

## House Bill 1002

### Senate Appropriations

Jon J. Jensen, Chief Justice

March 7, 2023

Mr. Chairman and members of the Committee, good afternoon. For the record my name is Jon Jensen and I am the Chief Justice of the North Dakota Supreme Court. Our State Court Administrator, Sally Holewa, and our Director of Finance, Don Wolf, will be providing you with detailed information about the judicial branch budget. I have previously had the privilege of appearing before a joint session of the legislature to express some of the priorities within the judicial branch budget. Your time is valuable, I will not repeat those comments, but I will remain available to answer any questions you may have regarding any of my prior comments or the proposed budget.

The budget proposal includes **\$6,447,844** for a 20% and 15% annual salary increase for justices and judges. There are two topics I would like to address that I have not previously discussed. Comparisons to other states and other North Dakota State employees.

First, when making a comparison to compensation paid to judicial officers in other states, it is important to compare the differences in support provided in those other states. Support for judicial officers is an increased cost not reflected in a comparison limited to judicial salaries. North Dakota judicial compensation ranks near the bottom, 45<sup>th</sup>, when compared to other states. In addition, the support provided to judicial officers is far less than provided in other states. For example,

we can compare the support provided in three other states: Wyoming and Idaho, which are similar in size, and Minnesota, which is a neighboring state.

Wyoming provides judges with three support staff per Judge while in North Dakota our trial judges have no staff dedicated to working exclusively with judges. Wyoming allocates approximately 3% of the state's total budget on the Judicial Branch while North Dakota spends .67%. Minnesota provides two support staff per Judge and spends approximately 10% of the state's total budget on the Judicial Branch. Idaho provides two support staff per Judge and the state spends approximately 1% of the state's total budget on the Judicial Branch. In summary, when we compare the cost of judicial positions in North Dakota to other states, I urge you to consider not only salaries, but the total cost. In doing so, it is clear the cost in other states is significantly greater.

I would also like to address concern expressed about providing increases to judicial salaries that, as a percentage, are higher than the increases to other State employees. Higher percentages for judges are appropriate because an increase to judicial salaries are limited general salary increases specifically authorized by statute, an increase also provided in a similar manner to all State employees. The general salary increase is the only way a judicial officer can realize a pay increase. In contrast, other State employees have the following additional options:

Internal equity adjustment – This adjustment allows an increase to existing employee compensation to lift an experienced employee up to market rate. It is a tool to make sure new hires at market rate are not paid more than existing employees.

Performance evaluation increase – Based on an employee’s performance evaluation, an employee can get a pay increase, not to exceed 5%.

Reclassification – An employee’s compensation can be increased based on change of duties.

Promotion – Upon promotion, the employee is entitled to an increase that is at least the minimum of the new salary range.

Temporary increase – Under special circumstances that exceed 30 days, an employee may receive a temporary increase until the special circumstance has resolved.

Performance bonus – A one-time payment for extraordinary work, limited to once per fiscal year, and not to exceed \$1,500.

Retention bonus – An employee in a position that has been identified by the agency as eligible for a retention bonus, may be entitled to a retention bonus if they are anticipating leaving State employment.

Recruitment bonus – A potential employee in the private sector may be paid a recruitment bonus to enter State employment that has been identified by the agency as eligible for a recruitment bonus.

Referral bonus – A current employee may receive a referral bonus for referring someone who is subsequently hired into a position that has been identified by the Human Resources department as hard to fill.

While on its face a general salary increase to judicial salaries in a percentage amount greater than the general salary increase afforded to other State employees may not seem equitable, it is equitable when we consider that the general salary increase is the only increase available to judges. In contrast, as noted in these remarks, there are multiple ways other State employees can increase their compensation between sessions.

I will remain available to answer any questions, but will yield the podium to Ms. Holewa and Mr. Wolf.