

April 30, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2002

Introduced by

Appropriations Committee

In place of amendment (25.0169.02003) adopted by the House, Engrossed Senate Bill No. 2002 is amended by amendment (25.0169.02004) as follows:

1 A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch;
2 to provide an appropriation to the office of guardianship and conservatorship; to create and
3 enact a new subsection to section 54-06-08.2 of the North Dakota Century Code, relating to
4 credit and debit card fees; to amend and reenact sections 27-02-02 and 27-05-03 of the North
5 Dakota Century Code, relating to the salaries of justices of the supreme court and salaries of
6 district court judges; to provide for transfers; to provide for a report; and to provide an
7 exemption.

8 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

9 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
10 as may be necessary, are appropriated out of any moneys in the general fund in the state
11 treasury, not otherwise appropriated, and from other funds derived from special funds and
12 federal funds, to the judicial branch for the purpose of defraying the expenses of the judicial
13 branch, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

14 Subdivision 1.

SUPREME COURT

| | <u>Base Level</u> | <u>Adjustments or Enhancements</u> | <u>Appropriation</u> |
|---------------------------------------|-------------------------|--|-------------------------|
| 17 Salaries and wages | \$12,363,778 | \$1,055,927 | \$13,419,705 |
| 18 New and vacant FTE pool | 8,740,214 | (68,714) | 8,671,500 |

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| | | | | |
|----|--|-------------------------|------------------------|-------------------------|
| 1 | Operating expenses | 2,915,259 | 191,426 | 3,106,685 |
| 2 | Capital assets | 0 | 866,100 | 866,100 |
| 3 | Total all funds | \$24,019,251 | \$2,044,739 | \$26,063,990 |
| 4 | Less other funds | 97,793 | (53,664) | 44,129 |
| 5 | Total general fund | \$23,921,458 | \$2,098,403 | \$26,019,861 |
| 6 | Salaries and wages | \$12,363,778 | \$1,368,155 | \$13,731,933 |
| 7 | New and vacant FTE pool | 8,740,214 | (767,241) | 7,972,973 |
| 8 | Operating expenses | 2,915,259 | 219,534 | 3,134,793 |
| 9 | Office of guardianship and conservatorship | 0 | 375,478 | 375,478 |
| 10 | Capital assets | 0 | 866,100 | 866,100 |
| 11 | Total all funds | \$24,019,251 | \$2,062,026 | \$26,081,277 |
| 12 | Less other funds | 97,793 | (53,664) | 44,129 |
| 13 | Total general fund | \$23,921,458 | \$2,115,690 | \$26,037,148 |

Subdivision 2.

DISTRICT COURTS

| | | | | |
|----|-------------------------------|--------------------------|-------------------------|--------------------------|
| 16 | | Adjustments or | | |
| 17 | | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 18 | Salaries and wages | \$79,576,340 | \$11,134,861 | \$90,711,201 |
| 19 | Operating expenses | 24,524,619 | 3,006,722 | 27,531,341 |
| 20 | Capital assets | 0 | 4,742,216 | 4,742,216 |
| 21 | Judges' retirement | 177,340 | (13,666) | 163,674 |
| 22 | Total all funds | \$104,278,299 | \$18,870,133 | \$123,148,432 |
| 23 | Less other funds | 830,318 | (11,320) | 818,998 |
| 24 | Total general fund | \$103,447,981 | \$18,881,453 | \$122,329,434 |
| 25 | Salaries and wages | \$79,576,340 | \$12,513,343 | \$92,089,683 |
| 26 | Operating expenses | 24,524,619 | 3,318,107 | 27,842,726 |
| 27 | Capital assets | 0 | 5,142,216 | 5,142,216 |
| 28 | Judges' retirement | 177,340 | (13,666) | 163,674 |
| 29 | Total all funds | \$104,278,299 | \$20,960,000 | \$125,238,299 |
| 30 | Less other funds | 830,318 | 4,256,680 | 5,086,998 |
| 31 | Total general fund | \$103,447,981 | \$16,703,320 | \$120,151,301 |

1 Subdivision 3.

2 JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

| 3 | | Adjustments or | | |
|----|---------------------------------|------------------------|----------------------|------------------------|
| 4 | | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 5 | Judicial conduct commission and | \$1,399,862 | \$155,643 | \$1,555,505 |
| 6 | disciplinary board | | | |
| 7 | Total all funds | \$1,399,862 | \$155,643 | \$1,555,505 |
| 8 | Less other funds | 512,317 | (2,779) | 509,538 |
| 9 | Total general fund | \$887,545 | \$158,422 | \$1,045,967 |
| 10 | Judicial conduct commission and | \$1,399,862 | \$181,073 | \$1,580,935 |
| 11 | disciplinary board | | | |
| 12 | Total all funds | \$1,399,862 | \$181,073 | \$1,580,935 |
| 13 | Less other funds | 512,317 | 4,314 | 516,631 |
| 14 | Total general fund | \$887,545 | \$176,759 | \$1,064,304 |

