

2021 SENATE APPROPRIATIONS

SB 2002

Department 180 - Judicial Branch
Senate Bill No. 2002

Executive Budget Comparison to Prior Biennium Appropriations

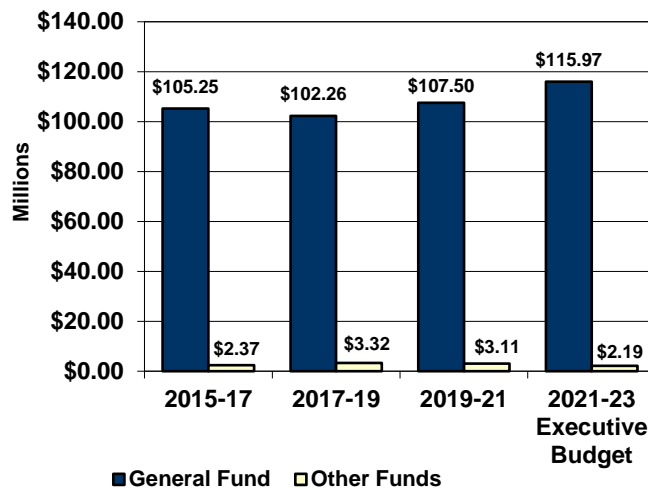
	FTE Positions	General Fund	Other Funds	Total
2021-23 Executive Budget	363.00	\$115,967,211	\$2,194,458	\$118,161,669
2019-21 Legislative Appropriations ¹	363.00	107,503,043	3,112,297	110,615,340
Increase (Decrease)	0.00	\$8,464,168	(\$917,839)	\$7,546,329

¹The 2019-21 biennium agency appropriation amounts have not been adjusted for additional federal Coronavirus (COVID-19) funds authority of \$312,212 resulting from Emergency Commission action during the 2019-21 biennium.

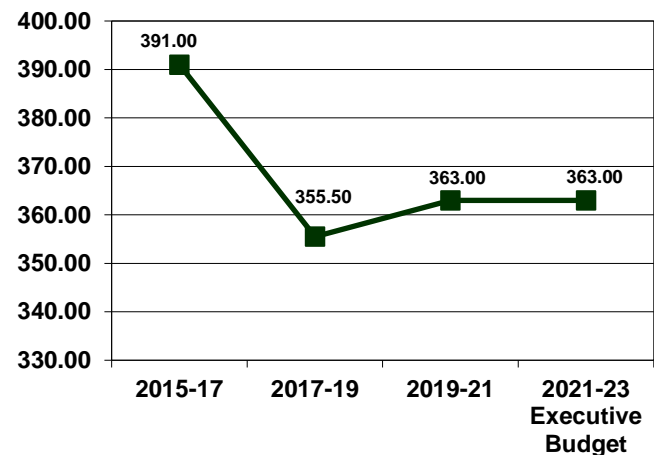
Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2021-23 Executive Budget	\$111,449,611	\$4,517,600	\$115,967,211
2019-21 Legislative Appropriations	107,355,691	147,352	107,503,043
Increase (Decrease)	\$4,093,920	\$4,370,248	\$8,464,168

Agency Funding



FTE Positions



Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2021-23 Executive Budget	\$115,967,211	\$2,194,458	\$118,161,669
2021-23 Base Level	107,355,691	2,142,297	109,497,988
Increase (Decrease)	\$8,611,520	\$52,161	\$8,663,681

Attached as an appendix is a detailed comparison of the executive budget to the agency's base level appropriations.

Executive Budget Highlights

	General Fund	Other Funds	Total
Judicial branch			
1. Provides funding for state employee salary and benefit increases, of which \$1,565,650 is for salary increases, \$17,930 is for health insurance increases, and \$322,502 is for retirement contributions increases	\$1,906,033	\$49	\$1,906,082
Supreme Court			
2. Adjusts funding for base payroll changes	(\$313,751)	\$0	(\$313,751)
3. Adds funding for the Capitol complex rent proposal	\$755,930	\$0	\$755,930
4. Adds funding to lease information technology equipment	\$134,611	\$0	\$134,611
5. Adjusts funding for operating expenses	(\$503,346)	\$0	(\$503,346)
6. Adds one-time funding for a new docket management system	\$2,000,000	\$0	\$2,000,000
7. Adds one-time funding for Zoom remote video equipment	\$32,000	\$0	\$32,000

District courts

8. Adjusts funding for base payroll changes, including employee step increases	\$2,677,719	(\$31,054)	\$2,646,665
9. Removes funding for juvenile intensive in-home services	(\$500,000)	\$0	(\$500,000)
10. Removes funding for youth cultural achievement programs	(\$455,000)	\$0	(\$455,000)
11. Reduces funding for other juvenile service programs	(\$266,086)	\$0	(\$266,086)
12. Adds funding to lease information technology equipment	\$980,397	\$0	\$980,397
13. Adds funding for a veterans' treatment court	\$145,247	\$0	\$145,247
14. Adjusts funding for operating expenses	(\$490,532)	\$63,367	(\$427,165)
15. Adds one-time funding for a juvenile case management system	\$2,000,000	\$0	\$2,000,000
16. Adds one-time funding for Zoom remote video equipment	\$328,000	\$0	\$328,000
17. Adds one-time funding for Wi-Fi access points	\$157,600	\$0	\$157,600

Judicial Conduct Commission

18. Adjusts funding for base payroll changes	\$25,202	\$20,121	\$45,323
19. Adjusts funding for operating expenses	(\$2,504)	(\$322)	(\$2,826)

**Other Sections Recommended to be Added in the Executive Budget
(As Detailed in the Attached Appendix)**

Appropriation - Section 3 would appropriate 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, 2021, and ending June 30, 2023.

Line item transfers - Section 4 would require the director of the Office of Management and Budget to transfer appropriation authority between line items for the judicial branch as requested by the Supreme Court.

Supreme Court justices' salaries - Section 5 would provide the statutory changes to increase Supreme Court justices' salaries by 2 percent each year of the biennium. Supreme Court justices' annual salaries would be increased from the current level of \$163,394 to \$166,662 effective July 1, 2021, and \$169,995 effective July 1, 2022. The Chief Justice of the Supreme Court would be entitled to receive an additional \$4,713 per annum effective July 1, 2021, and an additional \$4,808 per annum effective July 1, 2022, an increase from the current additional amount for the Chief Justice of \$4,624 per annum.

District judges' salaries - Section 6 would provide the statutory changes to increase district court judges' salaries by 2 percent each year of the biennium. District court judges' annual salaries would be increased from the current level of \$149,926 to \$152,925 effective July 1, 2021, and \$155,983 effective July 1, 2022. A presiding judge of a judicial district would be entitled to receive an additional \$4,345 per annum effective July 1, 2021, and an additional \$4,432 per annum effective July 1, 2022, an increase from the current additional amount for presiding judges of \$4,260 per annum.

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.

Significant Audit Findings

There are no significant audit findings for the judicial branch.

Major Related Legislation

House Bill No. 1035 - Amends law relating to juvenile justice and the Juvenile Court Act.

House Bill No. 1036 - Provides for a Legislative Management study of juvenile justice during the 2021-22 interim.

House Bill No. 1048 - Allows the court to require a guardian to obtain a bond.

House Bill No. 1049 - Provides for restrictions on visitation, communication, and interaction with a ward.

Senate Bill No. 2057 - Provides for the court to authorize the sale or transfer of ownership of the property of a ward.

Senate Bill No. 2082 - Adjusts responsibilities between the clerk of court and the child support agency.

Senate Bill No. 2105 - Amends law relating to the retaking of an offender under supervision in another state.

Judicial Branch - Budget No. 180
Senate Bill No. 2002
Base Level Funding Changes

	Executive Budget Recommendation			
	FTE Positions	General Fund	Other Funds	Total
2021-23 Biennium Base Level	363.00	\$107,355,691	\$2,142,297	\$109,497,988
2021-23 Ongoing Funding Changes				
Base payroll changes		\$2,389,170	(\$10,933)	\$2,378,237
Salary increase		1,565,610	40	1,565,650
Retirement contribution increase		322,494	8	322,502
Health insurance increase		17,929	1	17,930
Adjusts funding for Supreme Court operations		(503,346)		(503,346)
Adjusts funding for district court operations		(490,532)	63,367	(427,165)
Adjusts funding for Judicial Conduct Commission operations		(2,504)	(322)	(2,826)
Removes funding for juvenile intensive in-home services		(500,000)		(500,000)
Removes funding for youth cultural achievement programs		(455,000)		(455,000)
Reduces funding for other juvenile service programs		(266,086)		(266,086)
Adds funding to lease IT equipment		1,115,008		1,115,008
Adds funding for a veterans treatment court		145,247		145,247
Adds funding for the Capitol complex rent proposal		755,930		755,930
Total ongoing funding changes	0.00	\$4,093,920	\$52,161	\$4,146,081
One-time funding items				
Adds one-time funding for Zoom remote video equipment		\$360,000		\$360,000
Adds one-time funding for district court Wi-Fi access points		157,600	\$0	157,600
Adds one-time funding for a new juvenile case management system		2,000,000	0	2,000,000
Adds one-time funding for a new Supreme Court docket management system		2,000,000	0	2,000,000
Total one-time funding changes	0.00	\$4,517,600	\$0	\$4,517,600
Total Changes to Base Level Funding	0.00	\$8,611,520	\$52,161	\$8,663,681
2021-23 Total Funding	363.00	\$115,967,211	\$2,194,458	\$118,161,669
<i>Total ongoing changes as a percentage of base level</i>	0.0%	3.8%	2.4%	3.8%
<i>Total changes as a percentage of base level</i>	0.0%	8.0%	2.4%	7.9%

Other Sections in Judicial Branch - Budget No. 180

	Executive Budget Recommendation
Appropriation	Section 3 would appropriate 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, 2021, and ending June 30, 2023.

Other Sections in Judicial Branch - Budget No. 180

Executive Budget Recommendation

Line item transfers

Section 4 would require the director of the Office of Management and Budget to transfer appropriation authority between line items for the judicial branch as requested by the Supreme Court.

Supreme Court justices' salaries

Section 5 would provide the statutory changes to increase Supreme Court justices' salaries by 2 percent each year of the biennium.

District judges' salaries

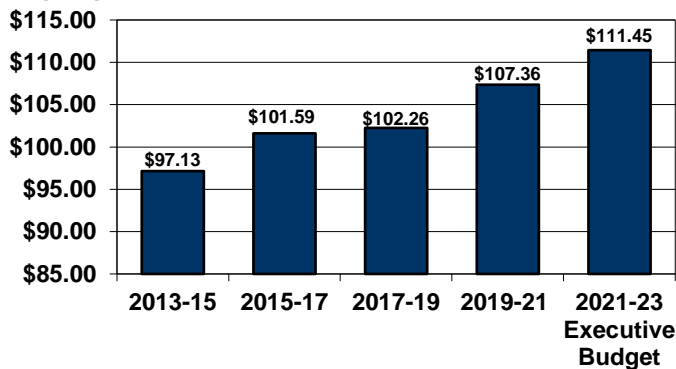
Section 6 would provide the statutory changes to increase district court judges' salaries by 2 percent each year of the biennium.

Department 180 - Judicial Branch

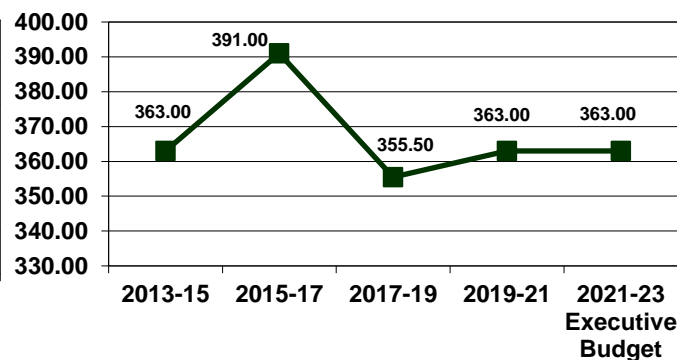
Historical Appropriations Information

Ongoing General Fund Appropriations Since 2013-15

Ongoing General Fund Appropriations (in Millions)



FTE Positions



Ongoing General Fund Appropriations					
	2013-15	2015-17	2017-19	2019-21	2021-23 Executive Budget
Ongoing general fund appropriations	\$97,133,117	\$101,591,134	\$102,257,770	\$107,355,691	\$111,449,611
Increase (decrease) from previous biennium	N/A	\$4,458,017	\$666,636	\$5,097,921	\$4,093,920
Percentage increase (decrease) from previous biennium	N/A	4.6%	0.7%	5.0%	3.8%
Cumulative percentage increase (decrease) from 2013-15 biennium	N/A	4.6%	5.3%	10.5%	14.7%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2015-17 Biennium

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. Increase funding for operating expenses (this item was affected by the August 2016 budget reductions) \$1,074,354

2017-19 Biennium

1. Removed 32 FTE positions (\$2,801,754)
2. Increased funding for operating expenses, including information technology costs \$1,101,096
3. Increased funding for payments to contract counties for clerk of court services \$342,479

2019-21 Biennium

1. Added 7.5 FTE positions, including 1 new district judge \$1,459,508
2. Reduced funding for miscellaneous expenses, including equipment, information technology, and other operating expenses (\$757,971)
3. Added funding for drug court in the Southeast Judicial District \$125,240

2021-23 Biennium (Executive Budget Recommendation)

1. Removes funding for juvenile intensive in-home services (\$500,000)
2. Removes funding for youth cultural achievement programs (\$455,000)
3. Adds funding to lease information technology equipment \$1,115,008
4. Adds funding for the Capitol complex rent proposal \$755,930

JUDICIAL BRANCH REQUEST WITH THE GOVERNOR'S RECOMMENDATION FOR STATE EMPLOYEE COMPENSATION CHANGES AND RENT

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the judicial branch for the purpose of defraying the expenses of the judicial branch, for the biennium beginning July 1, 2021, and ending June 30, 2023 as follows:

Subdivision 1.

SUPREME COURT

	<u>Base Level</u>	Adjustments or <u>Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,338,720	(\$55,661)	\$11,283,059
Operating expenses	2,705,762	400,262	3,106,024
Capital assets	0	2,032,000	2,032,000
Guardianship monitoring program	<u>283,042</u>	<u>5,462</u>	<u>288,504</u>
Total general fund	\$14,327,524	\$2,382,063	\$16,709,587

Subdivision 2.

DISTRICT COURTS

	<u>Base Level</u>	Adjustments or <u>Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$73,242,268	\$4,410,569	\$77,652,837
Operating expenses	20,396,902	(465,746)	19,931,156
Capital assets	0	2,328,000	2,328,000
Judges' retirement	<u>280,332</u>	<u>(66,086)</u>	<u>214,246</u>
Total all funds	\$93,919,502	\$6,206,737	\$100,126,239
Less estimated income	<u>1,659,596</u>	<u>32,362</u>	<u>1,691,958</u>
Total general fund	\$92,259,906	\$6,174,375	\$98,434,281

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

	<u>Base Level</u>	Adjustments or <u>Enhancements</u>	<u>Appropriation</u>
Judicial conduct commission and disciplinary board	<u>\$1,250,962</u>	<u>\$74,881</u>	<u>\$1,325,843</u>
Total all funds	\$1,250,962	\$74,881	1,325,843
Less estimated income	<u>482,701</u>	<u>19,799</u>	<u>502,500</u>
Total general fund	\$768,261	\$55,082	\$823,343

Subdivision 4.

BILL TOTAL

	<u>Base Level</u>	Adjustments or <u>Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$107,355,691	\$8,611,520	\$115,967,211
Grand total special funds	<u>2,142,297</u>	<u>52,161</u>	<u>2,194,458</u>
Grand total all funds	\$109,497,988	\$8,663,681	\$118,161,669
Full-time equivalent positions	363	0	363

SECTION 2. ONE-TIME FUNDING - REPORT TO SIXTY-EIGHTH LEGISLATIVE

ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the 2021-23 one-time funding items in section 1 of this Act:

<u>One-time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
Copy machines	\$82,500	\$0
Audio and visual equipment	64,852	0
Supreme court law library remodel	970,000	0
Juvenile case management system	0	2,000,000
Supreme court docket management system	0	2,000,000
Wi-Fi access points installation	0	157,600
Zoom remote video equipment	0	360,000
Total all funds	\$1,117,352	\$4,517,600
Less estimated income	970,000	0
Total general fund	\$147,352	\$4,517,600

The 2021-23 one-time funding amounts are not a part of the entity's base budget for the 2023-25 biennium. The supreme court shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2021, and ending June 30, 2023.

SECTION 3. 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, 2021, and ending June 30, 2023.

SECTION 4. TRANSFERS. 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.

SECTION 5. 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 fifty-nine thousand four hundred nine dollars through June 30, 2020~~ one hundred sixty-six thousand six hundred sixty-two dollars through June 30, 2022, and ~~one hundred sixty-three thousand three hundred ninety-four~~ one hundred sixty-nine thousand nine hundred ninety-five dollars thereafter. The chief justice of the supreme court is entitled to receive an additional ~~four thousand five hundred eight dollars per annum through June 30, 2020~~ four thousand seven hundred thirteen dollars per annum through June 30, 2022, and ~~four thousand six hundred twenty-one~~ four thousand eight hundred eight dollars per annum thereafter.

SECTION 6. 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 forty-six thousand two hundred sixty-nine dollars through June 30, 2020~~ one hundred fifty-two thousand nine hundred twenty-five dollars through June 30, 2022, and ~~one hundred forty-~~

~~nine thousand nine hundred twenty-six~~one hundred fifty-five thousand nine hundred eighty-three dollars thereafter. 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 one hundred fifty-six dollars per annum through June 30, 2020~~four thousand three hundred forty-five dollars per annum through June 30, 2022, and ~~four thousand two hundred sixty~~four thousand four hundred thirty-two dollars thereafter.

2021 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

SB 2002
1/8/2021
Senate Appropriations

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

Chairman Holmberg called the hearing to order at 8:33. Senators Holmberg, Krebsbach, Wanzek, Bekkedahl, Poolman, Erbele, Dever, Oehlke, Rust, Davison, Hogue, Sorvaag, Mathern, and Heckaman were present.

Discussion Topics:

- Agency Overview
- IT Charges
- Youth Cultural Achievement Program
- Evidence based services

Sally Holewa, State Court Administrator, gave an overview of the Judicial Branch – Testimony in favor #276.

Don Wolf, Director of Finance – testimony in favor #148.

Chief Justice Jon Jensen clarified the departments decisions on judicial programs.

Additional written testimony:

Tony J. Weiler, Executive Director, State Bar Association of ND – testimony in favor #266.

Senator Holmberg closed the hearing at 10:00 AM.

Rose Laning, Committee Clerk

**Senate Bill 2002
Senate Appropriations Committee**

**Testimony Presented by Sally Holewa
State Court Administrator
January 8, 2021**

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 appropriation 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 Attorney Disciplinary Board (JCCDB). Our appropriation request for the 2021-2023 biennium is **\$118,161,669**. This is an increase of **\$8,663,681** from our 2019-2021 base budget. The increase primarily consists of one-time funding requests and increased salary and benefit costs.

Salary and Benefits - \$4,932,868

Our budget request includes **\$1,906,082** to cover the executive branch compensation package. This includes the cost for proposed salary increases, and increased health insurance and retirement contributions. It also includes **\$1,729,688** to cover the cost to continue 2019-2021 salary increases

Our budget proposal also includes a 2% per year increase in supreme court justice and district court judge salaries. The cost for this increase would be **\$648,549**. As always, it is our request that if the legislature settles on a more

generous increase for state employees that the same increase be extended to our judicial officers.

One-Time Funding - \$4,517,600

Juvenile Case Management System: We are requesting **\$2 million** for the replacement of our juvenile case management system. Our current juvenile case management system is an off-the-shelf system that runs on an Oracle database and was purchased in 1998. There are enough technological and functional deficiencies in the system that a complete replacement is necessary in order to reach our goals. Some of these goals include better data retrieval and analysis, electronic filing and storage of documents, automated work processes, text messaging, and integration with software used by the division of juvenile services, department of human services, and the department of transportation. In October, 2020 we were notified by the vendor that they would no longer be providing any updates or modifications to this system. Long before we received that notice, we began looking for a replacement system. In fact, our original request to the legislature for funds to replace the system was in 2015. We renewed that request in 2017 but omitted it in 2019 due to the budget situation.

Supreme Court Docket System: We are requesting **\$2 million** for the replacement of the Supreme Court Docket System. The current docket management system is a homegrown system built in 1993 that has since migrated to using MS SQL Server as a database. The vendor who wrote the system employed a single individual capable of supporting the system. The vendor closed his business in 2019 and his employee left to pursue full-time work elsewhere. Give these circumstances, migration to an off-the-shelf

commercial case management system is the most prudent course of action to preserve existing case records and to take of functionality offered by newer software systems. Some of these advances include true electronic filing and electronic document storage, automated workflow, integrated accounting packages, and integrated collaboration tools.

Courtroom and Conference Room Video Equipment: We are requesting \$360,000 for video equipment for 41 courtrooms and 4 conference rooms. This equipment is necessary for us to hold hearings and meetings using Zoom. The North Dakota Court System, like most court systems in the United States, has chosen Zoom as its preferred platform because of its ability to meet the unique needs of courts. There is a company that produces a piece of Zoom-specific equipment, called D-TEN, that we are using to quickly convert courtrooms and conference rooms that have no video-capability at all into “Zoom Rooms.” These additional zoom rooms will greatly increase the number of hearings we can hold remotely and are a major component in our plan to address the backlog of cases that has been created due to the pandemic.

Courtroom Wi-Fi Access: We are requesting \$157,600 to install wi-fi access points in 80 courtrooms. As many of you know, our court records are maintained in electronic format so it is imperative that the judge and attorneys have access to them while in the courtroom. Additionally, many more attorneys are now maintaining their files electronically and most of the legal reference that a judge or attorney might need during a court proceeding are electronic. There are also more types of wireless technology being used

in courtrooms. These 80 courtrooms we have identified have weak wi-fi signals that need to be supplemented with additional access points.

There are just a few other areas I want to touch on, although they do not have a significant budget impact.

Veterans Treatment Court - \$145,247

Our appropriation request includes \$145,247 to establish a veteran's treatment court. The authorization for the court will be in a separate bill. A veterans treatment court operates similar to a drug court but is limited to veterans, including active service members, who have been charged with a crime and whose conduct is considered to be the result of a service-related trauma. It is not a get out of jail free card for veterans but a more intensive, problem-solving approach to rehabilitating defendants.

Expedited Mediation Program - \$150,000

Since 2008 the Court has had a family mediation program to assist parents with issues related to parenting time (visitation) and parenting responsibility (custody). This is a highly successful program with a 75% settlement rate and an 86% satisfaction rate. However, we quickly realized with the pandemic that we needed a faster and easier way to help parents with those issues so we created the expedited mediation program as a pilot project.

This program is free, voluntary, and designed to be completed within 7 days from the date mediation is requested. A parent or legal guardian can request mediation by filling out an online request form. There is no need to file a motion with the court. The only caveat to participating is that there must be

a current North Dakota parenting time order, parenting plan, or court-ordered visitation schedule in place. In the 9 months the program has been in place, there have been 137 requests for its use. The parties were able to reach agreement in 71% of the cases. Because of the high settlement and satisfaction rates we have **included \$150,000** in our appropriation request so we can continue offering this program.

Clerk of Court Services

We are requesting \$4,953,974 for the clerk of court services that we obtain through contracts with 39 counties. This is a slight increase of \$25,034 from the current appropriation. The amount is based on the number and types of cases filed during the period of January 2018 through January 2020 and the court staff salary in effect on January 2020.

Since 2001, clerk of court services are delivered in two ways in North Dakota. In fourteen counties,¹ 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.

I have attached a copy of Chief Justice Jensen's State of the Judiciary speech from this past Tuesday. During that speech, he discussed a future plan to

¹ The fourteen counties where clerk offices are state employees are: Barnes, Burleigh, Cass, Grand Forks, McKenzie, Morton, Ramsey, Richland, Rolette, Stark, Stutsman, Walsh, Ward, and Williams. Seven counties are eligible to transfer clerk services to the state but have elected to retain those services. Those counties are: Bottineau, Dunn, McLean, Mercer, Mountrail, Pembina and Traill.

move the remaining contract clerk counties to state funding. Doing this will provide us with greater flexibility in assigning work and will allow us to provide better oversight and consistency in the services that are delivered.

Federal Funds

This budget includes an increase in federal funding of **\$32,362** in the Court Improvement Program grants. Court Improvement Grants are awarded to each state to study and strengthen their response to abused and neglected children. This grant funds three temporary staff positions. The federal fund portion of this project is **\$404,315**. We are able to use in-kind services as the required 15% state match for the grants.

We also get federal funds for work we do to establish and enforce child support obligations. This budget anticipates a decrease in these funds of **\$155,281** because of the decrease in the number of hearings we have had during the pandemic. The Court pre-filed a separate bill, SB 2082, which would move some child support duties from the clerks of court to the child support unit. If this bill pass the federal funds would follow the duties.

Law Library Remodel/Savings from Building Rent

In this current biennium we had an appropriation of \$970,000 to remodel our law library space into office space for our IT Department. That project is largely done but we are still waiting on some punch list items to be completed before we can close it out. I do not have a final project cost today but I am confident we are within our budget for the project.

By moving our IT department back to the Capitol we will be saving \$246,500 in rent and \$10,000 in janitorial services per biennium.

I am sure that you are aware that the governor has proposed that general fund entities pay rent for capitol grounds space. If this proposal is adopted, the court system would pay \$755,930 in rent during the 2021-2023 biennium. This amount is included in our appropriation bill.

Juvenile Services – Decrease of \$1,221,086

Finally, I want to touch on one area where we have significantly decreased our appropriation request from prior years. That area is in juvenile services. In drafting our appropriation request, we tried very hard to keep to a minimal increase. To do this, we had to cut in some areas. The biggest cuts were made in juvenile services.

We eliminated in-home family counseling for families in child abuse and neglect cases which resulted in a budget savings of \$500,000. This was not an easy cut for us to make because we recognize the value in getting these services to families at the earliest opportunity. However, we are hopeful that the Department of Human Services will be able to pick up these services through the shared services fund they have proposed.

We eliminated the three youth cultural achievement programs we have been providing. In Bismarck and Devils Lake these programs work with Native American children and their families and in Fargo they work with new Americans and their families when a child has been charged with a delinquent offense. These cuts resulted in a budget savings of \$455,000.

We were also able to save an additional \$266,086 by reducing funding for the Day Report Program, which is an afterschool program that provides tutoring and life skills training for children under the supervision of the court, and by reducing funding for the victim-centered restorative justice and accountability conferencing programs run by Lutheran Social Services.

Conclusion

I have attached some additional information about the court system that is not specifically related to our appropriation request. I will be happy to run through that information or let you review it on your own at some other time if that is preference of the committee chair.

Don Wolf, our Director of Finance, will provide more details of our budget request in his presentation.

State of Judiciary Address
Jan. 5, 2021

By Chief Justice Jon Jensen

Thank you for the invitation to report on the state of the judiciary and appear before a Joint Session of the 67th Legislative Assembly of the State of North Dakota. Speaker Koppelman, Lieutenant Governor Sanford, Governor Burgum, members of the House and Senate, elected officials and colleagues on the trial and Supreme Court bench.

This room has special significance to a lot of people. It has special significance to me as well. This room was the location of several significant events in my life. In the fall of 1990, along with my spouse Linda Bata, I was sworn in as a lawyer in these chambers. In the winter of 1991, while working for former Chief Justice Ralph Erickstad, I listened to the state of the judiciary presentation in this room. In 2017, it was the location of my investiture to the North Dakota Supreme Court. Today, I am honored to stand in this room and report on the state of the judiciary.

The judicial branch mission is to provide the people, through an independent judiciary, equal access to fair and timely resolution of disputes under the law. Not only do I believe the judicial branch is meeting this stated mission, I firmly believe we are meeting that mission in an exceptional manner.

I hold that belief for three reasons: the people that are in our judicial system, the partnership we have with the executive branch, and the funding that is provided by this legislature.

I would like to start with the people who are in the judicial system and are performing in an exceptional manner. We have 53 trial court judges in North Dakota, we have five judicial referees, eight judicial districts and 53 clerk of court offices.

In most years we handle approximately 180,000 new cases or reopened cases. Our trial judges are elected, with vacancies filled by temporary appointments until the next general election.

We expect a lot from our district court judges. They are judges of general jurisdiction. What that means is our district court judges will handle family law cases, they will handle criminal cases, car accidents, and contract disputes. Although it's a separate court, they're the same judges who staff our juvenile court system.

On any given day our trial court judges may handle criminal appearances in the morning, later in the morning they may handle a family law matter, and in the afternoon maybe work on juvenile court matters. While it's not unique, it is unusual. Many states have specialist judges that handle either criminal dockets or civil dockets, family law dockets or probate dockets. We expect our judges to know all those subject areas. Our judges work hard. In an average year they are assigned approximately 2,900 new cases and 500 reopened files.

Each of our judicial districts have different challenges. The larger populations in the Northeast Central Judicial District, the East Central Judicial District, the South Central Judicial District and the North Central Judicial District require us to maximize efficiencies in scheduling.

The increase in commercial activity as a result of oil production has imposed significant demands in the Southwest Judicial District and the Northwest Judicial District. Those demands are often lagging: as economic activity increased people were happy and there were fewer disputes; as productivity decreased people became less satisfied and disputes actually increased. Our caseloads in the Southwest Judicial District and the Northwest Judicial District are increasing rather than decreasing.

The Southeast Judicial District and the Northeast Judicial District provide challenges of geography. The Northeast Judicial District has six judges covering 11 counties. Those counties include Pembina County in the east all the way over to Renville County on that district's western border. The Southeast Judicial District has seven judges covering 14 counties. They travel from Richland County in the southeast to Wells County in the center of the state.

The pandemic has raised significant challenges to all our district court judges but I am proud to stand here and say that all 53 of our district court judges as well as all five of our judicial referees continue to provide essential services to your constituents and to all of the State of North Dakota.

In mid-March the North Dakota Supreme Court suspended jury trials statewide and provided guidelines on court operations in response to the pandemic. Our presiding judges were given authority to suspend hearings and trials at the district court level after July. Presiding judges have been considering several factors, including the health and safety of our participants, when deciding whether to suspend court hearings or trials.

Our courts have remained open both in person and using reliable electronic means. Many of our judges excelled at using reliable electronic means. Our reliable electronic means workgroup led by Justice Daniel Crothers included many judges, clerks of court, and administrative personnel. Judge McCullough and Stiel in the East Central Judicial District, Judge McCarthy in the Northeast Central Judicial District and Judge Clark in the Southeast Judicial District, just to name a few, were very adapted to using live electronic means, holding dozens of hearings in single court sessions.

Judge Robin Schimdt, who is the presiding judge in the Northwest Judicial District and has an office in Watford City, explained the need to remain open as follows, and I believe it is a great summary of why the courts needed to remain open. She said that suspending jury trials and trials in general is detrimental to our system. It erodes faith and trust in the judiciary. People depend on governmental functions, especially during challenging times. Precautions can be taken to alleviate risk, however courts are pivotal to protecting citizens and their property and must remain open and accessible in a format that has been tested by time and experience.

Reliable electronic means is not a replacement for in person proceedings, but used in conjunction with in person proceedings it is a fantastic tool for ensuring the prompt and fair resolution of cases. Our judges have used reliable electronic means to complete their essential court functions.

What our judges did during the past year has been truly amazing. An additional group of people within our judicial system, and the largest group of people within the judicial branch, are our clerk of court staff. Those clerk of court staff work in 53 different county offices, one in each county. They are responsible for all of our recording and record keeping and processing filings.

In 2019 former Chief Justice Gerald VandeWalle expressed his concern in his state of the judiciary address that our clerk of court staff is understaffed. When we were previously asked to reduce our budget we set a goal of 82 percent staffing in our clerk of court offices.

Because of increased filings in Grand Forks County and in Cass County, Grand Forks County was operating at 70 percent staff and Cass County was operating at 60 percent staffing. Funding for Cass County and Grand Forks County was addressed in the 2019 legislative session by adding an additional clerk of court staff person to each of those counties. Thank you. We appreciate the additional staffing. It has improved docket currency in both of those districts.

We remain understaffed in our clerk of court offices. As we will discuss later regarding future legislative priorities, we believe we can resolve this issue primarily internally. In addition we will be proposing legislation in 2023 that will continue our growth.

During the pandemic the majority of our clerk of court staff transitioned to working at home and they have been remarkable. We have experienced very minimal initial delays in filings and no delays currently in filing. We continue to meet our benchmarks in our clerk of court offices and we continue to process filings in a timely manner.

In our district courts we have juvenile court staff. Our juvenile court staff is a model for other states. Where other states see 80 percent of their juvenile case being resolved by a judicial officer, we see 80 percent of ours being resolved before the necessity of court intervention. Interaction with juveniles is essential. Working with our court administration staff and our information technology staff, our juvenile court officers were able to make contact with both juveniles and their families during the pandemic.

Later in my remarks with regards to the legislature partnership we have we will discuss House Bill 1036 and I believe it is an important bill for you to consider, although it is not one of our pending bills.

People are one of the three keys to our exceptional judicial system here in North Dakota. Our employees are dedicated, they are essential, and they are truly the engine of what runs the judicial system. We also have executive branch partners and I believe that is the

second key to the foundation of our exceptional judicial system – it would not be possible without the executive branch partnership.

A prime example occurred during the previous year. Correctional centers have a continuous flow of individuals into detention, either awaiting trial or serving a sentence of less than one year. All of that is continuous, it does not stop because of a pandemic. That is usually balanced by an outflow of individuals who have gone to trial and are acquitted, or gone to trial and are convicted and are either being sent to the state penitentiary or some other form of release.

During the pandemic, the state penitentiary stopped admitting new inmates in order to control its COVID issues. Correctional centers did not have that luxury. When someone is arrested for a violent crime and poses a risk to society they are detained. When we suspended jury trials until July, which further compounded the problem because now there was no outflow from our regional correctional centers. Working with the regional correctional centers, the county commissioners, as well as the state penitentiary, we were able to restore balance before there were any significant outbreaks within our regional correctional centers.

Our juvenile courts also have many connections to the executive branch. Our juvenile courts are most effective when there are placement options for juveniles at risk, either because of deprivation, neglect or abuse or in instances where a juvenile is in need of treatment. Using treatment as an example – judges and juvenile court officers often determine treatment is the best course of action for a juvenile, but the judicial system does not and should not operate treatment facilities. The judicial branch does not and should not have treatment providers. Those are executive branch functions.

Over the past biennium the lack of treatment options has become substantially deficient. Working with Chris Jones and his staff at the Department of Human Services as well as the Department of Juvenile Services we were able to secure a small number of additional placement options for juveniles. Unfortunately, even those small gains were eliminated when additional private providers elected not to continue juvenile treatment.

Our juvenile courts cannot function as intended without adequate placement options. While providing treatment services is not a judicial branch function, the juvenile court depends on adequate placement options. I encourage the legislature to look closely at the executive branch's requests in regard to funding juvenile court placement options.

We also have a relationship with counties. As most of you know our facilities for our trial courts are county facilities. County commissions have been outstanding partners with our trial courts and were outstanding partners during the pandemic. We are thankful for all of the resources that our counties have provided.

The judicial branch has an endless interaction with the executive branch we are proud of the cooperation that we have with state agencies, the governor's office and other state departments. Those partnerships are the second key in our exceptional judicial system.

The third key in our exceptional judicial system is legislative funding. We would not be an exceptional judicial system without the funding provided by this legislature.

First I want to thank you for the funding provided in the previous legislative session. The additional juvenile court officer, the additional recorder, the additional judicial officer, the staff for the North Dakota Judicial Conduct Commission and Attorney Disciplinary Board, the additional clerk of court and deputy clerks were appreciated. We believe we have been good stewards of those funds and we believe we will be good stewards of the funds we are provided in the future.

One example of our stewardship of these public funds was demonstrated by our response to social distancing requirements in the pandemic. The district courts needed a solution to allow staff to maintain an official recording of public proceedings while also being efficient and safe. However, the current network configuration and software was not going to provide a good long-term and cost effective solution to meet the need. The court used CARES funds to upgrade sound mixers and then purchased new recording software. That software solution provides the ability to record official court records from anywhere the staff has internet connectivity, including their home or their office, thus keeping them safe by minimizing close contact and maintaining social distancing.

In December, an electronic court recorder in the Northeast Central Judicial District piloted the new software. The judge, electronic court recorder, clerk of court, and all of the parties appeared electronically from different locations without a single person being in the courtroom. The electronic court recorder was able to utilize the interactive television system along with our new software and the recording software to operate both systems remotely.

There are additional features of the software that will make the staff more efficient, including the ability to create tags within the records. The additional capabilities of the software will also be explored with regard to efficiency. We currently expect that we can now do artificial transcription with accuracy close to 90 percent. Staff across the state are being trained on new software as it is being rolled out to the districts with the goal of statewide use by early spring of 2021. Our information technology staff and Justice Jerod Tufte have been instrumental in our technology changes.

During the upcoming legislative session, Sally Holewa, our state court administrator, and others will provide you with the specifics of our budget request. I have a few highlights I would like to discuss today.

When considering our current funding budget request there are three concepts that the judicial branch will keep in mind. Our funding should be driven by looking forward through the windshield not backwards through a rear view mirror. It is unlikely that yesterday's needs will be the same as our needs 5 to 10 years from now. It's much easier to change how we operate in anticipation of changes rather than as a reaction to change.

In December we provided a report to legislative management regarding court reporters. There were many people involved but I would like to extend a special thank you to Senator David Hogue. The report accurately reflects where the judicial system is at and it also provide us an opportunity to look forward to assess our future needs and to anticipate change.

That study provided us with the knowledge of how little support our trial judges are provided and how the recording function is better suited for the clerk of court's office. Fifty-nine percent of our reporter recorder time is actually in the courtroom, 25 percent of their time is transcript related and only 16 percent is spent supporting judges. Internally we have begun a pilot program to reorganize our allocation of resources, moving the recording duties to the clerk of court's office, ultimately eliminating manual transcription through artificial transcription and adopting the electronic record as our official record rather than a paper copy of the record, leveraging our new recording equipment, and reallocating support staff to roles directly supporting judges with research.

