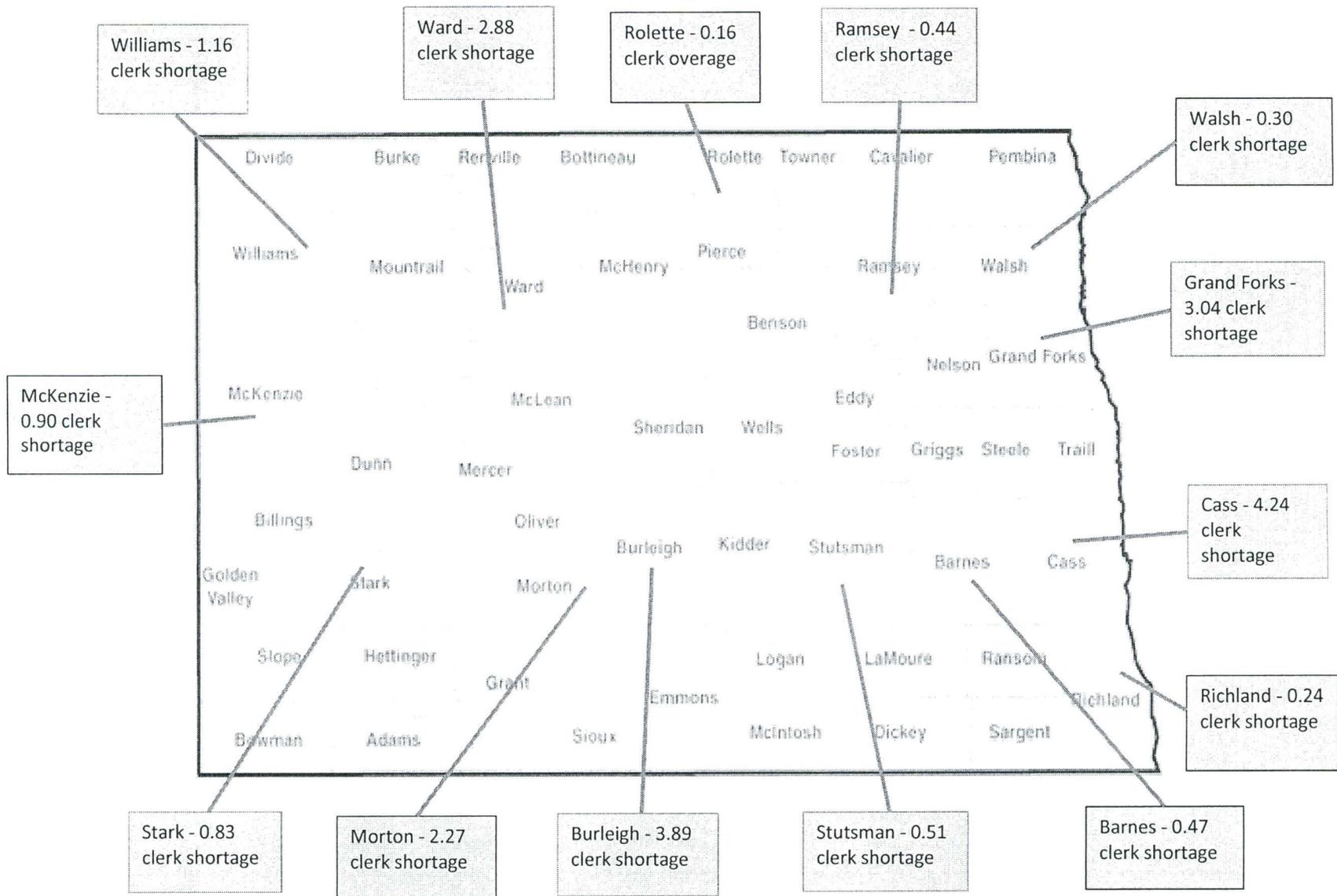
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**2017-19 BIENIUM PROPOSED BUDGET (Reflected in shortages):**

- NEJD - 1 referee position eliminated
- NECD - 2 referee positions eliminated

STATE FUNDED CLERK NEED PER 2015-16 WEIGHTED CASELOAD STUDY



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**2017-19 BIENIUM PROPOSED BUDGET (Reflected in overages/shortages):**

- Cass County - 2 deputy clerks eliminated
- Barnes County - 1 deputy clerk eliminated
- Grand Forks County - 2 deputy clerks transferred to Burleigh County
- Ramsey County - 1 deputy clerk transferred to Morton County
- Walsh County - 1 deputy clerk transferred to Williams County
- Richland County - 1 deputy clerk transferred to Williams County
- Richland County - 1 deputy clerk transferred to Ward County

Engrossed Senate Bill 2002  
House Government Operations Division  
Don Wolf, Director of Finance  
March 6, 2017

Mr. Chairman, members of the committee, good afternoon. For the record my name is Don Wolf and I am the Director of Finance for the court system. I will be providing you with the details regarding the Judicial Branch budget request.

