

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1002

Page 1, line 1, after the semicolon insert "to amend and reenact sections 27-02-02, 27-02.1-01, 27-02.1-02, 27-02.1-03, 27-02.1-04, 27-02.1-05, 27-02.1-06, 27-02.1-07, 27-02.1-08, 27-02.1-09, and 27-05-03 of the North Dakota Century Code, relating to salaries of justices of the supreme court, the temporary court of appeals, and salaries of district judges; to provide for a report;"

Page 1, replace lines 11 through 18 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$10,909,112	\$398,560	\$11,307,672
Operating expenses	2,731,582	(820)	2,730,762
Capital assets	0	7,500	7,500
Judges' retirement	80,764	(80,764)	0
Guardianship monitoring program	<u>316,204</u>	<u>(46,652)</u>	<u>269,552</u>
Total general fund	\$14,037,662	\$277,824	\$14,315,486"

Page 1, remove lines 21 through 24

Page 2, replace lines 1 through 7 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$67,602,628	\$4,724,467	\$72,327,095
Operating expenses	20,881,207	(455,005)	20,426,202
Capital assets	0	75,000	75,000
Judges' retirement	343,290	(63,678)	279,612
University of North Dakota central legal research	<u>40,000</u>	<u>(40,000)</u>	<u>0</u>
Total all funds	\$88,867,125	\$4,240,784	\$93,107,909
Less estimated income	<u>1,339,138</u>	<u>315,033</u>	<u>1,654,171</u>
Total general fund	\$87,527,987	\$3,925,751	\$91,453,738"

Page 2, replace lines 10 through 16 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Judicial conduct commission and disciplinary board	<u>\$1,174,822</u>	<u>\$72,126</u>	<u>\$1,246,948</u>
Total all funds	\$1,174,822	\$72,126	\$1,246,948
Less estimated income	<u>482,701</u>	<u>18,724</u>	<u>501,425</u>
Total general fund	\$692,121	\$53,402	\$745,523"

Page 2, replace lines 19 through 24 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$102,257,770	\$4,256,977	\$106,514,747
Grand total special funds	<u>1,821,839</u>	<u>333,757</u>	<u>2,155,596</u>

Grand total all funds	\$104,079,609	\$4,590,734	\$108,670,343
Full-time equivalent positions	355.50	5.50	361.00"

page 2, line 25, after "**FUNDING**" insert "**REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY**"

Page 2, line 26, after "biennium" insert "and the 2019-21 biennium one-time funding items included in section 1 of this Act"

Page 2, replace lines 28 through 31 with:

"Pipeline protest trials	\$1,500,000	\$0
Copy machines	0	82,500
Total all funds	\$1,500,000	\$82,500
Less estimated income	1,500,000	0
Total general fund	\$0	\$82,500

The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget for the 2021-23 biennium. The supreme court shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 3. 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 two thousand four hundred thirty six dollars through June 30, 2016~~ one hundred sixty thousand one hundred forty nine dollars through June 30, 2020, and ~~one hundred fifty seven thousand nine one hundred sixty three thousand three hundred fifty two dollars thereafter.~~ The chief justice of the supreme court is entitled to receive an additional ~~four thousand three hundred seventy seven dollars per annum through June 30, 2016~~ four thousand five hundred ninety eight dollars per annum through June 30, 2020, and ~~four thousand five hundred eight~~ four thousand six hundred ninety dollars per annum thereafter.

**SECTION 4. AMENDMENT.** Section 27-02.1-01 of the North Dakota Century Code is amended and reenacted as follows:

**27-02.1-01. Temporary court of appeals established - Jurisdiction - Writ authority - Administration. (Effective through January 1, 20202024)**

A temporary court of appeals is established to exercise appellate and original jurisdiction as delegated by the supreme court. Panels of the temporary court of appeals may issue original and remedial writs necessary to properly exercise jurisdiction in cases assigned to them. The panels of the temporary court of appeals are subject to administration by the supreme court pursuant to sections 3 and 8 of article VI of the Constitution of North Dakota.