At the end of our reallocation it is our anticipation, without any request to this legislature for additional FTEs, we will be able to increase the staffing in our clerk of courts offices by a minimum of 10 FTEs. When fully automated transcription is available we anticipate that there will be an additional equivalent of 10-12 FTEs. At the same time as we increase direct support to judges, we will increase public access to our courts by providing low or no cost transcripts for appeal and we will be closer to meeting our fully funded and staffed clerk of court offices. All of this will be accomplished internally and again without the need for additional legislative funding.

I would like to talk about one of the other legislative initiatives and that is the child support initiative that will be heard in the judiciary committee tomorrow. In partnership with North Dakota Child Support Enforcement, we have begun removing our clerks of court from child support functions. This is a process that actually began several years ago. Those functions are properly an executive branch function.

The courts have previously initiated orders to show cause on behalf of a party, but that is not appropriate for the judicial branch. We do not issue similar orders without a motion by a party in any other civil proceeding. The judicial branch is the appropriate forum for resolving child support issues and in enforcement of child support issues, but we should not be acting as an extension of one of the parties or acting as an extension of the executive branch.

The child support computer system is also not compatible with our computer system. Despite valiant efforts we cannot make our computer system compatible. This session we are asking the legislature to remove the courts from that process.

I also want to discuss electronic filing. While it is not our request, the courts support the current initiative by the Attorney General's Office to bring our county state's attorney's offices into electronic filing of initial criminal proceedings. Our state's attorney's offices are the only parties that are exempt from electronic filing requirements. In some counties

this accounts for up to 20 percent of our deputy clerk of court's time. We have started the project of converting the state's attorney's offices to electronic filing, but it needs funding to continue and sufficient funding to complete it within a reasonable amount of time.

We also have two major technology projects that we are asking the legislature to fund – both are long overdue. One is a document management system for our juvenile courts. Providing service to juveniles should not be impaired by deficiencies in our processing of documentation. The second is a docket management system for the Supreme Court. Our current system was designed as a unique system in 1994. The designer of that system is no longer working and is no longer providing service. The current system cannot be integrated into the same system used by our district courts.

As I mentioned earlier, also pending before the legislature is House Bill 1036, a rewrite of our juvenile justice process. I want to thank Representative Klemin and Justice Lisa Fair McEvers for their work on this project as well as the work of others on this project. It is an important step in reforming our juvenile laws. While not a judicial branch request, we support House Bill 1036.

We are also looking forward to the 2023 legislative session. I realize you have a lot on your plates now, but sometimes it's helpful to discuss into the future what the judicial branch will be looking at in coming years. We are attempting to plan 5-10 years ahead. In the 2023 legislative session we will be asking for complete integration of the county clerk of court offices into the state judicial system.

Currently, the judicial system works and operate with 35 contract counties and the rest of the counties are state counties. We contract with the counties for services by their clerk of court offices. The judicial system is committed to providing service in every county in the State of North Dakota. During the pandemic we confirmed this by having clerks located in every county. We have confirmed that that's beneficial and it does not impede our ability to allocate those resources statewide.

However, because the majority of our clerks are contract clerks, it is hard to integrate them with the rest of our system and it is difficult to properly allocate our resources. We can better allocate services and employee time if we have a uniform workforce. I want to repeat the goal is not to eliminate clerk of court offices in individual counties where deputy clerks are located, the goal is not to relocate clerks of court. The courts will remain open in every county and we are committed to a personal presence in every county. As I mentioned we'll save this topic for 2023

Several sessions ago the legislature allocated funding to restore and expand the Liberty Memorial Building into a judicial center. Following that legislative session the budget forecast changed dramatically and the judicial branch voluntarily agreed to forgo and return to general funds the funding that was allocated to restore and expand the Liberty Memorial Building.

Each year the legislature meets, space to perform legislative functions is at a premium. During the interim the lack of permanent legislative rooms complicates your legislative function. We are providing space within the judicial branch this legislative session and will continue to do so if asked to accommodate committee chairs. When considering a bonding bill it is my request that you consider restoration and expansion of the Liberty Memorial Building to provide the judicial branch with much needed space and provide the legislature with space within the capitol itself

When I began today I told you that one of the events in this room that was special to me was the 1991 state of the judiciary address given by my former boss and former Chief Justice Ralph Erickstad. The year before I arrived, Chief Justice Erickstad and the Court had been involved in budget cuts. While he and I did not speak at length about the budget issues, one thing is memorable. He told me his budget philosophy was to ask the legislature only for what was needed, without exaggeration and without extras. His intention was to build credibility through good stewardship of taxpayer dollars. I believe he followed that philosophy, just as I believe former Chief Justice Gerald VandeWalle in subsequent legislative sessions has followed that philosophy. I intend to protect that credibility. The judicial branch will continue to be good stewards of taxpayer dollars.

We have an exceptional judicial system. It is built on good people, executive branch partnerships, and legislative funding. Thank you for the opportunity to be here today during a joint session of the legislature. It is an honor, and please accept my best wishes for a productive legislative session.

North Dakota Courts by the Numbers

Supreme Court

5 – Number of Justices on the Supreme Court

10 years – Length of Term

40 – Number of Years Chief Justice VandeWalle has served on the Supreme Court

21 – Combined years of service on the Supreme Court of the remaining 4 justices

388 – Number of new Supreme Court cases filed in 2019

District Courts

51 – Number of District Court Judges

6 years – Length of Term

31 – Number of district court judges initially reaching the bench through gubernatorial appointment

5 - District Court Referees appointed by the presiding judges

12 - Chambered cities

8 - Judicial Districts

4 - Administrative Units

53 – Clerks of District Court

14 – Number of Clerk of Court offices under state employment

7 – Number of Clerk of Court offices eligible to transfer to state employment

149,078 new district court cases filed in 2019

Municipal Courts

90 – Number of Municipal Courts

75– Number of Municipal Court Judges

4 years– Length of Term

55 – Number of Municipal Court Clerks

18 – Number of municipal court judges who have a law degree

69 – Number of contracts the district courts have with municipalities to hear some or all of their ordinance cases

Unknown – Number of cases filed in municipal courts

Juvenile Court

11 – Number of Juvenile Court Offices

5 – Number of juvenile court offices staffed by a single person

10,098 – Number of new juvenile cases filed in 2019

Finances

312 – Number of FTEs excluding judicial officers

.08 % - Percent of General Fund dollars appropriated to the Judicial Branch for the 2017-2019 biennium

76.5% - Percent of Judicial Branch Budget Spent on Salaries & Wages

\$26.9 Million – Average amount of money collected by the district courts during the 2017-2019 biennium.

Specialized Court Dockets

6 - Number of juvenile drug courts

86 – Number of new cases referred to juvenile drug court in 2019

6 – Number of adult drug courts

1 – Number of domestic violence courts

330 – Number of cases supervised by DV court in first 16 months of operation

Court Services

Self-Help Center

2 - Number of Staff employed in the self-help center

507 - Number of forms and guides available through the self-help center

21,837 - Number of requests received by the Self-Help Center in 2019

Family Mediation Program

713 - Number of cases sent to family mediation program in 2019

76% - Percentage of cases fully or mostly resolved through the family mediation program

Expedited Family Mediation Program

137 - Number of requests for the expedited mediation program since its inception in June 2020

71% - Percentage of cases resolved through the expedited mediation program

Guardianship Monitoring Program

355 - Average number of new guardianship cases filed each year

2,802 - Number of guardianship cases that are currently active

Judicial Conduct Commission & Attorney Disciplinary Board

27 – Number of new judicial conduct complaints filed in 2019

156 – Number of new attorney conduct complaints filed in 2019

State Board of Law Examiners

3,101 – Number of new law licenses issued in 2019

Senate Bill 2002
Senate Appropriations
 Don Wolf, Director of Finance
 January 8, 2021

Mr. Chairman and 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 a summary of the judicial branch budget request.

JUDICIAL BRANCH	2019-21 Biennium Appropriation	One-time Funding Adjustment	2019-21 Biennium Base
Supreme Court	\$15,305,024	(\$977,500)	\$14,327,524
District Court	94,059,354	(139,852)	\$93,919,502
JCC/DB	1,250,962	0	\$1,250,962
Total base budget	\$110,615,340	(\$1,117,352)	\$109,497,988

Funding	2019-21 Biennium Appropriation	One-time Funding Adjustment	2019-21 Biennium Base
General Fund	\$107,503,043	(\$147,352)	\$107,355,691
Special funds	1,452,701	(970,000)	\$482,701
Federal funds	1,659,596	0	\$1,659,596
Total	\$110,615,340	(\$1,117,352)	\$109,497,988

The total **2019-21 biennium appropriation** for the judicial branch is **\$110,615,340**. The appropriation includes funding for the Supreme Court, district courts and the Judicial Conduct Commission and Disciplinary Board (JCC/DB).

The 2019-21 biennium appropriation included **one-time funding** of \$970,000 from the Capitol building fund to remodel the Supreme Court Law Library, \$82,500 from the general fund for copy machines and \$64,852 from the general fund for district court audio and video equipment. The total 2019-21 biennium **base budget** (net of the one-time funding) is **\$109,497,988**.

The 2021-23 biennium budget request (Governor's recommendation) is **\$118,161,669** or an increase of \$8,663,681 or 7.9% as compared to the 2019-21 biennium base budget. The budget request provides for a total of **363.0 full-time equivalent (FTE)** positions, which is the same as the current appropriation.

A comparison of budget versions:

Subdivision	2019-21 Biennium Base	2021-23 Biennium Request	Increase (Decrease)
Supreme Court	\$14,327,524	\$16,709,587	\$2,382,063
District Court	93,919,502	100,126,239	\$6,206,737
JCC/DB	1,250,962	1,325,843	\$74,881
Total	\$109,497,988	\$118,161,669	\$8,663,681

Funding	2019-21 Biennium Base	2021-23 Biennium Request	Increase (Decrease)
General Fund	\$107,355,691	\$115,967,211	\$8,611,520
Special funds	482,701	502,500	\$19,799
Federal funds	1,659,596	1,691,958	\$32,362
Total	\$109,497,988	\$118,161,669	\$8,663,681

FTEs	2019-21 Biennium Base	2021-23 Biennium Request	Increase (Decrease)
Total	363.0	363.0	0.0

2021-23 biennium Judicial Branch budget request (Governor's

Recommendation) – Overview:

- The executive budget recommendation includes **\$1,906,082** added by the Office of Management and Budget (OMB) for proposed salary (2%/2%), health insurance and retirement contribution increases.
- The base payroll change of **\$2,378,237** includes cost to continue 2019-21 biennium salary increases and **\$648,549** for a **2% per year** salary increase for justices (\$61,588) and judges (\$586,961) as proposed by the judiciary.
- The executive budget recommendation added **\$755,930** to the Supreme Court budget for the proposed rent model change.
- The 2021-23 biennium budget request includes **\$4,517,600** of one-time funding items. This includes **\$2,000,000** for the juvenile case management system replacement, **\$2,000,000** for the Supreme Court docket management system replacement, **\$360,000** for 45 Zoom monitors and **\$157,600** for statewide courtroom installation of Wi-Fi access points.

Supreme Court Budget

Supreme Court	2019-21 Biennium Base	2021-23 Biennium Request	Increase (Decrease)
Salaries and wages	\$11,338,720	\$11,283,059	(\$55,661)
Operating	2,705,762	3,106,024	\$400,262
Capital assets	0	2,032,000	\$2,032,000
Guardianship monitoring	<u>283,042</u>	<u>\$288,504</u>	<u>\$5,462</u>
Total	\$14,327,524	\$16,709,587	\$2,382,063

Funding	2019-21 Biennium Base	2021-23 Biennium Request	Increase (Decrease)
General Fund	\$14,327,524	\$16,709,587	\$2,382,063
Special funds	0	0	\$0
Federal funds	<u>0</u>	<u>0</u>	<u>\$0</u>
Total	\$14,327,524	\$16,709,587	\$2,382,063

- **Staffing totals** - The Supreme Court budget proposal provides for a total of **43.5** FTEs, the same as the current biennium.
- **Lease of disk drives and blades** -The disk drives and blades necessary for the operations of the court system will become obsolete during the 2021-23 biennium. The court system is requesting **\$1,201,890** (\$600,945 per year or \$3,004,725 over the lease term) to enter into a 5 year lease agreement to replace the disk drives and blades for both the Bismarck and the disaster recover sites. The cost to purchase the equipment with a comparable 5 year service agreement would be \$2,931,682. The useful life of this equipment is typically 4-5 years. The lease option includes the cost of any necessary technology upgrades, which will ensure that we will not have to replace equipment mid-biennium due to compatibility issues. Software costs associated with the blades and disk drives will be an additional \$191,352, resulting in a total budget request of \$1,393,242 or an increase of **\$1,115,008** as compared to the current biennium. The budget

increase is allocated **\$134,611** to the Supreme Court and **\$980,397** under the district courts.

- **Supreme Court docket management system project (one-time)** – The budget request includes **\$2,000,000** under capital assets to replace the current Supreme Court docket management system. The existing system was originally written for the North Dakota Supreme Court in 1993.
- **Zoom monitors (one-time)** – The court system is requesting **\$32,000** for 4 Zoom monitors. These monitors are specifically designed to work with Zoom and include a built-in computer, camera and audio equipment. These units will replace outdated polycom units which are 3 to 4 times the cost of the Zoom monitors.
- **Guardianship Monitoring Program** – The 2015 Legislative Assembly approved funding for a program to provide oversight of the financial and personal well-being of guardianship wards. The program includes one FTE guardianship monitoring program manager. The guardianship monitoring program budget request is **\$288,504** or an increase of \$5,462. The request includes \$7,721 added for the executive budget salary increase.

District Court Budget

District Court	2019-21 Biennium Base	2021-23 Biennium Request	Increase (Decrease)
Salaries and wages	\$73,242,268	\$77,652,837	\$4,410,569
Operating	\$20,396,902	\$19,931,156	(\$465,746)
Capital assets	\$0	\$2,328,000	\$2,328,000
Judges' retirement	\$280,332	\$214,246	(\$66,086)
Total	\$93,919,502	\$100,126,239	\$6,206,737

Funding	2019-21 Biennium Base	2021-23 Biennium Request	Increase (Decrease)
General Fund	\$92,259,906	\$98,434,281	\$6,174,375
Special funds	0	0	\$0
Federal funds	1,659,596	1,691,958	\$32,362
Total	\$93,919,502	\$100,126,239	\$6,206,737

- **Staffing totals** - The district court budget request includes **315** FTEs, the same as the current biennium.
- **Funding** – The budget request includes **\$1,100,000** in federal child support funding, which is a *decrease* of \$155,281 from the base budget. These funds are received as reimbursement for the time referees, clerks and court recorders spend on child support cases. The request for federal court improvement program funding is **\$591,958** or an increase of \$187,643 as compared to the current biennium. This grant is aimed at monitoring and improving court processes in child deprivation cases.
- **Veteran's treatment court** –Funding is requested for the establishment of a veteran's treatment court in Grand Forks. The request includes \$100,739 of temporary salaries and wages for the coordinator position and \$44,508 for testing supplies and other operating costs. The total budget request is **\$145,247** (\$145,296 including the cost of the executive budget salary recommendation).
- **Lease of disk drives and blades** – As previously mentioned, the district court budget increase for the cost of the disk drives and blades lease is **\$980,397**.
- **Wi-Fi access points (one-time)** –The request includes one-time funding of **\$157,600** under IT contractual services to install Wi-Fi access points in 80 courtrooms statewide.
- **Building rent** – The judicial branch information technology department has relocated from a downtown Bismarck rental space to the remodeled Supreme Court Law Library space resulting in a budget savings of **\$256,500** as compared to the current biennium.
- **Juvenile Services** – The total budget request for juvenile service programs is \$499,972 or a reduction of **\$1,221,086** as compared to the current biennium. The request removes funding for family based intensive in-home services (\$500,000) and youth cultural achievement (\$455,000) programs. Funding was also reduced for various other programs including restorative justice (\$95,156), diversion (\$103,130) and day report (\$45,000).
- **Zoom monitors (one-time)** – The budget request includes **\$328,000** for an additional 41 Zoom monitors for the district courts.

- **Juvenile case management system replacement (one-time)** – The budget request includes **\$2,000,000** to replace the current juvenile case management system, which was purchased in 1998. The new system would allow for improved data retrieval and analysis, electronic filing, electronic document storage, automated work processes and text messaging capabilities.
- **Judges' Retirement (NDCC Chapter 27-17 Old Retirement System)** – There are three remaining participants within the old judges' retirement system. The budget request is **\$214,246** or a *decrease* of \$66,086 as compared to the current appropriation due to one fewer remaining participant. The average age of the remaining recipients is 91.

Judicial Conduct Commission and Disciplinary Board Budget

JCC/DB	2019-21 Biennium Base	2021-23 Biennium Request	Increase (Decrease)
Salaries and wages	\$1,004,835	\$1,082,542	\$77,707
Operating	\$246,127	\$243,301	(\$2,826)
Total	\$1,250,962	\$1,325,843	\$74,881

Funding	2019-21 Biennium Base	2021-23 Biennium Request	Increase (Decrease)
General Fund	\$768,261	\$823,343	\$55,082
Special funds	482,701	502,500	\$19,799
Federal funds	0	0	\$0
Total	\$1,250,962	\$1,325,853	\$74,881

- **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 request of **4.5 FTEs** is the same as the current appropriation. No capital assets are being requested.

- Total salaries and wages include **\$32,384** for the executive budget compensation package.
- Funding for the JCC/DB is from two sources, the State Bar Association and the general fund. State Bar Association funds are from \$75 of each attorney license issued. The State Bar Association committed **\$502,500** of funding for the Disciplinary Board based on the total number of licensed attorneys.

Coronavirus Relief Funding

- The court system received **\$72,212** of Federal CARES funding for personal protective equipment and improving telework capabilities of its employees.
- An additional **\$240,000** of CARES funding was received to purchase, install and begin the conversion to Zoom monitors within selected court rooms.
- The Information Technology Department reimbursed the court system **\$425,000** from CARES funding for 60 Mixer upgrades. These upgrades were needed to allow for remote recording of court hearings.

Additional Sections within Senate Bill No. 2002

- **Section 2** – One-time funding items.
- **Section 3** – Appropriates additional funding that may be received through federal acts and private gifts, grants and donations.
- **Section 4** – Allows for the transfer of appropriation authority between line items 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 court system.

In conclusion, I would be happy to answer any questions.



State Bar Association of North Dakota

P.O. Box 2136 Bismarck, ND 58502
(701) 255-1404 • 1-800-472-2685 • Fax (701) 224-1621
www.sband.org • info@sband.org

Tony J. Weiler • *Executive Director*

Senate Bill 2002

Testimony of Tony J. Weiler

Senate Appropriations

January 6, 2021

Senator Holmberg and Members of the Senate Appropriations Committee, my name is Tony Weiler, and I am the Executive Director of the State Bar Association of North Dakota (SBAND).

SBAND is the professional association of 3,000 licensed North Dakota lawyers. On behalf of SBAND President Carrie Francis and our Board of Governors, I present this testimony in support of SB2002, the Budget Appropriation of the North Dakota Judicial Branch. SBAND and our Courts have a unique and long history of working together, and SBAND has a long history of supporting the Court's budget. The important and often constitutional work done by our Court System impacts both the bar, and the many citizens of North Dakota who they represent.

During the past year, and dealing with the unprecedented Covid-19 pandemic, the Court and SBAND worked closely to provide rapid and important information to members of our profession to ensure lawyers could provide the best representation possible for their clients. Without such a strong partnership between the bench and bar in North Dakota, this kind of cooperation would not have been possible.

It is vital to fund the Judicial Branch to the maximum extent possible. The State Bar Association encourages a Do Pass. While I will not be providing oral testimony, I'd be happy to answer any questions via email or phone.

Tony Weiler

tony@sband.org

701-220-5846

2021 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Roughrider Room, State Capitol

SB 2002
1/27/2021
Senate Appropriations Sub-Committee

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

Senator Hogue opened the hearing at 2:12 pm. **Senators Hogue, Dever and Heckaman** were present.

Discussion Topics:

- Optional Requests
- Juvenile Court Case Management System
- Data Functionality (retrieval and reporting)
- Technology Vendors
- Lutheran Social Services
- Child support – performing county welfare role
-

Sally Holewa, State Court Administrator, ND Supreme Court – answered committee questions and also submitted testimony #3858.

Additional written testimony: #4100

Senator Hogue closed the hearing at 2:57 pm.

Rose Laning, Committee Clerk

Senate Bill 2002
Senate Appropriations Subcommittee

Testimony Presented by Sally Holewa
State Court Administrator
January 27, 2021

Senator Hogue, Senator Dever and Senator Heckaman, for the record my name is Sally Holewa.

I am the State Court Administrator. We have requested a total of \$4 million dollars for two major IT projects: a new case management system for the juvenile court and a new case management system for the Supreme Court. Each of these projects is estimated to cost \$2 million.

The natural question for the legislature is, “Which one is more important?” I can’t say which one is more important because they serve two very different segments of the court system and the reasons for requesting the new systems are very different.

I will talk about the juvenile case management system first since it is the project that has been on our to-do list the longest. This system is used by the staff members that serve in our juvenile court division. It has a dual function in that it serves as the records management system for juvenile court cases and as the supervisory (probation) management system to track events after a juvenile has been placed under supervision. It sits independent of the district court case management system used for all other case types. Our current juvenile case management system is an off-the-shelf commercial product that we purchased in 1998. We have upgraded the software periodically over the years and we maintain a very good working relationship with the vendor. However, there are big drawbacks to the structure and functionality of this software.

Back in the 1990s when the software was developed, the idea of managing case information through an electronic system was still new. Systems from this era were designed with the sole function of tracking case files and what happened within each case. They were not designed, as are the systems of today, with the idea that courts would need to retrieve and analyze data about case activities or parties to a case. Nor were they designed to accommodate data sharing with other software systems. While the vendor has upgraded the platform and made other changes, the core functionality of the software remains largely unchanged. As a court system, we need a system that has better data retrieval and analysis capabilities, better capabilities for integrating or sharing data with the case management systems used by the Division of Juvenile Services and the Department of Human Services, electronic filing and document storage functions and automated work processing.

In 2014 we commissioned a software analysis from the National Center for State Courts to determine whether it would be better to retain our current system and obtain added functionality by stacking business intelligence and other types of software onto the system and creating integrations with the district court case management system or to purchase a new case management system. That analysis determined that, given the limitations of the current software, we would only be able to obtain a small number of our goals through integration and software stacking, and that in the long-run it would be difficult to maintain those enhancements. The recommendation then was to replace the software. The analysis include an RFI (request for information) process and a comparison of our desired functionality with the capabilities of the software owned by the 10 vendors who responded to the RFI. Ultimately, the report recommended we proceed with purchasing the juvenile court module offered by Tyler

Technologies. The estimated cost at that time was \$1.7 million, which included the basic module, licensing, customization and interfaces, and infrastructure and equipment. Given the passage of time, we have rounded that estimate up to \$2 million. This revised estimate also includes the statutory requirement for purchasing project management oversight services from NDIT. This fee is currently \$2,500 for every \$500,000 of the project budget, so \$10,000 for a \$2 million project. The annual maintenance cost for our current juvenile case management system is \$24,750. With the purchase of the Tyler Technologies module that cost is anticipated to be \$40,000 per year.

We previously requested funds in 2015 and in 2017 to purchase the juvenile case management system but ultimately pulled the project from our appropriation request in order to fund higher priorities. This year we do not have that option since the vendor notified us in October 2020 that they would no longer support this software.

The Supreme Court case management system is a docket system used by the supreme court justices and the 17 individuals who support them in their work. The current system is a custom-built system written in 1993. It has been upgraded since then but, because of its original design, suffers from some of the same design and functionality issues I noted with the juvenile case management system. Because of those limitations, we have had to create another custom-built system, the justice's communication and collaboration system (JCCS), to work parallel to the docket system. This system cost \$76,000 to build and has an average monthly maintenance cost of \$1,300.00. We anticipate that purchase of a commercial case management system will replace both JCCS and the docket system.

The vendor who built the current case management system employed a single individual who was capable of supporting the system. This vendor closed its business in 2019 and the employee who supported the docket system left to pursue full-time work elsewhere. Given these circumstances, the most prudent course of action to preserve existing records is to migrate to a new case management system at the earliest opportunity.

Moving to one of the new case management systems will have the added benefit of advances in technology which include electronic filing and document storage, automated workflow processes, an integrated accounting package, better data retrieval and the collaboration and communication tools that the justices currently obtain through JCCS.

Because this is highly specialized software, there are only two national vendors who provide a viable product. The court released an RFI (Request for Information) to these two vendors in December, 2020. After reviewing the responses and interviewing the vendors, the Court determined that product offered by Thomson Reuters best meets its requirements and its desired future functionality. The anticipated cost of \$2 million includes the estimated \$1.75 million for software, licensing, customization, and integration quoted by the vendor, plus an estimated \$260,000 for infrastructure and technology, and NDIT project management oversight fee of \$10,000. The anticipated annual maintenance fee for the new case management system ranges from \$132,000 in year one (beginning in the 2023 biennium) and rising to \$148,500 by year five.

During our hearing before the full Appropriations Committee on January 8, 2020, Senator Davison expressed some concern over our ability to manage large projects and to support new services given the small size of our IT staff. I do not share his concerns for three reasons: our current use of case management systems, the experience of our staff and the role of our IT staff in relation to the role of the vendor.

Our IT staff already support case management systems for the supreme court, district court, and juvenile courts, as well as other smaller software systems. Implementation of the new case management systems will change specific processes, and for a time will result in increased help desk calls, but it will not have any effect on the number of users or the type of work they perform. In addition, our technical support staff currently support 400 court users of the various case management softwares as well as approximately 3,500 non-court users of the district court case management software.

We have a very experienced IT staff. Our Director of Technology has 30 years of project management experience and has guided the selection and implementation process of many multi-million dollar projects during his career in the private sector. Our senior programmer and senior network staff each have almost 20 years of experience in project implementation and user support. Our technical support staff each have 10 years of experience working with case management systems.

The vendors for these two products will be responsible for project management from their side during the fit-gap, customization, conversion, integration and implementation phases of these

projects while we will be directing project management from our side. Both of these projects consist of purchasing software rather than purchasing code. So, following implementation, the vendor's role will shift to product support, programming and product enhancement. The role of our IT department will be support for the end-users of the product, continued project management for enhancements, changes or fixes, serving as a business analysis between our internal court users and the vendor, user testing of new versions of the products, and advocating for product enhancements that capture advances in technology or significant changes in business processes.

I am confident that if we are provided funding for these two projects we can bring them to successful completion within the next biennium.

Judicial Branch - Budget No. 180
Senate Bill No. 2002
Base Level Funding Changes

	Executive Budget Recommendation				Senate Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2021-23 Biennium Base Level	363.00	\$107,355,691	\$2,142,297	\$109,497,988	363.00	\$107,355,691	\$2,142,297	\$109,497,988
2021-23 Ongoing Funding Changes								
Base payroll changes		\$2,389,170	(\$10,933)	\$2,378,237				\$0
Salary increase		1,565,610	40	1,565,650				0
Retirement contribution increase		322,494	8	322,502				0
Health insurance increase		17,929	1	17,930				0
Adjusts funding for Supreme Court operations		(503,346)		(503,346)				0
Adjusts funding for district court operations		(490,532)	63,367	(427,165)				0
Adjusts funding for Judicial Conduct Commission operations		(2,504)	(322)	(2,826)				0
Removes funding for juvenile intensive in-home services		(500,000)		(500,000)				0
Removes funding for youth cultural achievement programs		(455,000)		(455,000)				0
Reduces funding for other juvenile service programs		(266,086)		(266,086)				0
Adds funding to lease IT equipment		1,115,008		1,115,008				0
Adds funding for a veterans treatment court		145,247		145,247				0
Adds funding for the Capitol complex rent proposal		755,930		755,930				0
Total ongoing funding changes	0.00	\$4,093,920	\$52,161	\$4,146,081	0.00	\$0	\$0	\$0
One-time funding items								
Adds one-time funding for Zoom remote video equipment		\$360,000		\$360,000				\$0
Adds one-time funding for district court Wi-Fi access points		157,600	\$0	157,600				0
Adds one-time funding for a new juvenile case management system		2,000,000	0	2,000,000				0
Adds one-time funding for a new Supreme Court docket management system		2,000,000	0	2,000,000				0
Total one-time funding changes	0.00	\$4,517,600	\$0	\$4,517,600	0.00	\$0	\$0	\$0
Total Changes to Base Level Funding	0.00	\$8,611,520	\$52,161	\$8,663,681	0.00	\$0	\$0	\$0
2021-23 Total Funding	363.00	\$115,967,211	\$2,194,458	\$118,161,669	363.00	\$107,355,691	\$2,142,297	\$109,497,988
<i>Total ongoing changes as a percentage of base level</i>	0.0%	3.8%	2.4%	3.8%	0.0%	0.0%	0.0%	0.0%
<i>Total changes as a percentage of base level</i>	0.0%	8.0%	2.4%	7.9%	0.0%	0.0%	0.0%	0.0%

Other Sections in Judicial Branch - Budget No. 180

Executive Budget Recommendation

Senate Version

Appropriation

Section 3 would appropriate 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, 2021, and ending June 30, 2023.

Section 3 would appropriate 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, 2021, and ending June 30, 2023.

Line item transfers

Section 4 would require the director of the Office of Management and Budget to transfer appropriation authority between line items for the judicial branch as requested by the Supreme Court.

Section 4 would require the director of the Office of Management and Budget to transfer appropriation authority between line items for the judicial branch as requested by the Supreme Court.

Supreme Court justices' salaries

Section 5 would provide the statutory changes to increase Supreme Court justices' salaries by 2 percent each year of the biennium.

District judges' salaries

Section 6 would provide the statutory changes to increase district court judges' salaries by 2 percent each year of the biennium.

2021 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Red River Room, State Capitol

SB 2002
2/2/2021
Judicial Sub-Committee

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

Senator Hogue opened the hearing at 10:00 a.m.

Senators present: **Hogue, Dever, and Heckaman**

Discussion Topics:

- WiFi in Court Houses
- CARES Act Money
- Child Support Clerks

Sally Holewa, State Court Administrator, Supreme Court, answered questions from the sub-committee.

Don Wolf, Finance Director, Supreme Court, answered questions from the sub-committee.

Jim Fleming, Child Support Director, Department of Human Services, answered questions from the sub-committee.

Senator Hogue closed the hearing at 10:47 a.m.

Rose Laning, Committee Clerk

2021 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Roughrider Room, State Capitol

SB 2002
2/2/2021
Senate Appropriations Committee

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

Chairman Holmberg opened the meeting at 11:43 a.m.

Senators present: **Holmberg, Krebsbach, Wanzek, Bekkedahl, Poolman, Erbele, Dever, Oehlke, Rust, Davison, Hogue, Sorvaag, Mathern, and Heckaman.**

Discussion Topics:

- Update on the sub-committee
- Plans for sub-committee

David Hogue, District 38, discusses the sub-committee on SB 2024.

Chairman Holmberg closed the meeting at 11:50 a.m.

Rose Laning, Committee Clerk

2021 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

SB 2002
2/15/2021
Judicial Branch Sub-committee

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

Senator Hogue opened the hearing at 3:04 p.m.

Senators present: **Hogue, Dever and Heckaman.**

Discussion Topics:

- Court requests for budget
- FTEs
- Youthworks & Lutheran Social Services

Levi Kinnischtzke, Legislative Council – explaining the base level funding changes – testifying neutrally - #6663.

Sally Holewa, Court Administrator, North Dakota State Supreme Court – testifying neutrally.

Christina Sambor, Assistant Exec. Director and Lobbyist, Youthworks, Bismarck, ND – testifying in favor.

Senator Dever moved to allow agency to accept CARES Act money.

Senator Heckaman second.

Senator Hogue – Y

Senator Dever – Y

Senator Heckaman – Y

Roll Call vote - 3-0-0.

Senator Heckaman moved to have Legislative Council draw up amendment.

Senator Dever second.

Senator Hogue – Y

Senator Dever – Y

Senator Heckaman – Y

Roll Call vote - 3-0-0.

Senator Hogue closed the hearing at 3:37 p.m.

Rose Laning, Committee Clerk

Judicial Branch - Budget No. 180
Senate Bill No. 2002
Base Level Funding Changes

	Executive Budget Recommendation				Senate Version				Senate Changes to Executive Budget Increase (Decrease) - Executive Budget			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2021-23 Biennium Base Level	363.00	\$107,355,691	\$2,142,297	\$109,497,988	363.00	\$107,355,691	\$2,142,297	\$109,497,988	0.00	\$0	\$0	\$0
2021-23 Ongoing Funding Changes												
Base payroll changes		\$2,389,170	(\$10,933)	\$2,378,237		\$1,806,707	(\$10,933)	\$1,795,774		(\$582,463)		(\$582,463)
Salary increase		1,565,610	40	1,565,650		2,208,619		2,208,619		643,009	(\$40)	642,969
Retirement contribution increase		322,494	8	322,502				0		(322,494)	(8)	(322,502)
Health insurance increase		17,929	1	17,930		17,929	1	17,930				0
Transfers child support duties to the Department of Human Services				0	(1.50)	(225,000)		(225,000)	(1.50)	(225,000)		(225,000)
Reduces Funding for judge's retirement				0		(143,086)		(143,086)		(143,086)		(143,086)
Adds funding for a veterans treatment court		145,247		145,247		145,247		145,247				0
Adjusts funding for Supreme Court operations		(503,346)		(503,346)		(503,346)		(503,346)				0
Adjusts funding for district court operations		(490,532)	63,367	(427,165)		(490,532)	63,367	(427,165)				0
Adjusts funding for Judicial Conduct Commission operations		(2,504)	(322)	(2,826)		(2,504)	(322)	(2,826)				0
Removes funding for juvenile intensive in-home services		(500,000)		(500,000)		(500,000)		(500,000)				0
Removes funding for youth cultural achievement programs		(455,000)		(455,000)		(455,000)		(455,000)				0
Reduces funding for other juvenile service programs		(266,086)		(266,086)				0		266,086		266,086
Adds funding to lease IT equipment		1,115,008		1,115,008		1,115,008		1,115,008				0
Adds funding for the Capitol complex rent proposal		755,930		755,930				0		(755,930)		(755,930)
Total ongoing funding changes	0.00	\$4,093,920	\$52,161	\$4,146,081	(1.50)	\$2,974,042	\$52,113	\$3,026,155	(1.50)	(\$1,119,878)	(\$48)	(\$1,119,926)
One-time funding items												
Adds one-time funding for Zoom remote video equipment		\$360,000		\$360,000		\$360,000		\$360,000				\$0
Adds one-time funding for district court Wi-Fi access points		157,600		157,600		157,600		157,600				0
Adds one-time funding for a new juvenile case management system		2,000,000		2,000,000		2,000,000		2,000,000				0
Adds one-time funding for a new Supreme Court docket management system		2,000,000		2,000,000		2,000,000		2,000,000				0
Total one-time funding changes	0.00	\$4,517,600	\$0	\$4,517,600	0.00	\$4,517,600	\$0	\$4,517,600	0.00	\$0	\$0	\$0
Total Changes to Base Level Funding	0.00	\$8,611,520	\$52,161	\$8,663,681	(1.50)	\$7,491,642	\$52,113	\$7,543,755	(1.50)	(\$1,119,878)	(\$48)	(\$1,119,926)
2021-23 Total Funding	363.00	\$115,967,211	\$2,194,458	\$118,161,669	361.50	\$114,847,333	\$2,194,410	\$117,041,743	(1.50)	(\$1,119,878)	(\$48)	(\$1,119,926)
Total ongoing changes as a percentage of base level	0.0%	3.8%	2.4%	3.8%	(0.4%)	2.8%	2.4%	2.8%				
Total changes as a percentage of base level	0.0%	8.0%	2.4%	7.9%	(0.4%)	7.0%	2.4%	6.9%				

Other Sections in Judicial Branch - Budget No. 180

	Executive Budget Recommendation	Senate Version	
Appropriation	Section 3 would appropriate 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, 2021, and ending June 30, 2023.	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, 2021, and ending June 30, 2023.	
Line item transfers	Section 4 would require the director of the Office of Management and Budget to transfer appropriation authority between line items for the judicial branch as requested by the Supreme Court.	Section 4 requires the director of the Office of Management and Budget to transfer appropriation authority between line items for the judicial branch as requested by the Supreme Court.	
Supreme Court justices' salaries	Section 5 would provide the statutory changes to increase Supreme Court justices' salaries by 2 percent each year of the biennium.	Section 5 provides the statutory changes to increase Supreme Court justices' salaries by 2 percent each year of the biennium.	
District judges' salaries	Section 6 would provide the statutory changes to increase district court judges' salaries by 2 percent each year of the biennium.	Section 6 provides the statutory changes to increase district court judges' salaries by 2 percent each year of the biennium.	

2021 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

SB 2002
2/17/2021
Senate Appropriations Committee

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

Senator Holmberg opened the committee work at 7:59 a.m.

Senators present: **Holmberg, Krebsbach, Wanzek, Bekkedahl, Poolman, Erbele, Dever, Oehlke, Rust, Davison, Hogue, Sorvaag, Mathern, and Heckaman.**

Discussion Topics:

- Amendment

Senator Hogue presented amendment LC 21.0284.01001 and moved its adoption - # 6795
Senator Heckaman second.

Senators		Senators	
Senator Holmberg	Y	Senator Hogue	Y
Senator Krebsbach	Y	Senator Oehlke	Y
Senator Wanzek	Y	Senator Poolman	Y
Senator Bekkedahl	Y	Senator Rust	Y
Senator Davison	Y	Senator Sorvaag	Y
Senator Dever	Y	Senator Heckaman	Y
Senator Erbele	Y	Senator Mathern	Y

Roll Call vote - 14-0-0. Motion carried.

Senator Hogue moved DO PASS as AMENDED on SB 2002.
Senator Heckaman second.

Senators		Senators	
Senator Holmberg	Y	Senator Hogue	Y
Senator Krebsbach	Y	Senator Oehlke	Y
Senator Wanzek	Y	Senator Poolman	Y
Senator Bekkedahl	Y	Senator Rust	Y
Senator Davison	Y	Senator Sorvaag	Y
Senator Dever	Y	Senator Heckaman	Y
Senator Erbele	Y	Senator Mathern	Y

Roll Call vote - 14-0-0. Motion carried.

Senator Holmberg closed the committee work at 10:18 a.m.