JUDICIAL BRANCH	2015-17 Biennium Original Appropriation	6.55% Reduction	One-time Funding Adjustment	2015-17 Biennium Base Level
Supreme Court	\$16,015,555	(\$1,049,019)	(\$1,115,070)	\$13,851,466
District Court	97,854,758	(6,283,586)	(2,547,460)	\$89,023,712
JCC/DB	1,127,487	(44,725)	0	\$1,082,762
<b>Total base budget</b>	<b>\$114,997,800</b>	<b>(\$7,377,330)</b>	<b>(\$3,662,530)</b>	<b>\$103,957,940</b>

The total **2015-17 biennium original appropriation** for the Judicial Branch is \$114,997,800. The appropriation includes funding for the Supreme Court, District Courts and the Judicial Conduct Commission and Disciplinary Board (JCC/DB). The 2015-17 biennium Judicial Branch original appropriation was reduced by \$7,377,330 or 6.55 percent during the August 2016 special session of the Legislative Assembly. The total 2015-17 biennium **revised appropriation**, net of the one-time funding, is \$103,957,940, of which \$101,591,134 is from the General Fund.

The 2015-17 biennium appropriation included \$4,458,530 of **one-time funding** items for the disaster recovery project (\$2,000,000), criminal case eFile initiation (\$99,000), facility space expansion project (\$1,215,070) and capital assets (\$1,144,460). A total of \$796,000 of the one-time projects were included as part of the 6.55 percent budget reduction. The 2017-19 biennium budget does not include any capital assets or one-time projects.

The Supreme Court took a number of steps to meet the 6.55 percent budget reduction, including:

- Reducing the July 1, 2016 salary increases for Court System employees from 3 percent to 2 percent;
- vacating 3 referee positions in Unit 1;
- keeping vacant positions open for extended periods;
- imposing travel restrictions; and
- limiting equipment purchases to only critical needs.

**Budget reductions by line item:**

SUPREME COURT	2015-17 Biennium Original Appropriation	6.55% Reduction	One-time Funding Adjustment	2015-17 Biennium Base Level
Salaries	\$11,409,109	(\$350,000)	\$0	\$11,059,109
Operating	3,144,999	(624,019)	(37,000)	\$2,483,980
Capital Assets	1,078,070	0	(1,078,070)	\$0
Judges' Retirement	79,588	0	0	\$79,588
Guardianship Monitoring	303,789	(75,000)	0	\$228,789
<b>Total</b>	<b>\$16,015,555</b>	<b>(\$1,049,019)</b>	<b>(\$1,115,070)</b>	<b>\$13,851,466</b>

DISTRICT COURT	2015-17 Biennium Original Appropriation	6.55% Reduction	One-time Funding Adjustment	2015-17 Biennium Base Level
Salaries	\$71,769,330	(\$3,100,000)	\$0	\$68,669,330
Operating	23,628,319	(2,597,586)	(1,100,000)	\$19,930,733
Capital Assets	1,968,460	(521,000)	(1,447,460)	\$ 0
Judges' Retirement	408,649	(65,000)	0	\$343,649
Grants	80,000	0	0	\$80,000
<b>Total</b>	<b>\$97,854,758</b>	<b>(\$6,283,586)</b>	<b>(\$2,547,460)</b>	<b>\$89,023,712</b>

The **2017-19 biennium** executive (Governor Dalrymple) budget recommendation (Senate Bill 2062) is **\$104,058,493**, which includes **\$1,357,029** added by the Office of Management and Budget (OMB) for proposed salary and health insurance increases. The Senate adopted the executive budget recommendation with the following changes:

- The 1 percent second year salary increase (\$335,295) for Court System employees, including justices and judges, was removed.
- Funding of \$316,411 for the guardianship monitoring program, including 1 FTE program manager position, was reinstated.
- The Senate did not implement Governor Burgum's proposal to have employees pay for 5 percent of their health insurance costs.

**A comparison of budget versions:**

Subdivision	2015-17 Biennium Base	Senate Bill 2062	Engrossed Senate Bill 2002
Supreme Court	\$13,851,466	\$13,777,386	\$14,046,785
District Court	89,023,712	89,101,707	88,817,173
JCC/DB	1,082,762	1,179,400	1,175,651
<b>Total</b>	<b>\$103,957,940</b>	<b>\$104,058,493</b>	<b>\$104,039,609</b>

Funding	2015-17 Biennium Base	Senate Bill 2062	Engrossed Senate Bill 2002
General Fund	\$101,591,134	\$102,236,654	\$102,217,770
Special funds	444,656	482,701	482,701
Federal funds	1,922,150	1,339,138	1,339,138
<b>Total</b>	<b>\$103,957,940</b>	<b>\$104,058,493</b>	<b>\$104,039,609</b>

FTEs	2015-17 Biennium Base	Senate Bill 2062	Engrossed Senate Bill 2002
<b>Total</b>	391.0	354.5	355.5

**Major components** of the 2017-19 biennium **Judicial Branch** budget include the following:

- The budget proposal provides for a total of 354.5 FTE positions, which is a reduction of **36.5 FTEs** from the current budget. This reduction accounts for 9.3 percent of the total authorized Judicial Branch FTEs. The total salary savings from the FTE reductions is **\$6,656,410**. The Senate added back 1 FTE guardianship monitoring program manager position for a net reduction of 35.5 positions.
- Total savings of **\$761,361** was realized in **temporary salaries and wages** by eliminating the following positions: 2 deputy clerks of court, 2 part-time juvenile court administrative assistants, 2 Court

Improvement Program positions, 3 rural summertime law clerk interns and a Minority Justice Committee staff position. The remaining budget for temporary salaries is \$666,050, which includes funding for bailiffs, surrogate judges and Juvenile Drug Court coordinators and trackers.