**SECTION 5. AMENDMENT.** Section 27-02.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**27-02.1-02. Number, assignment, and compensation of judges. (Effective through January 1, ~~2020~~2024)**

1. The supreme court may provide for the assignment of active or retired district court judges, retired justices of the supreme court, and lawyers, to serve on three-judge panels of the temporary court of appeals if the chief justice certifies to the governor that the supreme court has disposed of two hundred fifty cases in the twelve months preceding September first of any year. Assignments may be made for a time certain, not to exceed one year from the date of assignment, or specifically for one or more cases on the docket of the supreme court.
2. An active or retired district court judge serving on the temporary court of appeals may not be assigned to hear cases in which the judge participated while serving on the district court. An active district court judge may not be assigned to hear cases that originated in the judicial district of the judge.
3. An active district court judge serving on the temporary court of appeals is not entitled to additional compensation, but is entitled to reimbursement for expenses as provided by sections 44-08-04 and 54-06-09.
4. Retired justices of the supreme court, retired district court judges, and lawyers serving as judges on panels of the temporary court of appeals are entitled to receive as compensation for each day of service in the performance of duties pursuant to the assignment an amount equal to five percent of the gross monthly salary as provided for a regularly elected or appointed justice of the supreme court, or one-half of the daily compensation for services of one-half day or less. The compensation must be paid upon certification by the judge that the services were performed for the number of days shown on the certificate and must be paid in the same manner as the salaries of the regularly elected or appointed judges are paid.

**SECTION 6. AMENDMENT.** Section 27-02.1-03 of the North Dakota Century Code is amended and reenacted as follows:

**27-02.1-03. Assignment and reassignment of cases - Quorum for decision of cases - Authority in furtherance of jurisdiction. (Effective through January 1, ~~2020~~2024)**

1. Panels of the temporary court of appeals have jurisdiction to hear and to decide all cases assigned by the supreme court.
2. The supreme court may order reassignment of any case from a panel of the temporary court of appeals to the supreme court.
3. A majority of the three judges of a panel of the temporary court of appeals hearing a case is necessary to pronounce a decision.
4. When a judgment or order is reversed, modified, or confirmed by a panel of the temporary court of appeals, the reasons must be concisely stated in writing, signed by the judges concurring, filed in the office of the clerk of the supreme court, and preserved with the record of the case. Any judge concurring or dissenting may give the reasons for the judge's concurrence or dissent in writing over the judge's signature.

**SECTION 7. AMENDMENT.** Section 27-02.1-04 of the North Dakota Century Code is amended and reenacted as follows:

**27-02.1-04. Administration - Employees and clerical assistance - Court of record - Place of sessions. (Effective through January 1, ~~2020~~2024)**

1. The clerk of the supreme court shall provide clerk services to panels of the temporary court of appeals.
2. Panels of the temporary court of appeals may hold court in any place the panel considers convenient and efficient for conducting its business.
3. All proceedings of the panels of the temporary court of appeals must be pursuant to the rules adopted by the supreme court.

**SECTION 8. AMENDMENT.** Section 27-02.1-05 of the North Dakota Century Code is amended and reenacted as follows:

**27-02.1-05. Chief judge. (Effective through January 1, ~~2020~~2024)**

The chief justice of the supreme court shall designate a chief judge of each panel of the temporary court of appeals who shall preside pursuant to rules of the supreme court.

**SECTION 9. AMENDMENT.** Section 27-02.1-06 of the North Dakota Century Code is amended and reenacted as follows:

**27-02.1-06. Review of decisions of panels. (Effective through January 1, ~~2020~~2024)**

Any party in interest who is aggrieved by a judgment or order of a panel of the temporary court of appeals may petition the supreme court for review of the judgment or order pursuant to rules of the supreme court. Upon the filing of a petition for review by the supreme court, the order or judgment and mandate of the panel of the temporary court of appeals is stayed pending action of the supreme court. The supreme court has discretion to grant or deny the petition.

**SECTION 10. AMENDMENT.** Section 27-02.1-07 of the North Dakota Century Code is amended and reenacted as follows:

**27-02.1-07. Right to appeal not created. (Effective through January 1, ~~2020~~2024)**

This chapter does not provide or create a right of appeal if that right is not otherwise provided by law. An appeal assigned to a panel of the temporary court of appeals fulfills the right of appeal provided by section 28-27-02.

**SECTION 11. AMENDMENT.** Section 27-02.1-08 of the North Dakota Century Code is amended and reenacted as follows:

**27-02.1-08. Unitary appeal - Filing of appeal - Filing fee. (Effective through January 1, 20202024)**

All appeals must be treated as one appeal process under the jurisdiction of the supreme court. In any appeal there may be only one filing and one filing fee required. The filing fee is as prescribed by section 27-03-05.