Rose Laning, Committee Clerk

February 15, 2021

SK
2/18
126

PROPOSED AMENDMENTS TO SENATE BILL NO. 2002

Page 1, line 1, after the semicolon insert "to amend and reenact sections 14-08.1-08, 14-09-08.1, 14-09-08.2, 14-09-09.29, 14-09-26, 27-02-02, and 27-05-03 and subsection 2 of section 50-09-02.1 of the North Dakota Century Code, relating to clerk of court responsibilities regarding child support, salaries of justices of the supreme court, and salaries of district court judges; to provide for a report; to provide a statement of legislative intent;"

Page 1, replace lines 11 through 19 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,338,720	(\$102,613)	\$11,236,107
Operating expenses	2,705,762	(355,668)	2,350,094
Capital assets	0	2,032,000	2,032,000
Guardianship monitoring program	<u>283,042</u>	<u>4,112</u>	<u>287,154</u>
Total all funds	\$14,327,524	\$1,577,831	\$15,905,355
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
Total general fund	\$14,327,524	\$1,577,831	\$15,905,355"

Page 1, remove lines 22 through 24

Page 2, replace lines 1 through 6 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$73,242,268	\$3,911,435	\$77,153,703
Operating expenses	20,396,902	755,340	21,152,242
Capital assets	0	2,328,000	2,328,000
Judges' retirement	<u>280,332</u>	<u>(143,086)</u>	<u>137,246</u>
Total all funds	\$93,919,502	\$6,851,689	\$100,771,191
Less estimated income	<u>1,659,596</u>	<u>32,314</u>	<u>1,691,910</u>
Total general fund	\$92,259,906	\$6,819,375	\$99,079,281"

Page 2, replace lines 9 through 15 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Judicial conduct commission and disciplinary board	<u>\$1,250,962</u>	<u>\$69,235</u>	<u>\$1,320,197</u>
Total all funds	\$1,250,962	\$69,235	\$1,320,197
Less estimated income	<u>482,701</u>	<u>19,799</u>	<u>502,500</u>
Total general fund	\$768,261	\$49,436	\$817,697"

Page 2, replace lines 18 through 23 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$107,355,691	\$8,446,642	\$115,802,333
Grand total special funds	<u>2,142,297</u>	<u>52,113</u>	<u>2,194,410</u>

Grand total all funds	\$109,497,988	\$8,498,755	\$117,996,743
Full-time equivalent positions	363.00	(1.50)	361.50"

Page 2, line 24, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO SIXTY-EIGHTH LEGISLATIVE ASSEMBLY"

Page 2, line 25, after "biennium" insert "and the 2021-23 biennium one-time funding items included in section 1 of this Act"

Page 2, remove lines 27 through 30

Page 3, replace lines 1 and 2 with:

"Docket management system	\$0	\$2,000,000
Juvenile case management system	0	2,000,000
Zoom remote video equipment	0	360,000
Wi-fi access points	0	157,600
Copy machines	82,500	0
Audio and visual equipment	64,852	0
Law library remodel	970,000	0
Total all funds	\$1,117,352	\$4,517,600
Less estimated income	970,000	0
Total general fund	\$147,352	\$4,517,600

The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget for the 2023-25 biennium. The supreme court shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2021, and ending June 30, 2023."

Page 3, after line 12, insert:

"SECTION 5. AMENDMENT. Section 14-08.1-08 of the North Dakota Century Code is amended and reenacted as follows:

14-08.1-08. Certification of records.

~~The clerk of court and any~~An authorized agent of the child support agency, in any circumstance or proceeding requiring proof of the contents of the official records of the state regarding any information maintained in the state case registry of the automated data processing system established under section 50-09-02.1, may certify the content of those records. A certification provided under this section is prima facie evidence of the contents of those records.

SECTION 6. AMENDMENT. Section 14-09-08.1 of the North Dakota Century Code is amended and reenacted as follows:

14-09-08.1. Support payments - Payment to state disbursement unit - Transfer of proceedings for enforcement of decree - Procedures upon failure to pay.

- 1. In any action in which a court orders that payments for child support be made, the court shall provide in its order that the payments be paid to the state disbursement unit for remittance to the obligee.
- 2. a. Each party subject to the order shall immediately inform the state disbursement unit of the party's:

- (1) Social security number;
 - (2) Residential and mailing addresses and any change of address;
 - (3) Telephone number;
 - (4) Motor vehicle operator's license number;
 - (5) Employer's name, address, and telephone number;
 - (6) Electronic mail address; and
 - (7) Change of any other condition which may affect the proper administration of this chapter.
- b. Each order for payment of child support must notify each party of the requirements in subdivision a and require the party to provide the information within ten days from the date of the order or ten days after any change in the information.
 - c. In any subsequent child support enforcement or modification action between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of a party, the court shall deem due process requirements for notice and service to have been met, with respect to the noticed party, by delivery of written notice to the most recent residential or employer address provided by the noticed party pursuant to this subsection.
 - d. The requirements of this subsection continue in effect until all child support obligations have been satisfied with respect to each child subject to the order.
3. Whenever there is failure to make the payments as required, the clerk of court may, and upon request of the obligee or child support agency shall, send notice of the arrears by first-class mail, with affidavit of service, to the person required to make the payments, or request a district judge of the judicial district to issue a citation for contempt of court against the person who has failed to make the payments. The citation may be served on that person by first-class mail with affidavit of service to the person's last-known address.
 4. The court of its own motion or on motion of the child support agency or the state's attorney of the county of venue, the county of the recipient's residence, or the county of the obligor's residence may cause a certified copy of any support order in the action to be transcribed and filed with the clerk of the district court of any county in this state in which the obligee or the obligor may reside from time to time. Thereafter, this section applies as if the support order were issued by the district court of the county to which the support order is transcribed. No fee may be charged for transcribing or filing a certified copy of any support order under this section.

SECTION 7. AMENDMENT. Section 14-09-08.2 of the North Dakota Century Code is amended and reenacted as follows:

14-09-08.2. Support for children after majority - Retroactive application.

1. A judgment or order requiring the payment of child support until the child attains majority continues as to the child until the end of the month during which the child is graduated from high school or attains the age of nineteen years, whichever occurs first, if:
 - a. The child is enrolled and attending high school and is eighteen years of age ~~prior to~~before the date the child is expected to be graduated; and
 - b. The child resides with the person to whom the duty of support is owed.
2. A judgment or order may require payment of child support after majority under substantially the circumstances described in subsection 1.
3. The person to whom the duty of support is owed under either subsection 1 or 2 may file an affidavit with the district court and provide a copy to the child support agency stating that the requirements of subsection 1 are met, the school in which the child is enrolled, and the anticipated date of the child's graduation. Upon filing of the affidavit, the child support resumes pursuant to subsection 1 or pursuant to the terms of a judgment or order described in subsection 2. A fee may not be charged for filing such an affidavit.
4. ~~The clerk of court~~child support agency shall serve the affidavit by first-class mail upon the person owing the duty of support. If at any time thereafter the person owing the duty of support files a motion with the court, supported by that person's affidavit that the child is no longer enrolled in or attending high school or is no longer residing with the person to whom the duty of support is owed, the court shall determine if the child is enrolled in and attending high school and residing with the person to whom the duty of support is owed and shall enter an order accordingly.
5. This section applies to child support orders concerning children described in subsection 1 or 2, regardless of the date of entry of the order.
6. This section does not preclude the entry of an order for child support which continues after the child reaches age eighteen, if the parties agree, or if the court determines the support to be appropriate.
7. For purposes of this section:
 - a. A child is treated as being in school during summer vacation if the child was enrolled in and attending school and did not graduate from high school at the end of the school period immediately preceding the summer vacation; and
 - b. A child who is currently enrolled in school is not considered to have graduated, even if all required coursework and examinations have been completed, until the ceremony is held by the school to commemorate the child's graduation.

SECTION 8. AMENDMENT. Section 14-09-09.29 of the North Dakota Century Code is amended and reenacted as follows:

14-09-09.29. Coordination of income withholding activities and child support case management.

The child support agency ~~shall assume responsibility~~ is responsible for administration of income withholding, managing accrual and termination dates and payment ledger adjustments on the automated system established under section 50-09-02.1, and the receipt and disbursement of child support payments. This section also applies to an order that does not require the payment of child support but requires the payment of spousal support, if the court orders the spousal support be paid through the state disbursement unit or be enforced through income withholding.

SECTION 9. AMENDMENT. Section 14-09-26 of the North Dakota Century Code is amended and reenacted as follows:

14-09-26. Modification of existing child support orders.

1. A child support order issued under any provision of this code and in effect on October 1, 1998, is deemed to require payment to the state disbursement unit after September 30, 1998.
2. A child support order issued under any provision of this code after September 30, 1998, must require payment to the state disbursement unit.
3. ~~A payment of child support received by a clerk of court after September 30, 1998, is deemed to be a payment to the state disbursement unit. A clerk of court receiving such child support payment after September 30, 1998, shall promptly remit or transfer that payment to the state disbursement unit.~~

SECTION 10. 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 fifty-nine thousand four hundred nine dollars through June 30, 2020~~ one hundred sixty-six thousand six hundred sixty-two dollars through June 20, 2022, and ~~one hundred sixty-three thousand three hundred ninety-four~~ one hundred sixty-nine thousand nine hundred ninety-five dollars thereafter. The chief justice of the supreme court is entitled to receive an additional ~~four thousand five hundred eight dollars per annum through June 30, 2020~~ four thousand seven hundred thirteen dollars per annum through June 30, 2022, and ~~four thousand six hundred twenty-one~~ four thousand eight hundred seven dollars per annum thereafter.

SECTION 11. 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 forty-six thousand two hundred sixty-nine dollars through June 30, 2020~~ one hundred fifty-two thousand nine hundred twenty-five dollars through June 30, 2022, and ~~one hundred forty-nine thousand nine hundred twenty-six~~ one hundred fifty-five thousand nine hundred eighty-four dollars thereafter. 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 one hundred fifty-six dollars per annum through June 30, 2020~~ four thousand three hundred forty-five dollars per annum through June 30, 2022, and ~~four thousand two hundred sixty-four thousand four hundred thirty-two~~ four thousand four hundred thirty-two dollars thereafter.

SECTION 12. AMENDMENT. Subsection 2 of section 50-09-02.1 of the North Dakota Century Code is amended and reenacted as follows:

2. The state agency shall establish a statewide automated data processing system designed to conform to requirements imposed by or under title IV-D. ~~The state agency must make that system available for the use of clerks of court in carrying out their duties under section 14-09-08.1.~~ The official records of the state regarding all child support amounts owed, collected, and distributed must be maintained in that system. Notwithstanding section 14-08.1-05, any record of a child support obligation that is currently being enforced in another jurisdiction and not by a child support agency, that is owed by an obligor who is deceased, or that is owed to a deceased obligee for whom disbursement of any collections could not occur under section 14-09-25, may be removed indefinitely from the statewide automated data processing system until a request is received from a party to the child support case to restore those records.

SECTION 13. LEGISLATIVE INTENT - INFORMATION TECHNOLOGY PROJECTS. It is the intent of the sixty-seventh legislative assembly that the judicial branch pursue the use of federal funds from the coronavirus relief fund to defray the cost of remote video equipment and district court wi-fi access points."

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	\$14,327,524	\$1,577,831	\$15,905,355
Less estimated income	0	0	0
General fund	\$14,327,524	\$1,577,831	\$15,905,355
FTE	43.50	0.00	43.50
District Courts			
Total all funds	\$93,919,502	\$6,851,689	\$100,771,191
Less estimated income	1,659,596	32,314	1,691,910
General fund	\$92,259,906	\$6,819,375	\$99,079,281
FTE	315.00	(1.50)	313.50
Judicial Conduct Commission			
Total all funds	\$1,250,962	\$69,235	\$1,320,197
Less estimated income	482,701	19,799	502,500
General fund	\$768,261	\$49,436	\$817,697
FTE	4.50	0.00	4.50
Bill total			
Total all funds	\$109,497,988	\$8,498,755	\$117,996,743
Less estimated income	2,142,297	52,113	2,194,410
General fund	\$107,355,691	\$8,446,642	\$115,802,333
FTE	363.00	(1.50)	361.50

Senate Bill No. 2002 - Supreme Court - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$11,338,720	(\$102,613)	\$11,236,107
Operating expenses	2,705,762	(355,668)	2,350,094
Capital assets		2,032,000	2,032,000
Guardianship monitoring program	283,042	4,112	287,154
Total all funds	\$14,327,524	\$1,577,831	\$15,905,355
Less estimated income	0	0	0
General fund	\$14,327,524	\$1,577,831	\$15,905,355
FTE	43.50	0.00	43.50

Department 181 - Supreme Court - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Adjustments ²	Reduces Funding for Miscellaneous Expenses ³	Adds Funding to Lease Information Technology Equipment ⁴	Adds One- Time Funding for Zoom Remote Video Equipment ⁵	Adds One- Time Funding for a Docket Management System ⁶
Salaries and wages	(\$386,147)	\$283,534				
Operating expenses			(\$490,279)	\$134,611		
Capital assets					\$32,000	\$2,000,000
Guardianship monitoring program	10,808	6,371	(13,067)			
Total all funds	(\$375,339)	\$289,905	(\$503,346)	\$134,611	\$32,000	\$2,000,000
Less estimated income	0	0	0	0	0	0
General fund	(\$375,339)	\$289,905	(\$503,346)	\$134,611	\$32,000	\$2,000,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Total Senate Changes
Salaries and wages	(\$102,613)
Operating expenses	(355,668)
Capital assets	2,032,000
Guardianship monitoring program	4,112
Total all funds	\$1,577,831
Less estimated income	0
General fund	\$1,577,831
FTE	0.00

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2021-23 biennium salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 and 2 percent on July 1, 2022, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

General Fund	
Salary increase	\$287,761
Health insurance increase	2,144
Total	\$289,905

³ Funding for miscellaneous expenses, including travel and professional materials and supplies is reduced by \$503,346 from the general fund.

⁴ Funding of \$134,611 from the general fund is added to lease information technology equipment and for associated software costs.

⁵ One-time funding of \$32,000 from the general fund is added for Zoom remote video equipment.

⁶ One-time funding of \$2 million from the general fund is added for a new docket management system.

Senate Bill No. 2002 - District Courts - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$73,242,268	\$3,911,435	\$77,153,703
Operating expenses	20,396,902	755,340	21,152,242
Capital assets		2,328,000	2,328,000
Judges' retirement	280,332	(143,086)	137,246
Total all funds	\$93,919,502	\$6,851,689	\$100,771,191
Less estimated income	1,659,596	32,314	1,691,910
General fund	\$92,259,906	\$6,819,375	\$99,079,281
FTE	315.00	(1.50)	313.50

Department 182 - District Courts - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Adjustments ²	Transfers Child Support Duties to the Department of Human Services ³	Reduces Funding for Judges' Retirement ⁴	Adds Funding for a Veterans' Treatment Court ⁵	Adds Funding to Lease Information Technology Equipment ⁶
Salaries and wages	\$2,125,790	\$1,909,906	(\$225,000)		\$100,739	
Operating expenses					44,508	\$980,397
Capital assets						
Judges' retirement				(\$143,086)		
Total all funds	\$2,125,790	\$1,909,906	(\$225,000)	(\$143,086)	\$145,247	\$980,397
Less estimated income	(31,054)	1	0	0	0	0
General fund	\$2,156,844	\$1,909,905	(\$225,000)	(\$143,086)	\$145,247	\$980,397
FTE	0.00	0.00	(1.50)	0.00	0.00	0.00

	Reduces Funding for Miscellaneous Expenses ⁷	Adds One- Time Funding ⁸	Total Senate Changes
Salaries and wages			\$3,911,435
Operating expenses	(\$427,165)	\$157,600	755,340
Capital assets		2,328,000	2,328,000
Judges' retirement			(143,086)
Total all funds	(\$427,165)	\$2,485,600	\$6,851,689
Less estimated income	63,367	0	32,314
General fund	(\$490,532)	\$2,485,600	\$6,819,375
FTE	0.00	0.00	(1.50)

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2021-23 biennium salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 and 2 percent on July 1, 2022, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

	General Fund	Other Funds	Total
Salary increase	\$1,894,366	\$0	\$1,894,366
Health insurance increase	15,539	1	15,540
Total	\$1,909,905	\$1	\$1,909,906

³ Certain child support duties are transferred from the district courts to the Department of Human Services, including the removal of 1.5 FTE positions and \$225,000 from the general fund from the district courts.

⁴ Funding for judges' retirement is reduced by \$143,086 from the general fund.

⁵ Funding of \$145,247 from the general fund, including \$100,739 for temporary salaries and wages and \$44,508 for

9-25-21

operating expenses, is added for a veterans' treatment court in the Northeast Central Judicial District.

⁶ Funding of \$980,397 from the general fund is added to lease information technology equipment and for associated software costs.

⁷ Funding for miscellaneous expenses, including travel and rent is reduced by \$427,165, including a reduction of \$490,532 from the general fund and an increase of \$63,367 from federal funds.

⁸ One-time funding is added for the following items:

<u>General Fund</u>	
Juvenile case management system	\$2,000,000
Zoom remote video equipment	328,000
Wi-Fi access points	157,600
Total	\$2,485,600

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

	Base Budget	Senate Changes	Senate Version
Judicial Conduct Commission	\$1,250,962	\$69,235	\$1,320,197
Total all funds	\$1,250,962	\$69,235	\$1,320,197
Less estimated income	482,701	19,799	502,500
General fund	\$768,261	\$49,436	\$817,697
FTE	4.50	0.00	4.50

Department 183 - Judicial Conduct Commission - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Adjustments ²	Adjusts Funding for Miscellaneous Expenses ³	Total Senate Changes
Judicial Conduct Commission	\$45,323	\$26,738	(\$2,826)	\$69,235
Total all funds	\$45,323	\$26,738	(\$2,826)	\$69,235
Less estimated income	20,121	0	(322)	19,799
General fund	\$25,202	\$26,738	(\$2,504)	\$49,436
FTE	0.00	0.00	0.00	0.00

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2021-23 biennium salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 and 2 percent on July 1, 2022, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

<u>General Fund</u>	
Salary increase	\$26,492
Health insurance increase	246
Total	\$26,738

³ Funding is reduced by \$2,826, including \$2,504 from the general fund and \$322 from other funds for miscellaneous expenses, including reductions in postage and information technology data processing and an increase in rent.

Senate Bill No. 2002 - Other Changes - Senate Action

This amendment also:

- Transfers certain child support duties from the district courts to the Department of Human Services.
- Increases Supreme Court justices' salaries by 2 percent each year of the biennium.
- Increases district court judges' salaries by 2 percent each year of the biennium.
- Adds legislative intent that the judicial branch pursue federal funds from the Coronavirus Relief Fund to two information technology projects, including Zoom remote video equipment and district court wi-fi access points. This amendment provides an appropriation of \$517,600 from the general fund for the projects.

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, line 1, after the semicolon insert "to amend and reenact sections 14-08.1-08, 14-09-08.1, 14-09-08.2, 14-09-09.29, 14-09-26, 27-02-02, and 27-05-03 and subsection 2 of section 50-09-02.1 of the North Dakota Century Code, relating to clerk of court responsibilities regarding child support, salaries of justices of the supreme court, and salaries of district court judges; to provide for a report; to provide a statement of legislative intent;"

Page 1, replace lines 11 through 19 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,338,720	(\$102,613)	\$11,236,107
Operating expenses	2,705,762	(355,668)	2,350,094
Capital assets	0	2,032,000	2,032,000
Guardianship monitoring program	<u>283,042</u>	<u>4,112</u>	<u>287,154</u>
Total all funds	\$14,327,524	\$1,577,831	\$15,905,355
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
Total general fund	\$14,327,524	\$1,577,831	\$15,905,355"

Page 1, remove lines 22 through 24

Page 2, replace lines 1 through 6 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$73,242,268	\$3,911,435	\$77,153,703
Operating expenses	20,396,902	755,340	21,152,242
Capital assets	0	2,328,000	2,328,000
Judges' retirement	<u>280,332</u>	<u>(143,086)</u>	<u>137,246</u>
Total all funds	\$93,919,502	\$6,851,689	\$100,771,191
Less estimated income	<u>1,659,596</u>	<u>32,314</u>	<u>1,691,910</u>
Total general fund	\$92,259,906	\$6,819,375	\$99,079,281"

Page 2, replace lines 9 through 15 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Judicial conduct commission and disciplinary board	<u>\$1,250,962</u>	<u>\$69,235</u>	<u>\$1,320,197</u>
Total all funds	\$1,250,962	\$69,235	\$1,320,197
Less estimated income	<u>482,701</u>	<u>19,799</u>	<u>502,500</u>
Total general fund	\$768,261	\$49,436	\$817,697"

Page 2, replace lines 18 through 23 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$107,355,691	\$8,446,642	\$115,802,333
Grand total special funds	<u>2,142,297</u>	<u>52,113</u>	<u>2,194,410</u>
Grand total all funds	\$109,497,988	\$8,498,755	\$117,996,743
Full-time equivalent positions	363.00	(1.50)	361.50"

Page 2, line 24, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO SIXTY-EIGHTH LEGISLATIVE ASSEMBLY"

Page 2, line 25, after "biennium" insert "and the 2021-23 biennium one-time funding items included in section 1 of this Act"

Page 2, remove lines 27 through 30

Page 3, replace lines 1 and 2 with:

"Docket management system	\$0	\$2,000,000
Juvenile case management system	0	2,000,000
Zoom remote video equipment	0	360,000
Wi-fi access points	0	157,600
Copy machines	82,500	0
Audio and visual equipment	64,852	0
Law library remodel	<u>970,000</u>	<u>0</u>
Total all funds	\$1,117,352	\$4,517,600
Less estimated income	<u>970,000</u>	<u>0</u>
Total general fund	\$147,352	\$4,517,600

The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget for the 2023-25 biennium. The supreme court shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2021, and ending June 30, 2023."

Page 3, after line 12, insert:

"SECTION 5. AMENDMENT. Section 14-08.1-08 of the North Dakota Century Code is amended and reenacted as follows:

14-08.1-08. Certification of records.

~~The clerk of court and any~~An authorized agent of the child support agency, in any circumstance or proceeding requiring proof of the contents of the official records of the state regarding any information maintained in the state case registry of the automated data processing system established under section 50-09-02.1, may certify the content of those records. A certification provided under this section is prima facie evidence of the contents of those records.

SECTION 6. AMENDMENT. Section 14-09-08.1 of the North Dakota Century Code is amended and reenacted as follows:

14-09-08.1. Support payments - Payment to state disbursement unit - Transfer of proceedings for enforcement of decree - Procedures upon failure to pay.

1. In any action in which a court orders that payments for child support be made, the court shall provide in its order that the payments be paid to the state disbursement unit for remittance to the obligee.
2. a. Each party subject to the order shall immediately inform the state disbursement unit of the party's:
 - (1) Social security number;
 - (2) Residential and mailing addresses and any change of address;
 - (3) Telephone number;
 - (4) Motor vehicle operator's license number;
 - (5) Employer's name, address, and telephone number;

- (6) Electronic mail address; and
 - (7) Change of any other condition which may affect the proper administration of this chapter.
- b. Each order for payment of child support must notify each party of the requirements in subdivision a and require the party to provide the information within ten days from the date of the order or ten days after any change in the information.
 - c. In any subsequent child support enforcement or modification action between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of a party, the court shall deem due process requirements for notice and service to have been met, with respect to the noticed party, by delivery of written notice to the most recent residential or employer address provided by the noticed party pursuant to this subsection.
 - d. The requirements of this subsection continue in effect until all child support obligations have been satisfied with respect to each child subject to the order.
- 3. Whenever there is failure to make the payments as required, the clerk of court ~~may, and~~ upon request of the obligee or child support agency shall, send notice of the arrears by first-class mail, with affidavit of service, to the person required to make the payments, or request a district judge of the judicial district to issue a citation for contempt of court against the person who has failed to make the payments. The citation may be served on that person by first-class mail with affidavit of service to the person's last-known address.
 - 4. The court of its own motion or on motion of the child support agency or the state's attorney of the county of venue, the county of the recipient's residence, or the county of the obligor's residence may cause a ~~certified copy of any support order~~ in the action to be transcribed and filed with the clerk of the district court of any county in this state in which the obligee or the obligor may reside from time to time. Thereafter, this section applies as if the support order were issued by the district court of the county to which the support order is transcribed. No fee may be charged for transcribing or filing a ~~certified copy of any support order~~ under this section.

SECTION 7. AMENDMENT. Section 14-09-08.2 of the North Dakota Century Code is amended and reenacted as follows:

14-09-08.2. Support for children after majority - Retroactive application.

- 1. A judgment or order requiring the payment of child support until the child attains majority continues as to the child until the end of the month during which the child is graduated from high school or attains the age of nineteen years, whichever occurs first, if:
 - a. The child is enrolled and attending high school and is eighteen years of age ~~prior to~~before the date the child is expected to be graduated; and
 - b. The child resides with the person to whom the duty of support is owed.
- 2. A judgment or order may require payment of child support after majority under substantially the circumstances described in subsection 1.

3. The person to whom the duty of support is owed under either subsection 1 or 2 may file an affidavit with the district court and provide a copy to the child support agency stating that the requirements of subsection 1 are met, the school in which the child is enrolled, and the anticipated date of the child's graduation. Upon filing of the affidavit, the child support resumes pursuant to subsection 1 or pursuant to the terms of a judgment or order described in subsection 2. A fee may not be charged for filing such an affidavit.
4. ~~The clerk of court~~ child support agency shall serve the affidavit by first-class mail upon the person owing the duty of support. If at any time thereafter the person owing the duty of support files a motion with the court, supported by that person's affidavit that the child is no longer enrolled in or attending high school or is no longer residing with the person to whom the duty of support is owed, the court shall determine if the child is enrolled in and attending high school and residing with the person to whom the duty of support is owed and shall enter an order accordingly.
5. This section applies to child support orders concerning children described in subsection 1 or 2, regardless of the date of entry of the order.
6. This section does not preclude the entry of an order for child support which continues after the child reaches age eighteen, if the parties agree, or if the court determines the support to be appropriate.
7. For purposes of this section:
 - a. A child is treated as being in school during summer vacation if the child was enrolled in and attending school and did not graduate from high school at the end of the school period immediately preceding the summer vacation; and
 - b. A child who is currently enrolled in school is not considered to have graduated, even if all required coursework and examinations have been completed, until the ceremony is held by the school to commemorate the child's graduation.

SECTION 8. AMENDMENT. Section 14-09-09.29 of the North Dakota Century Code is amended and reenacted as follows:

14-09-09.29. Coordination of income withholding activities and child support case management.

The child support agency ~~shall assume responsibility~~ is responsible for administration of income withholding, ~~managing accrual and termination dates and payment ledger adjustments on the automated system established under section 50-09-02.1,~~ and the receipt and disbursement of child support payments. This section also applies to an order that does not require the payment of child support but requires the payment of spousal support, if the court orders the spousal support be paid through the state disbursement unit or be enforced through income withholding.

SECTION 9. AMENDMENT. Section 14-09-26 of the North Dakota Century Code is amended and reenacted as follows:

14-09-26. Modification of existing child support orders.

1. A child support order issued under any provision of this code and in effect on October 1, 1998, is deemed to require payment to the state disbursement unit after September 30, 1998.
2. A child support order issued under any provision of this code after September 30, 1998, must require payment to the state disbursement unit.
3. ~~A payment of child support received by a clerk of court after September 30, 1998, is deemed to be a payment to the state disbursement unit. A clerk of court receiving such child support payment after September 30, 1998, shall promptly remit or transfer that payment to the state disbursement unit.~~

SECTION 10. 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 fifty-nine thousand four hundred nine dollars through June 30, 2020~~ one hundred sixty-six thousand six hundred sixty-two dollars through June 20, 2022, and ~~one hundred sixty-three thousand three hundred ninety-four~~ one hundred sixty-nine thousand nine hundred ninety-five dollars thereafter. The chief justice of the supreme court is entitled to receive an additional ~~four thousand five hundred eight dollars per annum through June 30, 2020~~ four thousand seven hundred thirteen dollars per annum through June 30, 2022, and ~~four thousand six hundred twenty-one~~ four thousand eight hundred seven dollars per annum thereafter.

SECTION 11. 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 forty-six thousand two hundred sixty-nine dollars through June 30, 2020~~ one hundred fifty-two thousand nine hundred twenty-five dollars through June 30, 2022, and ~~one hundred forty-nine thousand nine hundred twenty-six~~ one hundred fifty-five thousand nine hundred eighty-four dollars thereafter. 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 one hundred fifty-six dollars per annum through June 30, 2020~~ four thousand three hundred forty-five dollars per annum through June 30, 2022, and ~~four thousand two hundred sixty~~ four thousand four hundred thirty-two dollars thereafter.

SECTION 12. AMENDMENT. Subsection 2 of section 50-09-02.1 of the North Dakota Century Code is amended and reenacted as follows:

2. The state agency shall establish a statewide automated data processing system designed to conform to requirements imposed by or under title IV-D. ~~The state agency must make that system available for the use of clerks of court in carrying out their duties under section 14-09-08.1.~~ The official records of the state regarding all child support amounts owed, collected, and distributed must be maintained in that system. Notwithstanding section 14-08.1-05, any record of a child support obligation that is currently being enforced in another jurisdiction and not by a child support agency, that is owed by an obligor who is deceased, or

that is owed to a deceased obligee for whom disbursement of any collections could not occur under section 14-09-25, may be removed indefinitely from the statewide automated data processing system until a request is received from a party to the child support case to restore those records.

SECTION 13. LEGISLATIVE INTENT - INFORMATION TECHNOLOGY PROJECTS. It is the intent of the sixty-seventh legislative assembly that the judicial branch pursue the use of federal funds from the coronavirus relief fund to defray the cost of remote video equipment and district court wi-fi access points."

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	\$14,327,524	\$1,577,831	\$15,905,355
Less estimated income	0	0	0
General fund	<u>\$14,327,524</u>	<u>\$1,577,831</u>	<u>\$15,905,355</u>
FTE	43.50	0.00	43.50
District Courts			
Total all funds	\$93,919,502	\$6,851,689	\$100,771,191
Less estimated income	1,659,596	32,314	1,691,910
General fund	<u>\$92,259,906</u>	<u>\$6,819,375</u>	<u>\$99,079,281</u>
FTE	315.00	(1.50)	313.50
Judicial Conduct Commission			
Total all funds	\$1,250,962	\$69,235	\$1,320,197
Less estimated income	482,701	19,799	502,500
General fund	<u>\$768,261</u>	<u>\$49,436</u>	<u>\$817,697</u>
FTE	4.50	0.00	4.50
Bill total			
Total all funds	\$109,497,988	\$8,498,755	\$117,996,743
Less estimated income	2,142,297	52,113	2,194,410
General fund	<u>\$107,355,691</u>	<u>\$8,446,642</u>	<u>\$115,802,333</u>
FTE	363.00	(1.50)	361.50

Senate Bill No. 2002 - Supreme Court - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$11,338,720	(\$102,613)	\$11,236,107
Operating expenses	2,705,762	(355,668)	2,350,094
Capital assets		2,032,000	2,032,000
Guardianship monitoring program	<u>283,042</u>	<u>4,112</u>	<u>287,154</u>
Total all funds	\$14,327,524	\$1,577,831	\$15,905,355
Less estimated income	0	0	0
General fund	<u>\$14,327,524</u>	<u>\$1,577,831</u>	<u>\$15,905,355</u>
FTE	43.50	0.00	43.50

Department 181 - Supreme Court - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Adjustments ²	Reduces Funding for Miscellaneous Expenses ³	Adds Funding to Lease Information Technology Equipment ⁴	Adds One- Time Funding for Zoom Remote Video Equipment ⁵	Adds One- Time Funding for a Docket Management System ⁶
Salaries and wages	(\$386,147)	\$283,534				
Operating expenses			(\$490,279)	\$134,611		
Capital assets					\$32,000	\$2,000,000
Guardianship monitoring program	10,808	6,371	(13,067)			
Total all funds	(\$375,339)	\$289,905	(\$503,346)	\$134,611	\$32,000	\$2,000,000
Less estimated income	0	0	0	0	0	0
General fund	(\$375,339)	\$289,905	(\$503,346)	\$134,611	\$32,000	\$2,000,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Salaries and wages
Operating expenses
Capital assets
Guardianship monitoring program

Total all funds
Less estimated income
General fund

FTE

Total Senate Changes	
	(\$102,613)
	(355,668)
	2,032,000
	4,112
	\$1,577,831
	0
	\$1,577,831
	0.00

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2021-23 biennium salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 and 2 percent on July 1, 2022, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

General Fund	
Salary increase	\$287,761
Health insurance increase	2,144
Total	\$289,905

³ Funding for miscellaneous expenses, including travel and professional materials and supplies is reduced by \$503,346 from the general fund.

⁴ Funding of \$134,611 from the general fund is added to lease information technology equipment and for associated software costs.

⁵ One-time funding of \$32,000 from the general fund is added for Zoom remote video equipment.

⁶ One-time funding of \$2 million from the general fund is added for a new docket management system.

Senate Bill No. 2002 - District Courts - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$73,242,268	\$3,911,435	\$77,153,703
Operating expenses	20,396,902	755,340	21,152,242
Capital assets		2,328,000	2,328,000
Judges' retirement	280,332	(143,086)	137,246
Total all funds	\$93,919,502	\$6,851,689	\$100,771,191
Less estimated income	1,659,596	32,314	1,691,910
General fund	\$92,259,906	\$6,819,375	\$99,079,281
FTE	315.00	(1.50)	313.50

Department 182 - District Courts - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Adjustments ²	Transfers Child Support Duties to the Department of Human Services ³	Reduces Funding for Judges' Retirement ⁴	Adds Funding for a Veterans' Treatment Court ⁵	Adds Funding to Lease Information Technology Equipment ⁶
Salaries and wages	\$2,125,790	\$1,909,906	(\$225,000)		\$100,739	
Operating expenses					44,508	\$980,397
Capital assets						
Judges' retirement				(\$143,086)		
Total all funds	\$2,125,790	\$1,909,906	(\$225,000)	(\$143,086)	\$145,247	\$980,397
Less estimated income	(31,054)	¹	⁰	⁰	⁰	⁰
General fund	\$2,156,844	\$1,909,905	(\$225,000)	(\$143,086)	\$145,247	\$980,397
FTE	0.00	0.00	(1.50)	0.00	0.00	0.00

	Reduces Funding for Miscellaneous Expenses ⁷	Adds One-Time Funding ⁸	Total Senate Changes
Salaries and wages			\$3,911,435
Operating expenses	(\$427,165)	\$157,600	755,340
Capital assets		2,328,000	2,328,000
Judges' retirement			(143,086)
Total all funds	(\$427,165)	\$2,485,600	\$6,851,689
Less estimated income	63,367	⁰	32,314
General fund	(\$490,532)	\$2,485,600	\$6,819,375
FTE	0.00	0.00	(1.50)

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2021-23 biennium salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 and 2 percent on July 1, 2022, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

	General Fund	Other Funds	Total
Salary increase	\$1,894,366	\$0	\$1,894,366
Health insurance increase	15,539	¹	15,540
Total	\$1,909,905	\$1	\$1,909,906

³ Certain child support duties are transferred from the district courts to the Department of Human Services, including the removal of 1.5 FTE positions and \$225,000 from the general fund from the district courts.

⁴ Funding for judges' retirement is reduced by \$143,086 from the general fund.

⁵ Funding of \$145,247 from the general fund, including \$100,739 for temporary salaries and wages and \$44,508 for operating expenses, is added for a veterans' treatment court in the Northeast Central Judicial District.

⁶ Funding of \$980,397 from the general fund is added to lease information technology equipment and for associated software costs.

⁷ Funding for miscellaneous expenses, including travel and rent is reduced by \$427,165, including a reduction of \$490,532 from the general fund and an increase of \$63,367 from federal funds.

⁸ One-time funding is added for the following items:

	General Fund
Juvenile case management system	\$2,000,000
Zoom remote video equipment	328,000
Wi-Fi access points	157,600
Total	\$2,485,600

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

	Base Budget	Senate Changes	Senate Version
Judicial Conduct Commission	\$1,250,962	\$69,235	\$1,320,197
Total all funds	\$1,250,962	\$69,235	\$1,320,197
Less estimated income	482,701	19,799	502,500
General fund	\$768,261	\$49,436	\$817,697
FTE	4.50	0.00	4.50

Department 183 - Judicial Conduct Commission - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Adjustments ²	Adjusts Funding for Miscellaneous Expenses ³	Total Senate Changes
Judicial Conduct Commission	\$45,323	\$26,738	(\$2,826)	\$69,235
Total all funds	\$45,323	\$26,738	(\$2,826)	\$69,235
Less estimated income	20,121	0	(322)	19,799
General fund	\$25,202	\$26,738	(\$2,504)	\$49,436
FTE	0.00	0.00	0.00	0.00

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2021-23 biennium salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 and 2 percent on July 1, 2022, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

	<u>General Fund</u>
Salary increase	\$26,492
Health insurance increase	246
Total	\$26,738

³ Funding is reduced by \$2,826, including \$2,504 from the general fund and \$322 from other funds for miscellaneous expenses, including reductions in postage and information technology data processing and an increase in rent.