- The current budget includes funding to contract with a staffing agency for 5 deputy clerk of court positions. The funding for these contract positions is not part of the 2017-19 biennium budget, resulting in a savings of **\$480,000**.
- The total salaries and wages budget accounts for **77 percent** of the total budget.
- Information technology costs account for **6.5 percent** of the budget.
- Payments to counties for contract clerk of court services accounts for **5.5 percent** of the budget.
- The remaining operating budget is \$11.6 million or **11 percent** of the total budget request. This budget provides for not only the court system's daily operating costs, but also funds juvenile treatment programs, Juvenile Drug Court, Guardian ad Litem services, and family mediation.

**Major Components of the Supreme Court Budget:**

Line item	2015-17 Original Appropriation	2015-17 Biennium Base Level	Senate Bill 2062	Engrossed Senate Bill 2002
Salaries	\$11,409,109	\$11,059,109	\$10,965,040	\$10,918,028
Operating	3,144,999	2,483,980	2,731,582	2,731,582
Capital assets	1,078,070	0	0	0
Judges' retirement	79,588	79,588	80,764	80,764
Guardianship monitoring	<u>303,789</u>	<u>228,789</u>	<u>0</u>	<u>316,411</u>
<b>Total Supreme Court</b>	<b>\$16,015,555</b>	<b>\$13,851,466</b>	<b>\$13,777,386</b>	<b>\$14,046,785</b>

- **Staffing reductions** - The Supreme Court budget proposal provides for a reduction of **4.5 FTE** positions, for a total of 42.5 FTEs. The total savings is \$414,424 as compared to the base budget. The following positions would be eliminated per the proposal:
  - ❖ 1 FTE guardianship monitoring program manager (this position was added back by the Senate),
  - ❖ 2 FTE administrative assistants in central legal,
  - ❖ 0.5 FTE deputy Supreme Court clerk, and
  - ❖ 1 FTE law library administrative assistant.
  
- **Guardianship Monitoring Pilot Program** – The 2015 Legislative Assembly approved funding for a pilot program in the Southeast and South Central Judicial Districts to provide oversight of the financial and personal well-being of guardianship wards. The program included one FTE guardianship program manager. Funding for this program and the program manager was not included in the 2017-19 biennium budget request. The total budget savings, as compared to the base budget, by eliminating the program is **\$228,789**. The Senate restored the guardianship program manager position and program funding.
  
- **Judges' Retirement (NDCC Chapter 27-17 Old Retirement System)** - The judges' retirement line item provides for the State's General Fund portion of retirement payments to eligible retirees under the old retirement system. The budget request provides for the 6 remaining participants, including 1 within the Supreme Court budget and 5 within the District Court budget. The budget request for judges' retirement is **\$424,054**, of which \$80,764 is for the Supreme Court and \$343,290 is for District Court. This is an increase of \$817 as compared to the base budget. The average age of the recipients as of December 31, 2016 was 89.

**Major Components of the District Court Budget:**

Line item	2015-17 Original Appropriation	2015-17 Biennium Base Budget	Senate Bill 2062	Engrossed Senate Bill 2002
Salaries	\$71,769,330	\$68,669,330	\$67,951,444	\$67,666,910
Operating	23,628,319	19,930,733	20,806,973	20,806,973
Capital assets	1,968,460	0	0	0
Judges' retirement	408,649	343,649	343,290	343,290
UND grant	80,000	80,000	0	0
<b>Total Supreme Court</b>	<b>\$97,854,758</b>	<b>\$89,023,712</b>	<b>\$89,101,707</b>	<b>\$88,817,173</b>

- **Staffing reductions** - The District Court budget proposal provides for a reduction of **32 FTE positions**, for a total of 308 FTEs. The total savings is \$2,801,754 as compared to the base budget. The following positions would be eliminated per the proposal:

- ❖ 3 FTE referees,
- ❖ 3 FTE court recorders,
- ❖ 2 FTE calendar control clerks,
- ❖ 2 FTE District Court administrative assistants,
- ❖ 1 FTE assistant District Court administrator,
- ❖ 3 FTE Juvenile Court administrative assistants,
- ❖ 8 FTE Juvenile Court officers,
- ❖ 3 FTE law clerks,
- ❖ 3 FTE deputy clerks,
- ❖ 1 FTE citizen access paralegal,
- ❖ 1 FTE assistant state court administrator,
- ❖ 1 FTE technology support specialist, and
- ❖ 1 FTE technology coordinator.

- **Payments to contract counties for clerk of court services** – Currently, 39 counties contract with the Supreme Court to provide for clerk of court services pursuant to NDCC Section 27-05.2-02. After surveying county auditors for salary information and applying the workload assessment

formula based on cases filed in each county, the funding needed for 2017-19 biennium contract payments to counties for clerk services is **\$5,562,100** or an increase of **\$342,479**. This increase reflects changes in caseload since 2012 and salary increases given to county employees from January 2014 to January 2016. The contract clerks of court are county employees and their salaries are determined at the county level. To date, a total of 14 counties have made the election to have state judicial system employees. No counties made the election for the 2017-19 biennium.

