

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

Page 1, line 2, replace "sections" with "section"

Page 1, line 2, after "27-02-02" insert "; subsection 1 of section 27-05-02.1;"

Page 1, line 2, after the third "and" insert "section"

Page 1, line 3, after "judges" insert "and disposition of vacant judgeships"

Page 1, replace lines 14 through 18 with:

| | | | |
|------------------------|----------------|-----------------|---------------|
| "Salaries and wages | \$9,116,651 | \$1,811,745 | \$10,928,396 |
| Accrued leave payments | 0 | 531,696 | 531,696 |
| Operating expenses | 2,315,118 | 439,136 | 2,754,254 |
| Capital assets | 0 | 15,000 | 15,000 |
| Judges' retirement | <u>138,105</u> | <u>(63,809)</u> | <u>74,296</u> |
| Total general fund | \$11,569,874 | \$2,733,768 | \$14,303,642" |

Page 1, remove lines 23 and 24

Page 2, replace lines 1 through 7 with:

| | | | |
|----------------------------|------------------|-----------------|------------------|
| "Salaries and wages | \$54,216,144 | \$4,661,897 | \$58,878,041 |
| Accrued leave payments | 0 | 2,399,277 | 2,399,277 |
| Operating expenses | 16,658,522 | 3,604,415 | 20,262,937 |
| Capital assets | 0 | 833,026 | 833,026 |
| Judges' retirement | 478,997 | 17,094 | 496,091 |
| UND central legal research | 80,000 | 0 | 80,000 |
| Mediation | <u>869,664</u> | <u>219,564</u> | <u>1,089,228</u> |
| Total all funds | \$72,303,327 | \$11,735,273 | \$84,038,600 |
| Less estimated income | <u>1,856,775</u> | <u>(48,685)</u> | <u>1,808,090</u> |
| Total general fund | \$70,446,552 | \$11,783,958 | \$82,230,510" |

Page 2, replace lines 21 through 24 with:

| | | | |
|--------------------------------|------------------|----------------|------------------|
| "Grand total general fund | \$82,580,882 | \$14,574,358 | \$97,155,240 |
| Grand total special funds | <u>2,182,274</u> | <u>(6,685)</u> | <u>2,175,589</u> |
| Grand total all funds | \$84,763,156 | \$14,567,673 | \$99,330,829 |
| Full-time equivalent positions | 344.00 | 19.00 | 359.00" |

Page 3, after line 22, insert:

"SECTION 5. DISTRICT JUDGES. The appropriation provided in subdivision 2 of section 1 of this Act provides for two additional district court judges in the northwest judicial district and one additional district court judge in the east central judicial district to be assigned pursuant to section 10 of article VI of the Constitution of North Dakota, and to be assigned to chambers by the supreme court. Within thirty days after the effective date of this Act, the judgeship vacancies created by this section must be filled in accordance with section 13 of article VI of the Constitution of North Dakota. In accordance with sections 9 and 13 of article VI of the Constitution of North Dakota, each judge appointed to fill a vacancy created by this section continues in the office

until the next general election immediately following two years of service after the appointment. The individual then elected holds office for the remainder of the term and until a successor is elected and duly qualified."

Page 3, line 26, replace "forty-three" with "forty-two"

Page 3, line 27, replace "six hundred eighty-five" with "three hundred four"

Page 3, line 28, replace "forty-nine" with "forty-six"

Page 3, line 28, replace "four" with "five"

Page 3, line 28, replace "thirty-three" with "seventy-three"

Page 3, line 30, remove "one"

Page 3, line 30, overstrike "hundred"

Page 3, line 30, replace "twenty-seven" with "eighty-seven"

Page 4, line 1, replace "ninety-two" with "nine"

Page 4, after line 2, insert:

"SECTION 7. AMENDMENT. Subsection 1 of section 27-05-02.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding section 44-02-03, when a vacancy occurs in the office of district court judge, the supreme court shall determine, within ninety days of receiving notice of the vacancy from the governor and in consultation with the judges and attorneys in the affected judicial district, whether that office is necessary for effective judicial administration or whether the district judgeship may be transferred to another location to fulfill a need for judicial services. The supreme court may, consistent with that determination, order that:
 - a. The vacancy be filled in the manner provided pursuant to chapter 27-25; ~~or~~
 - b. The vacant office be transferred to a judicial district in which an additional judge is necessary for effective judicial administration, and that the vacancy be filled in the manner provided pursuant to chapter 27-25 with respect to that judicial district; or
 - c. The vacant office be abolished with or without transfer of a district judgeship as provided in subsection 3."