15 Subdivision 4.

| | | | | |
|----|--|-------------------|---------------------|----------------------|
| 16 | Office of Guardianship and Conservatorship | | | |
| 17 | | Adjustments or | | |
| 18 | | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 19 | Office of guardianship and conservatorship | \$0 | \$936,405 | \$936,405 |
| 20 | Total general fund | \$0 | \$936,405 | \$936,405 |

21 ~~Subdivision 5.~~

22 TOTAL - SECTION 1

| 23 | | Adjustments or | | |
|----|--------------------------------|-------------------|---------------------|----------------------|
| 24 | | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 25 | Grand total all funds | \$129,697,412 | \$22,006,920 | \$151,704,332 |
| 26 | Grand total other funds | 1,440,428 | (67,763) | 1,372,665 |
| 27 | Grand total general fund | \$128,256,984 | \$22,074,683 | \$150,331,667 |
| 28 | Full-time equivalent positions | 384.00 | 12.00 | 396.00 |
| 29 | Grand total all funds | \$129,697,412 | \$23,203,099 | \$152,900,511 |
| 30 | Grand total other funds | 1,440,428 | 4,207,330 | 5,647,758 |

| | | | | |
|---|---------------------------------------|----------------------|---------------------|----------------------|
| 1 | <u>Grand total general fund</u> | <u>\$128,256,984</u> | <u>\$18,995,769</u> | <u>\$147,252,753</u> |
| 2 | <u>Full-time equivalent positions</u> | <u>384.00</u> | <u>10.00</u> | <u>394.00</u> |

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE

SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

| | | | | |
|----|---|---------------------|--|--|
| 8 | <u>One-Time Funding Description</u> | <u>General Fund</u> | | |
| 9 | <u>Information technology equipment lease</u> | <u>\$874,216</u> | | |
| 10 | <u>Case management software cloud migration</u> | <u>758,000</u> | | |
| 11 | <u>Clerk filing software</u> | <u>1,250,000</u> | | |
| 12 | <u>Court records access system</u> | <u>960,000</u> | | |
| 13 | <u>Cloud-based storage fees</u> | <u>866,100</u> | | |
| 14 | <u>Courtroom audio and video equipment</u> | <u>800,000</u> | | |
| 15 | <u>Cass County courtroom equipment</u> | <u>100,000</u> | | |
| 16 | <u>Total</u> | <u>\$5,608,316</u> | | |

| | | | | |
|----|--|---------------------|--------------------|--------------------|
| 17 | <u>One-Time Funding Description</u> | <u>General Fund</u> | <u>Other Funds</u> | <u>Total Funds</u> |
| 18 | <u>Information technology equipment</u> | <u>\$874,216</u> | <u>\$0</u> | <u>\$874,216</u> |
| 19 | <u>lease</u> | | | |
| 20 | <u>Case management software cloud</u> | <u>0</u> | <u>758,000</u> | <u>758,000</u> |
| 21 | <u>migration</u> | | | |
| 22 | <u>Clerk filing software</u> | <u>0</u> | <u>1,250,000</u> | <u>1,250,000</u> |
| 23 | <u>Court records access system</u> | <u>0</u> | <u>960,000</u> | <u>960,000</u> |
| 24 | <u>Cloud-based storage fees</u> | <u>866,100</u> | <u>0</u> | <u>866,100</u> |
| 25 | <u>Courtroom audio and video equipment</u> | <u>0</u> | <u>1,200,000</u> | <u>1,200,000</u> |
| 26 | <u>Cass County courtroom equipment</u> | <u>0</u> | <u>100,000</u> | <u>100,000</u> |
| 27 | <u>Total</u> | <u>\$1,740,316</u> | <u>\$4,268,000</u> | <u>\$6,008,316</u> |

SECTION 3. NEW AND VACANT ~~FTE~~ FULL-TIME EQUIVALENT POOL - BUDGET

SECTION REPORT.