Senate Bill No. 2002 - Other Changes - Senate Action

This amendment also:

- Transfers certain child support duties from the district courts to the Department of Human Services.
- Increases Supreme Court justices' salaries by 2 percent each year of the biennium.
- Increases district court judges' salaries by 2 percent each year of the biennium.
- Adds legislative intent that the judicial branch pursue federal funds from the Coronavirus Relief Fund to two information technology projects, including Zoom remote video equipment and district court wi-fi access points. This amendment provides an appropriation of \$517,600 from the general fund for the projects.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2002

Page 1, line 1, after the semicolon insert "to amend and reenact sections 14-08.1-08, 14-09-08.1, 14-09-08.2, 14-09-09.29, 14-09-26, 27-02-02, and 27-05-03 and subsection 2 of section 50-09-02.1 of the North Dakota Century Code, relating to clerk of court responsibilities regarding child support, salaries of justices of the supreme court, and salaries of district court judges; to provide for a report; to provide legislative intent;"

Page 1, replace lines 11 through 19 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,338,720	(\$102,613)	\$11,236,107
Operating expenses	2,705,762	(355,668)	2,350,094
Capital assets	0	2,032,000	2,032,000
Guardianship monitoring program	<u>283,042</u>	<u>4,112</u>	<u>287,154</u>
Total all funds	\$14,327,524	\$1,577,831	\$15,905,355
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
Total general fund	\$14,327,524	\$1,577,831	\$15,905,355"

Page 1, remove lines 22 through 24

Page 2, replace lines 1 through 6 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$73,242,268	\$3,911,435	\$77,153,703
Operating expenses	20,396,902	755,340	21,152,242
Capital assets	0	2,328,000	2,328,000
Judges' retirement	<u>280,332</u>	<u>(143,086)</u>	<u>137,246</u>
Total all funds	\$93,919,502	\$6,851,689	\$100,771,191
Less estimated income	<u>1,659,596</u>	<u>32,314</u>	<u>1,691,910</u>
Total general fund	\$92,259,906	\$6,819,375	\$99,079,281"

Page 2, replace lines 9 through 15 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Judicial conduct commission and disciplinary board	<u>\$1,250,962</u>	<u>\$69,235</u>	<u>\$1,320,197</u>
Total all funds	\$1,250,962	\$69,235	\$1,320,197
Less estimated income	<u>482,701</u>	<u>19,799</u>	<u>502,500</u>
Total general fund	\$768,261	\$49,436	\$817,697"

Page 2, replace lines 18 through 23 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$107,355,691	\$8,446,642	\$115,802,333
Grand total special funds	<u>2,142,297</u>	<u>52,113</u>	<u>2,194,410</u>

Grand total all funds	\$109,497,988	\$8,498,755	\$117,996,743
Full-time equivalent positions	363.00	(1.50)	361.50"

Page 2, line 24, after "**FUNDING**" insert "**- EFFECT ON BASE BUDGET - REPORT TO SIXTY-EIGHTH LEGISLATIVE ASSEMBLY**"

Page 2, line 25, after "biennium" insert "and the 2021-23 biennium one-time funding items included in section 1 of this Act"

Page 2, remove lines 27 through 30

Page 3, replace lines 1 and 2 with:

"Docket management system	\$0	\$2,000,000
Juvenile case management system	0	2,000,000
Zoom remote video equipment	0	360,000
Wi-fi access points	0	157,600
Copy machines	82,500	0
Audio and visual equipment	64,852	0
Law library remodel	<u>970,000</u>	<u>0</u>
Total all funds	\$1,117,352	\$4,517,600
Less estimated income	<u>970,000</u>	<u>0</u>
Total general fund	\$147,352	\$4,517,600

The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget for the 2023-25 biennium. The supreme court shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2021, and ending June 30, 2023."

Page 3, after line 12, insert:

"SECTION 5. AMENDMENT. Section 14-08.1-08 of the North Dakota Century Code is amended and reenacted as follows:

14-08.1-08. Certification of records.

~~The clerk of court and any~~An authorized agent of the child support agency, in any circumstance or proceeding requiring proof of the contents of the official records of the state regarding any information maintained in the state case registry of the automated data processing system established under section 50-09-02.1, may certify the content of those records. A certification provided under this section is prima facie evidence of the contents of those records.

SECTION 6. AMENDMENT. Section 14-09-08.1 of the North Dakota Century Code is amended and reenacted as follows:

14-09-08.1. Support payments - Payment to state disbursement unit - Transfer of proceedings for enforcement of decree - Procedures upon failure to pay.

1. In any action in which a court orders that payments for child support be made, the court shall provide in its order that the payments be paid to the state disbursement unit for remittance to the obligee.
2. a. Each party subject to the order shall immediately inform the state disbursement unit of the party's:

- (1) Social security number;
 - (2) Residential and mailing addresses and any change of address;
 - (3) Telephone number;
 - (4) Motor vehicle operator's license number;
 - (5) Employer's name, address, and telephone number;
 - (6) Electronic mail address; and
 - (7) Change of any other condition which may affect the proper administration of this chapter.
 - b. Each order for payment of child support must notify each party of the requirements in subdivision a and require the party to provide the information within ten days from the date of the order or ten days after any change in the information.
 - c. In any subsequent child support enforcement or modification action between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of a party, the court shall deem due process requirements for notice and service to have been met, with respect to the noticed party, by delivery of written notice to the most recent residential or employer address provided by the noticed party pursuant to this subsection.
 - d. The requirements of this subsection continue in effect until all child support obligations have been satisfied with respect to each child subject to the order.
3. Whenever there is failure to make the payments as required, the clerk of court ~~may, and~~ upon request of the obligee or child support agency shall, send notice of the arrears by first-class mail, with affidavit of service, to the person required to make the payments, or request a district judge of the judicial district to issue a citation for contempt of court against the person who has failed to make the payments. The citation may be served on that person by first-class mail with affidavit of service to the person's last-known address.
 4. The court of its own motion or on motion of the child support agency or the state's attorney of the county of venue, the county of the recipient's residence, or the county of the obligor's residence may cause a ~~certified copy of any~~ support order in the action to be transcribed and filed with the clerk of the district court of any county in this state in which the obligee or the obligor may reside from time to time. Thereafter, this section applies as if the support order were issued by the district court of the county to which the support order is transcribed. No fee may be charged for transcribing or filing a ~~certified copy of any~~ support order under this section.

SECTION 7. AMENDMENT. Section 14-09-08.2 of the North Dakota Century Code is amended and reenacted as follows:

14-09-08.2. Support for children after majority - Retroactive application.

1. A judgment or order requiring the payment of child support until the child attains majority continues as to the child until the end of the month during which the child is graduated from high school or attains the age of nineteen years, whichever occurs first, if:
 - a. The child is enrolled and attending high school and is eighteen years of age ~~prior to~~before the date the child is expected to be graduated; and
 - b. The child resides with the person to whom the duty of support is owed.
2. A judgment or order may require payment of child support after majority under substantially the circumstances described in subsection 1.
3. The person to whom the duty of support is owed under either subsection 1 or 2 may file an affidavit with the district court and provide a copy to the child support agency stating that the requirements of subsection 1 are met, the school in which the child is enrolled, and the anticipated date of the child's graduation. Upon filing of the affidavit, the child support resumes pursuant to subsection 1 or pursuant to the terms of a judgment or order described in subsection 2. A fee may not be charged for filing such an affidavit.
4. ~~The clerk of court~~child support agency shall serve the affidavit by first-class mail upon the person owing the duty of support. If at any time thereafter the person owing the duty of support files a motion with the court, supported by that person's affidavit that the child is no longer enrolled in or attending high school or is no longer residing with the person to whom the duty of support is owed, the court shall determine if the child is enrolled in and attending high school and residing with the person to whom the duty of support is owed and shall enter an order accordingly.
5. This section applies to child support orders concerning children described in subsection 1 or 2, regardless of the date of entry of the order.
6. This section does not preclude the entry of an order for child support which continues after the child reaches age eighteen, if the parties agree, or if the court determines the support to be appropriate.
7. For purposes of this section:
 - a. A child is treated as being in school during summer vacation if the child was enrolled in and attending school and did not graduate from high school at the end of the school period immediately preceding the summer vacation; and
 - b. A child who is currently enrolled in school is not considered to have graduated, even if all required coursework and examinations have been completed, until the ceremony is held by the school to commemorate the child's graduation.

SECTION 8. AMENDMENT. Section 14-09-09.29 of the North Dakota Century Code is amended and reenacted as follows:

14-09-09.29. Coordination of income withholding activities and child support case management.

The child support agency ~~shall assume responsibility~~ is responsible for administration of income withholding, managing accrual and termination dates and payment ledger adjustments on the automated system established under section 50-09-02.1, and the receipt and disbursement of child support payments. This section also applies to an order that does not require the payment of child support but requires the payment of spousal support, if the court orders the spousal support be paid through the state disbursement unit or be enforced through income withholding.

SECTION 9. AMENDMENT. Section 14-09-26 of the North Dakota Century Code is amended and reenacted as follows:

14-09-26. Modification of existing child support orders.

1. A child support order issued under any provision of this code and in effect on October 1, 1998, is deemed to require payment to the state disbursement unit after September 30, 1998.
2. A child support order issued under any provision of this code after September 30, 1998, must require payment to the state disbursement unit.
3. ~~A payment of child support received by a clerk of court after September 30, 1998, is deemed to be a payment to the state disbursement unit. A clerk of court receiving such child support payment after September 30, 1998, shall promptly remit or transfer that payment to the state disbursement unit.~~

SECTION 10. 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 fifty-nine thousand four hundred nine dollars through June 30, 2020~~ one hundred sixty-six thousand six hundred sixty-two dollars through June 20, 2022, and ~~one hundred sixty-three thousand three hundred ninety-four~~ one hundred sixty-nine thousand nine hundred ninety-five dollars thereafter. The chief justice of the supreme court is entitled to receive an additional ~~four thousand five hundred eight dollars per annum through June 30, 2020~~ four thousand seven hundred thirteen dollars per annum through June 30, 2022, and ~~four thousand six hundred twenty-one~~ four thousand eight hundred seven dollars per annum thereafter.

SECTION 11. 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 forty-six thousand two hundred sixty-nine dollars through June 30, 2020~~ one hundred fifty-two thousand nine hundred twenty-five dollars through June 30, 2022, and ~~one hundred forty-nine thousand nine hundred twenty-six~~ one hundred fifty-five thousand nine hundred eighty-four dollars thereafter. 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 one hundred fifty six dollars per annum through June 30, 2020~~ four thousand three hundred forty-five dollars per annum through June 30, 2022, and ~~four thousand two hundred sixty~~ four thousand four hundred thirty-two dollars thereafter.

SECTION 12. AMENDMENT. Subsection 2 of section 50-09-02.1 of the North Dakota Century Code is amended and reenacted as follows:

2. The state agency shall establish a statewide automated data processing system designed to conform to requirements imposed by or under title IV-D. ~~The state agency must make that system available for the use of clerks of court in carrying out their duties under section 14-09-08.1.~~ The official records of the state regarding all child support amounts owed, collected, and distributed must be maintained in that system. Notwithstanding section 14-08.1-05, any record of a child support obligation that is currently being enforced in another jurisdiction and not by a child support agency, that is owed by an obligor who is deceased, or that is owed to a deceased obligee for whom disbursement of any collections could not occur under section 14-09-25, may be removed indefinitely from the statewide automated data processing system until a request is received from a party to the child support case to restore those records.

SECTION 13. LEGISLATIVE INTENT - INFORMATION TECHNOLOGY PROJECTS. It is the intent of the sixty-seventh legislative assembly that the judicial branch pursue the use of federal funds from the coronavirus relief fund to defray the cost of remote video equipment and district court wi-fi access points."

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	\$14,327,524	\$1,577,831	\$15,905,355
Less estimated income	0	0	0
General fund	\$14,327,524	\$1,577,831	\$15,905,355
FTE	43.50	0.00	43.50
District Courts			
Total all funds	\$93,919,502	\$6,851,689	\$100,771,191
Less estimated income	1,659,596	32,314	1,691,910
General fund	\$92,259,906	\$6,819,375	\$99,079,281
FTE	315.00	(1.50)	313.50
Judicial Conduct Commission			
Total all funds	\$1,250,962	\$69,235	\$1,320,197
Less estimated income	482,701	19,799	502,500
General fund	\$768,261	\$49,436	\$817,697
FTE	4.50	0.00	4.50
Bill total			
Total all funds	\$109,497,988	\$8,498,755	\$117,996,743
Less estimated income	2,142,297	52,113	2,194,410
General fund	\$107,355,691	\$8,446,642	\$115,802,333
FTE	363.00	(1.50)	361.50

Senate Bill No. 2002 - Supreme Court - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$11,338,720	(\$102,613)	\$11,236,107
Operating expenses	2,705,762	(355,668)	2,350,094
Capital assets		2,032,000	2,032,000
Guardianship monitoring program	283,042	4,112	287,154
Total all funds	\$14,327,524	\$1,577,831	\$15,905,355
Less estimated income	0	0	0
General fund	\$14,327,524	\$1,577,831	\$15,905,355
FTE	43.50	0.00	43.50

Department 181 - Supreme Court - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Adjustments ²	Reduces Funding for Miscellaneous Expenses ³	Adds Funding to Lease Information Technology Equipment ⁴	Adds One- Time Funding for Zoom Remote Video Equipment ⁵	Adds One- Time Funding for a Docket Management System ⁶
Salaries and wages	(\$386,147)	\$283,534				
Operating expenses			(\$490,279)	\$134,611		
Capital assets					\$32,000	\$2,000,000
Guardianship monitoring program	10,808	6,371	(13,067)			
Total all funds	(\$375,339)	\$289,905	(\$503,346)	\$134,611	\$32,000	\$2,000,000
Less estimated income	0	0	0	0	0	0
General fund	(\$375,339)	\$289,905	(\$503,346)	\$134,611	\$32,000	\$2,000,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Total Senate Changes
Salaries and wages	(\$102,613)
Operating expenses	(355,668)
Capital assets	2,032,000
Guardianship monitoring program	4,112
Total all funds	\$1,577,831
Less estimated income	0
General fund	\$1,577,831
FTE	0.00

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2021-23 biennium salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 and 2 percent on July 1, 2022, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

	General Fund
Salary increase	\$287,761
Health insurance increase	2,144
Total	\$289,905

³ Funding for miscellaneous expenses, including travel and professional materials and supplies is reduced by \$503,346 from the general fund.

⁴ Funding of \$134,611 from the general fund is added to lease information technology equipment and for associated software costs.

⁵ One-time funding of \$32,000 from the general fund is added for Zoom remote video equipment.

⁶ One-time funding of \$2 million from the general fund is added for a new docket management system.

Senate Bill No. 2002 - District Courts - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$73,242,268	\$3,911,435	\$77,153,703
Operating expenses	20,396,902	755,340	21,152,242
Capital assets		2,328,000	2,328,000
Judges' retirement	280,332	(143,086)	137,246
Total all funds	\$93,919,502	\$6,851,689	\$100,771,191
Less estimated income	1,659,596	32,314	1,691,910
General fund	\$92,259,906	\$6,819,375	\$99,079,281
FTE	315.00	(1.50)	313.50

Department 182 - District Courts - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Adjustments ²	Transfers Child Support Duties to the Department of Human Services ³	Reduces Funding for Judges' Retirement ⁴	Adds Funding for a Veterans' Treatment Court ⁵	Adds Funding to Lease Information Technology Equipment ⁶
Salaries and wages	\$2,125,790	\$1,909,906	(\$225,000)		\$100,739	
Operating expenses					44,508	\$980,397
Capital assets				(\$143,086)		
Judges' retirement						
Total all funds	\$2,125,790	\$1,909,906	(\$225,000)	(\$143,086)	\$145,247	\$980,397
Less estimated income	(31,054)	1	0	0	0	0
General fund	\$2,156,844	\$1,909,905	(\$225,000)	(\$143,086)	\$145,247	\$980,397
FTE	0.00	0.00	(1.50)	0.00	0.00	0.00

	Reduces Funding for Miscellaneous Expenses ⁷	Adds One-Time Funding ⁸	Total Senate Changes
Salaries and wages			\$3,911,435
Operating expenses	(\$427,165)	\$157,600	755,340
Capital assets		2,328,000	2,328,000
Judges' retirement			(143,086)
Total all funds	(\$427,165)	\$2,485,600	\$6,851,689
Less estimated income	63,367	0	32,314
General fund	(\$490,532)	\$2,485,600	\$6,819,375
FTE	0.00	0.00	(1.50)

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2021-23 biennium salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 and 2 percent on July 1, 2022, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

	General Fund	Other Funds	Total
Salary increase	\$1,894,366	\$0	\$1,894,366
Health insurance increase	15,539	1	15,540
Total	\$1,909,905	\$1	\$1,909,906

³ Certain child support duties are transferred from the district courts to the Department of Human Services, including the removal of 1.5 FTE positions and \$225,000 from the general fund from the district courts.

⁴ Funding for judges' retirement is reduced by \$143,086 from the general fund.

⁵ Funding of \$145,247 from the general fund, including \$100,739 for temporary salaries and wages and \$44,508 for operating expenses, is added for a veterans' treatment court in the Northeast Central Judicial District.

⁶ Funding of \$980,397 from the general fund is added to lease information technology equipment and for associated software costs.

⁷ Funding for miscellaneous expenses, including travel and rent is reduced by \$427,165, including a reduction of \$490,532 from the general fund and an increase of \$63,367 from federal funds.

⁸ One-time funding is added for the following items:

<u>General Fund</u>	
Juvenile case management system	\$2,000,000
Zoom remote video equipment	328,000
Wi-Fi access points	<u>157,600</u>
Total	\$2,485,600

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

	<u>Base Budget</u>	<u>Senate Changes</u>	<u>Senate Version</u>
Judicial Conduct Commission	\$1,250,962	\$69,235	\$1,320,197
Total all funds	\$1,250,962	\$69,235	\$1,320,197
Less estimated income	<u>482,701</u>	<u>19,799</u>	<u>502,500</u>
General fund	\$768,261	\$49,436	\$817,697
FTE	4.50	0.00	4.50

Department 183 - Judicial Conduct Commission - Detail of Senate Changes

	<u>Adjusts Funding for Base Payroll Changes¹</u>	<u>Adds Funding for Salary and Benefit Adjustments²</u>	<u>Adjusts Funding for Miscellaneous Expenses³</u>	<u>Total Senate Changes</u>
Judicial Conduct Commission	\$45,323	\$26,738	(\$2,826)	\$69,235
Total all funds	\$45,323	\$26,738	(\$2,826)	\$69,235
Less estimated income	<u>20,121</u>	<u>0</u>	<u>(322)</u>	<u>19,799</u>
General fund	\$25,202	\$26,738	(\$2,504)	\$49,436
FTE	0.00	0.00	0.00	0.00

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2021-23 biennium salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 and 2 percent on July 1, 2022, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

<u>General Fund</u>	
Salary increase	\$26,492
Health insurance increase	<u>246</u>
Total	\$26,738

³ Funding is reduced by \$2,826, including \$2,504 from the general fund and \$322 from other funds for miscellaneous expenses, including reductions in postage and information technology data processing and an increase in rent.

Senate Bill No. 2002 - Other Changes - Senate Action

This amendment also:

- Transfers certain child support duties from the district courts to the Department of Human Services.
- Increases Supreme Court justices' salaries by 2 percent each year of the biennium.
- Increases district court judges' salaries by 2 percent each year of the biennium.
- Adds legislative intent that the judicial branch pursue federal funds from the Coronavirus Relief Fund to

two information technology projects, including Zoom remote video equipment and district court wi-fi access points. This amendment provides an appropriation of \$517,600 from the general fund for the projects.

2021 HOUSE APPROPRIATIONS

SB 2002

Department 180 - Judicial Branch
Senate Bill No. 2002

Executive Budget Comparison to Prior Biennium Appropriations

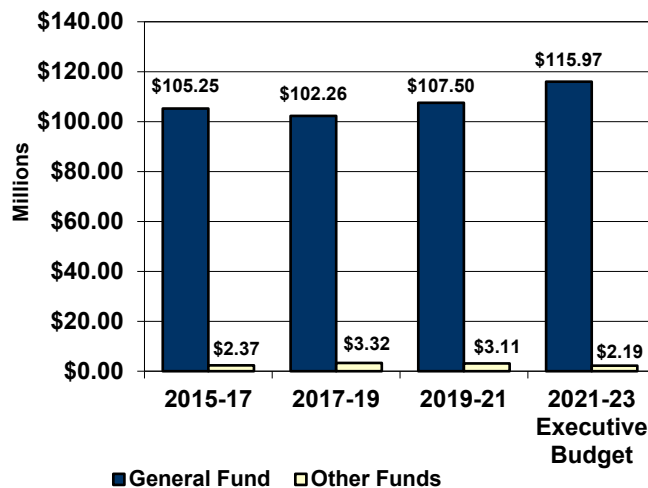
	FTE Positions	General Fund	Other Funds	Total
2021-23 Executive Budget	363.00	\$115,967,211	\$2,194,458	\$118,161,669
2019-21 Legislative Appropriations ¹	363.00	107,503,043	3,112,297	110,615,340
Increase (Decrease)	0.00	\$8,464,168	(\$917,839)	\$7,546,329

¹The 2019-21 biennium agency appropriation amounts have not been adjusted for additional federal Coronavirus (COVID-19) funds authority of \$312,212 resulting from Emergency Commission action during the 2019-21 biennium.

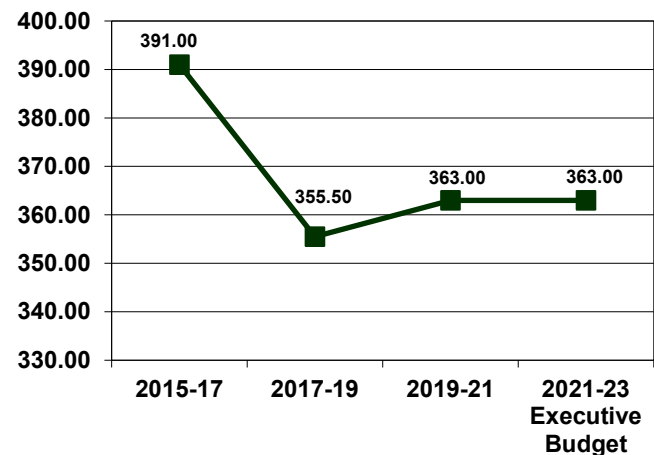
Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2021-23 Executive Budget	\$111,449,611	\$4,517,600	\$115,967,211
2019-21 Legislative Appropriations	107,355,691	147,352	107,503,043
Increase (Decrease)	\$4,093,920	\$4,370,248	\$8,464,168

Agency Funding



FTE Positions



Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2021-23 Executive Budget	\$115,967,211	\$2,194,458	\$118,161,669
2021-23 Base Level	107,355,691	2,142,297	109,497,988
Increase (Decrease)	\$8,611,520	\$52,161	\$8,663,681

First House Action

Attached is a comparison worksheet detailing first house changes to base level funding and the executive budget.

Executive Budget Highlights
(With First House Changes in Bold)

	General Fund	Other Funds	Total
Judicial branch			
1. Provides funding for state employee salary and benefit increases, of which \$1,565,650 is for salary increases, \$17,930 is for health insurance increases, and \$322,502 is for retirement contributions increases. The Senate added funding for salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 and 2 percent on July 1, 2022, and increases in health insurance premiums from \$1,427 to \$1,429 per month. The Senate did not add funding for retirement contribution increases.	\$1,906,033	\$49	\$1,906,082

Supreme Court

2. Adjusts funding for base payroll changes	(\$313,751)	\$0	(\$313,751)
3. Adds funding for the Capitol complex rent proposal. The Senate did not add funding for the Capitol complex rent proposal.	\$755,930	\$0	\$755,930
4. Adds funding to lease information technology equipment	\$134,611	\$0	\$134,611
5. Adjusts funding for operating expenses	(\$503,346)	\$0	(\$503,346)
6. Adds one-time funding for a new docket management system	\$2,000,000	\$0	\$2,000,000
7. Adds one-time funding for Zoom remote video equipment	\$32,000	\$0	\$32,000

District courts

8. Adjusts funding for base payroll changes, including employee step increases	\$2,677,719	(\$31,054)	\$2,646,665
9. Removes funding for juvenile intensive in-home services. The Senate did not remove funding for juvenile intensive in-home services.	(\$500,000)	\$0	(\$500,000)
10. Removes funding for youth cultural achievement programs. The Senate did not remove funding for youth cultural achievement programs.	(\$455,000)	\$0	(\$455,000)
11. Reduces funding for other juvenile service programs. The Senate did not reduce funding for other juvenile service programs.	(\$266,086)	\$0	(\$266,086)
12. Adds funding to lease information technology equipment	\$980,397	\$0	\$980,397
13. Adds funding for a veterans' treatment court	\$145,247	\$0	\$145,247
14. Adjusts funding for operating expenses	(\$490,532)	\$63,367	(\$427,165)
15. Adds one-time funding for a juvenile case management system	\$2,000,000	\$0	\$2,000,000
16. Adds one-time funding for Zoom remote video equipment	\$328,000	\$0	\$328,000
17. Adds one-time funding for Wi-Fi access points	\$157,600	\$0	\$157,600

Judicial Conduct Commission

18. Adjusts funding for base payroll changes	\$25,202	\$20,121	\$45,323
19. Adjusts funding for operating expenses	(\$2,504)	(\$322)	(\$2,826)

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, 2021, and ending June 30, 2023.

Line item transfers - Section 4 requires the director of the Office of Management and Budget to transfer appropriation authority between line items for the judicial branch as requested by the Supreme Court.

Child support duties - Sections 5, 6, 7, 8, 9, and 12 provide statutory changes to transfer certain child support duties from the judicial branch to the Department of Human Services.

Supreme Court justices' salaries - Section 10 provides the statutory changes to increase Supreme Court justices' salaries by 2 percent each year of the biennium. Supreme Court justices' annual salaries would be increased from the current level of \$163,394 to \$166,662 effective July 1, 2021, and \$169,995 effective July 1, 2022. The Chief Justice of the Supreme Court would be entitled to receive an additional \$4,713 per annum effective July 1, 2021, and an additional \$4,808 per annum effective July 1, 2022, an increase from the current additional amount for the Chief Justice of \$4,624 per annum.

District judges' salaries - Section 11 provides the statutory changes to increase district court judges' salaries by 2 percent each year of the biennium. District court judges' annual salaries would be increased from the current level of \$149,926 to \$152,925 effective July 1, 2021, and \$155,983 effective July 1, 2022. A presiding judge of a judicial district would be entitled to receive an additional \$4,345 per annum effective July 1, 2021, and an additional \$4,432 per annum effective July 1, 2022, an increase from the current additional amount for presiding judges of \$4,260 per annum.

Legislative intent - Section 13 provides legislative intent that the judicial branch pursue the use of federal funds from the federal Coronavirus Relief Fund to defray the cost of certain information technology projects.

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.

Significant Audit Findings

There are no significant audit findings for the judicial branch.

Major Related Legislation

House Bill No. 1035 - Amends law relating to juvenile justice and the Juvenile Court Act.

House Bill No. 1036 - Provides for a Legislative Management study of juvenile justice during the 2021-22 interim.

House Bill No. 1048 - Allows the court to require a guardian to obtain a bond.

House Bill No. 1049 - Provides for restrictions on visitation, communication, and interaction with a ward.

House Bill No. 1393 - Adds the completion of a restorative justice program as a sentencing alternative to incarceration.

House Bill No. 1427 - Provides for duties of the Commission on Juvenile Justice and the Children's Cabinet and creates a Juvenile Justice Planning Committee, a Planning Committee for Children in Need of Services, and a Planning Committee for Alternatives to Juvenile Detention.

Senate Bill No. 2057 - Provides for the court to authorize the sale or transfer of ownership of the property of a ward.

Senate Bill No. 2105 - Amends law relating to the retaking of an offender under supervision in another state.

Senate Bill No. 2246 - Amends law to provide for a drug court program and a veterans treatment docket.

Judicial Branch - Budget No. 180
Senate Bill No. 2002
Base Level Funding Changes

	Executive Budget Recommendation				Senate Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2021-23 Biennium Base Level	363.00	\$107,355,691	\$2,142,297	\$109,497,988	363.00	\$107,355,691	\$2,142,297	\$109,497,988
2021-23 Ongoing Funding Changes								
Base payroll changes		\$2,389,170	(\$10,933)	\$2,378,237		\$1,806,707	(\$10,933)	\$1,795,774
Salary increase		1,565,610	40	1,565,650		2,208,619		2,208,619
Retirement contribution increase		322,494	8	322,502				0
Health insurance increase		17,929	1	17,930		17,929	1	17,930
Transfers child support duties to the Department of Human Services				0	(1.50)	(225,000)		(225,000)
Reduces funding for judge's retirement				0		(143,086)		(143,086)
Adds funding for a veterans treatment court		145,247		145,247		145,247		145,247
Adjusts funding for Supreme Court operations		(503,346)		(503,346)		(503,346)		(503,346)
Adjusts funding for district court operations		(490,532)	63,367	(427,165)		(490,532)	63,367	(427,165)
Adjusts funding for Judicial Conduct Commission operations		(2,504)	(322)	(2,826)		(2,504)	(322)	(2,826)
Removes funding for juvenile intensive in-home services		(500,000)		(500,000)				0
Removes funding for youth cultural achievement programs		(455,000)		(455,000)				0
Reduces funding for other juvenile service programs		(266,086)		(266,086)				0
Adds funding to lease IT equipment		1,115,008		1,115,008		1,115,008		1,115,008
Adds funding for the Capitol complex rent proposal		755,930		755,930				0
Total ongoing funding changes	0.00	\$4,093,920	\$52,161	\$4,146,081	(1.50)	\$3,929,042	\$52,113	\$3,981,155
One-time funding items								
Adds one-time funding for Zoom remote video equipment		\$360,000		\$360,000		\$360,000		\$360,000
Adds one-time funding for district court Wi-Fi access points		157,600		157,600		157,600		157,600
Adds one-time funding for a new juvenile case management system		2,000,000		2,000,000		2,000,000		2,000,000
Adds one-time funding for a new Supreme Court docket management system		2,000,000		2,000,000		2,000,000		2,000,000
Total one-time funding changes	0.00	\$4,517,600	\$0	\$4,517,600	0.00	\$4,517,600	\$0	\$4,517,600
Total Changes to Base Level Funding	0.00	\$8,611,520	\$52,161	\$8,663,681	(1.50)	\$8,446,642	\$52,113	\$8,498,755
2021-23 Total Funding	363.00	\$115,967,211	\$2,194,458	\$118,161,669	361.50	\$115,802,333	\$2,194,410	\$117,996,743
Total ongoing changes as a percentage of base level	0.0%	3.8%	2.4%	3.8%	(0.4%)	3.7%	2.4%	3.6%
Total changes as a percentage of base level	0.0%	8.0%	2.4%	7.9%	(0.4%)	7.9%	2.4%	7.8%

Other Sections in Judicial Branch - Budget No. 180

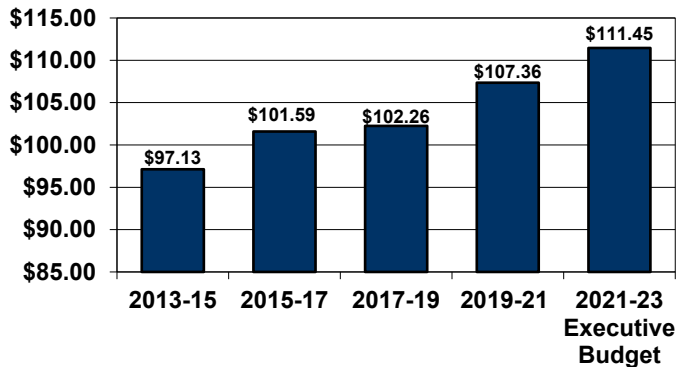
	Executive Budget Recommendation	Senate Version
Appropriation	Section 3 would appropriate to the judicial branch all funds received pursuant to federal acts and private gifts, grants, and donations, for the purpose as designated in the federal acts or private gifts, grants, and donations, for the period beginning July 1, 2021, and ending June 30, 2023.	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, 2021, and ending June 30, 2023.
Line item transfers	Section 4 would require the director of the Office of Management and Budget to transfer appropriation authority between line items for the judicial branch as requested by the Supreme Court.	Section 4 requires the director of the Office of Management and Budget to transfer appropriation authority between line items for the judicial branch as requested by the Supreme Court.
Transfer child support duties		Sections 5, 6, 7, 8, 9, and 12 provide statutory changes as originally provided in Senate Bill No. 2082 to transfer certain child support duties to the Department of Human Services.
Supreme Court justices' salaries	Section 5 would provide the statutory changes to increase Supreme Court justices' salaries by 2 percent each year of the biennium.	Section 10 provides the statutory changes to increase Supreme Court justices' salaries by 2 percent each year of the biennium.
District judges' salaries	Section 6 would provide the statutory changes to increase district court judges' salaries by 2 percent each year of the biennium.	Section 11 provides the statutory changes to increase district court judges' salaries by 2 percent each year of the biennium.
Legislative intent		Section 13 provides legislative intent for the judicial branch to seek federal coronavirus relief funding for the Zoom remote video equipment and the Wi-Fi access points.

Department 180 - Judicial Branch

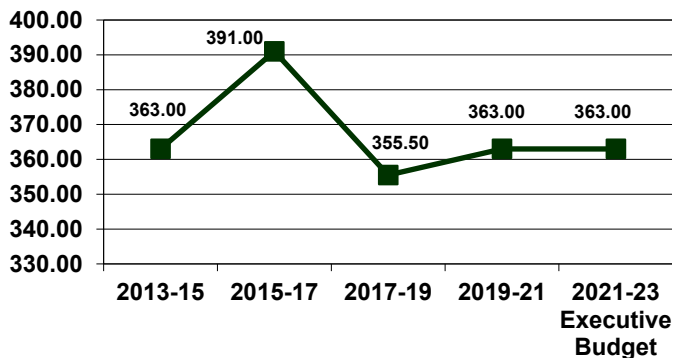
Historical Appropriations Information

Ongoing General Fund Appropriations Since 2013-15

Ongoing General Fund Appropriations (in Millions)



FTE Positions



Ongoing General Fund Appropriations					
	2013-15	2015-17	2017-19	2019-21	2021-23 Executive Budget
Ongoing general fund appropriations	\$97,133,117	\$101,591,134	\$102,257,770	\$107,355,691	\$111,449,611
Increase (decrease) from previous biennium	N/A	\$4,458,017	\$666,636	\$5,097,921	\$4,093,920
Percentage increase (decrease) from previous biennium	N/A	4.6%	0.7%	5.0%	3.8%
Cumulative percentage increase (decrease) from 2013-15 biennium	N/A	4.6%	5.3%	10.5%	14.7%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2015-17 Biennium

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. Increase funding for operating expenses (this item was affected by the August 2016 budget reductions) \$1,074,354

2017-19 Biennium

1. Removed 32 FTE positions (\$2,801,754)
2. Increased funding for operating expenses, including information technology costs \$1,101,096
3. Increased funding for payments to contract counties for clerk of court services \$342,479

2019-21 Biennium

1. Added 7.5 FTE positions, including 1 new district judge \$1,459,508
2. Reduced funding for miscellaneous expenses, including equipment, information technology, and other operating expenses (\$757,971)
3. Added funding for drug court in the Southeast Judicial District \$125,240

2021-23 Biennium (Executive Budget Recommendation)

1. Removes funding for juvenile intensive in-home services. **The Senate did not remove funding for juvenile intensive in-home services.** (\$500,000)
2. Removes funding for youth cultural achievement programs. **The Senate did not remove funding for youth cultural achievement programs.** (\$455,000)
3. Adds funding to lease information technology equipment \$1,115,008
4. Adds funding for the Capitol complex rent proposal. **The Senate did not add funding for the Capitol complex rent proposal.** \$755,930

JUDICIAL BRANCH REQUEST WITH THE GOVERNOR'S RECOMMENDATION FOR STATE EMPLOYEE COMPENSATION CHANGES AND RENT

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the judicial branch for the purpose of defraying the expenses of the judicial branch, for the biennium beginning July 1, 2021, and ending June 30, 2023 as follows:

Subdivision 1.

SUPREME COURT

	<u>Base Level</u>	Adjustments or <u>Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,338,720	(\$55,661)	\$11,283,059
Operating expenses	2,705,762	400,262	3,106,024
Capital assets	0	2,032,000	2,032,000
Guardianship monitoring program	<u>283,042</u>	<u>5,462</u>	<u>288,504</u>
Total general fund	\$14,327,524	\$2,382,063	\$16,709,587

Subdivision 2.

DISTRICT COURTS

	<u>Base Level</u>	Adjustments or <u>Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$73,242,268	\$4,410,569	\$77,652,837
Operating expenses	20,396,902	(465,746)	19,931,156
Capital assets	0	2,328,000	2,328,000
Judges' retirement	<u>280,332</u>	<u>(66,086)</u>	<u>214,246</u>
Total all funds	\$93,919,502	\$6,206,737	\$100,126,239
Less estimated income	<u>1,659,596</u>	<u>32,362</u>	<u>1,691,958</u>
Total general fund	\$92,259,906	\$6,174,375	\$98,434,281

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

	<u>Base Level</u>	Adjustments or <u>Enhancements</u>	<u>Appropriation</u>
Judicial conduct commission and disciplinary board	<u>\$1,250,962</u>	<u>\$74,881</u>	<u>\$1,325,843</u>
Total all funds	\$1,250,962	\$74,881	1,325,843
Less estimated income	<u>482,701</u>	<u>19,799</u>	<u>502,500</u>
Total general fund	\$768,261	\$55,082	\$823,343

Subdivision 4.

BILL TOTAL

	<u>Base Level</u>	Adjustments or <u>Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$107,355,691	\$8,611,520	\$115,967,211
Grand total special funds	<u>2,142,297</u>	<u>52,161</u>	<u>2,194,458</u>
Grand total all funds	\$109,497,988	\$8,663,681	\$118,161,669
Full-time equivalent positions	363	0	363

SECTION 2. ONE-TIME FUNDING - REPORT TO SIXTY-EIGHTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the 2021-23 one-time funding items in section 1 of this Act:

<u>One-time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
Copy machines	\$82,500	\$0
Audio and visual equipment	64,852	0
Supreme court law library remodel	970,000	0
Juvenile case management system	0	2,000,000
Supreme court docket management system	0	2,000,000
Wi-Fi access points installation	0	157,600
Zoom remote video equipment	<u>0</u>	<u>360,000</u>
Total all funds	\$1,117,352	\$4,517,600
Less estimated income	<u>970,000</u>	<u>0</u>
Total general fund	\$147,352	\$4,517,600

The 2021-23 one-time funding amounts are not a part of the entity's base budget for the 2023-25 biennium. The supreme court shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2021, and ending June 30, 2023.

SECTION 3. 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, 2021, and ending June 30, 2023.

SECTION 4. TRANSFERS. 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.

SECTION 5. 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 fifty-nine thousand four hundred nine dollars through June 30, 2020~~ one hundred sixty-six thousand six hundred sixty-two dollars through June 30, 2022, and ~~one hundred sixty-three thousand three hundred ninety-four~~ one hundred sixty-nine thousand nine hundred ninety-five dollars thereafter. The chief justice of the supreme court is entitled to receive an additional ~~four thousand five hundred eight dollars per annum through June 30, 2020~~ four thousand seven hundred thirteen dollars per annum through June 30, 2022, and ~~four thousand six hundred twenty-one~~ four thousand eight hundred eight dollars per annum thereafter.

