

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

That the House recede from its amendments as printed on pages 1379-1383 of the Senate Journal and pages 1367-1371 of the House Journal and that Engrossed Senate Bill No. 2002 be amended as follows:

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	\$2,642,404	\$11,759,055
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>(63,088)</u>	<u>75,017</u>
Total general fund	\$11,569,874	\$3,565,148	\$15,135,022"

Page 1, remove lines 23 and 24

Page 2, replace lines 1 through 7 with:

"Salaries and wages	\$54,216,144	\$4,891,521	\$59,107,665
Accrued leave payments	0	2,399,277	2,399,277
Operating expenses	16,658,522	3,619,319	20,277,841
Capital assets	0	833,026	833,026
Judges' retirement	478,997	21,939	500,936
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	\$11,984,646	\$84,287,973
Less estimated income	<u>1,856,775</u>	<u>(48,685)</u>	<u>1,808,090</u>
Total general fund	\$70,446,552	\$12,033,331	\$82,479,883"

Page 2, replace lines 21 through 24 with:

"Grand total general fund	\$82,580,882	\$15,655,111	\$98,235,993
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	\$15,648,426	\$100,411,582
Full-time equivalent positions	344.00	19.00	363.00"

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 28, replace "forty-nine" with "forty-seven"

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

Page 3, line 28, replace "thirty-three" with "ninety-six"

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

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;
 - 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 8, replace "thirty-six" with "thirty-five"

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

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

Page 4, line 14, replace "fifty-five" with "seventeen"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Supreme Court						
Total all funds	\$15,530,297	\$15,502,599	(\$367,577)	\$15,135,022	\$14,303,642	\$831,380
Less estimated income	0	0	0	0	0	0
General fund	\$15,530,297	\$15,502,599	(\$367,577)	\$15,135,022	\$14,303,642	\$831,380

District Courts						
Total all funds	\$83,073,957	\$82,851,983	\$1,435,990	\$84,287,973	\$84,038,600	\$249,373
Less estimated income	1,808,090	1,808,090	0	1,808,090	1,808,090	0
General fund	\$81,265,867	\$81,043,893	\$1,435,990	\$82,479,883	\$82,230,510	\$249,373
Judicial Conduct Commission						
Total all funds	\$988,587	\$988,587	\$0	\$988,587	\$988,587	\$0
Less estimated income	367,499	367,499	0	367,499	367,499	0
General fund	\$621,088	\$621,088	\$0	\$621,088	\$621,088	\$0
Bill total						
Total all funds	\$99,592,841	\$99,343,169	\$1,068,413	\$100,411,582	\$99,330,829	\$1,080,753
Less estimated income	2,175,589	2,175,589	0	2,175,589	2,175,589	0
General fund	\$97,417,252	\$97,167,580	\$1,068,413	\$98,235,993	\$97,155,240	\$1,080,753

Senate Bill No. 2002 - Supreme Court - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$12,684,559	\$12,657,959	(\$898,904)	\$11,759,055	\$10,928,396	\$830,659
Operating expenses	2,754,254	2,754,254		2,754,254	2,754,254	
Capital assets	15,000	15,000		15,000	15,000	
Judges retirement	76,484	75,386	(369)	75,017	74,296	721
Accrued leave payments			531,696	531,696	531,696	
Total all funds	\$15,530,297	\$15,502,599	(\$367,577)	\$15,135,022	\$14,303,642	\$831,380
Less estimated income	0	0	0	0	0	0
General fund	\$15,530,297	\$15,502,599	(\$367,577)	\$15,135,022	\$14,303,642	\$831,380
FTE	45.00	45.00	0.00	45.00	45.00	0.00