Page 4, line 6, replace "thirty-one" with "thirty"

Page 4, line 7, replace "six" with "three"

Page 4, line 7, replace "sixty-one" with "ninety-five"

Page 4, line 8, replace "thirty-six" with "thirty-four"

Page 4, line 8, replace "nine" with "three"

Page 4, line 8, replace "twenty-seven" with "seven"

Page 4, line 12, replace "eight" with "seven"

Page 4, line 13, replace "three" with "sixty-six"

Page 4, line 14, replace "nine hundred fifty-five" with "eight hundred seventy-nine"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of House Action

| | Executive Budget | Senate Version | House Changes | House Version |
|-----------------------------|-------------------------|-----------------------|----------------------|----------------------|
| Supreme Court | | | | |
| Total all funds | \$15,530,297 | \$15,502,599 | (\$1,198,957) | \$14,303,642 |
| Less estimated income | 0 | 0 | 0 | 0 |
| General fund | \$15,530,297 | \$15,502,599 | (\$1,198,957) | \$14,303,642 |
| District Courts | | | | |
| Total all funds | \$83,073,957 | \$82,851,983 | \$1,186,617 | \$84,038,600 |
| Less estimated income | 1,808,090 | 1,808,090 | 0 | 1,808,090 |
| General fund | \$81,265,867 | \$81,043,893 | \$1,186,617 | \$82,230,510 |
| Judicial Conduct Commission | | | | |
| Total all funds | \$988,587 | \$988,587 | \$0 | \$988,587 |
| Less estimated income | 367,499 | 367,499 | 0 | 367,499 |
| General fund | \$621,088 | \$621,088 | \$0 | \$621,088 |
| Bill total | | | | |
| Total all funds | \$99,592,841 | \$99,343,169 | (\$12,340) | \$99,330,829 |
| Less estimated income | 2,175,589 | 2,175,589 | 0 | 2,175,589 |
| General fund | \$97,417,252 | \$97,167,580 | (\$12,340) | \$97,155,240 |

Senate Bill No. 2002 - Supreme Court - House Action

| | Executive Budget | Senate Version | House Changes | House Version |
|------------------------|-------------------------|-----------------------|----------------------|----------------------|
| Salaries and wages | \$12,684,559 | \$12,657,959 | (\$1,729,563) | \$10,928,396 |
| Operating expenses | 2,754,254 | 2,754,254 | | 2,754,254 |
| Capital assets | 15,000 | 15,000 | | 15,000 |
| Judges retirement | 76,484 | 75,386 | (1,090) | 74,296 |
| Accrued leave payments | | | 531,696 | 531,696 |
| Total all funds | \$15,530,297 | \$15,502,599 | (\$1,198,957) | \$14,303,642 |
| Less estimated income | 0 | 0 | 0 | 0 |
| General fund | \$15,530,297 | \$15,502,599 | (\$1,198,957) | \$14,303,642 |
| FTE | 45.00 | 45.00 | 0.00 | 45.00 |

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

| | Adjusts State Employee Compensation and Benefits Package¹ | Provides Separate Line Item for Accrued Leave Payments² | Adjusts Salaries for Justices³ | Adjusts Justices' Retirement⁴ | Total House Changes |
|------------------------|---|---|--|---|----------------------------|
| Salaries and wages | (\$1,171,387) | (\$531,696) | (\$26,480) | | (\$1,729,563) |
| Operating expenses | | | | | |
| Capital assets | | | | | |
| Judges retirement | | | | (1,090) | (1,090) |
| Accrued leave payments | | 531,696 | | | 531,696 |
| Total all funds | (\$1,171,387) | \$0 | (\$26,480) | (\$1,090) | (\$1,198,957) |
| Less estimated income | 0 | 0 | 0 | 0 | 0 |
| General fund | (\$1,171,387) | \$0 | (\$26,480) | (\$1,090) | (\$1,198,957) |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