SECTION 6. 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 forty-six thousand two hundred sixty-nine dollars through June 30, 2020~~ one hundred fifty-two thousand nine hundred twenty-five dollars through June 30, 2022, and ~~one hundred forty-~~

~~nine thousand nine hundred twenty-six~~one hundred fifty-five thousand nine hundred eighty-three dollars thereafter. 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 one hundred fifty-six dollars per annum through June 30, 2020~~four thousand three hundred forty-five dollars per annum through June 30, 2022, and ~~four thousand two hundred sixty~~four thousand four hundred thirty-two dollars thereafter.

2021 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Government Operations Division Brynhild Haugland Room, State Capitol

SB2002
3/9/2021

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

09:02 **Chairman Vigesaa** brought the committee to order. Members present: Chairman Vigesaa, Vice Chairman Brandenburg, Representative Kempenich, Representative Howe, Representative Bellew, Representative Meier, Representative Mock.

Discussion Topics:

- Juvenile case management system
- Supreme court docket system
- Courtroom and conference room video system
- Juvenile services

09:04 **Jon Jensen, Chief Justice, ND Supreme Court** made introductions

09:05 **Sally Holewa, ND State Court Administrator, ND Supreme Court.** Testimony #8010.

10:27 **Don Wolf, Director of Finance, ND Supreme Court.** Testimony #7653.

11:01 **Christina Sambor, Lobbyist, Youthworks.** Testimony #8194.

11:14 **Tony Wyler, Executive Director, ND Bar Association** testified in support of the bill.

11:18 **James Fleming, Division Director, Child Support Division, ND Department of Human Services.** Testimony #8189.

11:33 **Chairman Vigesaa** adjourned the meeting.

Sheri Lewis, Committee Clerk

Senate Bill 2002
House Appropriations Committee – Government Operations Division

Testimony Presented by Sally Holewa
State Court Administrator
March 9, 2021

Good morning, Chairman Vigesaa and members of the Committee. For the record, my name is Sally Holewa. I am the State Court Administrator. I will be providing an overview of the major items in our appropriations request and the senate changes. Our Director of Finance, Don Wolf, will provide more details on the entire bill.

You have before you engrossed senate bill 2002 which reflects the changes the senate made to our original appropriation request. The bill in its current form is going to strike you as very odd. That is because the Senate incorporated the policy provisions of another bill, SB 2082, that is related to child support duties, and then killed off SB 2082. You will hear more about this “ghost bill” and the reasons for why it was handled in this manner later in my testimony when I talk about clerk of court services.

The Judicial Branch appropriation funds the personnel, programs, and operating costs of the Supreme Court, the district courts, and the Judicial Conduct Commission and Attorney Disciplinary Board (JCCDB). Our original appropriation request for the 2021-2023 biennium was **\$118,161,669**. This is an increase of **\$8,663,681** from our 2019-2021 base budget. That increase primarily consists of one-time funding requests and increased salary and benefit costs. The Senate reduced the overall request to **\$117,996,743** which is an increase of **\$8,498,755**.

Salary and Benefits - \$4,284,319

Our budget request includes **\$1,906,082** to cover the executive branch compensation package. This includes the cost for proposed salary increases, and increased health insurance and retirement contributions. It also includes **\$1,729,688** to cover the cost to continue 2019-2021 salary increases

Our budget proposal also includes a 2% per year increase in supreme court justice and district court judge salaries. The cost for this increase would be **\$648,549**. Under the senate version this amount did not change. As always, it is our request that if the legislature settles on a more generous increase for state employees that the same increase be extended to our judicial officers.

One-Time Funding - \$4,517,600

Juvenile Case Management System: We are requesting **\$2 million** for the replacement of our juvenile case management system. Our current juvenile case management system is an off-the-shelf system that runs on an Oracle database and was purchased in 1998. There are enough technological and functional deficiencies in the system that a complete replacement is necessary in order to reach our goals. Some of these goals include better data retrieval and analysis, electronic filing and storage of documents, automated work processes, text messaging, and integration with software used by the division of juvenile services, department of human services, and the department of transportation. In October, 2020 we were notified by the vendor that they would no longer be providing any updates or modifications to this system. Long before we received that notice, we began looking for a replacement system. In fact, our original request to the legislature for funds

to replace the system was in 2015. We renewed that request in 2017 but omitted it in 2019 due to the budget situation.

Supreme Court Docket System: We are requesting **\$2 million** for the replacement of the Supreme Court Docket System. The current docket management system is a homegrown system built in 1993 that has since migrated to using MS SQL Server as a database. The vendor who wrote the system employed a single individual capable of supporting the system. The vendor closed his business in 2019 and his employee left to pursue full-time work elsewhere. Given these circumstances, migration to an off-the-shelf commercial case management system is the most prudent course of action to preserve existing case records and to take advantage of functionality offered by newer software systems. Some of these advances include true electronic filing and electronic document storage, automated workflow, integrated accounting packages, and integrated collaboration tools.

Recognizing the urgency of the situation facing us, the Senate left the funding for both of these software replacement projects in place.

Courtroom and Conference Room Video Equipment: We are requesting \$360,000 for video equipment for 41 courtrooms and 4 conference rooms. This equipment is necessary for us to hold hearings and meetings using Zoom. The North Dakota Court System, like most court systems in the United States, has chosen Zoom as its preferred platform because of its ability to meet the unique needs of courts. There is a company that produces a piece of Zoom-specific equipment, called D-TEN, that we are using to quickly convert courtrooms and conference rooms that have no video-

capability at all into “Zoom Rooms.” These additional zoom rooms will greatly increase the number of hearings we can hold remotely and are a major component in our plan to address the backlog of cases that has been created due to the pandemic.

Courtroom Wi-Fi Access: We are requesting \$157,600 to install wi-fi access points in 80 courtrooms. As many of you know, our court records are maintained in electronic format so it is imperative that the judge and attorneys have access to them while in the courtroom. Additionally, many more attorneys are now maintaining their files electronically and most of the legal reference that a judge or attorney might need during a court proceeding are electronic. There are also more types of wireless technology being used in courtrooms. These 80 courtrooms we have identified have weak wi-fi signals that need to be supplemented with additional access points.

The Senate left the funding for both of these IT equipment requests in place but added Section 13 (SB 2002, pg. 8, lines 26-29) to the appropriation bill to indicate that it is their intent that the Court use federal funds for these two projects. The tool to obtain those funds is in HB 1395, which you are probably aware is the bill that allows for adjustments of the Emergency Commission’s authorization to expend federal coronavirus relief funds. We have made a request to the Legislative Council to seek \$360,000 of additional CARES funding for the Zoom monitors when the Senate takes up HB 1395. Although the intent of Section 13 of SB 2002 is that we will use federal funding for both the courtroom video equipment and the Wi-Fi access, it does not appear that the Wi-Fi access points will qualify for this funding.

Juvenile Services – Increase of \$1,221,086

When drafting our appropriation request last year, we attempted to stay as close to a hold even budget as we could. To do this, we decreased our request for funding of juvenile services by \$1,221,086. The Senate restored all of this funding. So, although it looks like an increase in the funding level for these services it is actually the same level of funding we received for the current biennium. Since restoration of funding that was voluntarily cut by an agency (or in this case – branch of government) is not typical, let me explain what happened.

We eliminated in-home family counseling for families in child abuse and neglect cases which resulted in a budget savings of \$500,000. This was not an easy cut for us to make because we recognize the value in getting these services to families at the earliest opportunity. However, we were hopeful that the Department of Human Services would be able to pick up these services through the shared services fund they have proposed. The senate restored this funding because of the uncertainty of the level of services the Department of Human Services will be able to provide.

We eliminated the three youth cultural achievement programs we have been providing. In Bismarck and Devils Lake these programs work with Native American children and their families and in Fargo they work with new Americans and their families when a child has been charged with a delinquent offense. These cuts resulted in a budget savings of \$455,000. The senate restored this funding because there does not appear to be an alternative method of funding them through a state agency or non-profit.

We cut an additional \$266,086 by reducing funding for the Day Report Program, which is an afterschool program that provides tutoring and life skills training for children under the supervision of the court, and by reducing funding for the victim-centered restorative justice and accountability conferencing programs run by Lutheran Social Services. The senate restored the funding for the restorative justice and accountability conferencing programs at our request when Lutheran Social Services closed their programs down. Our intent had been to reduce the number of referrals to these programs, not eliminate their use altogether. We were fortunate that the Consensus Council has agreed to take on these programs, but to do so they needed an assurance that the funding for them would be available beyond June 30th of this year. We also recognized that their start-up costs and administrative costs would be slightly higher which is why we requested a full reinstatement of the funds.

Clerk of Court Services/Transfer of Child Support Duties

We are requesting \$4,953,974 for the clerk of court services that we obtain through contracts with 39 counties. This is a slight increase of \$25,034 from the current appropriation. The amount is based on the number and types of cases filed during the period of January 2018 through January 2020 and the court staff salary in effect on January 2020.

Since 2001, clerk of court services are delivered in two ways in North Dakota. In fourteen counties,¹ the state employs the personnel for this office.

¹ The fourteen counties where clerk offices are state employees are: Barnes, Burleigh, Cass, Grand Forks, McKenzie, Morton, Ramsey, Richland, Rolette, Stark, Stutsman, Walsh, Ward, and Williams.

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.

I have attached a copy of Chief Justice Jensen's State of the Judiciary speech from this past January. During that speech, he discussed a future plan to move the remaining contract clerk counties to state funding. Doing this will provide us with greater flexibility in assigning work and will allow us to provide better oversight and consistency in the services that are delivered.

As promised when I started my testimony, this is where I begin to explain the "ghost of SB 2082" which has now materialized as sections 5, 6, 7, 8, 9 and 12 of the bill you have before you today. SB 2082 was introduced by the Supreme Court to help us reach our twin goals of meeting the trial court judges' need for better support in their decision-making duties and to reduce a perennial shortage of clerk of court staff without the need to request additional FTEs from the legislature. To meet those goals, we have begun reclassifying court reporter positions as they become vacant and examining clerk of court duties for more efficiencies. In examining the child support enforcement duties being done by clerks of court we realized that they were at odds with the Court's position as a neutral arbiter of disputes because those duties require the clerk of court to actively assist one side (the obligee) in a case. In no other case type do clerks take an active role in assisting just

Seven counties are eligible to transfer clerk services to the state but have elected to retain those services. Those counties are: Dunn, McHenry, McLean, Mercer, Mountrail, Pembina and Traill.

one side of a dispute. We also recognized the inefficiency of having 53 clerk's offices performing duties that could be handled faster and better by the child support unit. With that goal in mind, we introduced SB 2082. I'm not going to repeat all of my testimony from the hearings on that bill but I have attached a copy of the testimony I presented to the Senate Appropriations Committee along with a copy of the fiscal note that was prepared by the Department of Human Services. I will note, though, that in the copy of the testimony I have attached I corrected a reference to "obligor" to say "obligee".

In drafting SB 2082 we worked closely with Jim Fleming and his staff to write a bill that was as complete as possible. In saying this, I do want to be clear that while Mr. Fleming and his staff assisted with this endeavor, they do not support the transfer of duties without a sufficient appropriation and additional authorized FTEs. SB 2082 did not include transfer of FTEs for the simple reason that the Court System does not have the staff to give them. While child support enforcement duties are done in all 53 counties, only the staff in 14 counties are state employees. Those 14 counties with state-employed clerks are not adequately staffed. We have a minimal staff of 2 FTEs in three of those 14 counties. The staffing shortage in six of the other counties ranges from 15-31%. We do annual staffing studies based on number and types of case filings. Our 2020 staffing study showed a shortage of 15 clerks for those six counties. In 2019, the number was 17 clerks short.

The Senate reduced our FTE numbers by 1.5 FTE (SB 2002, pg. 2, line 27) with the intent of transferring those FTEs to the Department of Human Services. We are asking to have those FTEs restored to the judicial branch

and instead support a transfer of general funds equivalent to what the Department of Human Services would need to hire 3.5 FTEs. Based on the fiscal note for SB 2082 the difference between the general funds DHS would need to employ 3.5 additional FTEs (\$300,126) and the offset to that from federal funding (\$206,662) is \$83,126.

Federal Funds

This budget includes an increase in federal funding of **\$187,643** in the Court Improvement Program grants. This amount has increased since the first half of the session because additional funds were awarded to each state under the Consolidated Appropriations Act of 2021 that was signed into law on December 28, 2020. Court Improvement Grants are awarded to each state to study and strengthen their response to abused and neglected children. This grant funds three temporary staff positions. The federal fund portion of this project is **\$591,958**. We are able to use in-kind services as the required 15% state match for the grants.

The budget includes \$1,100,000 in federal child support funding for work done by clerks and referees related to child support enforcement. The bill before you anticipates a decrease in these funds of **\$155,281** due to the decrease in the number of hearings we have had during the pandemic. Please note, that if engrossed SB 2002 is passed with the provisions related to the transfer of child support duties from the clerks of court to the child support unit, then this number could be reduced by an additional \$935,000 since the funding follows the duties. If this occurs, that will leave us with \$165,000 in federal child support funding which should be enough to cover the cost of any remaining child support enforcement duties done by the court.

There are just a few other areas I want to touch on, although they do not have a significant budget impact.

Veterans Treatment Court - \$145,247

Our appropriation request includes \$145,247 to establish a veteran's treatment court. The authorization for the court is SB 2246 which received a unanimous Do Pass from the Senate. A veterans treatment court operates similar to a drug court but is limited to veterans, including active service members, who have been charged with a crime and whose conduct is considered to be the result of a service-related trauma. It is not a get out of jail free card for veterans but a more intensive, problem-solving approach to rehabilitating defendants.

Expedited Mediation Program - \$150,000

Since 2008 the Court has had a family mediation program to assist parents with issues related to parenting time (visitation) and parenting responsibility (custody). This is a highly successful program with a 75% settlement rate and an 86% satisfaction rate. However, we quickly realized with the pandemic that we needed a faster and easier way to help parents with those issues so we created the expedited mediation program as a pilot project.

This program is free, voluntary, and designed to be completed within 7 days from the date mediation is requested. A parent or legal guardian can request mediation by filling out an online request form. There is no need to file a motion with the court. The only caveat to participating is that there must be a current North Dakota parenting time order, parenting plan, or court-

ordered visitation schedule in place. In the 9 months the program has been in place, there have been 137 requests for its use. The parties were able to reach agreement in 71% of the cases. Because of the high settlement and satisfaction rates we have included **\$150,000** in our appropriation request so we can continue offering this program.

Law Library Remodel/Savings from Building Rent

In this current biennium we had an appropriation of \$970,000 to remodel our law library space into office space for our IT Department. That project is largely done but we are still waiting on some punch list items to be completed before we can close it out. I do not have a final project cost today but I am confident we are within our budget for the project.

By moving our IT department back to the Capitol we will be saving \$246,500 in rent and \$10,000 in janitorial services per biennium.

I am sure that you are aware that the governor has proposed that general fund entities pay rent for capitol grounds space. If this proposal is adopted, the court system would pay \$755,930 in rent during the 2021-2023 biennium. This amount was included in our appropriation bill but was removed by the senate.

Conclusion

I have attached some additional information about the court system that is not specifically related to our appropriation request. I will be happy to run through that information or let you review it on your own at some other time if that is preference of the committee chair.

Don Wolf, our Director of Finance, will provide more details of our budget request in his presentation.

State of Judiciary Address
Jan. 5, 2021

By Chief Justice Jon Jensen

Thank you for the invitation to report on the state of the judiciary and appear before a Joint Session of the 67th Legislative Assembly of the State of North Dakota. Speaker Koppelman, Lieutenant Governor Sanford, Governor Burgum, members of the House and Senate, elected officials and colleagues on the trial and Supreme Court bench.

This room has special significance to a lot of people. It has special significance to me as well. This room was the location of several significant events in my life. In the fall of 1990, along with my spouse Linda Bata, I was sworn in as a lawyer in these chambers. In the winter of 1991, while working for former Chief Justice Ralph Erickstad, I listened to the state of the judiciary presentation in this room. In 2017, it was the location of my investiture to the North Dakota Supreme Court. Today, I am honored to stand in this room and report on the state of the judiciary.

The judicial branch mission is to provide the people, through an independent judiciary, equal access to fair and timely resolution of disputes under the law. Not only do I believe the judicial branch is meeting this stated mission, I firmly believe we are meeting that mission in an exceptional manner.

I hold that belief for three reasons: the people that are in our judicial system, the partnership we have with the executive branch, and the funding that is provided by this legislature.

I would like to start with the people who are in the judicial system and are performing in an exceptional manner. We have 52 trial court judges in North Dakota, we have five judicial referees, eight judicial districts and 53 clerk of court offices.

In most years we handle approximately 180,000 new cases or reopened cases. Our trial judges are elected, with vacancies filled by temporary appointments until the next general election.

We expect a lot from our district court judges. They are judges of general jurisdiction. What that means is our district court judges will handle family law cases, they will handle criminal cases, car accidents, and contract disputes. Although it's a separate court, they're the same judges who staff our juvenile court system.

On any given day our trial court judges may handle criminal appearances in the morning, later in the morning they may handle a family law matter, and in the afternoon maybe work on juvenile court matters. While it's not unique, it is unusual. Many states have specialist judges that handle either criminal dockets or civil dockets, family law dockets or probate dockets. We expect our judges to know all those subject areas. Our judges work hard. In an average year they are assigned approximately 2,900 new cases and 500 reopened files.

Each of our judicial districts have different challenges. The larger populations in the Northeast Central Judicial District, the East Central Judicial District, the South Central Judicial District and the North Central Judicial District require us to maximize efficiencies in scheduling.

The increase in commercial activity as a result of oil production has imposed significant demands in the Southwest Judicial District and the Northwest Judicial District. Those demands are often lagging: as economic activity increased people were happy and there were fewer disputes; as productivity decreased people became less satisfied and disputes actually increased. Our caseloads in the Southwest Judicial District and the Northwest Judicial District are increasing rather than decreasing.

The Southeast Judicial District and the Northeast Judicial District provide challenges of geography. The Northeast Judicial District has six judges covering 11 counties. Those counties include Pembina County in the east all the way over to Renville County on that district's western border. The Southeast Judicial District has seven judges covering 14 counties. They travel from Richland County in the southeast to Wells County in the center of the state.

The pandemic has raised significant challenges to all our district court judges but I am proud to stand here and say that all 53 of our district court judges as well as all five of our judicial referees continue to provide essential services to your constituents and to all of the State of North Dakota.

In mid-March the North Dakota Supreme Court suspended jury trials statewide and provided guidelines on court operations in response to the pandemic. Our presiding judges were given authority to suspend hearings and trials at the district court level after July. Presiding judges have been considering several factors, including the health and safety of our participants, when deciding whether to suspend court hearings or trials.

Our courts have remained open both in person and using reliable electronic means. Many of our judges excelled at using reliable electronic means. Our reliable electronic means workgroup led by Justice Daniel Crothers included many judges, clerks of court, and administrative personnel. Judge McCullough and Stiel in the East Central Judicial District, Judge McCarthy in the Northeast Central Judicial District and Judge Clark in the Southeast Judicial District, just to name a few, were very adapted to using live electronic means, holding dozens of hearings in single court sessions.

Judge Robin Schimdt, who is the presiding judge in the Northwest Judicial District and has an office in Watford City, explained the need to remain open as follows, and I believe it is a great summary of why the courts needed to remain open. She said that suspending jury trials and trials in general is detrimental to our system. It erodes faith and trust in the judiciary. People depend on governmental functions, especially during challenging times. Precautions can be taken to alleviate risk, however courts are pivotal to protecting citizens and their property and must remain open and accessible in a format that has been tested by time and experience.

Reliable electronic means is not a replacement for in person proceedings, but used in conjunction with in person proceedings it is a fantastic tool for ensuring the prompt and fair resolution of cases. Our judges have used reliable electronic means to complete their essential court functions.

What our judges did during the past year has been truly amazing. An additional group of people within our judicial system, and the largest group of people within the judicial branch, are our clerk of court staff. Those clerk of court staff work in 53 different county offices, one in each county. They are responsible for all of our recording and record keeping and processing filings.

In 2019 former Chief Justice Gerald VandeWalle expressed his concern in his state of the judiciary address that our clerk of court staff is understaffed. When we were previously asked to reduce our budget we set a goal of 82 percent staffing in our clerk of court offices.

Because of increased filings in Grand Forks County and in Cass County, Grand Forks County was operating at 70 percent staff and Cass County was operating at 60 percent staffing. Funding for Cass County and Grand Forks County was addressed in the 2019 legislative session by adding an additional clerk of court staff person to each of those counties. Thank you. We appreciate the additional staffing. It has improved docket currency in both of those districts.

We remain understaffed in our clerk of court offices. As we will discuss later regarding future legislative priorities, we believe we can resolve this issue primarily internally. In addition we will be proposing legislation in 2023 that will continue our growth.

During the pandemic the majority of our clerk of court staff transitioned to working at home and they have been remarkable. We have experienced very minimal initial delays in filings and no delays currently in filing. We continue to meet our benchmarks in our clerk of court offices and we continue to process filings in a timely manner.

In our district courts we have juvenile court staff. Our juvenile court staff is a model for other states. Where other states see 80 percent of their juvenile case being resolved by a judicial officer, we see 80 percent of ours being resolved before the necessity of court intervention. Interaction with juveniles is essential. Working with our court administration staff and our information technology staff, our juvenile court officers were able to make contact with both juveniles and their families during the pandemic.

Later in my remarks with regards to the legislature partnership we have we will discuss House Bill 1036 and I believe it is an important bill for you to consider, although it is not one of our pending bills.

People are one of the three keys to our exceptional judicial system here in North Dakota. Our employees are dedicated, they are essential, and they are truly the engine of what runs the judicial system. We also have executive branch partners and I believe that is the

second key to the foundation of our exceptional judicial system – it would not be possible without the executive branch partnership.

A prime example occurred during the previous year. Correctional centers have a continuous flow of individuals into detention, either awaiting trial or serving a sentence of less than one year. All of that is continuous, it does not stop because of a pandemic. That is usually balanced by an outflow of individuals who have gone to trial and are acquitted, or gone to trial and are convicted and are either being sent to the state penitentiary or some other form of release.

During the pandemic, the state penitentiary stopped admitting new inmates in order to control its COVID issues. Correctional centers did not have that luxury. When someone is arrested for a violent crime and poses a risk to society they are detained. When we suspended jury trials until July, which further compounded the problem because now there was no outflow from our regional correctional centers. Working with the regional correctional centers, the county commissioners, as well as the state penitentiary, we were able to restore balance before there were any significant outbreaks within our regional correctional centers.

Our juvenile courts also have many connections to the executive branch. Our juvenile courts are most effective when there are placement options for juveniles at risk, either because of deprivation, neglect or abuse or in instances where a juvenile is in need of treatment. Using treatment as an example – judges and juvenile court officers often determine treatment is the best course of action for a juvenile, but the judicial system does not and should not operate treatment facilities. The judicial branch does not and should not have treatment providers. Those are executive branch functions.

Over the past biennium the lack of treatment options has become substantially deficient. Working with Chris Jones and his staff at the Department of Human Services as well as the Department of Juvenile Services we were able to secure a small number of additional placement options for juveniles. Unfortunately, even those small gains were eliminated when additional private providers elected not to continue juvenile treatment.

Our juvenile courts cannot function as intended without adequate placement options. While providing treatment services is not a judicial branch function, the juvenile court depends on adequate placement options. I encourage the legislature to look closely at the executive branch's requests in regard to funding juvenile court placement options.

We also have a relationship with counties. As most of you know our facilities for our trial courts are county facilities. County commissions have been outstanding partners with our trial courts and were outstanding partners during the pandemic. We are thankful for all of the resources that our counties have provided.

The judicial branch has an endless interaction with the executive branch we are proud of the cooperation that we have with state agencies, the governor's office and other state departments. Those partnerships are the second key in our exceptional judicial system.

The third key in our exceptional judicial system is legislative funding. We would not be an exceptional judicial system without the funding provided by this legislature.

First I want to thank you for the funding provided in the previous legislative session. The additional juvenile court officer, the additional recorder, the additional judicial officer, the staff for the North Dakota Judicial Conduct Commission and Attorney Disciplinary Board, the additional clerk of court and deputy clerks were appreciated. We believe we have been good stewards of those funds and we believe we will be good stewards of the funds we are provided in the future.

One example of our stewardship of these public funds was demonstrated by our response to social distancing requirements in the pandemic. The district courts needed a solution to allow staff to maintain an official recording of public proceedings while also being efficient and safe. However, the current network configuration and software was not going to provide a good long-term and cost effective solution to meet the need. The court used CARES funds to upgrade sound mixers and then purchased new recording software. That software solution provides the ability to record official court records from anywhere the staff has internet connectivity, including their home or their office, thus keeping them safe by minimizing close contact and maintaining social distancing.

In December, an electronic court recorder in the Northeast Central Judicial District piloted the new software. The judge, electronic court recorder, clerk of court, and all of the parties appeared electronically from different locations without a single person being in the courtroom. The electronic court recorder was able to utilize the interactive television system along with our new software and the recording software to operate both systems remotely.

There are additional features of the software that will make the staff more efficient, including the ability to create tags within the records. The additional capabilities of the software will also be explored with regard to efficiency. We currently expect that we can now do artificial transcription with accuracy close to 90 percent. Staff across the state are being trained on new software as it is being rolled out to the districts with the goal of statewide use by early spring of 2021. Our information technology staff and Justice Jerod Tufte have been instrumental in our technology changes.

During the upcoming legislative session, Sally Holewa, our state court administrator, and others will provide you with the specifics of our budget request. I have a few highlights I would like to discuss today.

When considering our current funding budget request there are three concepts that the judicial branch will keep in mind. Our funding should be driven by looking forward through the windshield not backwards through a rear view mirror. It is unlikely that yesterday's needs will be the same as our needs 5 to 10 years from now. It's much easier to change how we operate in anticipation of changes rather than as a reaction to change.

In December we provided a report to legislative management regarding court reporters. There were many people involved but I would like to extend a special thank you to Senator David Hogue. The report accurately reflects where the judicial system is at and it also provide us an opportunity to look forward to assess our future needs and to anticipate change.

That study provided us with the knowledge of how little support our trial judges are provided and how the recording function is better suited for the clerk of court's office. Fifty-nine percent of our reporter recorder time is actually in the courtroom, 25 percent of their time is transcript related and only 16 percent is spent supporting judges. Internally we have begun a pilot program to reorganize our allocation of resources, moving the recording duties to the clerk of court's office, ultimately eliminating manual transcription through artificial transcription and adopting the electronic record as our official record rather than a paper copy of the record, leveraging our new recording equipment, and reallocating support staff to roles directly supporting judges with research.

At the end of our reallocation it is our anticipation, without any request to this legislature for additional FTEs, we will be able to increase the staffing in our clerk of courts offices by a minimum of 10 FTEs. When fully automated transcription is available we anticipate that there will be an additional equivalent of 10-12 FTEs. At the same time as we increase direct support to judges, we will increase public access to our courts by providing low or no cost transcripts for appeal and we will be closer to meeting our fully funded and staffed clerk of court offices. All of this will be accomplished internally and again without the need for additional legislative funding.

I would like to talk about one of the other legislative initiatives and that is the child support initiative that will be heard in the judiciary committee tomorrow. In partnership with North Dakota Child Support Enforcement, we have begun removing our clerks of court from child support functions. This is a process that actually began several years ago. Those functions are properly an executive branch function.

The courts have previously initiated orders to show cause on behalf of a party, but that is not appropriate for the judicial branch. We do not issue similar orders without a motion by a party in any other civil proceeding. The judicial branch is the appropriate forum for resolving child support issues and in enforcement of child support issues, but we should not be acting as an extension of one of the parties or acting as an extension of the executive branch.

The child support computer system is also not compatible with our computer system. Despite valiant efforts we cannot make our computer system compatible. This session we are asking the legislature to remove the courts from that process.

I also want to discuss electronic filing. While it is not our request, the courts support the current initiative by the Attorney General's Office to bring our county state's attorney's offices into electronic filing of initial criminal proceedings. Our state's attorney's offices are the only parties that are exempt from electronic filing requirements. In some counties

this accounts for up to 20 percent of our deputy clerk of court's time. We have started the project of converting the state's attorney's offices to electronic filing, but it needs funding to continue and sufficient funding to complete it within a reasonable amount of time.

We also have two major technology projects that we are asking the legislature to fund – both are long overdue. One is a document management system for our juvenile courts. Providing service to juveniles should not be impaired by deficiencies in our processing of documentation. The second is a docket management system for the Supreme Court. Our current system was designed as a unique system in 1994. The designer of that system is no longer working and is no longer providing service. The current system cannot be integrated into the same system used by our district courts.

As I mentioned earlier, also pending before the legislature is House Bill 1036, a rewrite of our juvenile justice process. I want to thank Representative Klemin and Justice Lisa Fair McEvers for their work on this project as well as the work of others on this project. It is an important step in reforming our juvenile laws. While not a judicial branch request, we support House Bill 1036.

We are also looking forward to the 2023 legislative session. I realize you have a lot on your plates now, but sometimes it's helpful to discuss into the future what the judicial branch will be looking at in coming years. We are attempting to plan 5-10 years ahead. In the 2023 legislative session we will be asking for complete integration of the county clerk of court offices into the state judicial system.

Currently, the judicial system works and operate with 35 contract counties and the rest of the counties are state counties. We contract with the counties for services by their clerk of court offices. The judicial system is committed to providing service in every county in the State of North Dakota. During the pandemic we confirmed this by having clerks located in every county. We have confirmed that that's beneficial and it does not impede our ability to allocate those resources statewide.

However, because the majority of our clerks are contract clerks, it is hard to integrate them with the rest of our system and it is difficult to properly allocate our resources. We can better allocate services and employee time if we have a uniform workforce. I want to repeat the goal is not to eliminate clerk of court offices in individual counties where deputy clerks are located, the goal is not to relocate clerks of court. The courts will remain open in every county and we are committed to a personal presence in every county. As I mentioned we'll save this topic for 2023

Several sessions ago the legislature allocated funding to restore and expand the Liberty Memorial Building into a judicial center. Following that legislative session the budget forecast changed dramatically and the judicial branch voluntarily agreed to forgo and return to general funds the funding that was allocated to restore and expand the Liberty Memorial Building.

Each year the legislature meets, space to perform legislative functions is at a premium. During the interim the lack of permanent legislative rooms complicates your legislative function. We are providing space within the judicial branch this legislative session and will continue to do so if asked to accommodate committee chairs. When considering a bonding bill it is my request that you consider restoration and expansion of the Liberty Memorial Building to provide the judicial branch with much needed space and provide the legislature with space within the capitol itself

When I began today I told you that one of the events in this room that was special to me was the 1991 state of the judiciary address given by my former boss and former Chief Justice Ralph Erickstad. The year before I arrived, Chief Justice Erickstad and the Court had been involved in budget cuts. While he and I did not speak at length about the budget issues, one thing is memorable. He told me his budget philosophy was to ask the legislature only for what was needed, without exaggeration and without extras. His intention was to build credibility through good stewardship of taxpayer dollars. I believe he followed that philosophy, just as I believe former Chief Justice Gerald VandeWalle in subsequent legislative sessions has followed that philosophy. I intend to protect that credibility. The judicial branch will continue to be good stewards of taxpayer dollars.

We have an exceptional judicial system. It is built on good people, executive branch partnerships, and legislative funding. Thank you for the opportunity to be here today during a joint session of the legislature. It is an honor, and please accept my best wishes for a productive legislative session.

Senate Bill 2082
Senate Appropriations Committee

Testimony Presented by Sally Holewa
State Court Administrator
February 1, 2021

Good morning Chair Holmberg and members of the committee. For the record, my name is Sally Holewa and I am the North Dakota State Court Administrator.

SB 2082 was introduced by the Supreme Court for the purpose of transferring child support duties that clerks of court are currently performing to the Child Support Unit of the Department of Human Services. My purpose in appearing today is to discuss the origins of the bill and its intended effect within the court system.

Chief Justice Jensen has set the twin goals of meeting the need of trial judges for better support in their decision-making duties, and reducing the clerk of court shortage without the need for more FTEs. To do this, we must find more efficiencies within the court while also shedding some responsibilities. After meeting with judges and clerks from around the state, he identified increasing the use of initial criminal e-filing and eliminating child support duties as the two areas where change would have the greatest impact on these goals.

In drafting this bill we worked closely with the Child Support unit to write a bill that was as complete as possible. In saying this, I want to be clear that while Mr. Fleming and his staff assisted in this endeavor, they do not support the transfer of duties without a sufficient appropriation and additional authorized FTEs. They

also have a concern about requiring parents to enforce orders without the assistance that they have been receiving from the clerks of court.

The bill does not include a transfer of FTEs. Child support enforcement work is currently done by clerks in all 53 counties. However, there are only 14 counties in the state where the clerks are state employees. The remaining clerk of court staff are county employees. In those 39 counties we have a contract with the county to pay a portion of the clerk's salary and benefits to cover their cost of performing court work. Put quite simply, the state does not own these FTEs so we are not able to transfer them. None of the clerks in the 14 counties where clerks are state employees work full-time on child support duties. Like all other clerk of court duties, the work is spread out across employees so it becomes only a portion of what any given clerk does on a regular basis. We estimate that if the duties were done by dedicated staff it would equate to a total of 8-10 FTEs. This is an issue for us because we currently have an insufficient number of FTEs to adequately staff most of these offices. Of the 14 counties with state-employed clerks, we currently have three that are minimally staffed at 2 FTEs. We have an additional six offices that have staffing shortages that range from 15-31%. Our staffing studies show that within these 14 counties we currently have a shortage of 17 clerks. Part of our strategy to ease that shortage without requesting additional FTEs is to shed duties that we do not feel are properly within the court's responsibility.

Child support enforcement is one of those areas where the clerk's statutory responsibility puts it at odds with the Court's position as a neutral arbiter of disputes because those duties require the clerk of court to actively assist one side (the obligee) in a case. In no other case type do clerks take an active role in assisting just one side of a dispute.

Because they are more familiar with the computer system that tracks child support obligations, and because of their expertise in the subject matter, we believe that Child Support can carry out these duties more efficiently and more accurately than the clerks of court can.

You may be asking yourself how these duties came to be assigned to clerks to begin with. Mr. Fleming, the director of Child Support, is in the best position to respond to those questions since he has been with the Child Support unit from the beginning. I can give you the shorthand version. The answer to how clerks got to be involved in enforcement goes back to a time before there was a unified court system and before the federal government required state's to create a central child support enforcement unit. Back in the day, the clerk of the county court was responsible for collecting and disbursing child support payments. When the state child support unit was created the state chose not to require all parties use that service unless there was a federal requiring it. For that reason, the statutes were written so many of the duties could be done by either the Child Support unit or the clerks of court. In 1998 the court and the child support enforcement unit agreed on a split of the duties as well as how the federal flow-through dollars for child support enforcement are allocated and we have continued to work closely together since then.

In particular, since Mr. Fleming became the director of the unit, we have partnered with the department to shift some responsibilities from the clerks to child support as they were able to absorb them. I would like to share two specific examples of this partnership. Between 2009 and 2011 we worked with Mr. Fleming to eliminate, reduce or reassign the responsibility for responding to computer system-generated alerts regarding child support cases. Through that effort we were able to reduce the number of alerts that clerks had to respond to by an average of 181,000 alerts per year. This equates to a time savings of approximately 3,000 hours of

clerk time per year, or the equivalent of 1.5 FTE. This past year, Mr. Fleming initiated a change that to-date has resulted in child support taking over the data entry of child support court orders for 28 counties. With this change, we went from clerks entering 100% of the orders to child support entering 31% of the orders. This change has resulted in a noticeable time savings for the clerks in those 28 offices.

While it would be ideal to continue to voluntarily transition duties as resources allow, the fact is that unless more resources are allocated to child support, any transition will be so incremental and occur so gradually that it will never have enough impact to ease the clerk of court shortage. Because we believe that these duties are not appropriate for court staff, and that child support is in the best position to do this work most efficiently we are advocating for the transfer of duties to them along with adequate funding and staff to absorb the work.

State-Employed Clerk of Court Offices

Cass

Burleigh

Grand Forks

Morton

Ward

McKenzie

Ramsey

Barnes

Williams

Richland

Walsh

Rolette

Stark

Stutsman

7 counties eligible to transfer: Dunn, McHenry, McLean, Mercer, Mountrail, Pembina, Traill

FISCAL NOTE
Requested by Legislative Council
01/04/2021

Revised
Amendment to: SB 2082

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2019-2021 Biennium		2021-2023 Biennium		2023-2025 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$308,126	\$(725,285)	\$467,315	\$516,849
Appropriations			\$308,126	\$(725,285)	\$467,315	\$516,849

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2019-2021 Biennium	2021-2023 Biennium	2023-2025 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill transfers work from the Court to Child Support. Some work is eligible for 66% federal reimbursement. DHS will do the work directly, reducing the FFP it pays to the Court. Also, the Court will have savings because the labor to perform the services will no longer be needed.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Since there will be a transfer of work responsibilities from clerks to DHS, the Court will receive \$934,947 less in federal funds from DHS and require \$481,640 less for the General Fund match in IV-D cases and \$70,002 in non-IV-D cases. The General Fund moneys will still be required by the courts to maintain the clerks as there is an overall clerk need shortage and duties will be reallocated to complete necessary court functions. DHS will need an estimated 3.5 FTE to perform the required services for \$516,280, of which \$306,998 is General Fund. DHS will also incur operating costs for postage of \$1,508, of which \$1,128 is General Fund.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

HB 1012 Base Level Budget contains an appropriation request for operating in the amount of \$1,232,000 which would be reduced by (\$934,947) for payments made to the ND Supreme Court. The Department of Human Services would be able to draw down federal funds of \$506,715 for the additional FTE and operating costs associated with the transfer of these duties and cost that will still be incurred by the ND Supreme Court.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The Department of Human Services would incur additional costs for 3.5 FTE in the amount of \$516,280, of which \$306,998 would be General Fund and \$209,282 would be federal funds. There would also be additional operating

costs for postage in the amount of \$1,508, of which \$1,128 are General Fund and \$380 are federal funds. DHS will have a decrease in the operating line budget of (\$934,947), (1,232,000-934,947) for a net payment of \$297,053, of which all is federal fund, to the ND Supreme Court.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

For the 2021-2023 biennium the Department of Human Services would need an appropriation decrease in the operating line of \$933,439 of which \$1,128 would be General Fund, and an increase to salaries in the amount of \$516,280, of which \$306,998 would be General Fund, to HB 1012. For 2023-2025 DHS would need an appropriation increase of \$984,164, of which \$467,315 is General Fund.