- **Information technology costs** – The District Court budget for information technology costs is \$5,965,354 or an increase of **\$545,867**. Monthly data processing charges have increased due to replacement and upgrade of statewide network components. Additional funding is also needed for server space rent to provide for the disaster recovery site and software license and maintenance agreement costs due to inflation. The request also includes \$242,000 to digitize aging microfilm records.
- **Court Improvement Program (CIP)** – The Court Improvement Program is a federal grant program established in 1993 to help state courts improve their processing of child welfare cases. The 2015-17 biennium budget included \$569,269 of federal funding from three CIP grants (basic, data collection and training). It is anticipated that the federal CIP grants will be eliminated or significantly reduced after 2016. The 2017-19 judicial branch budget request does not include funding for CIP. The total budget savings is **\$758,271**, of which \$189,002 is from the General Fund.

**Major Components of the Judicial Conduct Commission and Disciplinary Board Budget:**

Line item	2015-17 Original Appropriation	2015-17 Biennium Base Budget	Senate Bill 2062	Engrossed Senate Bill 2002
Salaries and wages	\$809,976	\$765,251	\$930,366	\$926,617
Operating	\$317,511	\$317,511	\$249,034	249,034
<b>Total JCC/DB</b>	<b>\$1,127,487</b>	<b>\$1,082,762</b>	<b>\$1,179,400</b>	<b>\$1,175,651</b>

- **Judicial Conduct Commission and Disciplinary Board (JCC/DB)** - The Judicial Conduct Commission and Disciplinary Board is responsible for investigating complaints against North Dakota judges and attorneys. The total budget for the JCC/DB is **\$1,175,651** of which \$692,950 is from the General Fund and \$482,701 is lawyer disciplinary funds. The request adds \$55,000 for a temporary investigator. The request for the temporary position is brought about by changes to the Rules of Lawyer Discipline, as investigations can no longer be conducted by inquiry committee member volunteers. The request provides for a total of 4 FTE positions, the same as the current biennium. No capital assets are being requested.

**Deficiency appropriation:**

Due to unanticipated costs associated with the dramatic increase in jury trials as a result of the Dakota Access Pipeline protests, a 2015-17 biennium deficiency appropriation was requested. **2017 Engrossed House Bill 1024**, the statewide deficiency appropriation bill authorizes the Judicial Branch to borrow up to \$1.5 million from the Bank of North Dakota for court costs relating to unlawful activity associated with the Dakota Access Pipeline construction. The loan would be authorized from the time House Bill 1024 is enacted until June 30, 2019.

In conclusion, I would be happy to try to answer any questions.

Testimony to the  
**House Appropriations Committee - Government Operations Division**  
March 6, 2017  
Chairman Chad Peterson, Cass County Commission

**Regarding: Senate Bill 2002 – Judiciary Funding**

Representative Brandenburg and committee members, I am Chad Peterson, Chairman of the Cass County Commission. I'm here to speak in support of Senate Bill 2002 as presented regarding the Judiciary Budget.

While we do need all the staffing we currently have in our courts, we also recognize the need for spending restraint during this session. SB 2002, as unanimously passed by the Senate, provides for difficult and necessary, but responsible, cuts to our third branch of government, the Judiciary. The ongoing concern we have is if further cuts are proposed. Additional cuts above SB 2002 will have a real and noticeable negative impact on all our counties, large and small, and our citizens.

One area of great concern that I have is that additional cuts above SB 2002 may well result in the elimination of judicial officers. For example, let's take a look at our East Central Judicial District, which is Cass, Traill and Steele counties. Here, we have two judicial referees. The referees hear thousands of cases such as juvenile justice, small claims and child protection cases. The referees do so with great experience and efficiency, and at a cost quite a bit less than if these many cases were handled by district court judges. If these judicial referee positions are eliminated by further cuts, the workload of our district judges will increase approximately 18%.

Predictably and understandably, if cuts are added to SB 2002, our citizens will have to wait and often travel to receive the fair administration of justice from our courts, and valuable programming, such as adult and juvenile drug courts, will be no longer. With such a decrease in judicial officers and large increase in each judge's workload, hearings will necessarily be "centralized" in our larger, ever growing county of Cass, and our judges will have far less time to attend to important duties in our less populous counties of Traill and Steele.

In years past, to your credit, our legislature has defeated judicial or trial centers from being placed in only our most populous cities. I am told that our Judiciary does not want trial centers. I am telling you that our counties, large and small, do not want trial centers. Without further cuts, I am of the understanding that under SB 2002 we can avoid such, and, while spread thin by the cuts of SB 2002, our citizens in all our counties, large and small, will continue to receive the fair administration of justice by our courts in their counties.

Further, government has certain basic functions, and we must not forget about serving our constituents and their right to a speedy hearing. One example of negative impacts of further cuts would be in juvenile justice hearings. With fewer judicial officers, the

backlog of cases would accelerate and children would have to spend more days or weeks in holding until the court had time to hear their case. This costs the counties time and real money. This is not only troublesome for the juvenile, but expensive for county tax payers as days in holding are becoming increasingly more expensive.