Department No. 181 - Supreme Court - Detail of Conference Committee Changes

	Adjusts State Employee Compensation and Benefits Package ¹	Provides Separate Line Item for Accrued Leave Payments ²	Adjusts Salaries for Justices ³	Adjusts Justices' Retirement ⁴	Total Conference Committee Changes
Salaries and wages	(\$353,985)	(\$531,696)	(\$13,223)		(\$898,904)
Operating expenses					
Capital assets					
Judges retirement				(369)	(369)
Accrued leave payments		531,696			531,696
Total all funds	(\$353,985)	\$0	(\$13,223)	(\$369)	(\$367,577)
Less estimated income	0	0	0	0	0
General fund	(\$353,985)	\$0	(\$13,223)	(\$369)	(\$367,577)
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 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

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 provides for a salary increase for justices of 4 percent the first year and 3 percent the second year. The executive budget included a 5 percent increase each year, the Senate provided a

4 percent increase each year, and the House provided a 3 percent increase each year.

⁴ This amendment adjusts the retirement payments for retired justices consistent with the compensation package provisions for current justices.

A section is added to amend Section 27-05-02.1 relating to vacancies in judgeships, the same as the House version.

Senate Bill No. 2002 - District Courts - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$60,398,498	\$60,183,898	(\$1,076,233)	\$59,107,665	\$58,878,041	\$229,624
Operating expenses	20,162,413	20,162,413	115,428	20,277,841	20,262,937	14,904
Capital assets	833,026	833,026		833,026	833,026	
Judges retirement	510,792	503,418	(2,482)	500,936	496,091	4,845
UND central legal research	80,000	80,000		80,000	80,000	
Mediation	1,089,228	1,089,228		1,089,228	1,089,228	
Accrued leave payments			2,399,277	2,399,277	2,399,277	
Total all funds	\$83,073,957	\$82,851,983	\$1,435,990	\$84,287,973	\$84,038,600	\$249,373
Less estimated income	1,808,090	1,808,090	0	1,808,090	1,808,090	0
General fund	\$81,265,867	\$81,043,893	\$1,435,990	\$82,479,883	\$82,230,510	\$249,373
FTE	310.00	310.00	4.00	314.00	314.00	0.00

Department No. 182 - District Courts - Detail of Conference Committee Changes

	Provides Separate Line Item for Accrued Leave Payments¹	Adds Three New Judgeships²	Removes Two Deputy Clerk Positions³	Adjusts Salaries for Judges⁴	Adjusts Judges' Retirement⁵	Adds Funding for Temporary Employees⁶
Salaries and wages	(\$2,399,277)	\$1,575,522	(\$268,822)	(\$213,280)		\$229,624
Operating expenses		115,428	(14,904)			14,904
Capital assets						
Judges retirement					(2,482)	
UND central legal research						
Mediation						
Accrued leave payments	2,399,277					
Total all funds	\$0	\$1,690,950	(\$283,726)	(\$213,280)	(\$2,482)	\$244,528
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$1,690,950	(\$283,726)	(\$213,280)	(\$2,482)	\$244,528
FTE	0.00	6.00	(2.00)	0.00	0.00	0.00

	Total Conference Committee Changes
Salaries and wages	(\$1,076,233)
Operating expenses	115,428
Capital assets	
Judges retirement	(2,482)
UND central legal research	
Mediation	
Accrued leave payments	2,399,277
Total all funds	\$1,435,990
Less estimated income	0
General fund	\$1,435,990

FTE

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 3 new judgeships--2 for the Northwest judicial district and 1 for the East Central judicial district. The funding includes 3 new judge FTE positions and 3 new court reporter FTE positions.

³ Funding is removed for 2 deputy clerk FTE positions included in the executive budget recommendation, same as the House version.

⁴ This amendment provides for a salary increase for judges of 4 percent the first year and 3 percent the second year. The executive budget included a 5 percent increase each year, the Senate provided a 4 percent increase each year, and the House provided for a 3 percent increase each year.

⁵ This amendment adjusts the retirement payments for retired judges consistent with the compensation package provisions for current judges.

⁶ Funding is added to provide for two temporary employees for deputy clerk duties.

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

The House did not change the Senate version for the Judicial Conduct Commission. The conference committee did not change the House or Senate version for the Judicial Conduct Commission.