¹ This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market equity component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

² A portion of salaries and wages funding for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

³ This amendment reduces the salary increase for justices from the Senate version of 4 percent each year of the biennium to 3 percent each year. The executive budget included a 5 percent increase each year.

⁴ This amendment reduces the retirement increase for justices from the Senate version of 4 percent each year of the biennium to 3 percent each year. The executive budget included a 5 percent increase each year.

A section is added to amend Section 27-05-02.1 relating to vacancies in judgeships.

Senate Bill No. 2002 - District Courts - House Action

| | Executive Budget | Senate Version | House Changes | House Version |
|----------------------------|------------------|----------------|---------------|---------------|
| Salaries and wages | \$60,398,498 | \$60,183,898 | (\$1,305,857) | \$58,878,041 |
| Operating expenses | 20,162,413 | 20,162,413 | 100,524 | 20,262,937 |
| Capital assets | 833,026 | 833,026 | | 833,026 |
| Judges retirement | 510,792 | 503,418 | (7,327) | 496,091 |
| UND central legal research | 80,000 | 80,000 | | 80,000 |
| Mediation | 1,089,228 | 1,089,228 | | 1,089,228 |
| Accrued leave payments | | | 2,399,277 | 2,399,277 |
| Total all funds | \$83,073,957 | \$82,851,983 | \$1,186,617 | \$84,038,600 |
| Less estimated income | 1,808,090 | 1,808,090 | 0 | 1,808,090 |
| General fund | \$81,265,867 | \$81,043,893 | \$1,186,617 | \$82,230,510 |
| FTE | 310.00 | 310.00 | 4.00 | 314.00 |

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

| | Provides Separate Line Item for Accrued Leave Payments ¹ | Adds Three New Judgeships ² | Removes Two Deputy Clerk Positions ³ | Adjusts Salaries for Judges ⁴ | Adjusts Judges' Retirement ⁵ | Total House Changes |
|----------------------------|---|--|---|--|---|---------------------|
| Salaries and wages | (\$2,399,277) | \$1,575,522 | (\$268,822) | (\$213,280) | | (\$1,305,857) |
| Operating expenses | | 115,428 | (14,904) | | | 100,524 |
| Capital assets | | | | | | |
| Judges retirement | | | | | (7,327) | (7,327) |
| UND central legal research | | | | | | |
| Mediation | | | | | | |
| Accrued leave payments | 2,399,277 | | | | | 2,399,277 |
| Total all funds | \$0 | \$1,690,950 | (\$283,726) | (\$213,280) | (\$7,327) | \$1,186,617 |
| Less estimated income | 0 | 0 | 0 | 0 | 0 | 0 |
| General fund | \$0 | \$1,690,950 | (\$283,726) | (\$213,280) | (\$7,327) | \$1,186,617 |
| FTE | 0.00 | 6.00 | (2.00) | 0.00 | 0.00 | 4.00 |

¹ A portion of salaries and wages funding from the general fund (\$2,351,291) and other funds (\$47,986) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

² Funding is added to add three new judgeships--two for the Northwest judicial district and one for the East Central judicial district. The funding includes three new judge FTE positions and three new court reporter FTE positions.

³ Funding is removed for two deputy clerk FTE positions included in the executive budget recommendation.

⁴ This amendment reduces the salary increase for district judges and presiding judges from the Senate version of 4 percent each year of the biennium to 3 percent each year. The executive budget included a 5 percent increase each year.

⁵ This amendment reduces the retirement increase for district judges and presiding judges from the Senate version of 4 percent each year of the biennium to 3 percent each year. The executive budget included a 5 percent increase each year.