Another example would be cases heard regarding child protection. The state has as little as 24 hours to hear certain cases when a child is involved. With added cuts and the resulting fewer staff and judicial officers, a district judge would have to hear these certain cases in a timely manner, and delay, cancel or continue whatever ongoing trial or hearing the judge was working on, which may be of great cost to our county sheriff and states attorney. I thank you for your consideration, and I will not take your valuable time with additional examples. Respectfully, our counties, large and small, oppose further cuts above SB 2002.

Again, I support Senate Bill 2002 as presented regarding the Judiciary Budget.

CASES WITH A PUBLIC DEFENDER

	Felonies		
	FY 2016 Total Cases Filed	FY 2016 Cases w/ Public Defender	Percentage
Total statewide	7,617	6,687	87.8%

	Misdemeanors		
	FY 2016 Total Cases Filed	FY 2016 Cases w/ Public Defender	Percentage
Total statewide	19,315	3,819	19.8%

### Impact of cuts to Juvenile Court Services

Funding Juvenile Court Services at the previous level is a very small investment when you consider the cost to the State of these youth going deeper into the system:

#### Average costs per day for out-of-home placements

Foster Care Daily Rate	\$32.06
Youth Correctional Center	\$285
Average residential group homes	\$291
Average mental health placement	\$586

An estimated total of 322 youth will be impacted by the proposed cuts. The reduction will not only impact the youth but their families as well. For example, the minority court liaison works with the entire family to help them through the court process. This program was implemented based on the recommendations of The Court's Minority Justice Committee and has proven successful in reducing the number of youth that fail to appear for their hearings.

#### Estimated Number of Children Impacted by the Reduction in Juvenile Court Services

- 204 youth – due to cuts to Diversion Services of \$68,980
- 86 youth – due to cuts to Restorative Justice Programs of \$38,032
- 22 youth – due to cuts to the Youth Cultural Achievement Programs of \$25,000

# North Dakota Court System Juvenile Data 2016

## Total Referrals by Year

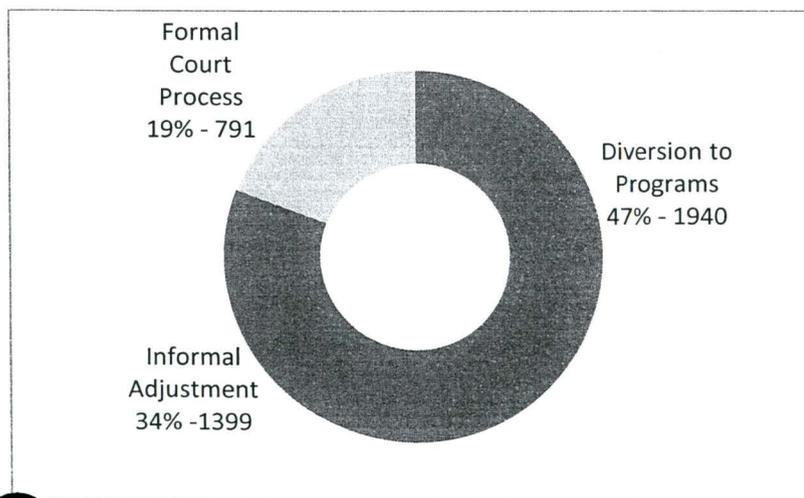
	Unruly	Delinquent	Abuse/Neglect
2012	3510	5473	1969
2013	2792	4817	2282
2014	2572	4433	2269
2015	2492	4586	2714
2016	2467	4461	2839

## Total Referrals by Case Type

	2012	2013	2014	2015	2016
Against Person Offenses	886	845	684	750	834
Property Offenses	1996	1676	1380	1441	1327
Public Order	1177	960	942	1029	980
Unruly	3510	2792	2572	2492	2467
Deprivation (Abuse/Neglect)	1969	2282	2269	2714	2839
Traffic	413	365	315	355	261
Drug Related Offenses	1001	971	1112	1011	1059

## Juvenile Court Dispositions 2016

Eighty-one percent (81%) of all juvenile cases were handled outside of the courtroom through either a diversion to programming or an informal adjustment conference conducted by a juvenile court officer.



## Abuse and Neglect Cases 2016

Services Required, No Petition Filed	1459
Deprived Petition Filed	1032
Involuntary Termination of Parental Rights Filed	106
Voluntary Termination of Parental Rights Filed	47

## Abuse and Neglect Dispositions 2016

Custody of Social Services	465
Decline to Prosecute or Dismissed	65
Custody to Department of Human Services	126
Court Ordered Services	53
Transferred to Tribal Court	31



# Youth Interventions

*It's relationships, not programs, that change children. Young people thrive when adults care about them on a one-on-one level, and when they have a sense of belonging to a caring community.*

- Bill Millike

**Restorative Justice** - Restorative Justice creates safer communities by bringing victims and offenders together with trained facilitators in a structured process that repairs harm by helping people process conflict. LSSND trains hundreds of educators in restorative practices each year to support their efforts to help kids process conflict and behaviors that have caused harm in positive ways. **551 teens held accountable and hundreds of victims provided reconciliation**

**Day Report** - Day Report promotes the well-being of at-risk youth, ages 12-17, through after-school structure, supervision and education. **22 kids had a safe, productive place to be, learn and grow after school**