Name: Deb Theisen

Agency: Department of Human Services

Telephone: 701-328-2338

Date Prepared: 01/18/2021

North Dakota Courts by the Numbers

Supreme Court

5 – Number of Justices on the Supreme Court

10 years – Length of Term

42 – Number of Years Justice VandeWalle has served on the Supreme Court

29 – Combined years of service on the Supreme Court of the remaining 4 justices

329 – Number of new Supreme Court cases filed in 2020

District Courts

52 – Number of District Court Judges

6 years– Length of Term

31 – Number of district court judges initially reaching the bench through gubernatorial appointment

5 - District Court Referees appointed by the presiding judges

12 - Chambered cities

8 - Judicial Districts

4 - Administrative Units

53 – Clerks of District Court

14 – Number of Clerk of Court offices under state employment

7 – Number of Clerk of Court offices eligible to transfer to state employment

154,812 new district court cases filed in 2020

Municipal Courts

90 – Number of Municipal Courts

75– Number of Municipal Court Judges

4 years– Length of Term

55 – Number of Municipal Court Clerks

18 – Number of municipal court judges who have a law degree

69 – Number of contracts the district courts have with municipalities to hear some or all of their ordinance cases

Unknown – Number of cases filed in municipal courts

Juvenile Court

11 – Number of Juvenile Court Offices

5 – Number of juvenile court offices staffed by a single person

8,877 – Number of new juvenile cases filed in 2020

Finances

315 – Number of FTEs excluding judicial officers

.08 % - Percent of General Fund dollars appropriated to the Judicial Branch for the 2017-2019 biennium

76.5% - Percent of Judicial Branch Budget Spent on Salaries & Wages

\$26.9 Million – Average amount of money collected by the district courts during the 2017-2019 biennium.

Specialized Court Dockets

6 - Number of juvenile drug courts

87 – Number of new cases referred to juvenile drug court in 2020

6 – Number of adult drug courts

1 – Number of domestic violence courts

330 – Number of cases supervised by DV court in first 16 months of operation

Court Services

Self-Help Center

2 - Number of Staff employed in the self-help center

507 - Number of forms and guides available through the self-help center

1,784 - Number of requests received by the Self-Help Center in 2020

Family Mediation Program

604 - Number of cases sent to family mediation program in 2020

72% - Percentage of cases fully or mostly resolved through the family mediation program

Expedited Family Mediation Program

137 - Number of requests for the expedited mediation program since its inception in June 2020

71% - Percentage of cases resolved through the expedited mediation program

Guardianship Monitoring Program

355 - Average number of new guardianship cases filed each year

2,802 - Number of guardianship cases that are currently active

Judicial Conduct Commission & Attorney Disciplinary Board

38 – Number of new judicial conduct complaints filed in 2020

155 – Number of new attorney conduct complaints filed in 2020

State Board of Law Examiners

3,080 – Number of new law licenses issued in 2020

Senate Bill 2002
House Appropriations – Government Operations Division
 Don Wolf, Director of Finance
 March 9, 2021

Mr. Chairman and 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 a summary of the judicial branch budget request.

JUDICIAL BRANCH	2019-21 Biennium Appropriation	One-time Funding Adjustment	2019-21 Biennium Base
Supreme Court	\$15,305,024	(\$977,500)	\$14,327,524
District Court	94,059,354	(139,852)	\$93,919,502
JCC/DB	<u>1,250,962</u>	<u>0</u>	<u>\$1,250,962</u>
Total base budget	\$110,615,340	(\$1,117,352)	\$109,497,988

Funding	2019-21 Biennium Appropriation	One-time Funding Adjustment	2019-21 Biennium Base
General Fund	\$107,503,043	(\$147,352)	\$107,355,691
Special funds	1,452,701	(970,000)	\$482,701
Federal funds	<u>1,659,596</u>	<u>0</u>	<u>\$1,659,596</u>
Total	\$110,615,340	(\$1,117,352)	\$109,497,988

The total **2019-21 biennium appropriation** for the judicial branch is **\$110,615,340**. The appropriation includes funding for the Supreme Court, district courts and the Judicial Conduct Commission and Disciplinary Board (JCC/DB).

The 2019-21 biennium appropriation included **one-time funding** of \$970,000 from the Capitol building fund to remodel the Supreme Court Law Library, \$82,500 from the general fund for copy machines and \$64,852 from the general fund for district court audio and video equipment. The total 2019-21 biennium **base budget** (net of the one-time funding) is **\$109,497,988**.

The 2021-23 biennium budget request (Governor's recommendation) is **\$118,161,669** or an increase of \$8,663,681 or 7.9% as compared to the 2019-21 biennium base budget. The budget request provides for a total of **363.0 full-time equivalent (FTE)** positions, which is the same as the current appropriation.

A comparison of budget versions:

Subdivision	2019-21 Biennium Base	2021-23 Biennium Request	Engrossed Senate Bill 2002
Supreme Court	\$14,327,524	\$16,709,587	\$15,905,355
District Court	93,919,502	100,126,239	\$100,771,191
JCC/DB	<u>1,250,962</u>	<u>1,325,843</u>	<u>\$1,320,197</u>
Total	\$109,497,988	\$118,161,669	\$117,996,743

Funding	2019-21 Biennium Base	2021-23 Biennium Request	Engrossed Senate Bill 2002
General Fund	\$107,355,691	\$115,967,211	\$115,802,333
Special funds	482,701	502,500	\$502,500
Federal funds	<u>1,659,596</u>	<u>1,691,958</u>	<u>\$1,691,910</u>
Total	\$109,497,988	\$118,161,669	\$117,996,743

FTEs	2019-21 Biennium Base	2021-23 Biennium Request	Engrossed Senate Bill 2002
Total	363.0	363.0	361.5

2021-23 biennium Judicial Branch budget request (Governor's Recommendation) – Overview:

- The base payroll change of **\$1,729,688** includes cost to continue 2019-21 biennium salary increases and a reduction of \$66,086 in the old judges' retirement plan.
- The executive budget recommendation includes **\$2,554,631** added by the Office of Management and Budget (OMB) for proposed salary (2%/2%), health insurance and retirement contribution increases. This total includes **\$648,549** for a **2% per year** salary increase for justices (\$61,588) and judges (\$586,961) as proposed by the judiciary. *The **Senate** removed funding for retirement contribution increases (\$322,502) and reduced the salary increase (\$5,580).*
- The executive budget recommendation added **\$755,930** to the Supreme Court budget for the proposed rent model change. *The **Senate** did not include the rent model funding.*

- The 2021-23 biennium budget request includes **\$4,517,600** of one-time funding items. This includes **\$2,000,000** for the juvenile case management system replacement, **\$2,000,000** for the Supreme Court docket management system replacement, **\$360,000** for 45 Zoom monitors and **\$157,600** for statewide courtroom installation of Wi-Fi access points.

Supreme Court Budget

Supreme Court	2019-21 Biennium Base	2021-23 Biennium Request	Engrossed Senate Bill 2002
Salaries and wages	\$11,338,720	\$11,283,059	\$11,236,107
Operating	2,705,762	3,106,024	\$2,350,094
Capital assets	0	2,032,000	\$2,032,000
Guardianship monitoring	<u>283,042</u>	<u>\$288,504</u>	<u>\$287,154</u>
Total	\$14,327,524	\$16,709,587	\$15,905,355

Funding	2019-21 Biennium Base	2021-23 Biennium Request	Engrossed Senate Bill 2002
General Fund	\$14,327,524	\$16,709,587	\$15,905,355
Special funds	0	0	\$0
Federal funds	<u>0</u>	<u>0</u>	<u>\$0</u>
Total	\$14,327,524	\$16,709,587	\$15,905,355

- **Staffing totals** - The Supreme Court budget proposal provides for a total of **43.5** FTEs, the same as the current biennium.
- **Lease of disk drives and blades** -The disk drives and blades necessary for the operations of the court system will become obsolete during the 2021-23 biennium. The court system is requesting **\$1,201,890** (\$600,945 per year or \$3,004,725 over the lease term) to enter into a 5 year lease agreement to replace the disk drives and blades for both the Bismarck and the disaster recover sites. The cost to purchase the equipment with a comparable 5 year service agreement would be \$2,931,682. The useful life of this equipment is typically 4-5 years. The lease option includes the cost of any necessary technology upgrades, which will ensure

that we will not have to replace equipment mid-biennium due to compatibility issues. Software costs associated with the blades and disk drives will be an additional \$191,352, resulting in a total budget request of \$1,393,242 or an increase of **\$1,115,008** as compared to the current biennium. The budget increase is allocated **\$134,611** to the Supreme Court and **\$980,397** under the district courts.

- **Supreme Court docket management system project (one-time)** – The budget request includes **\$2,000,000** under capital assets to replace the current Supreme Court docket management system. The existing system was originally written for the North Dakota Supreme Court in 1993.
- **Zoom monitors (one-time)** – The court system is requesting **\$32,000** for 4 Zoom monitors. These monitors are specifically designed to work with Zoom and include a built-in computer, camera and audio equipment. These units will replace outdated polycom units which are 3 to 4 times the cost of the Zoom monitors.
- **Guardianship Monitoring Program** – The 2015 Legislative Assembly approved funding for a program to provide oversight of the financial and personal well-being of guardianship wards. The program includes one FTE guardianship monitoring program manager. The guardianship monitoring program budget request is **\$288,504** or an increase of \$5,462. The request includes \$7,721 added for the executive budget salary increase. *The Senate adjusted the appropriation by \$1,350 relating to the program manager's salary and retirement for an adjusted budget of \$287,154.*

District Court Budget

District Court	2019-21 Biennium Base	2021-23 Biennium Request	Engrossed Senate Bill 2002
Salaries and wages	\$73,242,268	\$77,652,837	\$77,153,703
Operating	\$20,396,902	\$19,931,156	\$21,152,242
Capital assets	\$0	\$2,328,000	\$2,328,000
Judges' retirement	\$280,332	\$214,246	\$137,246
Total	\$93,919,502	\$100,126,239	\$100,771,191

Funding	2019-21 Biennium Base	2021-23 Biennium Request	Engrossed Senate Bill 2002
General Fund	\$92,259,906	\$98,434,281	\$99,079,281
Special funds	0	0	\$0
Federal funds	<u>1,659,596</u>	<u>1,691,958</u>	<u>\$1,691,910</u>
Total	\$93,919,502	\$100,126,239	\$100,771,191

- **Staffing totals** - The district court budget request includes **315** FTEs, the same as the current biennium. *The **Senate** removed 1.5 FTE positions and related funding of \$225,000 for salaries and wages as a result of certain child support duties being transferred from the district courts to the Department of Human Services. The necessary changes to the North Dakota Century Code relating to the transfers of these responsibilities was included in Senate Bill 2082. This bill was defeated in the Senate and the amendments were added to Senate Bill 2002.*
- **Funding** – The budget request includes **\$1,100,000** in federal child support funding, which is a *decrease* of \$155,281 from the base budget. These funds are received as reimbursement for the time referees, clerks and court recorders spend on child support cases. *(If the clerk's child support responsibilities are transferred to the Department of Human Services as proposed, this funding can be reduced by \$935,000).* The request for federal court improvement program funding is **\$591,958** or an increase of \$187,643 as compared to the current biennium. This grant is aimed at monitoring and improving court processes in child deprivation cases.
- **Veteran's treatment court** –Funding is requested for the establishment of a veteran's treatment court in Grand Forks. The request includes \$100,739 of temporary salaries and wages for the coordinator position and \$44,508 for testing supplies and other operating costs. The total budget request is **\$145,247**
- **Lease of disk drives and blades** – As previously mentioned, the district court budget increase for the cost of the disk drives and blades lease is **\$980,397**.
- **Wi-Fi access points (one-time)** –The request includes one-time funding of **\$157,600** under IT contractual services to install Wi-Fi access points in 80 courtrooms statewide.

- **Building rent** – The judicial branch information technology department has relocated from a downtown Bismarck rental space to the remodeled Supreme Court Law Library space resulting in a budget savings of **\$256,500** as compared to the current biennium.
- **Juvenile Services** – The total budget request for juvenile service programs is \$499,972 or a reduction of **\$1,221,086** as compared to the current biennium. The request removes funding for family based intensive in-home services (\$500,000) and youth cultural achievement (\$455,000) programs. Funding was also reduced for various other programs including restorative justice (\$95,156), diversion (\$103,130) and day report (\$45,000). *The **Senate** restored the proposed funding reduction of \$1,221,086 for juvenile service programs.*
- **Zoom monitors (one-time)** – The budget request includes **\$328,000** for an additional 41 Zoom monitors for the district courts.
- **Juvenile case management system replacement (one-time)** – The budget request includes **\$2,000,000** to replace the current juvenile case management system, which was purchased in 1998.
- **Judges' Retirement (NDCC Chapter 27-17 Old Retirement System)** – The budget request accounts for three remaining participants (one less participant than the current biennium) within the old judges' retirement system. The average age of the three recipients is 91. The funding request is **\$214,246** or \$66,086 less than the base budget. As a result of an additional participant passing away in December 2020, *the **Senate** further reduced the funding for the old judges' retirement plan by \$77,000 or a total of \$143,086.*

Judicial Conduct Commission and Disciplinary Board Budget

JCC/DB	2019-21 Biennium Base	2021-23 Biennium Request	Engrossed Senate Bill 2002
Salaries and wages	\$1,004,835	\$1,082,542	\$1,076,896
Operating	\$246,127	\$243,301	\$243,301
Total	\$1,250,962	\$1,325,843	\$1,320,197

Funding	2019-21 Biennium Base	2021-23 Biennium Request	Engrossed Senate Bill 2002
General Fund	\$768,261	\$823,343	\$817,697
Special funds	482,701	502,500	\$502,500
Federal funds	<u>0</u>	<u>0</u>	<u>\$0</u>
Total	\$1,250,962	\$1,325,853	\$1,320,197

- **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 request of **4.5 FTEs** is the same as the current appropriation. No capital assets are being requested.

- Total salaries and wages include **\$32,384** for the executive budget compensation package. *The **Senate** version provided for a salary and fringe increase of \$26,738.*
- Funding for the JCC/DB is from two sources, the State Bar Association and the general fund. State Bar Association funds are from \$75 of each attorney license issued. The State Bar Association committed **\$502,500** of funding for the Disciplinary Board based on the total number of licensed attorneys.

Coronavirus Relief Funding

- The court system received **\$72,212** of Federal CARES funding for personal protective equipment and improving telework capabilities of its employees.
- An additional **\$240,000** of CARES funding was received to purchase, install and begin the conversion to Zoom monitors within selected court rooms.
- The Information Technology Department reimbursed the court system **\$425,000** from CARES funding for 60 Mixer upgrades. These upgrades were needed to allow for remote recording of court hearings.

Additional Sections within Engrossed Senate Bill No. 2002

- **Section 2** – One-time funding items.

- **Section 3** – Appropriates additional funding that may be received through federal acts and private gifts, grants and donations.
- **Section 4** – Allows for the transfer of appropriation authority between line items 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 court system.
- **Sections 5, 6, 7, 8, 9 & 12** - Transfers certain responsibilities relating to child support enforcement from the court system to the Department of Human Services.
- **Section 10** – Provides for a 2 percent per year salary increase for the Supreme Court Justices.
- **Section 11** – Provides for a 2 percent per year salary increase for district court judges.
- **Section 13** – The Senate added legislative intent that the court system pursue federal funds from the Coronavirus Relief Fund for Zoom remote video equipment (\$360,000) and the Wi-Fi access point project (\$157,600). It is the belief of the court system that the Zoom equipment would qualify for CARES funding, however it is unlikely the Wi-Fi access point project would qualify as it does not relate to tele-work. A request was submitted to the Legislative Council for this funding to be added to **House Bill 1395** before crossover. We were informed the House Appropriations Committee decided at this time to not change the funding allocations that were approved by the Emergency Commission and Budget Section in 2020.

In conclusion, I would be happy to answer any questions.

Testimony in Support of SB 2002
 Christina Sambor, Youthworks
 House Appropriations
 March 9, 2021

Mr. Chairman and Members of the Committee,

On behalf of Youthworks, the State's runaway and homeless youth serving program, I ask that you consider restoring full funding to critical programs that affect struggling youth, namely Diversion Programs, including the YCAP program, which serves Native American Youth.

This session, the legislature is looking at an overhaul of the juvenile justice system that focuses on service-based interventions. Diversion programs and YCAP are the very type of programs that the juvenile justice system seeks to emphasize and support. The programs have a proven track record of success and are very important resources in various communities.

Some data to support restoring full funding to these programs:

- The Diversion Program in Bismarck serves primarily youth that have been cited with various offenses due primarily to family discord—unruly, runaway, simple assault domestic, etc. Youth and families receive an assessment and connection to appropriate services to address the identified needs. When appropriate, services are coordinated with county human service zones or other providers to ensure the youth's needs are met. The goal of the program is to ensure that the underlying issues are addressed so that the youth and family can function well and avoid future need for law enforcement or Juvenile Court intervention.
- At Youthworks, the services available through the Diversion program include individual, group, and family counseling; referral for medical, psychiatric, or substance abuse needs; case management; mentoring; and inclusion in other opportunities at Youthworks—after school program, educational groups, etc. Families are also informed of Youthworks 24/7 crisis line and if needed, the Short Term Care and Assessment Center is available to families in crisis.
- The families served at Youthworks in the Diversion program receive amplified services as Youthworks leverages state funds by supplementing them with other funds and programming to meet these needs.
- In 2020, Youthworks received 85 referrals from the Juvenile Court (63 Diversion, 22 YCAP). Sixty youth were referred, as twenty five (25) youth were referred multiple times in the year.
- Youthworks' diversion program has historically had a 81% to 85% rate of NO new citations after cited juveniles are referred to the diversion program.
- 96% of youth in the Diversion program remained in their homes, rather than out of home placement.

- The YCAP program serves Native American Youth in much the same way that the Diversion program.

- The YCAP program served 33 youth in 2020, 22 of whom were court referrals and 11 were referrals from the community. These youth and their families have the opportunity to work with Native American staff, both professional and para-professional to prevent these youth from entering the juvenile justice system.

- Historically, the program has served 50 - 80 youth annually. The reduction in 2020 seems to be directly related to COVID.

- YCAP services include mentoring, after school programing, anger management, case management, mental health counseling, cultural programming, and leadership opportunities.

- In FY 2020-2021 Youthworks received \$90,000 from the court to fund the program. It is expected to be cut to \$0 for FY 2021-2022. In addition to the services provided by Youthworks, these funds are used to contract with Decoteau Trauma to provide behavioral health services at no cost to the families. The access is immediate as we are paying to have a therapist's time available for this service. This has helped reduce barriers to get help and also has provided great collaboration regarding service planning as YCAP staff and Decoteau Trauma meet weekly to staff cases.

YCAP has seen that:

- 80% of the youth referred for services in YCAP do not receive further juvenile citations

- 90% of the youth do not go to a formal court hearing

- 95% of youth remain in their home or with relatives, thus not requiring the state to take custody (Corrections (DJS) or Child Welfare)

Based upon the demonstrated efficacy of these programs, I respectfully request that full funding for these programs be restored to the Judicial Branch budget.

Engrossed Senate Bill 2002 - Department of Human Services
House Government Operations Division
Representative Don Vigesaa, Chairman

March 9, 2021

Chairman Vigesaa and members of the Government Operations Division of the House Appropriations Committee, I am Jim Fleming, Director of the Child Support Division of the Department of Human Services (Department). Although the Department does not object to taking over certain duties of the clerks of court, we need to oppose Sections 5-9 and Section 12 of Engrossed Senate Bill 2002 at this time because there is currently no appropriation in this bill or in Engrossed House Bill 1012 to cover the costs of performing the work that would be transferred to the Department.

The sections of this bill that concern the Department essentially mean that clerks of court will no longer be entering court order information in the shared computer system, lowering child support obligations as provided in the court order when an older sibling emancipates, accepting and recording any demographic updates provided by parents, or initiating occasional corrections and updates to the payment ledgers in roughly 20,000 child support cases that are not currently being enforced by the Department. This is a significant amount of work. In the Senate, the court estimated that the workload for the clerks of court around the state is the equivalent of 8-10 full time equivalent (FTE) positions. By specializing this work, the Department estimates it would need only 3.5 FTEs.

For entering orders in all cases and for other work in the roughly 35,000 cases in North Dakota that are being enforced by the Department under Title IV-D of the Social Security Act, the federal government reimburses the state for 66% of its allowable expenses, including roughly \$1.8 million per biennium in court costs. For the other cases that are not being enforced under Title IV-D, the work being transferred is not eligible for federal funding and therefore is performed at 100% state expense.

In the fiscal note in the Senate, the Department projected that the transfer of work would free up general funds of \$551,642 for the court. The Department needs \$308,126 in general funds and \$209,662 in federal funds to cover the costs of the 3.5 FTEs and a small amount of operating expenses to do the work.

In June 2020, the Department agreed to pilot the entry of court order information by Department team members instead of the clerks of court, in recognition of a significant data entry error rate by the clerks of court. It has been clear for some time that the clerks do not derive value from the data they are entering, which is a contributing factor to data quality. The pilot has expanded to 28 counties, and we are now entering just under one-third of the total new and amended child support orders across the state. This expansion of the pilot is the limit of our existing administrative capacity to do this work.

As shown by our pilot program, we share the court's interest in making improvements in efficiency and customer service for parents in a child support case. However, the amount of work being transferred cannot be managed with our existing resources.

2021 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Government Operations Division

Brynhild Haugland Room, State Capitol

SB2002
3/19/2021

A BILL for an Act to provide an appropriation for defraying the expenses of the industrial commission and the agencies under its control; to provide contingent funding; to provide for a transfer; and to provide an exemption.

09:05 **Chairman Vigesaa** called the meeting to order. Members present: Chairman Vigesaa, Vice Chairman Brandenburg, Representative Kempenich, Representative Howe, Representative Bellew, Representative Meier, Representative Mock.

Discussion Topics:

- Base payroll changes

09:09 **Don Wolf, Finance Director, ND Supreme Court** went through the green sheet.

09:24 **Sally Holewa, State Court Administrator, ND Supreme Court** answered questions from the committee.

09:42 **Don Wolf** continued.

09:45 **Sally Holewa** continued to answer questions from the committee.

10:10 **Chief Justice Jon Johnson, ND Supreme Court** makes closing statements.

10:12 **Chairman Vigesaa** adjourned the meeting.

Sheri Lewis, Committee Clerk

2021 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Government Operations Division

Brynhild Haugland Room, State Capitol

SB2002
3/23/2021

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

3:44 **Chairman Vigesaa** called the committee to order. Members present: Chairman Vigesaa, Vice Chairman Brandenburg, Representative Kempenich, Representative Howe, Representative Bellew, Representative Meier, Representative Mock.

Discussion Topics:

- FTE positions

3:44 **Representative Bellew** discussed the bill.

3:49 **Chairman Vigesaa** went through the green sheet.

3:59 **Chairman Vigesaa** adjourned the meeting.

Sheri Lewis, Committee Clerk

2021 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Government Operations Division

Brynhild Haugland Room, State Capitol

SB2002
3/26/2021

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

09:11 **Chairman Vigesaa** brought the committee to order. Members present: Chairman Vigesaa, Vice Chairman Brandenburg, Representative Howe, Representative Bellew, Representative Meier, Representative Mock. Members absent: Representative Kempenich.

Discussion Topics:

- Base budget changes

09:13 **Representative Bellew** went through the green sheet.

09:19 **Representative Bellew** proposed to reduce other funds by \$935,000.00.

09:20 **Representative Bellew** proposed to remove funding from the veteran's court.

09:30 **Representative Bellew** explained testimony #10850.

09:36 **Chairman Vigesaa** adjourned the meeting.

Sheri Lewis, Committee Clerk

AGENCY OVERVIEW**180 Judicial Branch****Date:** 11/30/2020**Time:** 13:31:03**Statutory Authority**

ND Constitution, Article 6, Judicial Branch, Sections 1-13, Chapters 27-02, 27-03, 27-04, 27-05, 27-05.2, 27-06, 27-17, 27-20, 27-23, North Dakota Century Code; North Dakota Rules of Disciplinary Procedure.

Agency Description

The North Dakota judicial system is comprised of the Supreme Court, district courts, municipal courts and the intermediate court of appeals, when convened. The juvenile court is a division of the district court. These courts provide the forum for the resolution of litigation in an orderly, timely manner.

The North Dakota Supreme Court is the highest court for the State of North Dakota. It has two major types of responsibilities--adjudicative and administrative. It is primarily an appellate court with jurisdiction to hear appeals from decisions of the district courts. The Court also has original jurisdiction authority and can issue such original and remedial writs as are necessary. In its administrative capacity, the Court is responsible for ensuring the efficient and effective operation of all courts in the state, maintaining high standards of judicial conduct, supervising the legal profession and promulgating procedural rules.

District Courts are the state trials courts of general jurisdiction. Among the types of cases they hear are civil, criminal, domestic relations, small claims, and probate. District Courts also serve as the Juvenile Courts in the state with original jurisdiction over any minor who is alleged to be unruly, delinquent, or deprived. In some districts, judicial referees have been appointed to preside over juvenile child support enforcement and domestic relations proceedings, other than contested divorces. District Courts are also the appellate courts of first instance for appeals from the decisions of many administrative agencies and for criminal convictions in Municipal Courts. There are 52 District Court Judges in North Dakota.

Agency Mission Statement

The mission of the North Dakota judicial system is to provide the people, through an independent judiciary, equal access to fair and timely resolution of disputers under law.

Agency Performance Measures

The judiciary is constantly monitoring its performance regarding delivering judicial services. Some of these performance measures include:

- Civil, criminal and juvenile docket currency standards.
- Jury yield and juror utilization statistics.
- Staffing standards.
- Fully Automated Child Support Enforcement System (FACSES) action alerts.
- Case data entry time standards.

Major Accomplishments

1. Mandated use of electronic filing.
2. Provided web-based access to court records.
3. Implemented rules to expedite appeals of termination of parental rights cases.
4. Revised the rules of criminal procedure.
5. Mandated greater use of alternative dispute resolution processes in district court.
6. Implemented mediation process in Supreme Court.
7. Collected fines/fees through state tax intercept.
8. Implemented self-help center for litigants.
9. Implemented ethics training for interpreters.
10. Expanded interactive television.

AGENCY OVERVIEW**180 Judicial Branch**

Date: 11/30/2020**Time:** 13:31:03

11. Expanded digital audio recording.
12. Implemented interactive phone payment system.
13. Implemented paper on demand filing system.
14. Implemented web payment system.
15. Implemented expedited pre-filing mediation for custody and visitation issues.
16. Implemented streamlined Supreme Court procedures.

Future Critical Issues

- Developing strategies for delivering judicial services given the changing demographics of the state.
- Utilizing technology to deliver judicial services more efficiently.

Date: 11/30/2020

Time: 13:31:03

REQUEST SUMMARY

180 Judicial Branch

Biennium: 2021-2023

Description	Expenditures 2017-2019 Biennium	Legislative Base 2019-2021	Budget Request Change	Requested Budget 2021-2023 Biennium	Optional Budget Request
By Major Program					
Supreme Court	12,801,802	14,327,524	1,349,514	15,677,038	0
District Court	87,106,876	93,919,502	4,609,658	98,529,160	0
Judicial Cond Comm and Disc. Board	1,086,192	1,250,962	42,497	1,293,459	0
Total Major Program	100,994,870	109,497,988	6,001,669	115,499,657	0
By Line Item					
Salaries and Wages	76,469,781	84,580,988	2,488,931	87,069,919	0
Operating Expenses	21,469,366	23,102,664	(821,414)	22,281,250	0
Capital Assets	1,391,111	0	4,360,000	4,360,000	0
District Court- Judges Retirement	271,329	280,332	(66,086)	214,246	0
Judicial Conduct Comm & Disciplinary Brd	1,086,192	1,250,962	42,497	1,293,459	0
Supreme Court- Judges Retirement	17,693	0	0	0	0
Guardianship Program	249,398	283,042	(2,259)	280,783	0
Und-Grant	40,000	0	0	0	0
Guardianship Monitoring Program	0	0	0	0	0
Total Line Items	100,994,870	109,497,988	6,001,669	115,499,657	0
By Funding Source					
General Fund	99,325,971	107,355,691	5,949,557	113,305,248	0
Federal Funds	1,082,272	1,659,596	32,313	1,691,909	0
Special Funds	586,627	482,701	19,799	502,500	0
Total Funding Source	100,994,870	109,497,988	6,001,669	115,499,657	0
Total FTE	355.50	363.00	0.00	363.00	0.00

Date: 11/30/2020

Time: 13:31:03

REQUEST DETAIL

180 Judicial Branch

Biennium: 2021-2023

Description	Expenditures 2017-2019 Biennium	Legislative Base 2019-2021	Budget Request Change	Requested Budget 2021-2023 Biennium	Optional Budget Request
Salaries and Wages					
Salaries - Permanent	53,373,700	57,908,127	2,011,626	59,919,753	0
Temporary Salaries	606,075	939,420	(59,666)	879,754	0
Overtime	0	0	0	0	0
Fringe Benefits	22,490,006	25,733,441	536,971	26,270,412	0
Total	76,469,781	84,580,988	2,488,931	87,069,919	0
Salaries and Wages					
General Fund	75,573,148	83,278,007	2,519,985	85,797,992	0
Federal Funds	831,508	1,302,981	(31,054)	1,271,927	0
Special Funds	65,125	0	0	0	0
Total	76,469,781	84,580,988	2,488,931	87,069,919	0
Operating Expenses					
Travel	1,148,717	1,737,786	(351,594)	1,386,192	0
Supplies - IT Software	2,277,718	2,764,982	324,744	3,089,726	0
Supply/Material-Professional	1,186,900	1,452,474	(661,244)	791,230	0
Food and Clothing	13,807	19,150	(4,500)	14,650	0
Bldg, Ground, Maintenance	15,039	2,000	(2,000)	0	0
Miscellaneous Supplies	106,073	166,810	(60,160)	106,650	0
Office Supplies	194,046	293,150	(29,366)	263,784	0
Postage	372,375	460,650	(42,050)	418,600	0
Printing	207,426	261,584	(35,700)	225,884	0
IT Equip Under \$5,000	706,157	664,349	(34,789)	629,560	0
Office Equip & Furn Supplies	134,955	78,400	(65,200)	13,200	0
Insurance	31,919	57,316	10,146	67,462	0
Rentals/Leases-Equip & Other	17,627	17,717	2,133	19,850	0
Rentals/Leases - Bldg/Land	241,221	257,667	(254,417)	3,250	0
Repairs	179,279	307,850	(131,150)	176,700	0
IT - Data Processing	1,904,717	1,943,199	102,153	2,045,352	0
IT - Communications	447,789	515,133	55,980	571,113	0
IT Contractual Svcs and Rprs	644,817	398,237	1,522,884	1,921,121	0
Professional Development	478,126	637,291	(53,190)	584,101	0
Operating Fees and Services	9,731,292	9,624,983	(1,336,738)	8,288,245	0
Fees - Professional Services	1,347,800	1,369,436	207,354	1,576,790	0
Medical, Dental and Optical	81,566	72,500	15,290	87,790	0
Total	21,469,366	23,102,664	(821,414)	22,281,250	0
Operating Expenses					
General Fund	21,143,416	22,746,049	(884,781)	21,861,268	0

Date: 11/30/2020

Time: 13:31:03

REQUEST DETAIL

180 Judicial Branch

Biennium: 2021-2023

Description	Expenditures 2017-2019 Biennium	Legislative Base 2019-2021	Budget Request Change	Requested Budget 2021-2023 Biennium	Optional Budget Request
Federal Funds	250,764	356,615	63,367	419,982	0
Special Funds	75,186	0	0	0	0
Total	21,469,366	23,102,664	(821,414)	22,281,250	0
Capital Assets					
Extraordinary Repairs	0	0	0	0	0
Equipment Over \$5000	129,837	0	0	0	0
IT Equip/Sftware Over \$5000	1,261,274	0	4,360,000	4,360,000	0
Total	1,391,111	0	4,360,000	4,360,000	0
Capital Assets					
General Fund	1,391,111	0	4,360,000	4,360,000	0
Federal Funds	0	0	0	0	0
Special Funds	0	0	0	0	0
Total	1,391,111	0	4,360,000	4,360,000	0
Supreme Court- Judges Retirement					
Salaries - Permanent	17,693	0	0	0	0
Total	17,693	0	0	0	0
Supreme Court- Judges Retirement					
General Fund	17,693	0	0	0	0
Federal Funds	0	0	0	0	0
Special Funds	0	0	0	0	0
Total	17,693	0	0	0	0
District Court- Judges Retirement					
Salaries - Permanent	271,329	280,332	(280,332)	0	0
Salaries - Other	0	0	214,246	214,246	0
Total	271,329	280,332	(66,086)	214,246	0
District Court- Judges Retirement					
General Fund	271,329	280,332	(66,086)	214,246	0
Federal Funds	0	0	0	0	0
Special Funds	0	0	0	0	0
Total	271,329	280,332	(66,086)	214,246	0
Judicial Conduct Comm & Disciplinary Brd					
Salaries - Permanent	595,617	693,564	37,812	731,376	0

Date: 11/30/2020

Time: 13:31:03

REQUEST DETAIL

180 Judicial Branch

Biennium: 2021-2023

Description	Expenditures 2017-2019 Biennium	Legislative Base 2019-2021	Budget Request Change	Requested Budget 2021-2023 Biennium	Optional Budget Request
Temporary Salaries	35,684	0	0	0	0
Fringe Benefits	242,631	311,271	7,511	318,782	0
Travel	36,972	40,000	0	40,000	0
Supplies - IT Software	3,782	1,350	138	1,488	0
Supply/Material-Professional	6,591	7,000	(3,000)	4,000	0
Miscellaneous Supplies	537	1,250	(750)	500	0
Office Supplies	4,824	1,750	0	1,750	0
Postage	5,753	6,500	(1,500)	5,000	0
Printing	1,692	1,250	(750)	500	0
IT Equip Under \$5,000	5,146	4,364	774	5,138	0
Office Equip & Furn Supplies	5,456	1,000	0	1,000	0
Insurance	296	800	(51)	749	0
Rentals/Leases-Equip & Other	5,162	7,800	(550)	7,250	0
Rentals/Leases - Bldg/Land	67,307	72,000	2,500	74,500	0
Repairs	1,538	2,000	(750)	1,250	0
IT - Data Processing	13,207	15,831	(1,191)	14,640	0
IT - Communications	5,336	6,232	2,304	8,536	0
IT Contractual Svcs and Rprs	0	2,000	0	2,000	0
Professional Development	9,133	10,000	0	10,000	0
Operating Fees and Services	14,462	35,000	0	35,000	0
Fees - Professional Services	25,066	30,000	0	30,000	0
Total	1,086,192	1,250,962	42,497	1,293,459	0

Judicial Conduct Comm & Disciplinary Brd

General Fund	639,876	768,261	22,698	790,959	0
Federal Funds	0	0	0	0	0
Special Funds	446,316	482,701	19,799	502,500	0
Total	1,086,192	1,250,962	42,497	1,293,459	0

Guardianship Program

Salaries - Permanent	155,550	165,570	9,030	174,600	0
Fringe Benefits	61,227	67,663	1,778	69,441	0
Travel	6,742	5,000	2,000	7,000	0
Supplies - IT Software	192	0	0	0	0
Supply/Material-Professional	39	0	250	250	0
Miscellaneous Supplies	499	100	800	900	0
Office Supplies	337	500	(150)	350	0
Insurance	70	109	33	142	0
Professional Development	6,391	14,000	(7,000)	7,000	0
Operating Fees and Services	68	100	0	100	0

Date: 11/30/2020

Time: 13:31:03

REQUEST DETAIL

180 Judicial Branch

Biennium: 2021-2023

Description	Expenditures 2017-2019 Biennium	Legislative Base 2019-2021	Budget Request Change	Requested Budget 2021-2023 Biennium	Optional Budget Request
Fees - Professional Services	18,283	30,000	(9,000)	21,000	0
Total	249,398	283,042	(2,259)	280,783	0
Guardianship Program					
General Fund	249,398	283,042	(2,259)	280,783	0
Federal Funds	0	0	0	0	0
Special Funds	0	0	0	0	0
Total	249,398	283,042	(2,259)	280,783	0
Und-Grant					
Grants, Benefits & Claims	40,000	0	0	0	0
Total	40,000	0	0	0	0
Und-Grant					
General Fund	40,000	0	0	0	0
Federal Funds	0	0	0	0	0
Special Funds	0	0	0	0	0
Total	40,000	0	0	0	0
Guardianship Monitoring Program					
Travel	0	0	0	0	0
Supply/Material-Professional	0	0	0	0	0
Miscellaneous Supplies	0	0	0	0	0
Office Supplies	0	0	0	0	0
Insurance	0	0	0	0	0
Professional Development	0	0	0	0	0
Fees - Professional Services	0	0	0	0	0
Total	0	0	0	0	0
Guardianship Monitoring Program					
General Fund	0	0	0	0	0
Federal Funds	0	0	0	0	0
Special Funds	0	0	0	0	0
Total	0	0	0	0	0
Funding Sources					
General Fund	99,325,971	107,355,691	5,949,557	113,305,248	0
Federal Funds	1,082,272	1,659,596	32,313	1,691,909	0
Special Funds	586,627	482,701	19,799	502,500	0

REQUEST DETAIL**180 Judicial Branch****Biennium: 2021-2023****Date:** 11/30/2020**Time:** 13:31:03

Description	Expenditures 2017-2019 Biennium	Legislative Base 2019-2021	Budget Request Change	Requested Budget 2021-2023 Biennium	Optional Budget Request
Total Funding Sources	100,994,870	109,497,988	6,001,669	115,499,657	0

CHANGE PACKAGE SUMMARY**Date:** 11/30/2020**180 Judicial Branch****Time:** 13:31:03**Biennium: 2021-2023**

Description	Priority	FTE	General Fund	Federal Funds	Special Funds	Total Funds
<u>Base Budget Changes</u>						
One Time Budget Changes						
A-B 10 Supreme Court Docket Management System		0.00	2,000,000	0	0	2,000,000
A-B 7 Zoom remote video equipment		0.00	360,000	0	0	360,000
A-B 8 Wi-Fi access points		0.00	157,600	0	0	157,600
A-B 9 Juvenile case management system replacement		0.00	2,000,000	0	0	2,000,000
A-E 4 Remove prior biennium one-time funding items		0.00	(147,352)	0	(970,000)	(1,117,352)
Total One Time Budget Changes		0.00	4,370,248	0	(970,000)	3,400,248
Ongoing Budget Changes						
A-A 1 Miscellaneous Supreme Court adjustments		0.00	(503,346)	0	0	(503,346)
A-A 11 Veterans treatment court		0.00	145,247	0	0	145,247
A-A 2 Miscellaneous District Court adjustments		0.00	(490,532)	63,367	0	(427,165)
A-A 3 Miscellaneous JCCDB adjustments		0.00	(2,504)	0	(322)	(2,826)
A-A 5 Reduce funding for juvenile service programs		0.00	(1,221,086)	0	0	(1,221,086)
A-A 6 Blades and disk drives lease		0.00	1,115,008	0	0	1,115,008
Base Payroll Change		0.00	2,389,170	(31,054)	20,121	2,378,237
Total Ongoing Budget Changes		0.00	1,431,957	32,313	19,799	1,484,069
Total Base Budget Changes		0.00	5,802,205	32,313	(950,201)	4,884,317

BUDGET CHANGES NARRATIVE**Date:** 11/30/2020**180 Judicial Branch****Time:** 13:31:03

Change Group: A	Change Type: A	Change No: 1	Priority:
------------------------	-----------------------	---------------------	------------------

Miscellaneous Supreme Court adjustments

Various miscellaneous budget increases and decreases for the Supreme Court, including the Guardianship Monitoring Program.