1. The supreme court may not spend funding from the new and vacant ~~FTE~~ full-time equivalent funding pool line item in subdivision 1 of section 1 of this Act, but may

transfer funds from this line item to the salaries and wages line items within subdivisions 1 and 2 of this Act, to the guardianship and conservatorship line item within subdivision 1 of this Act, and to the judicial conduct commission and disciplinary board line item within subdivision 3 of this Act, as necessary to provide funding for:

- a. Filling a new position from the date of hire through the end of the biennium; or
- b. Salaries and wages if actual salaries and wages savings from vacant positions and employee turnover, adjusted for other uses, are less than the estimate used by the sixty-ninth legislative assembly in the development of the appropriation.

2. The supreme court shall report to the budget section regarding the use of funding in the pool, including information on:

- a. New ~~FTE~~full-time equivalent positions, including the date hired;
- b. Vacant ~~FTE~~full-time equivalent positions, including information regarding positions that become vacant and positions filled, salaries and wages savings resulting from vacant positions and employee turnover, and the use of salaries and wages savings for other purposes; and
- c. Additional salaries and wages funding needed due to savings from vacant positions being less than anticipated.

3. If funding in the new and vacant ~~FTE~~full-time equivalent pool line item is insufficient to provide the necessary salaries and wages funding for the biennium, the supreme court may request a deficiency appropriation from the seventieth legislative assembly.

SECTION 4. APPROPRIATION. There are appropriated any funds received by the supreme court, district courts, and judicial conduct commission and disciplinary board, not otherwise appropriated, 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, 2025, and ending June 30, 2027.

SECTION 5. APPROPRIATION - OFFICE OF GUARDIANSHIP AND CONSERVATORSHIP. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$355,000, or so much of the sum as may be necessary, to the office of guardianship and conservatorship for the purpose of providing salaries, wages, and operations funding for an attorney position transferred to the office

pursuant to Senate Bill No. 2029, as approved by the sixty-ninth legislative assembly, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 6. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - COURT FACILITIES IMPROVEMENT AND MAINTENANCE FUND. The office of management and budget shall transfer the sum of \$200,000 from the strategic investment and improvements fund to the court facilities improvement and maintenance fund during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 7. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The grand total other funds line item in section 1 of this Act includes the sum of \$4,268,000 from the strategic investment and improvements fund for one-time projects and programs as follows:

| | |
|--|----------------|
| Case management software cloud migration | \$758,000 |
| Clerk filing software | 1,250,000 |
| Court records access system | 960,000 |
| Courtroom audio and video equipment | 1,200,000 |
| Cass County courtroom equipment | <u>100,000</u> |
| Total | \$4,268,000 |

SECTION 8. AMENDMENT. Section 27-02-02 of the North Dakota Century Code is amended and reenacted as follows:

27-02-02. Salaries of justices of supreme court.

The annual salary of each justice of the supreme court is ~~one hundred seventy-nine thousand three hundred twelve dollars through June 30, 2024, and one hundred eighty-six thousand four hundred eighty-four dollars thereafter~~two hundred two thousand three hundred thirty-five dollars~~two hundred seven thousand two hundred forty-nine dollars~~. The chief justice of the supreme court is entitled to receive an additional ~~five thousand seventy-one dollars per annum through June 30, 2024, and five thousand two hundred seventy-four~~six thousand six hundred eighty-one~~seven thousand six hundred forty-seven~~ dollars per annum thereafter.

SECTION 9. AMENDMENT. Section 27-05-03 of the North Dakota Century Code is amended and reenacted as follows:

27-05-03. Salaries and expenses of district judges.

The annual salary of each district judge is ~~one hundred sixty-four thousand five hundred thirty-two dollars through June 30, 2024, and one hundred seventy-one thousand one hundred~~

thirteen dollars thereafter ~~one hundred eighty-three thousand ninety-one dollars~~ one hundred eighty-four thousand three hundred sixty-six dollars. Each district judge is entitled to travel expenses, including mileage and subsistence while engaged in the discharge of official duties outside the city in which the judge's chambers are located. The salary and expenses are payable monthly in the manner provided by law. A presiding judge of a judicial district is entitled to receive an additional ~~four thousand six hundred seventy-five~~ five thousand two hundred ~~two~~ five thousand one hundred sixty-two dollars per annum through June 30, 2024, and four thousand eight hundred sixty-two dollars thereafter.

SECTION 10. A new subsection to section 54-06-08.2 of the North Dakota Century Code is created and enacted as follows:

The judicial branch may charge a reasonable fee not exceeding the discount charged by the credit or debit card issuer. The fee may be added to a payment as a service charge for the acceptance of a payment made by a credit or debit card. The state court administrator shall determine which nationally recognized cards will be accepted for payments made to the judicial branch under this section.

SECTION 11. EXEMPTION - TRANSFERS. Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer appropriation authority between line items in section 1 of this Act, 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.