**Youth Court** - Youth Court provides teen volunteers meaningful service learning as they serve as judge and jury for their peers who have been charged with offenses or have been referred by school administrators. The kids are held accountable for their actions, but in positive, educational ways. **188 kids diverted from court served by 84 teen volunteers**

**Safer Tomorrows** - Safer Tomorrows creates lasting change by reducing childhood exposure to violence. The program is a partnership with schools across Grand Forks County (see pages 26 - 27 for more information). **22 schools and 23,000+ kids touched over life of project**

**Attendant Care** - Attendant Care helps keep kids out of jail by providing short-term care and supervision in a safe, non-institutional setting. **118 kids kept safe in supervised settings**

*We know it is absolutely possible to hold kids accountable while also allowing them to make amends and build skills for healthier futures. Keeping kids out of the juvenile justice system when appropriate makes economic sense and produces better outcomes for kids, families and communities.*

f

# 5.7

## MILLION

Early interventions that prevent high-risk youth from engaging in repeat criminal offenses can save the public nearly \$5.7 million in costs over that child's lifetime.

# 12%

of kids drink before age 13. Those who do are **four times** more likely to become addicted.

# 90%

of kids in the juvenile justice system have experienced trauma (often multiple or repeated instances) from an early age.

# 2/3

of adults being treated for drug dependence have a history of childhood trauma.

# MORE THAN 47%

of North Dakota children (ages 0-17) have endured one or more adverse childhood experience.

# OUR WORK

# 62

Cases of shoplifting and theft addressed in Youth Court or by Restorative Justice instead of by juvenile court.

AN EXAMPLE OF IMPACT

# 24

Police citations not issued in **one school** in **one academic quarter** because restorative justice practices were in place.

# 1,559

students mended the harm their actions created by participating in accountability conferencing, empathy seminars and peacemaking circles.

Sources: 5.7 million - Vanderbilt University Law School Law and Economics via the Campaign for Youth Justice | 12% - ND Behavioral Health Assessment pg. 14 | 90% - American Institute for Research: Trauma Informed Care Infographic | 2/3 - www.healmyptsd.com; 3/22/13 | More than 47% - www.cestoohigh.com

**Youth Cultural Achievement Program (YCAP)  
2016**

**Introduction**

In 2016 Youthworks served **129 Native American youth**, from various Tribes, in a wide range of programs. Services included shelter, individual and family counseling, homework assistance, mentoring, crisis intervention, psychological assessment, transitional housing and independent living support, advocacy, food pantry, and referrals to other community resources. All of Youthworks current efforts are focused on keeping youth in their homes, in school, and reduce the incidents in the juvenile justice and child welfare systems. Services are provided in a culturally relevant manner, and there is a current focus on increasing the number of cultural opportunities for these Native youth.

Some of these Native American youth/young adults were served by the staff of specific Youthworks programs, such as the New Direction afterschool program. This program assisted Native American high school students, who were at-risk of dropping out of school, improve their grades with an overall goal of graduating from high school. And finally, Native American young adults have been served in the Transitional Living Program and Parenting Pathways Program.

**Youth Served and Client Demographics at Intake.**

YCAP served eighty-three (83) Native American adolescents during the calendar year 2016. Youth served included 55 females and 28 males. Seventy six (76) of the eighty three (83) youth (91%) were enrolled tribal members of American Indian Tribes, primarily from the Midwestern and Northwestern Regions of the United States. Fifty eight of the eighty three (70%) participants also had siblings at risk.

<b>YCAP 2016</b>		
Age Range	10-18	
At Risk Siblings		
Yes	58	70%
No	25	30%
<b>Enrolled Tribal Member</b>		
Enrolled	76	91%
Enrollable	7	9%
Not Enrollable	0	0%
<b>Referral Source</b>		
Juvenile Court	35	42%
County Social Services	1	1%
School	18	22%
PYB/YSD	6	7%
Parent/Family Member	23	28%
Other	0	0%

The referral sources varied, with numerous agencies aware of the program and making referrals. The Juvenile Court referred the most to the program, identifying 42% of the participants (35). Parents referred 28% (23) as a preventative measure to address concerns with their children, and to prevent possible out-of-home placement. Area schools also referred 22% (18) of the participants. Other referral sources included the Police Youth Bureau (6), and county social services (1).

**Youth Cultural Achievement Program (YCAP)  
2016**

YCAP staff members have concentrated efforts toward providing more prevention and early intervention services, and have met with school personnel and other potential referral sources to inform about YCAP services and encourage referrals prior to the need for law enforcement involvement. It is hoped that this focus will be more effective in the reduction of the arrest rate for Native American youth in our community.

**Juvenile Justice Statistics At Intake and Following Intake**

Of those youth participating in the YCAP program, 32 (39%) were cited prior to intake.

Juvenile Offender		
Cited	32	39%
Not Cited	51	61%

All Native American youth completed an intake when entering YCAP. Of the 83 youth in YCAP, 19 (23%) received citations from law enforcement following intake. Thus, 64 Native American youth did not receive any further citations while participating in the program. Of those cited, 14 were placed on probation by the Juvenile Court.

**Services and Service Units**

The number of direct service hours totaled 1999 hours. This includes case management, individual counseling, family counseling, mentoring, and homework assistance. These hours encompassed 12 months of the program.