Change Group: A	Change Type: A	Change No: 2	Priority:
------------------------	-----------------------	---------------------	------------------

Miscellaneous District Court adjustments

Various miscellaneous budget increases and decreases for District Courts.

Change Group: A	Change Type: A	Change No: 3	Priority:
------------------------	-----------------------	---------------------	------------------

Miscellaneous JCCDB adjustments

Various miscellaneous budget increases and decreases for the Judicial Conduct Commission and Disciplinary Board.

Change Group: A	Change Type: A	Change No: 5	Priority:
------------------------	-----------------------	---------------------	------------------

Reduce funding for juvenile service programs

Removes funding for family based intensive in-home services (\$500,000) and youth cultural achievement (\$455,000) programs. Replacement funding could potentially be made available through the Department of Human Services which is working on expansion of services for juveniles, including using title IV-E funding for prevention services. Funding was not requested for youth cultural achievement programs due to high cost, limited number of participants and overall benefits realized. Funding was reduced for other programs including restorative justice, diversion and day report. Rather than contract for these programs the Court System is looking at options in which juvenile court officers would provide some of these services via Zoom.

Change Group: A	Change Type: A	Change No: 6	Priority:
------------------------	-----------------------	---------------------	------------------

Blades and disk drives lease

Replacement of blades and disk drives for Bismarck and the disaster recovery site. The equipment is end-of-life and will no longer be serviced if not replaced. The total lease cost of the equipment and additional related software is \$1,393,242 for the biennium or an increase of \$1,115,008 as compared to current biennium maintenance costs. The equipment lease covers a five year period and includes all maintenance. The cost to purchase the equipment with a five year maintenance agreement is \$2,931,682 as compared to \$3,004,725 to lease the equipment over a five year period. In the past the Court System has purchased replacement blades and disk drives, however the lease option will minimize our expense outlay next biennium and level out future budget requests.

Change Group: A	Change Type: A	Change No: 11	Priority:
------------------------	-----------------------	----------------------	------------------

Veterans treatment court

2021 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Government Operations Division Brynhild Haugland Room, State Capitol

SB 2002
3/29/2021

BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; to amend and reenact sections; Relating to clerk of court responsibilities regarding child support, salaries of justices of the supreme court

Chairman Vigesaa Calls the meeting to order for SB 2002.

Attendance	P/A
Representative Don Vigesaa	P
Representative Mike Brandenburg	P
Representative Larry Bellew	P
Representative Michael Howe	P
Representative Keith Kempenich	P
Representative Lisa Meier	P
Representative Corey Mock	P

Discussion Topics:

- One-time funding vs. Base budget
- Amendment 21.0284.02001

3:08 Representative Bellew- Reviews the budget and proposed changes; amendment 21.0284.02001.

3:27 Representative Bellew- Move to adopt amendment. LC21.0284.02001.

Representative Mock Seconded the motion.

Voice Vote- Motion Carries

3:30 Adam Mathiak- ND Legislative Council Fiscal Analyst- Passes out Base Level Budget Changes sheet (**Testimony #11136**).

3:32 Representative Bellew made a motion for a "Do Pass as Amended".

3:32 Representative Meier Seconded the motion.

3:33 Roll Call Vote was taken.

Representatives	Vote
Representative Don Vigesaa	Y
Representative Mike Brandenburg	Y
Representative Larry Bellew	Y
Representative Michael Howe	Y
Representative Keith Kempenich	Y
Representative Lisa Meier	Y
Representative Corey Mock	Y

3:33 Motion Carries 7-0-0

Chairman Vigesaa- Closes the meeting for SB 2002

Risa Berube, Committee Clerk for
Sheri Lewis, Committee Clerk

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

Page 1, replace lines 17 through 23 with:

"Salaries and wages	\$11,338,720	(\$135,814)	\$11,202,906
Operating expenses	2,705,762	(355,668)	2,350,094
Capital assets	0	2,000,000	2,000,000
Guardianship monitoring program	<u>283,042</u>	<u>3,055</u>	<u>286,097</u>
Total all funds	\$14,327,524	\$1,511,573	\$15,839,097
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
Total general fund	\$14,327,524	\$1,511,573	\$15,839,097"

Page 2, replace lines 4 through 10 with:

"Salaries and wages	\$73,242,268	\$2,954,280	\$76,196,548
Operating expenses	20,396,902	(909,897)	19,487,005
Judges' retirement	<u>280,332</u>	<u>(143,086)</u>	<u>137,246</u>
Total all funds	\$93,919,502	\$1,901,297	\$95,820,799
Less estimated income	<u>1,659,596</u>	<u>(902,633)</u>	<u>756,963</u>
Total general fund	\$92,259,906	\$2,803,930	\$95,063,836"

Page 2, replace lines 15 through 19 with:

"Judicial conduct commission and disciplinary board	<u>\$1,250,962</u>	<u>\$66,519</u>	<u>\$1,317,481</u>
Total all funds	\$1,250,962	\$66,519	\$1,317,481
Less estimated income	<u>482,701</u>	<u>19,799</u>	<u>502,500</u>
Total general fund	\$768,261	\$46,720	\$814,981"

Page 2, replace lines 24 through 27 with:

"Grand total general fund	\$107,355,691	\$4,362,223	\$111,717,914
Grand total special funds	<u>2,142,297</u>	<u>(882,834)</u>	<u>1,259,463</u>
Grand total all funds	\$109,497,988	\$3,479,389	\$112,977,377
Full-time equivalent positions	363.00	0.00	363.00"

Page 3, remove lines 3 through 5

Page 3, replace line 9 with:

"Total all funds	\$1,117,352	\$2,000,000"
------------------	-------------	--------------

Page 3, replace line 11 with:

"Total general fund	\$147,352	\$2,000,000"
---------------------	-----------	--------------

Page 7, line 21, remove "one hundred sixty-six thousand six hundred"

Page 7, line 22, replace "sixty-two" with "one hundred sixty-five thousand eight hundred
forty-five"

Page 7, line 23, replace "one hundred sixty-nine thousand nine hundred ninety-five" with "one hundred sixty-nine thousand one hundred sixty-two"

Page 7, line 25, replace "four thousand seven hundred thirteen" with "four thousand six hundred ninety"

Page 7, line 26, remove "four thousand eight"

Page 7, line 27, replace "hundred seven" with "four thousand seven hundred eighty-four"

Page 8, line 3, remove "one hundred fifty-two thousand nine hundred"

Page 8, line 4, replace "twenty-five" with "one hundred fifty-two thousand one hundred seventy-five"

Page 8, line 5, replace "one hundred fifty-five thousand nine hundred eighty-four" with "one hundred fifty-five thousand two hundred nineteen"

Page 8, line 10, replace "four thousand three hundred forty-five" with "four thousand three hundred twenty-four"

Page 8, line 11, replace "four thousand four hundred thirty-two" with "four thousand four hundred ten"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of House Action

	Base Budget	Senate Version	House Changes	House Version
Supreme Court				
Total all funds	\$14,327,524	\$15,905,355	(\$66,258)	\$15,839,097
Less estimated income	0	0	0	0
General fund	\$14,327,524	\$15,905,355	(\$66,258)	\$15,839,097
FTE	43.50	43.50	0.00	43.50
District Courts				
Total all funds	\$93,919,502	\$100,771,191	(\$4,950,392)	\$95,820,799
Less estimated income	1,659,596	1,691,910	(934,947)	756,963
General fund	\$92,259,906	\$99,079,281	(\$4,015,445)	\$95,063,836
FTE	315.00	313.50	1.50	315.00
Judicial Conduct Commission				
Total all funds	\$1,250,962	\$1,320,197	(\$2,716)	\$1,317,481
Less estimated income	482,701	502,500	0	502,500
General fund	\$768,261	\$817,697	(\$2,716)	\$814,981
FTE	4.50	4.50	0.00	4.50
Bill total				
Total all funds	\$109,497,988	\$117,996,743	(\$5,019,366)	\$112,977,377
Less estimated income	2,142,297	2,194,410	(934,947)	1,259,463
General fund	\$107,355,691	\$115,802,333	(\$4,084,419)	\$111,717,914
FTE	363.00	361.50	1.50	363.00

Senate Bill No. 2002 - Supreme Court - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$11,338,720	\$11,236,107	(\$33,201)	\$11,202,906
Operating expenses	2,705,762	2,350,094		2,350,094
Capital assets		2,032,000	(32,000)	2,000,000
Guardianship monitoring program	283,042	287,154	(1,057)	286,097
Total all funds	\$14,327,524	\$15,905,355	(\$66,258)	\$15,839,097
Less estimated income	0	0	0	0
General fund	\$14,327,524	\$15,905,355	(\$66,258)	\$15,839,097
FTE	43.50	43.50	0.00	43.50

Department 181 - Supreme Court - Detail of House Changes

	Adjusts Funding for Salary Increases ¹	Removes One- Time Funding for Zoom Remote Video Equipment ²	Total House Changes
Salaries and wages	(\$33,201)		(\$33,201)
Operating expenses			
Capital assets		(\$32,000)	(32,000)
Guardianship monitoring program	(1,057)		(1,057)
Total all funds	(\$34,258)	(\$32,000)	(\$66,258)
Less estimated income	0	0	0
General fund	(\$34,258)	(\$32,000)	(\$66,258)
FTE	0.00	0.00	0.00

¹ Funding is adjusted to provide salary adjustments of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

² One-time funding of \$32,000 from the general fund added by the Senate for Zoom remote video equipment is removed.

Senate Bill No. 2002 - District Courts - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$73,242,268	\$77,153,703	(\$957,155)	\$76,196,548
Operating expenses	20,396,902	21,152,242	(1,665,237)	19,487,005
Capital assets		2,328,000	(2,328,000)	
Judges' retirement	280,332	137,246		137,246
Total all funds	\$93,919,502	\$100,771,191	(\$4,950,392)	\$95,820,799
Less estimated income	1,659,596	1,691,910	(934,947)	756,963
General fund	\$92,259,906	\$99,079,281	(\$4,015,445)	\$95,063,836
FTE	315.00	313.50	1.50	315.00

Department 182 - District Courts - Detail of House Changes

	Adjusts Funding for Salary Increases ¹	Adjusts Funding for the Transfer of Child Support Services ²	Removes Funding for Juvenile Intensive In- Home Services ³	Removes Funding for Youth Cultural Achievement Programs ⁴	Adjusts Funding for Information Technology Equipment ⁵	Removes One- Time Funding ⁶
Salaries and wages	(\$166,969)	(\$790,186)				
Operating expenses		(144,761)	(\$500,000)	(\$455,000)	(\$407,876)	(\$157,600)
Capital assets						(2,328,000)
Judges' retirement						
Total all funds	(\$166,969)	(\$934,947)	(\$500,000)	(\$455,000)	(\$407,876)	(\$2,485,600)
Less estimated income	0	(934,947)	0	0	0	0
General fund	(\$166,969)	\$0	(\$500,000)	(\$455,000)	(\$407,876)	(\$2,485,600)
FTE	0.00	1.50	0.00	0.00	0.00	0.00

	Total House Changes
Salaries and wages	(\$957,155)
Operating expenses	(1,665,237)
Capital assets	(2,328,000)
Judges' retirement	
Total all funds	(\$4,950,392)
Less estimated income	(934,947)
General fund	(\$4,015,445)
FTE	1.50

¹ Funding is adjusted to provide salary adjustments of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

² Funding of \$934,947 from federal funds is removed to reflect the transfer of certain child support duties to the Department of Human Services. This amendment also restores 1.5 FTE positions removed by the Senate relating to the transfer, however, the funding of \$225,000 from the general fund removed by the Senate is not restored.

³ Funding of \$500,000 from the general fund for juvenile intensive in-home services is removed.

⁴ Funding of \$455,000 from the general fund for youth cultural achievement programs is removed.

⁵ Funding to lease information technology equipment is reduced by \$407,876, to provide for a total increase from the base budget of \$707,132 from the general fund to lease information technology equipment.

⁶ One-time funding from the general fund is removed as follows:

General fund

Zoom remote video equipment	(\$328,000)
Wi-Fi access points	(157,600)
Juvenile case management system	(2,000,000)
Total	(\$2,485,600)

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

	Base Budget	Senate Version	House Changes	House Version
Judicial Conduct Commission	\$1,250,962	\$1,320,197	(\$2,716)	\$1,317,481
Total all funds	\$1,250,962	\$1,320,197	(\$2,716)	\$1,317,481
Less estimated income	482,701	502,500	0	502,500
General fund	\$768,261	\$817,697	(\$2,716)	\$814,981
FTE	4.50	4.50	0.00	4.50

Department 183 - Judicial Conduct Commission - Detail of House Changes

	Adjusts Funding for Salary Increases¹	Total House Changes
Judicial Conduct Commission	(\$2,716)	(\$2,716)
Total all funds	(\$2,716)	(\$2,716)
Less estimated income	0	0
General fund	(\$2,716)	(\$2,716)
FTE	0.00	0.00

¹ Funding is adjusted to provide salary adjustments of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

Senate Bill No. 2002 - Other Changes - House Action

This amendment also amends North Dakota Century Code sections 27-02-02 and 27-05-03 to increase the salaries of supreme court justices and district court judges by 1.5 percent beginning July 1, 2021, and by 2 percent beginning July 1, 2022.

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 Position	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2021-23 Biennium Base Level	363.00	\$107,355,691	\$2,142,297	\$109,497,988	363.00	\$107,355,691	\$2,142,297	\$109,497,988	0.00	\$0	\$0	\$0
2021-23 Ongoing Funding Changes												
Base payroll changes		\$1,806,707	(\$10,933)	\$1,795,774		\$1,806,707	(\$10,933)	\$1,795,774				\$0
Salary increase		2,208,619		2,208,619		2,004,676		2,004,676		(\$203,943)		(203,943)
Health insurance increase		17,929	1	17,930		17,929	1	17,930				0
Transfers child support duties to the Department of Human Services	(1.50)	(225,000)		(225,000)	0.00	(225,000)	(934,947)	(1,159,947)	1.50		(\$934,947)	(934,947)
Reduces funding for judge's retirement		(143,086)		(143,086)		(143,086)		(143,086)				0
Adds funding for a veterans treatment court		145,247		145,247		145,247		145,247				0
Adjusts funding for Supreme Court operations		(503,346)		(503,346)		(503,346)		(503,346)				0
Adjusts funding for district court operations		(490,532)	63,367	(427,165)		(490,532)	63,367	(427,165)				0
Adjusts funding for Judicial Conduct Commission operations		(2,504)	(322)	(2,826)		(2,504)	(322)	(2,826)				0
Removes funding for juvenile intensive in-home services				0		(500,000)		(500,000)		(500,000)		(500,000)
Removes funding for youth cultural achievement programs				0		(455,000)		(455,000)		(455,000)		(455,000)
Adds funding to lease IT equipment		1,115,008		1,115,008		707,132		707,132		(407,876)		(407,876)
Total ongoing funding changes	(1.50)	\$3,929,042	\$52,113	\$3,981,155	0.00	\$2,362,223	(\$882,834)	\$1,479,389	1.50	(\$1,566,819)	(\$934,947)	(\$2,501,766)
One-time funding items												
Adds one-time funding for Zoom remote video equipment		\$360,000		\$360,000		\$0		\$0		(\$360,000)		(\$360,000)
Adds one-time funding for district court Wi-Fi access points		157,600		157,600		0		0		(157,600)		(157,600)
Adds one-time funding for a new juvenile case management system		2,000,000		2,000,000		0		0		(2,000,000)		(2,000,000)
Adds one-time funding for a new Supreme Court docket management system		2,000,000		2,000,000		2,000,000		2,000,000				0
Total one-time funding changes	0.00	\$4,517,600	\$0	\$4,517,600	0.00	\$2,000,000	\$0	\$2,000,000	0.00	(\$2,517,600)	\$0	(\$2,517,600)
Total Changes to Base Level Funding	(1.50)	\$8,446,642	\$52,113	\$8,498,755	0.00	\$4,362,223	(\$882,834)	\$3,479,389	1.50	(\$4,084,419)	(\$934,947)	(\$5,019,366)
2021-23 Total Funding	361.50	\$115,802,333	\$2,194,410	\$117,996,743	363.00	\$111,717,914	\$1,259,463	\$112,977,377	1.50	(\$4,084,419)	(\$934,947)	(\$5,019,366)
Total ongoing changes as a percentage of base level	(0.4%)	3.7%	2.4%	3.6%	0.0%	2.2%	(41.2%)	1.4%				
Total changes as a percentage of base level	(0.4%)	7.9%	2.4%	7.8%	0.0%	4.1%	(41.2%)	3.2%				

Other Sections in Judicial Branch - Budget No. 180

	Senate Version	House 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, 2021, and ending June 30, 2023.	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, 2021, and ending June 30, 2023.
Line item transfers	Section 4 requires the director of the Office of Management and Budget to transfer appropriation authority between line items for the judicial branch as requested by the Supreme Court.	Section 4 requires the director of the Office of Management and Budget to transfer appropriation authority between line items for the judicial branch as requested by the Supreme Court.
Transfer child support duties	Sections 5, 6, 7, 8, 9, and 12 provide statutory changes as originally provided in Senate Bill No. 2082 to transfer certain child support duties to the Department of Human Services.	Sections 5, 6, 7, 8, 9, and 12 provide statutory changes as originally provided in Senate Bill No. 2082 to transfer certain child support duties to the Department of Human Services.
Supreme Court justices' salaries	Section 10 provides the statutory changes to increase Supreme Court justices' salaries by 2 percent each year of the biennium.	Section 10 provides the statutory changes to increase Supreme Court justices' salaries by 1.5 percent on July 1, 2021, and by 2 percent on July 1, 2022.
District judges' salaries	Section 11 provides the statutory changes to increase district court judges' salaries by 2 percent each year of the biennium.	Section 11 provides the statutory changes to increase district court judges' salaries by 1.5 percent on July 1, 2021, and by 2 percent on July 1, 2022.
Legislative intent	Section 13 provides legislative intent for the judicial branch to seek federal coronavirus relief funding for the Zoom remote video equipment and the Wi-Fi access points.	Section 13 provides legislative intent for the judicial branch to seek federal coronavirus relief funding for the Zoom remote video equipment and the Wi-Fi access points.

2021 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Brynhild Haugland Room, State Capitol

SB 2002
3/31/2021

Relating to clerk of court responsibilities regarding child support, salaries of justices of the supreme court, and salaries of district court judges;

10:05 Chairman Delzer- Opened the meeting for SB 2002

Attendance	P/A
Representative Jeff Delzer	P
Representative Keith Kempenich	P
Representative Bert Anderson	P
Representative Larry Bellew	P
Representative Tracy Boe	A
Representative Mike Brandenburg	P
Representative Michael Howe	P
Representative Gary Kreidt	P
Representative Bob Martinson	P
Representative Lisa Meier	P
Representative Alisa Mitskog	P
Representative Corey Mock	P
Representative David Monson	P
Representative Mike Nathe	P
Representative Jon O. Nelson	P
Representative Mark Sanford	P
Representative Mike Schatz	P
Representative Jim Schmidt	P
Representative Randy A. Schobinger	P
Representative Michelle Strinden	P
Representative Don Vigasaa	P

Discussion Topics:

- Budget and Amendment

10:06 Representative Bellew – Introduces the budget and the amendment 21.0284.02001

10:24 Representative Bellew- Makes a motion to adopt the amendment

Representative Meier Second

Further discussion

10:25 Voice Vote- Motion Carries

10:28 Representative Bellew Makes a motion for a Do Pass as Amended

Representative Meier Second

Further discussion

10:30 Roll Call Vote was Taken;

Representatives	Vote
Representative Jeff Delzer	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Larry Bellew	Y
Representative Tracy Boe	A
Representative Mike Brandenburg	Y
Representative Michael Howe	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Mark Sanford	A
Representative Mike Schatz	Y
Representative Jim Schmidt	Y
Representative Randy A. Schobinger	Y
Representative Michelle Strinden	Y
Representative Don Vigasaa	Y

Motion Carries 19-0-2 Representative Bellew will carry the bill

Additional written testimony: No Additional Testimony

10:30 Chairman Delzer- Closes the meeting for SB 2002

Risa Berube,

House Appropriations Committee Clerk

21.0284.02001
Title.03000

Fiscal No. 1

Prepared by the Legislative Council staff for
the House Appropriations - Government
Operations Division Committee
March 26, 2021

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

Page 1, replace lines 17 through 23 with:

"Salaries and wages	\$11,338,720	(\$135,814)	\$11,202,906
Operating expenses	2,705,762	(355,668)	2,350,094
Capital assets	0	2,000,000	2,000,000
Guardianship monitoring program	<u>283,042</u>	<u>3,055</u>	<u>286,097</u>
Total all funds	\$14,327,524	\$1,511,573	\$15,839,097
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
Total general fund	\$14,327,524	\$1,511,573	\$15,839,097"

Page 2, replace lines 4 through 10 with:

"Salaries and wages	\$73,242,268	\$2,954,280	\$76,196,548
Operating expenses	20,396,902	(909,897)	19,487,005
Judges' retirement	<u>280,332</u>	<u>(143,086)</u>	<u>137,246</u>
Total all funds	\$93,919,502	\$1,901,297	\$95,820,799
Less estimated income	<u>1,659,596</u>	<u>(902,633)</u>	<u>756,963</u>
Total general fund	\$92,259,906	\$2,803,930	\$95,063,836"

Page 2, replace lines 15 through 19 with:

"Judicial conduct commission and disciplinary board	<u>\$1,250,962</u>	<u>\$66,519</u>	<u>\$1,317,481</u>
Total all funds	\$1,250,962	\$66,519	\$1,317,481
Less estimated income	<u>482,701</u>	<u>19,799</u>	<u>502,500</u>
Total general fund	\$768,261	\$46,720	\$814,981"

Page 2, replace lines 24 through 27 with:

"Grand total general fund	\$107,355,691	\$4,362,223	\$111,717,914
Grand total special funds	<u>2,142,297</u>	<u>(882,834)</u>	<u>1,259,463</u>
Grand total all funds	\$109,497,988	\$3,479,389	\$112,977,377
Full-time equivalent positions	363.00	0.00	363.00"

Page 3, remove lines 3 through 5

Page 3, replace line 9 with:

"Total all funds	\$1,117,352	\$2,000,000"
------------------	-------------	--------------

Page 3, replace line 11 with:

"Total general fund	\$147,352	\$2,000,000"
---------------------	-----------	--------------

Page 7, line 21, remove "one hundred sixty-six thousand six hundred"

Page 7, line 22, replace "sixty-two" with "one hundred sixty-five thousand eight hundred forty-five"

Page 7, line 23, replace "one hundred sixty-nine thousand nine hundred ninety-five" with "one hundred sixty-nine thousand one hundred sixty-two"

Page 7, line 25, replace "four thousand seven hundred thirteen" with "four thousand six hundred ninety"

Page 7, line 26, remove "four thousand eight"

Page 7, line 27, replace "hundred seven" with "four thousand seven hundred eighty-four"

Page 8, line 3, remove "one hundred fifty-two thousand nine hundred"

Page 8, line 4, replace "twenty-five" with "one hundred fifty-two thousand one hundred seventy-five"

Page 8, line 5, replace "one hundred fifty-five thousand nine hundred eighty-four" with "one hundred fifty-five thousand two hundred nineteen"

Page 8, line 10, replace "four thousand three hundred forty-five" with "four thousand three hundred twenty-four"

Page 8, line 11, replace "four thousand four hundred thirty-two" with "four thousand four hundred ten"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of House Action

	Base Budget	Senate Version	House Changes	House Version
Supreme Court				
Total all funds	\$14,327,524	\$15,905,355	(\$66,258)	\$15,839,097
Less estimated income	0	0	0	0
General fund	\$14,327,524	\$15,905,355	(\$66,258)	\$15,839,097
FTE	43.50	43.50	0.00	43.50
District Courts				
Total all funds	\$93,919,502	\$100,771,191	(\$4,950,392)	\$95,820,799
Less estimated income	1,659,596	1,691,910	(934,947)	756,963
General fund	\$92,259,906	\$99,079,281	(\$4,015,445)	\$95,063,836
FTE	315.00	313.50	1.50	315.00
Judicial Conduct Commission				
Total all funds	\$1,250,962	\$1,320,197	(\$2,716)	\$1,317,481
Less estimated income	482,701	502,500	0	502,500
General fund	\$768,261	\$817,697	(\$2,716)	\$814,981
FTE	4.50	4.50	0.00	4.50
Bill total				
Total all funds	\$109,497,988	\$117,996,743	(\$5,019,366)	\$112,977,377
Less estimated income	2,142,297	2,194,410	(934,947)	1,259,463
General fund	\$107,355,691	\$115,802,333	(\$4,084,419)	\$111,717,914
FTE	363.00	361.50	1.50	363.00

Senate Bill No. 2002 - Supreme Court - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$11,338,720	\$11,236,107	(\$33,201)	\$11,202,906
Operating expenses	2,705,762	2,350,094		2,350,094
Capital assets		2,032,000	(32,000)	2,000,000
Guardianship monitoring program	283,042	287,154	(1,057)	286,097
Total all funds	\$14,327,524	\$15,905,355	(\$66,258)	\$15,839,097
Less estimated income	0	0	0	0
General fund	\$14,327,524	\$15,905,355	(\$66,258)	\$15,839,097
FTE	43.50	43.50	0.00	43.50

Department 181 - Supreme Court - Detail of House Changes

	Adjusts Funding for Salary Increases ¹	Removes One- Time Funding for Zoom Remote Video Equipment ²	Total House Changes
Salaries and wages	(\$33,201)		(\$33,201)
Operating expenses			
Capital assets		(\$32,000)	(32,000)
Guardianship monitoring program	(1,057)		(1,057)
Total all funds	(\$34,258)	(\$32,000)	(\$66,258)
Less estimated income	0	0	0
General fund	(\$34,258)	(\$32,000)	(\$66,258)
FTE	0.00	0.00	0.00

¹ Funding is adjusted to provide salary adjustments of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

² One-time funding of \$32,000 from the general fund added by the Senate for Zoom remote video equipment is removed.

Senate Bill No. 2002 - District Courts - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$73,242,268	\$77,153,703	(\$957,155)	\$76,196,548
Operating expenses	20,396,902	21,152,242	(1,665,237)	19,487,005
Capital assets		2,328,000	(2,328,000)	
Judges' retirement	280,332	137,246		137,246
Total all funds	\$93,919,502	\$100,771,191	(\$4,950,392)	\$95,820,799
Less estimated income	1,659,596	1,691,910	(934,947)	756,963
General fund	\$92,259,906	\$99,079,281	(\$4,015,445)	\$95,063,836
FTE	315.00	313.50	1.50	315.00

Department 182 - District Courts - Detail of House Changes

	Adjusts Funding for Salary Increases ¹	Adjusts Funding for the Transfer of Child Support Services ²	Removes Funding for Juvenile Intensive In-Home Services ³	Removes Funding for Youth Cultural Achievement Programs ⁴	Adjusts Funding for Information Technology Equipment ⁵	Removes One- Time Funding ⁶
Salaries and wages	(\$166,969)	(\$790,186)				
Operating expenses		(144,761)	(\$500,000)	(\$455,000)	(\$407,876)	(\$157,600)
Capital assets						(2,328,000)
Judges' retirement						
Total all funds	(\$166,969)	(\$934,947)	(\$500,000)	(\$455,000)	(\$407,876)	(\$2,485,600)
Less estimated income	0	(934,947)	0	0	0	0
General fund	(\$166,969)	\$0	(\$500,000)	(\$455,000)	(\$407,876)	(\$2,485,600)
FTE	0.00	1.50	0.00	0.00	0.00	0.00

	Total House Changes
Salaries and wages	(\$957,155)
Operating expenses	(1,665,237)
Capital assets	(2,328,000)
Judges' retirement	
Total all funds	(\$4,950,392)
Less estimated income	(934,947)
General fund	(\$4,015,445)
FTE	1.50

¹ Funding is adjusted to provide salary adjustments of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

² Funding of \$934,947 from federal funds is removed to reflect the transfer of certain child support duties to the Department of Human Services. This amendment also restores 1.5 FTE positions removed by the Senate relating to the transfer; however, the funding of \$225,000 from the general fund removed by the Senate is not restored.

³ Funding of \$500,000 from the general fund for juvenile intensive in-home services is removed.

⁴ Funding of \$455,000 from the general fund for youth cultural achievement programs is removed.

⁵ Funding to lease information technology equipment is reduced by \$407,876, to provide for a total increase from the base budget of \$707,132 from the general fund to lease information technology equipment.

⁶ One-time funding from the general fund is removed as follows:

	General fund
Zoom remote video equipment	(\$328,000)
Wi-Fi access points	(157,600)
Juvenile case management system	(2,000,000)
Total	(\$2,485,600)

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

	Base Budget	Senate Version	House Changes	House Version
Judicial Conduct Commission	\$1,250,962	\$1,320,197	(\$2,716)	\$1,317,481
Total all funds	\$1,250,962	\$1,320,197	(\$2,716)	\$1,317,481
Less estimated income	482,701	502,500	0	502,500
General fund	\$768,261	\$817,697	(\$2,716)	\$814,981
FTE	4.50	4.50	0.00	4.50

Department 183 - Judicial Conduct Commission - Detail of House Changes

	Adjusts Funding for Salary Increases ¹	Total House Changes
Judicial Conduct Commission	(\$2,716)	(\$2,716)
Total all funds	(\$2,716)	(\$2,716)
Less estimated income	0	0
General fund	(\$2,716)	(\$2,716)
FTE	0.00	0.00

¹ Funding is adjusted to provide salary adjustments of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

Senate Bill No. 2002 - Other Changes - House Action

This amendment also amends North Dakota Century Code Sections 27-02-02 and 27-05-03 to increase the salaries of Supreme Court justices and district court judges by 1.5 percent beginning July 1, 2021, and by 2 percent beginning July 1, 2022.

REPORT OF STANDING COMMITTEE

SB 2002, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (19 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2002
was placed on the Sixth order on the calendar.

Page 1, replace lines 17 through 23 with:

"Salaries and wages	\$11,338,720	(\$135,814)	\$11,202,906
Operating expenses	2,705,762	(355,668)	2,350,094
Capital assets	0	2,000,000	2,000,000
Guardianship monitoring program	<u>283,042</u>	<u>3,055</u>	<u>286,097</u>
Total all funds	\$14,327,524	\$1,511,573	\$15,839,097
Less estimated income	0	0	0
Total general fund	\$14,327,524	\$1,511,573	\$15,839,097"

Page 2, replace lines 4 through 10 with:

"Salaries and wages	\$73,242,268	\$2,954,280	\$76,196,548
Operating expenses	20,396,902	(909,897)	19,487,005
Judges' retirement	<u>280,332</u>	<u>(143,086)</u>	<u>137,246</u>
Total all funds	\$93,919,502	\$1,901,297	\$95,820,799
Less estimated income	<u>1,659,596</u>	<u>(902,633)</u>	<u>756,963</u>
Total general fund	\$92,259,906	\$2,803,930	\$95,063,836"

Page 2, replace lines 15 through 19 with:

"Judicial conduct commission and disciplinary board	<u>\$1,250,962</u>	<u>\$66,519</u>	<u>\$1,317,481</u>
Total all funds	\$1,250,962	\$66,519	\$1,317,481
Less estimated income	<u>482,701</u>	<u>19,799</u>	<u>502,500</u>
Total general fund	\$768,261	\$46,720	\$814,981"

Page 2, replace lines 24 through 27 with:

"Grand total general fund	\$107,355,691	\$4,362,223	\$111,717,914
Grand total special funds	<u>2,142,297</u>	<u>(882,834)</u>	<u>1,259,463</u>
Grand total all funds	\$109,497,988	\$3,479,389	\$112,977,377
Full-time equivalent positions	363.00	0.00	363.00"

Page 3, remove lines 3 through 5

Page 3, replace line 9 with:

"Total all funds	\$1,117,352	\$2,000,000"
------------------	-------------	--------------

Page 3, replace line 11 with:

"Total general fund	\$147,352	\$2,000,000"
---------------------	-----------	--------------

Page 7, line 21, remove "one hundred sixty-six thousand six hundred"

Page 7, line 22, replace "sixty-two" with "one hundred sixty-five thousand eight hundred forty-five"

Page 7, line 23, replace "one hundred sixty-nine thousand nine hundred ninety-five" with "one hundred sixty-nine thousand one hundred sixty-two"

Page 7, line 25, replace "four thousand seven hundred thirteen" with "four thousand six hundred ninety"

Page 7, line 26, remove "four thousand eight"

Page 7, line 27, replace "hundred seven" with "four thousand seven hundred eighty-four"

Page 8, line 3, remove "one hundred fifty-two thousand nine hundred"

Page 8, line 4, replace "twenty-five" with "one hundred fifty-two thousand one hundred seventy-five"

Page 8, line 5, replace "one hundred fifty-five thousand nine hundred eighty-four" with "one hundred fifty-five thousand two hundred nineteen"

Page 8, line 10, replace "four thousand three hundred forty-five" with "four thousand three hundred twenty-four"

Page 8, line 11, replace "four thousand four hundred thirty-two" with "four thousand four hundred ten"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of House Action

	Base Budget	Senate Version	House Changes	House Version
Supreme Court				
Total all funds	\$14,327,524	\$15,905,355	(\$66,258)	\$15,839,097
Less estimated income	0	0	0	0
General fund	\$14,327,524	\$15,905,355	(\$66,258)	\$15,839,097
FTE	43.50	43.50	0.00	43.50
District Courts				
Total all funds	\$93,919,502	\$100,771,191	(\$4,950,392)	\$95,820,799
Less estimated income	1,659,596	1,691,910	(934,947)	756,963
General fund	\$92,259,906	\$99,079,281	(\$4,015,445)	\$95,063,836
FTE	315.00	313.50	1.50	315.00
Judicial Conduct Commission				
Total all funds	\$1,250,962	\$1,320,197	(\$2,716)	\$1,317,481
Less estimated income	482,701	502,500	0	502,500
General fund	\$768,261	\$817,697	(\$2,716)	\$814,981
FTE	4.50	4.50	0.00	4.50
Bill total				
Total all funds	\$109,497,988	\$117,996,743	(\$5,019,366)	\$112,977,377
Less estimated income	2,142,297	2,194,410	(934,947)	1,259,463
General fund	\$107,355,691	\$115,802,333	(\$4,084,419)	\$111,717,914
FTE	363.00	361.50	1.50	363.00

Senate Bill No. 2002 - Supreme Court - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$11,338,720	\$11,236,107	(\$33,201)	\$11,202,906
Operating expenses	2,705,762	2,350,094		2,350,094
Capital assets		2,032,000	(32,000)	2,000,000
Guardianship monitoring program	283,042	287,154	(1,057)	286,097
Total all funds	\$14,327,524	\$15,905,355	(\$66,258)	\$15,839,097
Less estimated income	0	0	0	0
General fund	\$14,327,524	\$15,905,355	(\$66,258)	\$15,839,097
FTE	43.50	43.50	0.00	43.50

Department 181 - Supreme Court - Detail of House Changes

	Adjusts Funding for Salary Increases ¹	Removes One-Time Funding for Zoom Remote Video Equipment ²	Total House Changes
Salaries and wages	(\$33,201)		(\$33,201)
Operating expenses			
Capital assets		(\$32,000)	(32,000)
Guardianship monitoring program	(1,057)		(1,057)
Total all funds	(\$34,258)	(\$32,000)	(\$66,258)
Less estimated income	0	0	0
General fund	(\$34,258)	(\$32,000)	(\$66,258)
FTE	0.00	0.00	0.00

¹ Funding is adjusted to provide salary adjustments of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

² One-time funding of \$32,000 from the general fund added by the Senate for Zoom remote video equipment is removed.

Senate Bill No. 2002 - District Courts - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$73,242,268	\$77,153,703	(\$957,155)	\$76,196,548
Operating expenses	20,396,902	21,152,242	(1,665,237)	19,487,005
Capital assets		2,328,000	(2,328,000)	
Judges' retirement	280,332	137,246		137,246
Total all funds	\$93,919,502	\$100,771,191	(\$4,950,392)	\$95,820,799
Less estimated income	1,659,596	1,691,910	(934,947)	756,963
General fund	\$92,259,906	\$99,079,281	(\$4,015,445)	\$95,063,836
FTE	315.00	313.50	1.50	315.00

Department 182 - District Courts - Detail of House Changes

	Adjusts Funding for Salary Increases ¹	Adjusts Funding for the Transfer of Child Support Services ²	Removes Funding for Juvenile Intensive In-Home Services ³	Removes Funding for Youth Cultural Achievement Programs ⁴	Adjusts Funding for Information Technology Equipment ⁵	Removes One- Time Funding ⁶
Salaries and wages	(\$166,969)	(\$790,186)				
Operating expenses		(144,761)	(\$500,000)	(\$455,000)	(\$407,876)	(\$157,600)
Capital assets						(2,328,000)
Judges' retirement						
Total all funds	(\$166,969)	(\$934,947)	(\$500,000)	(\$455,000)	(\$407,876)	(\$2,485,600)
Less estimated income	0	(934,947)	0	0	0	0
General fund	(\$166,969)	\$0	(\$500,000)	(\$455,000)	(\$407,876)	(\$2,485,600)
FTE	0.00	1.50	0.00	0.00	0.00	0.00

	Total House Changes
Salaries and wages	(\$957,155)
Operating expenses	(1,665,237)
Capital assets	(2,328,000)
Judges' retirement	
Total all funds	(\$4,950,392)
Less estimated income	(934,947)
General fund	(\$4,015,445)
FTE	1.50

¹ Funding is adjusted to provide salary adjustments of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

² Funding of \$934,947 from federal funds is removed to reflect the transfer of certain child support duties to the Department of Human Services. This amendment also restores 1.5 FTE positions removed by the Senate relating to the transfer; however, the funding of \$225,000 from the general fund removed by the Senate is not restored.

³ Funding of \$500,000 from the general fund for juvenile intensive in-home services is removed.

⁴ Funding of \$455,000 from the general fund for youth cultural achievement programs is removed.

⁵ Funding to lease information technology equipment is reduced by \$407,876, to provide for a total increase from the base budget of \$707,132 from the general fund to lease information technology equipment.

⁶ One-time funding from the general fund is removed as follows:

	<u>General fund</u>
Zoom remote video equipment	(\$328,000)
Wi-Fi access points	(157,600)
Juvenile case management system	(2,000,000)
Total	(\$2,485,600)

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

	<u>Base Budget</u>	<u>Senate Version</u>	<u>House Changes</u>	<u>House Version</u>
Judicial Conduct Commission	\$1,250,962	\$1,320,197	(\$2,716)	\$1,317,481
Total all funds	\$1,250,962	\$1,320,197	(\$2,716)	\$1,317,481
Less estimated income	482,701	502,500	0	502,500
General fund	\$768,261	\$817,697	(\$2,716)	\$814,981
FTE	4.50	4.50	0.00	4.50

Department 183 - Judicial Conduct Commission - Detail of House Changes

	<u>Adjusts Funding for Salary Increases¹</u>	<u>Total House Changes</u>
Judicial Conduct Commission	(\$2,716)	(\$2,716)
Total all funds	(\$2,716)	(\$2,716)
Less estimated income	0	0
General fund	(\$2,716)	(\$2,716)
FTE	0.00	0.00

¹ Funding is adjusted to provide salary adjustments of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

Senate Bill No. 2002 - Other Changes - House Action

This amendment also amends North Dakota Century Code Sections 27-02-02 and 27-05-03 to increase the salaries of Supreme Court justices and district court judges by 1.5 percent beginning July 1, 2021, and by 2 percent beginning July 1, 2022.

2021 CONFERENCE COMMITTEE

SB 2002

2021 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

SB 2002
4/13/2021
Senate Appropriations Conference Committee

Relating to clerk of court responsibilities regarding child support, salaries of justices of the supreme court, and salaries of district court judges; to provide for a report; to provide a statement of legislative intent; and to provide an exemption.
--

Senator Hogue opened the hearing at 10:30 AM.

Senators present: **Hogue, Dever, Heckaman**

Representatives present: **Bellew, Kempenich, Brandenburg**

Discussion Topics:

- Explanation of the House changes
- Juvenile services
- IT contractual services

Representative Bellew opened by explaining the House changes to the bill.

Alex Cronquist, Legislative Council – testified neutrally - #11498

The House members objected to allowing anyone to testify at the conference committee hearings and therefore left the meeting.

Sally Holewa, District Court Administrator, - provided IT contractual services information - #11503.

Senator Hogue closed the meeting at 10:57 AM.

Rose Laning, Committee Clerk

Judicial Branch - Budget No. 180
Senate Bill No. 2002
Base Level Funding Changes

	Senate Version				House Version				H Inc
	FTE Positions	General Fund	Other Funds	Total	FTE Position	General Fund	Other Funds	Total	FTE Positions
2021-23 Biennium Base Level	363.00	\$107,355,691	\$2,142,297	\$109,497,988	363.00	\$107,355,691	\$2,142,297	\$109,497,988	0.00
2021-23 Ongoing Funding Changes									
Base payroll changes		\$1,806,707	(\$10,933)	\$1,795,774		\$1,806,707	(\$10,933)	\$1,795,774	
Salary increase		2,208,619		2,208,619		2,004,676		2,004,676	
Health insurance increase		17,929	1	17,930		17,929	1	17,930	
Transfers child support duties to the Department of Human Services	(1.50)	(225,000)		(225,000)	0.00	(225,000)	(934,947)	(1,159,947)	1.50
Reduces funding for judge's retirement		(143,086)		(143,086)		(143,086)		(143,086)	
Adds funding for a veterans treatment court		145,247		145,247		145,247		145,247	
Adjusts funding for Supreme Court operations		(503,346)		(503,346)		(503,346)		(503,346)	
Adjusts funding for district court operations		(490,532)	63,367	(427,165)		(490,532)	63,367	(427,165)	
Adjusts funding for Judicial Conduct Commission operations		(2,504)	(322)	(2,826)		(2,504)	(322)	(2,826)	
Removes funding for juvenile intensive in-home services				0		(500,000)		(500,000)	
Removes funding for youth cultural achievement programs				0		(455,000)		(455,000)	
Adds funding to lease IT equipment		1,115,008		1,115,008		707,132		707,132	
Total ongoing funding changes	(1.50)	\$3,929,042	\$52,113	\$3,981,155	0.00	\$2,362,223	(\$882,834)	\$1,479,389	1.50
One-time funding items									
Adds one-time funding for Zoom remote video equipment		\$360,000		\$360,000		\$0		\$0	
Adds one-time funding for district court Wi-Fi access points		157,600		157,600		0		0	
Adds one-time funding for a new juvenile case management system		2,000,000		2,000,000		0		0	
Adds one-time funding for a new Supreme Court docket management system		2,000,000		2,000,000		2,000,000		2,000,000	
Total one-time funding changes	0.00	\$4,517,600	\$0	\$4,517,600	0.00	\$2,000,000	\$0	\$2,000,000	0.00
Total Changes to Base Level Funding	(1.50)	\$8,446,642	\$52,113	\$8,498,755	0.00	\$4,362,223	(\$882,834)	\$3,479,389	1.50
2021-23 Total Funding	361.50	\$115,802,333	\$2,194,410	\$117,996,743	363.00	\$111,717,914	\$1,259,463	\$112,977,377	1.50
<i>Total ongoing changes as a percentage of base level</i>	(0.4%)	3.7%	2.4%	3.6%	0.0%	2.2%	(41.2%)	1.4%	
<i>Total changes as a percentage of base level</i>	(0.4%)	7.9%	2.4%	7.8%	0.0%	4.1%	(41.2%)	3.2%	

Senate Version

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, 2021, and ending June 30, 2023.

Section 4 requires the director of the Office of Management and Budget to transfer appropriation authority between line items for the judicial branch as requested by the Supreme Court.

Sections 5, 6, 7, 8, 9, and 12 provide statutory changes as originally provided in Senate Bill No. 2082 to transfer certain child support duties to the Department of Human Services.

Section 10 provides the statutory changes to increase Supreme Court justices' salaries by 2 percent each year of the biennium.

Section 11 provides the statutory changes to increase district court judges' salaries by 2 percent each year of the biennium.

Section 13 provides legislative intent for the judicial branch to seek federal coronavirus relief funding for Zoom remote video equipment and the Wi-Fi access points.

House Version

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, 2021, and ending June 30, 2023.

Section 4 requires the director of the Office of Management and Budget to transfer appropriation authority between line items for the judicial branch as requested by the Supreme Court.

Sections 5, 6, 7, 8, 9, and 12 provide statutory changes as originally provided in Senate Bill No. 2082 to transfer certain child support duties to the Department of Human Services.

Section 10 provides the statutory changes to increase Supreme Court justices' salaries by 1.5 percent on July 1, 2021, and by 2 percent on July 1, 2022.

Section 11 provides the statutory changes to increase district court judges' salaries by 1.5 percent on July 1, 2021, and by 2 percent on July 1, 2022.

Section 13 provides legislative intent for the judicial branch to seek federal coronavirus relief funding for Zoom remote video equipment and the Wi-Fi access points.

JUDICIAL BRANCH APPROPRIATION SB 2002

Increase in increase in IT contractual services of \$1,522,884:

- Lease of the blades and disk drives - **\$1,115,008.**
- Wi-Fi access points installation - **\$157,600.** *(This funding was already removed from SB 2002 in a separate amendment)*
- SharePoint system - **\$44,000.** *(Supreme Court – maintenance and support for the Justices’ Communication and Collaboration software)*
- Prison e-Filing project **\$14,000.** *(Supreme Court – to allow North Dakota prisoners to electronically file appeals, writs and correspondence in lieu of paper filing)*
- AVI audio and video maintenance contract increase to go to 24/7 - **\$154,729** *(maintenance and support of courtroom electronics with enhanced service response times)*
- Other tech support and maintenance agreement increases - **\$37,547** *(maintenance and support of various software programs used by IT department to support judicial branch functions)*

The House removed funding of \$407,876 (\$1,522,884-\$1,115,008) from the District Court budget.

2021 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

SB 2002
4/20/2021

Senate Appropriations Conference Committee

Relating to clerk of court responsibilities regarding child support, salaries of justices of the supreme court, and salaries of district court judges.
--

Senator Hogue opened the hearing at 10:59 a.m.

Senators present: **Hogue, Dever, Heckaman**

Representatives present: **Bellew, Kempenich, Brandenburg**

Discussion Topics:

- DOCR

Representative Bellew explained proposals by the House.

Senator Hogue closed the meeting at 11:14 a.m.

Skyler Strand, Committee Clerk

2021 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

SB 2002
4/21/2021

Senate Appropriations Conference Committee

Relating to clerk of court responsibilities regarding child support, salaries of justices of the supreme court, and salaries of district court judges.

Senator Hogue opened the hearing at 4:28 PM.

Senators present: **Hogue, Dever, Heckaman**

Representatives present: **Bellew, Kempenich, Brandenburg**

Discussion Topics:

- Senator Hogue's compromise

Senator Hogue presented a proposal of compromise.

Rep. Brandenburg moved that the House recede from House amendments and further amend; LC 21.0284.02004.

Rep. Bellew second.

Senator Hogue – Y

Senator Dever – Y

Senator Heckaman – Y

Representative Bellew – Y

Representative Kempenich – Y

Representative Brandenburg – Y

Roll call vote 6-0-0 Motion passed.

Senator Hogue closed the meeting at 4:50 PM.

Rose Laning, Committee Clerk

8/4/22
12/2/21

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

That the House recede from its amendments as printed on pages 1149-1153 of the Senate Journal and pages 1365-1369 of the House Journal and that Engrossed Senate Bill No. 2002 be amended as follows:

Page 1, line 3, remove the first "and"

Page 1, line 3, replace the second "and" with a comma

Page 1, line 3, after "50-09-02.1" insert "and section 50-25.1-11.1, as amended in section 2 of Senate Bill No. 2131, as approved by the sixty-seventh legislative assembly,"

Page 1, line 5, remove "and"

Page 1, line 5, after "judges" insert ", and criminal history record checks for children's advocacy centers"

Page 1, replace lines 17 through 23 with:

"Salaries and wages	\$11,338,720	(\$135,814)	\$11,202,906
Operating expenses	2,705,762	(355,668)	2,350,094
Guardianship monitoring program	<u>283,042</u>	<u>3,055</u>	<u>286,097</u>
Total all funds	\$14,327,524	(\$488,427)	\$13,839,097
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
Total general fund	\$14,327,524	(\$488,427)	\$13,839,097"

Page 2, replace lines 4 through 10 with:

"Salaries and wages	\$73,242,268	\$2,853,541	\$76,095,809
Operating expenses	20,396,902	(449,529)	19,947,373
Capital assets	0	2,000,000	2,000,000
Judges' retirement	<u>280,332</u>	<u>(143,086)</u>	<u>137,246</u>
Total all funds	\$93,919,502	\$4,260,926	\$98,180,428
Less estimated income	<u>1,659,596</u>	<u>(902,633)</u>	<u>756,963</u>
Total general fund	\$92,259,906	\$5,163,559	\$97,423,465"

Page 2, replace lines 15 through 19 with:

"Judicial conduct commission and disciplinary board	<u>\$1,250,962</u>	<u>\$66,519</u>	<u>\$1,317,481</u>
Total all funds	\$1,250,962	\$66,519	\$1,317,481
Less estimated income	<u>482,701</u>	<u>19,799</u>	<u>502,500</u>
Total general fund	\$768,261	\$46,720	\$814,981"

Page 2, replace lines 24 through 27 with:

"Grand total general fund	\$107,355,691	\$4,721,852	\$112,077,543
Grand total special funds	<u>2,142,297</u>	<u>(882,834)</u>	<u>1,259,463</u>
Grand total all funds	\$109,497,988	\$3,839,018	\$113,337,006
Full-time equivalent positions	363.00	(1.00)	362.00"

Page 3, replace lines 2 through 5 with:

"Juvenile case management system	\$0	\$2,000,000"
----------------------------------	-----	--------------

Page 3, replace line 9 with:

"Total all funds	\$1,117,352	\$2,000,000"
------------------	-------------	--------------

Page 3, replace line 11 with:

"Total general fund	\$147,352	\$2,000,000"
---------------------	-----------	--------------

Page 7, line 21, remove "one hundred sixty-six thousand six hundred"

Page 7, line 22, replace "sixty-two" with "one hundred sixty-five thousand eight hundred forty-five"

Page 7, line 23, replace "one hundred sixty-nine thousand nine hundred ninety-five" with "one hundred sixty-nine thousand one hundred sixty-two"

Page 7, line 25, replace "four thousand seven hundred thirteen" with "four thousand six hundred ninety"

Page 7, line 26, remove "four thousand eight"

Page 7, line 27, replace "hundred seven" with "four thousand seven hundred eighty-four"

Page 8, line 3, remove "one hundred fifty-two thousand nine hundred"

Page 8, line 4, replace "twenty-five" with "one hundred fifty-two thousand one hundred seventy-five"

Page 8, line 5, replace "one hundred fifty-five thousand nine hundred eighty-four" with "one hundred fifty-five thousand two hundred nineteen"

Page 8, line 10, replace "four thousand three hundred forty-five" with "four thousand three hundred twenty-four"

Page 8, line 11, replace "four thousand four hundred thirty-two" with "four thousand four hundred ten"

Page 8, after line 25, insert:

"SECTION 13. AMENDMENT. Section 50-25.1-11.1 of the North Dakota Century Code, as amended in section 2 of Senate Bill No. 2131, as approved by the sixty-seventh legislative assembly, is amended and reenacted as follows:

50-25.1-11.1. Children's advocacy centers - Confidentiality of records - Criminal history record checks.

1. Records and digital media in the possession of a children's advocacy center relating to a forensic medical examination, forensic interview, or therapy are confidential and may be released only to a person other than a law enforcement agency, the department or the department's authorized agent, or a medical or mental health professional when the child comes before the medical or mental health professional in that person's professional capacity, upon service of a subpoena signed by a judge.
2. ~~Upon receipt of a request by a children's advocacy center, the~~The department may submit a request for a criminal history record check under section 12-60-24. ~~Under this subsection, a children's advocacy center may~~

require the following individuals to submit to a criminal history record check:

- a- ~~An on an~~ employee, final applicant for employment, contractor, multidisciplinary team member, or volunteer, of a children's advocacy center who has contact with a child at or through a children's advocacy center; and
- b- ~~An individual a children's advocacy center determines requires a criminal history record check to participate in services at a center."~~

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Supreme Court						
Total all funds	\$14,327,524	\$15,905,355	(\$2,066,258)	\$13,839,097	\$15,839,097	(\$2,000,000)
Less estimated income	0	0	0	0	0	0
General fund	\$14,327,524	\$15,905,355	(\$2,066,258)	\$13,839,097	\$15,839,097	(\$2,000,000)
FTE	43.50	43.50	0.00	43.50	43.50	0.00
District Courts						
Total all funds	\$93,919,502	\$100,771,191	(\$2,590,763)	\$98,180,428	\$95,820,799	\$2,359,629
Less estimated income	1,659,596	1,691,910	(934,947)	756,963	756,963	0
General fund	\$92,259,906	\$99,079,281	(\$1,655,816)	\$97,423,465	\$95,063,836	\$2,359,629
FTE	315.00	313.50	0.50	314.00	315.00	(1.00)
Judicial Conduct Commission						
Total all funds	\$1,250,962	\$1,320,197	(\$2,716)	\$1,317,481	\$1,317,481	\$0
Less estimated income	482,701	502,500	0	502,500	502,500	0
General fund	\$768,261	\$817,697	(\$2,716)	\$814,981	\$814,981	\$0
FTE	4.50	4.50	0.00	4.50	4.50	0.00
Department of Corrections and Rehab.						
Total all funds	\$0	\$0	\$0	\$0	\$0	\$0
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00
Bill total						
Total all funds	\$109,497,988	\$117,996,743	(\$4,659,737)	\$113,337,006	\$112,977,377	\$359,629
Less estimated income	2,142,297	2,194,410	(934,947)	1,259,463	1,259,463	0
General fund	\$107,355,691	\$115,802,333	(\$3,724,790)	\$112,077,543	\$111,717,914	\$359,629
FTE	363.00	361.50	0.50	362.00	363.00	(1.00)

4030

Senate Bill No. 2002 - Supreme Court - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$11,338,720	\$11,236,107	(\$33,201)	\$11,202,906	\$11,202,906	
Operating expenses	2,705,762	2,350,094		2,350,094	2,350,094	
Capital assets		2,032,000	(2,032,000)		2,000,000	(\$2,000,000)
Guardianship monitoring program	283,042	287,154	(1,057)	286,097	286,097	
Total all funds	\$14,327,524	\$15,905,355	(\$2,066,258)	\$13,839,097	\$15,839,097	(\$2,000,000)
Less estimated income	0	0	0	0	0	0
General fund	\$14,327,524	\$15,905,355	(\$2,066,258)	\$13,839,097	\$15,839,097	(\$2,000,000)
FTE	43.50	43.50	0.00	43.50	43.50	0.00

Department 181 - Supreme Court - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases ¹	Removes One-Time Funding ²	Total Conference Committee Changes
Salaries and wages	(\$33,201)		(\$33,201)
Operating expenses			
Capital assets		(\$2,032,000)	(2,032,000)
Guardianship monitoring program	(1,057)		(1,057)
Total all funds	(\$34,258)	(\$2,032,000)	(\$2,066,258)
Less estimated income	0	0	0
General fund	(\$34,258)	(\$2,032,000)	(\$2,066,258)
FTE	0.00	0.00	0.00

¹ Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022, the same as the House version. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

² One-time funding from the general fund is removed as follows:

	General Fund
Zoom remote video equipment (same as House version)	(\$32,000)
Docket management system (the House and Senate versions included this funding)	(2,000,000)
Total	(\$2,032,000)

Senate Bill No. 2002 - District Courts - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$73,242,268	\$77,153,703	(\$1,057,894)	\$76,095,809	\$76,196,548	(\$100,739)
Operating expenses	20,396,902	21,152,242	(1,204,869)	19,947,373	19,487,005	460,368
Capital assets		2,328,000	(328,000)		2,000,000	2,000,000
Judges' retirement	280,332	137,246		137,246	137,246	
Total all funds	\$93,919,502	\$100,771,191	(\$2,590,763)	\$98,180,428	\$95,820,799	\$2,359,629
Less estimated income	1,659,596	1,691,910	(934,947)	756,963	756,963	0
General fund	\$92,259,906	\$99,079,281	(\$1,655,816)	\$97,423,465	\$95,063,836	\$2,359,629
FTE	315.00	313.50	0.50	314.00	315.00	(1.00)

Department 182 - District Courts - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases ¹	Adjusts Funding for the Transfer of Child Support Services ²	Removes Funding for a Veterans' Treatment Court ³	Reduces Funding for Juvenile Intensive In- Home Services ⁴	Removes Funding for Youth Cultural Achievement Programs ⁵	Adjusts Funding for Information Technology Equipment ⁶
Salaries and wages	(\$166,969)	(\$790,186)	(\$100,739)			
Operating expenses		(144,761)	(44,508)	(\$200,000)	(\$455,000)	(\$203,000)
Capital assets						
Judges' retirement						
Total all funds	(\$166,969)	(\$934,947)	(\$145,247)	(\$200,000)	(\$455,000)	(\$203,000)
Less estimated income	0	(934,947)	0	0	0	0
General fund	(\$166,969)	\$0	(\$145,247)	(\$200,000)	(\$455,000)	(\$203,000)
FTE	0.00	0.50	0.00	0.00	0.00	0.00

	Removes One- Time Funding ⁷	Total Conference Committee Changes
Salaries and wages		(\$1,057,894)
Operating expenses	(\$157,600)	(1,204,869)
Capital assets	(328,000)	(328,000)
Judges' retirement		
Total all funds	(\$485,600)	(\$2,590,763)
Less estimated income	0	(934,947)
General fund	(\$485,600)	(\$1,655,816)
FTE	0.00	0.50

¹ Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022, the same as the House version. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

² Funding of \$934,947 from federal funds is removed to reflect the transfer of certain child support duties to the Department of Human Services, the same as the House version. This amendment also restores a 0.5 FTE position removed by the Senate for child support duties. The House version restored 1.5 FTE positions removed by the Senate.

³ Funding of \$145,247 from the general fund added by the Senate and included in the House version for a veterans' treatment court is removed by the Conference Committee.

⁴ Funding of \$200,000 from the general fund for juvenile intensive in-home services is removed to provide a total of \$300,000 from the general fund for juvenile intensive in-home services. The Senate version included \$500,000 for juvenile intensive in-home services and the House version included \$0 for the services.

⁵ Funding of \$455,000 from the general fund for youth cultural achievement programs is removed, the same as the House version.

⁶ Funding to lease information technology equipment is reduced by \$203,000, to provide for a total increase from the base budget of \$912,008 from the general fund to lease information technology equipment. The Senate version provided \$1,115,008 from the general fund and the House version provided \$707,132 from the general fund to lease information technology equipment.

⁷ One-time funding from the general fund removed by the House is also removed by the Conference Committee as follows:

	General Fund
Zoom remote video equipment	(\$328,000)
Wi-Fi access points	(157,600)
Total	(\$485,600)

The Conference Committee included \$2 million for a new juvenile case management system which was added by the Senate, but removed by the House.

Senate Bill No. 2002 - Judicial Conduct Commission - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Judicial Conduct Commission	\$1,250,962	\$1,320,197	(\$2,716)	\$1,317,481	\$1,317,481	
Total all funds	\$1,250,962	\$1,320,197	(\$2,716)	\$1,317,481	\$1,317,481	\$0
Less estimated income	482,701	502,500	0	502,500	502,500	0
General fund	\$768,261	\$817,697	(\$2,716)	\$814,981	\$814,981	\$0
FTE	4.50	4.50	0.00	4.50	4.50	0.00

Department 183 - Judicial Conduct Commission - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases ¹	Total Conference Committee Changes
Judicial Conduct Commission	(\$2,716)	(\$2,716)
Total all funds	(\$2,716)	(\$2,716)
Less estimated income	0	0
General fund	(\$2,716)	(\$2,716)
FTE	0.00	0.00

¹ Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022, the same as the House version. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

Senate Bill No. 2002 - Other Changes - Conference Committee Action

This amendment also:

- Amends North Dakota Century Code Sections 27-02-02 and 27-05-03 to increase the salaries of Supreme Court justices and district court judges by 1.5 percent beginning July 1, 2021, and by 2 percent beginning July 1, 2022.
- Amends Section 50-25.1-11.1, as amended in Section 2 of Senate Bill No. 2131, as approved by the 67th Legislative Assembly, relating to criminal history record checks for children's advocacy centers.

**2021 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2002 as (re) engrossed

Senate Appropriations Committee

Action Taken ☐ **SENATE accede to House Amendments**
 ☐ **SENATE accede to House Amendments and further amend**
 ☐ **HOUSE recede from House amendments**
 ☒ **HOUSE recede from House amendments and amend as follows**

☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Rep. Brandenburg Seconded by: Rep. Bellew

Senators				Yes	No		Representatives				Yes	No
Senator Hogue				Y			Representative Bellew				Y	
Senator Dever				Y			Representative Kempenich				Y	
Senator Heckaman				Y			Representative Brandenburg				Y	
Total Senate Vote				3	0		Total Rep. Vote				3	0

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier Senator Hogue House Carrier Representative Bellew

LC Number 21.0284 . 02004 of amendment

LC Number 21.0284 . 04000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Insert LC: 21.0284.02004
Senate Carrier: Hogue
House Carrier: Bellew

REPORT OF CONFERENCE COMMITTEE

SB 2002, as engrossed: Your conference committee (Sens. Hogue, Dever, Heckaman and Reps. Bellew, Kempenich, Brandenburg) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1149-1153, adopt amendments as follows, and place SB 2002 on the Seventh order:

That the House recede from its amendments as printed on pages 1149-1153 of the Senate Journal and pages 1365-1369 of the House Journal and that Engrossed Senate Bill No. 2002 be amended as follows:

Page 1, line 3, remove the first "and"

Page 1, line 3, replace the second "and" with a comma

Page 1, line 3, after "50-09-02.1" insert "and section 50-25.1-11.1, as amended in section 2 of Senate Bill No. 2131, as approved by the sixty-seventh legislative assembly,"

Page 1, line 5, remove "and"

Page 1, line 5, after "judges" insert ", and criminal history record checks for children's advocacy centers"

Page 1, replace lines 17 through 23 with:

"Salaries and wages	\$11,338,720	(\$135,814)	\$11,202,906
Operating expenses	2,705,762	(355,668)	2,350,094
Guardianship monitoring program	<u>283,042</u>	<u>3,055</u>	<u>286,097</u>
Total all funds	\$14,327,524	(\$488,427)	\$13,839,097
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
Total general fund	\$14,327,524	(\$488,427)	\$13,839,097"

Page 2, replace lines 4 through 10 with:

"Salaries and wages	\$73,242,268	\$2,853,541	\$76,095,809
Operating expenses	20,396,902	(449,529)	19,947,373
Capital assets	0	2,000,000	2,000,000
Judges' retirement	<u>280,332</u>	<u>(143,086)</u>	<u>137,246</u>
Total all funds	\$93,919,502	\$4,260,926	\$98,180,428
Less estimated income	<u>1,659,596</u>	<u>(902,633)</u>	<u>756,963</u>
Total general fund	\$92,259,906	\$5,163,559	\$97,423,465"

Page 2, replace lines 15 through 19 with:

"Judicial conduct commission and disciplinary board	<u>\$1,250,962</u>	<u>\$66,519</u>	<u>\$1,317,481</u>
Total all funds	\$1,250,962	\$66,519	\$1,317,481
Less estimated income	<u>482,701</u>	<u>19,799</u>	<u>502,500</u>
Total general fund	\$768,261	\$46,720	\$814,981"

Page 2, replace lines 24 through 27 with:

"Grand total general fund	\$107,355,691	\$4,721,852	\$112,077,543
Grand total special funds	<u>2,142,297</u>	<u>(882,834)</u>	<u>1,259,463</u>
Grand total all funds	\$109,497,988	\$3,839,018	\$113,337,006
Full-time equivalent positions	363.00	(1.00)	362.00"

Page 3, replace lines 2 through 5 with:

"Juvenile case management system	\$0	\$2,000,000"
----------------------------------	-----	--------------

Page 3, replace line 9 with:

"Total all funds	\$1,117,352	\$2,000,000"
------------------	-------------	--------------

Page 3, replace line 11 with:

"Total general fund	\$147,352	\$2,000,000"
---------------------	-----------	--------------

Page 7, line 21, remove "one hundred sixty-six thousand six hundred"

Page 7, line 22, replace "sixty-two" with "one hundred sixty-five thousand eight hundred forty-five"

Page 7, line 23, replace "one hundred sixty-nine thousand nine hundred ninety-five" with "one hundred sixty-nine thousand one hundred sixty-two"

Page 7, line 25, replace "four thousand seven hundred thirteen" with "four thousand six hundred ninety"

Page 7, line 26, remove "four thousand eight"

Page 7, line 27, replace "hundred seven" with "four thousand seven hundred eighty-four"

Page 8, line 3, remove "one hundred fifty-two thousand nine hundred"

Page 8, line 4, replace "twenty-five" with "one hundred fifty-two thousand one hundred seventy-five"

Page 8, line 5, replace "one hundred fifty-five thousand nine hundred eighty-four" with "one hundred fifty-five thousand two hundred nineteen"

Page 8, line 10, replace "four thousand three hundred forty-five" with "four thousand three hundred twenty-four"

Page 8, line 11, replace "four thousand four hundred thirty-two" with "four thousand four hundred ten"

Page 8, after line 25, insert:

"SECTION 13. AMENDMENT. Section 50-25.1-11.1 of the North Dakota Century Code, as amended in section 2 of Senate Bill No. 2131, as approved by the sixty-seventh legislative assembly, is amended and reenacted as follows:

50-25.1-11.1. Children's advocacy centers - Confidentiality of records - Criminal history record checks.

1. Records and digital media in the possession of a children's advocacy center relating to a forensic medical examination, forensic interview, or therapy are confidential and may be released only to a person other than a law enforcement agency, the department or the department's authorized agent, or a medical or mental health professional when the child comes before the medical or mental health professional in that person's professional capacity, upon service of a subpoena signed by a judge.
2. ~~Upon receipt of a request by a children's advocacy center, the~~The department may submit a request for a criminal history record check under section 12-60-24. ~~Under this subsection, a children's advocacy-~~

Insert LC: 21.0284.02004
Senate Carrier: Hogue
House Carrier: Bellew

center may require the following individuals to submit to a criminal history record check:

- a. ~~An on an employee, final applicant for employment, contractor, multidisciplinary team member, or volunteer, of a children's advocacy center who has contact with a child at or through a children's advocacy center; and~~
- b. ~~An individual a children's advocacy center determines requires a criminal history record check to participate in services at a center."~~

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Supreme Court						
Total all funds	\$14,327,524	\$15,905,355	(\$2,066,258)	\$13,839,097	\$15,839,097	(\$2,000,000)
Less estimated income	0	0	0	0	0	0
General fund	\$14,327,524	\$15,905,355	(\$2,066,258)	\$13,839,097	\$15,839,097	(\$2,000,000)
FTE	43.50	43.50	0.00	43.50	43.50	0.00
District Courts						
Total all funds	\$93,919,502	\$100,771,191	(\$2,590,763)	\$98,180,428	\$95,820,799	\$2,359,629
Less estimated income	1,659,596	1,691,910	(934,947)	756,963	756,963	0
General fund	\$92,259,906	\$99,079,281	(\$1,655,816)	\$97,423,465	\$95,063,836	\$2,359,629
FTE	315.00	313.50	0.50	314.00	315.00	(1.00)
Judicial Conduct Commission						
Total all funds	\$1,250,962	\$1,320,197	(\$2,716)	\$1,317,481	\$1,317,481	\$0
Less estimated income	482,701	502,500	0	502,500	502,500	0
General fund	\$768,261	\$817,697	(\$2,716)	\$814,981	\$814,981	\$0
FTE	4.50	4.50	0.00	4.50	4.50	0.00
Department of Corrections and Rehab.						
Total all funds	\$0	\$0	\$0	\$0	\$0	\$0
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00
Bill total						
Total all funds	\$109,497,988	\$117,996,743	(\$4,659,737)	\$113,337,006	\$112,977,377	\$359,629
Less estimated income	2,142,297	2,194,410	(934,947)	1,259,463	1,259,463	0
General fund	\$107,355,691	\$115,802,333	(\$3,724,790)	\$112,077,543	\$111,717,914	\$359,629
FTE	363.00	361.50	0.50	362.00	363.00	(1.00)

Senate Bill No. 2002 - Supreme Court - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$11,338,720	\$11,236,107	(\$33,201)	\$11,202,906	\$11,202,906	
Operating expenses	2,705,762	2,350,094		2,350,094	2,350,094	
Capital assets		2,032,000	(2,032,000)		2,000,000	(\$2,000,000)
Guardianship monitoring program	283,042	287,154	(1,057)	286,097	286,097	
Total all funds	\$14,327,524	\$15,905,355	(\$2,066,258)	\$13,839,097	\$15,839,097	(\$2,000,000)
Less estimated income	0	0	0	0	0	0
General fund	\$14,327,524	\$15,905,355	(\$2,066,258)	\$13,839,097	\$15,839,097	(\$2,000,000)
FTE	43.50	43.50	0.00	43.50	43.50	0.00

Insert LC: 21.0284.02004
Senate Carrier: Hogue
House Carrier: Bellew

Department 181 - Supreme Court - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases ¹	Removes One-Time Funding ²	Total Conference Committee Changes
Salaries and wages	(\$33,201)		(\$33,201)
Operating expenses			
Capital assets		(\$2,032,000)	(2,032,000)
Guardianship monitoring program	(1,057)		(1,057)
Total all funds	(\$34,258)	(\$2,032,000)	(\$2,066,258)
Less estimated income	0	0	0
General fund	(\$34,258)	(\$2,032,000)	(\$2,066,258)
FTE	0.00	0.00	0.00

¹ Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022, the same as the House version. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

² One-time funding from the general fund is removed as follows:

	General Fund
Zoom remote video equipment (same as House version)	(\$32,000)
Docket management system (the House and Senate versions included this funding)	(2,000,000)
Total	(\$2,032,000)

Senate Bill No. 2002 - District Courts - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$73,242,268	\$77,153,703	(\$1,057,894)	\$76,095,809	\$76,196,548	(\$100,739)
Operating expenses	20,396,902	21,152,242	(1,204,869)	19,947,373	19,487,005	460,368
Capital assets		2,328,000	(328,000)	2,000,000		2,000,000
Judges' retirement	280,332	137,246		137,246	137,246	
Total all funds	\$93,919,502	\$100,771,191	(\$2,590,763)	\$98,180,428	\$95,820,799	\$2,359,629
Less estimated income	1,659,596	1,691,910	(934,947)	756,963	756,963	0
General fund	\$92,259,906	\$99,079,281	(\$1,655,816)	\$97,423,465	\$95,063,836	\$2,359,629
FTE	315.00	313.50	0.50	314.00	315.00	(1.00)

Department 182 - District Courts - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases ¹	Adjusts Funding for the Transfer of Child Support Services ²	Removes Funding for a Veterans' Treatment Court ³	Reduces Funding for Juvenile Intensive In- Home Services ⁴	Removes Funding for Youth Cultural Achievement Programs ⁵	Adjusts Funding for Information Technology Equipment ⁶
Salaries and wages	(\$166,969)	(\$790,186)	(\$100,739)			
Operating expenses		(144,761)	(44,508)	(\$200,000)	(\$455,000)	(\$203,000)
Capital assets						
Judges' retirement						
Total all funds	(\$166,969)	(\$934,947)	(\$145,247)	(\$200,000)	(\$455,000)	(\$203,000)
Less estimated income	0	(934,947)	0	0	0	0
General fund	(\$166,969)	\$0	(\$145,247)	(\$200,000)	(\$455,000)	(\$203,000)
FTE	0.00	0.50	0.00	0.00	0.00	0.00

Insert LC: 21.0284.02004
Senate Carrier: Hogue
House Carrier: Bellew

	Removes One-Time Funding ⁷	Total Conference Committee Changes
Salaries and wages		(\$1,057,894)
Operating expenses	(\$157,600)	(1,204,869)
Capital assets	(328,000)	(328,000)
Judges' retirement		
<hr/>		
Total all funds	(\$485,600)	(\$2,590,763)
Less estimated income	0	(934,947)
General fund	(\$485,600)	(\$1,655,816)
<hr/>		
FTE	0.00	0.50

¹ Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022, the same as the House version. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

² Funding of \$934,947 from federal funds is removed to reflect the transfer of certain child support duties to the Department of Human Services, the same as the House version. This amendment also restores a 0.5 FTE position removed by the Senate for child support duties. The House version restored 1.5 FTE positions removed by the Senate.

³ Funding of \$145,247 from the general fund added by the Senate and included in the House version for a veterans' treatment court is removed by the Conference Committee.

⁴ Funding of \$200,000 from the general fund for juvenile intensive in-home services is removed to provide a total of \$300,000 from the general fund for juvenile intensive in-home services. The Senate version included \$500,000 for juvenile intensive in-home services and the House version included \$0 for the services.

⁵ Funding of \$455,000 from the general fund for youth cultural achievement programs is removed, the same as the House version.

⁶ Funding to lease information technology equipment is reduced by \$203,000, to provide for a total increase from the base budget of \$912,008 from the general fund to lease information technology equipment. The Senate version provided \$1,115,008 from the general fund and the House version provided \$707,132 from the general fund to lease information technology equipment.

⁷ One-time funding from the general fund removed by the House is also removed by the Conference Committee as follows:

	General Fund
Zoom remote video equipment	(\$328,000)
Wi-Fi access points	(157,600)
Total	(\$485,600)

The Conference Committee included \$2 million for a new juvenile case management system which was added by the Senate, but removed by the House.

Insert LC: 21.0284.02004
Senate Carrier: Hogue
House Carrier: Bellew

Senate Bill No. 2002 - Judicial Conduct Commission - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Judicial Conduct Commission	\$1,250,962	\$1,320,197	(\$2,716)	\$1,317,481	\$1,317,481	
Total all funds	\$1,250,962	\$1,320,197	(\$2,716)	\$1,317,481	\$1,317,481	\$0
Less estimated income	482,701	502,500	0	502,500	502,500	0
General fund	\$768,261	\$817,697	(\$2,716)	\$814,981	\$814,981	\$0
FTE	4.50	4.50	0.00	4.50	4.50	0.00

Department 183 - Judicial Conduct Commission - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases ¹	Total Conference Committee Changes
Judicial Conduct Commission	(\$2,716)	(\$2,716)
Total all funds	(\$2,716)	(\$2,716)
Less estimated income	0	0
General fund	(\$2,716)	(\$2,716)
FTE	0.00	0.00

¹ Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022, the same as the House version. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

Senate Bill No. 2002 - Other Changes - Conference Committee Action

This amendment also:

- Amends North Dakota Century Code Sections 27-02-02 and 27-05-03 to increase the salaries of Supreme Court justices and district court judges by 1.5 percent beginning July 1, 2021, and by 2 percent beginning July 1, 2022.
- Amends Section 50-25.1-11.1, as amended in Section 2 of Senate Bill No. 2131, as approved by the 67th Legislative Assembly, relating to criminal history record checks for children's advocacy centers.

Engrossed SB 2002 was placed on the Seventh order of business on the calendar.