Wrap around funding was limited due to the additional staff added in the program; however families are able to utilize Youthworks food pantry to meet emergency need for food, clothing, and hygiene items. Additionally, Youthworks annual "We've Got You Covered" event was very successful and has provided back-to-school clothing for a high number of YCAP clients.

**After-School Tutoring (New Direction)**

New Direction is a program initiated within YCAP and serves high school students from four area high schools in Bismarck and Mandan. This program has demonstrated significant success and is now separately funded by the Missouri Slope Areawide United Way. In the last year, forty-five (45) students received support through the New Direction program. These students were predominantly Native American, who were at-risk of dropping out of high school due to falling behind in their school-work.

The overall goals of the New Direction program are:

- to increase the grades of the student
- increase their feeling of accomplishment and self-worth
- increase their positive social support network
- increase sense of belonging in the school and community
- increase their adaptive social skill set

**Youth Cultural Achievement Program (YCAP)  
2016**

New Direction was developed to assist Native American high school students who were at-risk of dropping out of high school, remain in school and ultimately, graduate with their high school diploma. The most recent data released by the North Dakota Department of Public Instruction (2014 – 2015) indicates Native American students in North Dakota have a graduation rate of 59.6%.

**Potential Areas of Growth**

Youthworks remains committed to providing services to Native American youth with the goal of reducing involvement in the juvenile justice and child welfare systems. To this end, the program would benefit from additional funding to enhance the ability to provide culturally specific and relevant activities and educational opportunities. These activities would include: teaching cultural skills (language, art, storytelling, dance, food preparation), attending ceremonies, bringing in relevant guest speakers, facilitating group attendance for community events, etc. Funding that would provide for supplies, stipends for speakers, transportation, and staff time to coordinate events would greatly benefit the youth involved in the YCAP program.

**Youthworks  
217 West Rosser  
Bismarck, ND 58501  
(701) 255-6909**

**Program Coordinator: Blaise Reagle, MS  
Program Manager: Mark Heinert, LSW**

# Monthly Progress Reporting Form

For activities completed during the month of:

**July-November 2015**

Project Title: Youth Cultural Achievement Program (YCAP)

Date of Report: 11/30/2015

Agency: Lutheran Social Services of North Dakota

Report Completed By: Joel Kromer, YCAP Program Coordinator

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	Total
# of new youth served	0	4	4	7	6								21
# carried over from previous month(s)	0	0	2	5	3								X
Total # served	0	4	6	12	9								X

Race/Ethnicity	New youth served July-Nov 2015	Total All Months
African		
Black	5	5
Bosnian		
Caucasian	1	1
Central American		
Cuban		
Hispanic	2	2
Mid-Eastern		
Mixed-American		
Native American	2	2
Southwest Asian		
Southwestern European		
Other		
Unknown	11	11

Gender	New youth served July-Nov. 2015	Total All Months
Female	12	12
Male	9	9
Unknown		

	<b>New youth served July-Nov 2015</b>	<b>Total All Months</b>
0-6	0	0
7-8	1	1
9-10	0	0
11-12	3	3
13-14	6	6
15-16	5	5
17-18	3	3
19+	0	0
Unknown	3	3

<b>Other demographics (if known)</b>	<b>New youth served July-Nov 2015</b>	<b>Total All Months</b>
Children who are immigrants/refugees	3	3
Children who are 2 <sup>nd</sup> generation Americans	1	1
Child with mental health needs	0	0
Homeless	0	0
Runaway	4	4
Child/family feelings of distrust towards justice system may have contributed to non-compliance	2	2

<b>Barriers identified</b>	<b># of times identified this month</b>	<b>Total All Months</b>
Transportation	6	6
No childcare	3	3
Parent had to work		0
Didn't receive information for appointment	8	8
Forgot about appointment	13	13
Disconnected phone #	5	5
No current address	0	0
Language barrier	0	0
Child was out of state/area at time of appointment	1	1
Barrier unknown/not identified	0	0

Technique utilized	# of times utilized this month	Total All Months
Reminder phone calls for appointments	36	36
Reminder text messages for appointments	3	3
Assisted with rescheduling appointment	4	4
Provided transportation	6	6
Lined up transportation	1	1

**ACTIVITIES CONDUCTED DURING THIS MONTH:**

Court Cultural Liaison has been focusing on court compliance and ensuring that juveniles attend their diversion programs, informal adjustments and adjudicated hearings. Cultural Liaison utilizes phone calls, text messages, home visits and emails to give reminders and updates to juveniles and their parents. When Communicating with juveniles and their families Cultural Liaison assesses barriers that might prevent the Juvenile or Parent from attending their appointment. The most common barriers are transportation, lack of childcare, and families claiming they were not informed or were not aware of the appointment.

One example of a case would be a juvenile who was referred to a diversion program and also had missed an informal adjustment due to running away from home. Cultural Liaison contacted the juvenile's grandmother who was the legal guardian. The grandmother had a hard time understanding English over the phone, and asked if the cultural liaison could meet in person. When offered interpreter services the grandmother declined and just asked to be spoken to slowly. Cultural Liaison met with the grandmother and explained the diversion program and what an informal adjustment included. The grandmother explained she had no transportation to bring her grandson to the appointment. Cultural Liaison provided transportation on day of the appointment by picking up the grandmother and then picking up the juvenile from school and bringing them both to the juvenile courthouse. Cultural Liaison also provided transportation for this juvenile when the juvenile attended out of school suspension at Youthworks. Cultural Liaison was asked by the juvenile and guardian to sit through the intake. Cultural Liaison also lined up transportation for the juvenile to go to out of school suspension when Cultural Liaison was unable to transport.

**BARRIERS IDENTIFIED:**

Cultural Liaison was able to identify several barriers in attending diversion programs, informal adjustments and adjudicated hearings. The most common barriers included forgetting about the appointment, not being informed of the appointment and transportation.

**POSITIVE OUTCOMES:**

ultural Liaison has been able to address several barriers which affect the attendance of juveniles in the juvenile court system as well as offer families assistance to overcome these barriers.

March 21, 2017

SB2002

Attachment A

**Judicial Branch - Budget No. 180  
Senate Bill No. 2002  
Base Level Funding Changes**

	Senate Version				House Version				House Changes to Senate Version Increase (Decrease) - Senate Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
<b>2017-19 Biennium Base Level</b>	391.00	\$101,591,134	\$2,366,806	\$103,957,940	391.00	\$101,591,134	\$2,366,806	\$103,957,940	0.00	\$0	\$0	\$0
<b>2017-19 Ongoing Funding Changes</b>												
Base payroll changes		\$1,116,796	(\$151,757)	\$965,039		\$1,116,796	(\$151,757)	\$965,039				\$0
<b>Salary increase</b>				<b>0</b>				<b>0</b>				<b>0</b>
Health insurance increase		1,024,590		1,024,590		950,356		950,356		(74,234)		(74,234)
<b>Employee portion of health insurance</b>				<b>0</b>				<b>0</b>				<b>0</b>
Increase payments to contract counties		342,479		342,479		342,479		342,479				0
Remove FTE positions	(35.50)	(3,003,867)		(3,003,867)	(35.50)	(3,003,867)		(3,003,867)				0
Increase funding for information technology		586,475		586,475		586,475		586,475				0
Adjust funding for operating expenses		514,621	(393,210)	121,411		514,621	(393,210)	121,411				0
Adjust funding for judges retirement		817		817		817		817				0
Restore funding for Judicial Conduct Commission salaries and wages		44,725		44,725		44,725		44,725				0
Restore funding for UND central legal research				0		40,000		40,000		40,000		40,000
Restore funding for juvenile court services				0		74,234		74,234		74,234		74,234
Total ongoing funding changes	(35.50)	\$626,636	(\$544,967)	\$81,669	(35.50)	\$666,636	(\$544,967)	\$121,669	0.00	\$40,000	\$0	\$40,000
<b>One-time funding items</b>				<b>\$0</b>				<b>\$0</b>				<b>\$0</b>
No one-time funding items				\$0				\$0				\$0
Total one-time funding changes	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0
<b>Total Changes to Base Level Funding</b>	<b>(35.50)</b>	<b>\$626,636</b>	<b>(\$544,967)</b>	<b>\$81,669</b>	<b>(35.50)</b>	<b>\$666,636</b>	<b>(\$544,967)</b>	<b>\$121,669</b>	<b>0.00</b>	<b>\$40,000</b>	<b>\$0</b>	<b>\$40,000</b>
<b>2017-19 Total Funding</b>	<b>355.50</b>	<b>\$102,217,770</b>	<b>\$1,821,839</b>	<b>\$104,039,609</b>	<b>355.50</b>	<b>\$102,257,770</b>	<b>\$1,821,839</b>	<b>\$104,079,609</b>	<b>0.00</b>	<b>\$40,000</b>	<b>\$0</b>	<b>\$40,000</b>

**Other Sections in Judicial Branch - Budget No. 180**

	Senate Version
Health insurance increase	
Appropriation	Section 3 appropriates to the judicial branch all funds received pursuant to federal acts and private gifts, grants, and donations, for the purpose as designated in the federal acts or private gifts, grants, and donations, for the period beginning July 1, 2017, and ending June 30, 2019.

	House Version
Section 2 identifies the amount of funding included in the bill for the increase in employee health insurance premiums.	
Section 4 appropriates to the judicial branch all funds received pursuant to federal acts and private gifts, grants, and donations, for the purpose as designated in the federal acts or private gifts, grants, and donations, for the period beginning July 1, 2017, and ending June 30, 2019.	

**Other Sections in Judicial Branch - Budget No. 180**

Line item transfers

**Senate Version**

Section 4 requires the Director of the Office of Management and Budget and the State Treasurer to transfer funds between line items of appropriation for the judicial branch of government as requested by the Supreme Court upon a finding by the court that the nature of the duties of the court and its staff requires the transfers to carry on properly the functions of the judicial branch of government.

**House Version**

Section 5 requires the Director of the Office of Management and Budget and the State Treasurer to transfer funds between line items of appropriation for the judicial branch of government as requested by the Supreme Court upon a finding by the court that the nature of the duties of the court and its staff requires the transfers to carry on properly the functions of the judicial branch of government.

UND central legal research - Matching fund requirement

Section 6 provides a matching fund requirement relating to University of North Dakota central legal research.

Study of judicial branch fees

Section 7 provides for a study of fees charged by the judicial branch, including fees charged by the clerk of district court.