**SECTION 12. AMENDMENT.** Section 27-02.1-09 of the North Dakota Century Code is amended and reenacted as follows:

**27-02.1-09. Publication of opinions. (Effective through January 1, 20202024)**

Opinions of the panels of the temporary court of appeals may be published pursuant to rules of the supreme court.

**SECTION 13. 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 thirty-nine thousand six hundred seventy-nine dollars through June 30, 2016~~ one hundred forty-six thousand seven hundred forty-six dollars through June 30, 2020, and ~~one hundred forty-three thousand eight hundred sixty-nine~~ one hundred forty-nine thousand six hundred eighty-one 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 thirty-five dollars per annum through June 30, 2016~~ four thousand two hundred forty dollars per annum through June 30, 2020, and ~~four thousand one hundred fifty-six~~ four thousand three hundred twenty-four dollars thereafter."

Page 3, remove lines 10 through 15

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1002 - Summary of House Action**

	Base Budget	House Changes	House Version
Supreme Court			
Total all funds	\$14,037,662	\$277,824	\$14,315,486
Less estimated income	0	0	0
General fund	\$14,037,662	\$277,824	\$14,315,486
FTE	43.50	0.00	43.50
District Courts			
Total all funds	\$88,867,125	\$4,240,784	\$93,107,909
Less estimated income	1,339,138	315,033	1,654,171
General fund	\$87,527,987	\$3,925,751	\$91,453,738
FTE	308.00	5.00	313.00
Judicial Conduct Commission			
Total all funds	\$1,174,822	\$72,126	\$1,246,948
Less estimated income	482,701	18,724	501,425

General fund	\$692,121	\$53,402	\$745,523
FTE	4.00	0.50	4.50
Bill total			
Total all funds	\$104,079,609	\$4,590,734	\$108,670,343
Less estimated income	1,821,839	333,757	2,155,596
General fund	\$102,257,770	\$4,256,977	\$106,514,747
FTE	355.50	5.50	361.00

**House Bill No. 1002 - Supreme Court - House Action**

	Base Budget	House Changes	House Version
Salaries and wages	\$10,909,112	\$398,560	\$11,307,672
Operating expenses	2,731,582	(820)	2,730,762
Capital assets		7,500	7,500
Judges' retirement	80,764	(80,764)	
Guardianship monitoring program	316,204	(46,652)	269,552
Total all funds	\$14,037,662	\$277,824	\$14,315,486
Less estimated income	0	0	0
General fund	\$14,037,662	\$277,824	\$14,315,486
FTE	43.50	0.00	43.50

**Department 181 - Supreme Court - Detail of House Changes**

	Adjusts Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Removes Funding for Judges' Retirement <sup>3</sup>	Reduces Funding for Miscellaneous Expenses <sup>4</sup>	Adds One-Time Funding for Copy Machines <sup>5</sup>	Total House Changes
Salaries and wages	(\$72,810)	\$471,370				\$398,560
Operating expenses				(\$820)		(820)
Capital assets					\$7,500	7,500
Judges' retirement			(\$80,764)			(80,764)
Guardianship monitoring program	7,515	10,268		(64,435)		(46,652)
Total all funds	(\$65,295)	\$481,638	(\$80,764)	(\$65,255)	\$7,500	\$277,824
Less estimated income	0	0	0	0	0	0
General fund	(\$65,295)	\$481,638	(\$80,764)	(\$65,255)	\$7,500	\$277,824
FTE	0.00	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is adjusted for base payroll changes.

<sup>2</sup> The following funding is added for 2019-21 biennium salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month:

General Fund	
Salary increase	\$287,454
Health insurance increase	194,184
Total	\$481,638

<sup>3</sup> Base funding of \$80,764 from the general fund is removed for judges' retirement.

<sup>4</sup> Funding for miscellaneous expenses, including travel and information technology expenses, is reduced by \$65,255 from the general fund.

<sup>5</sup> One-time funding of \$7,500 from the general fund is added for a new copy machine.

**House Bill No. 1002 - District Courts - House Action**

	<b>Base Budget</b>	<b>House Changes</b>	<b>House Version</b>
Salaries and wages	\$67,602,628	\$4,724,467	\$72,327,095
Operating expenses	20,881,207	(455,005)	20,426,202
Capital assets		75,000	75,000
Judges' retirement	343,290	(63,678)	279,612
UND central legal research	40,000	(40,000)	
<b>Total all funds</b>	<b>\$88,867,125</b>	<b>\$4,240,784</b>	<b>\$93,107,909</b>
Less estimated income	1,339,138	315,033	1,654,171
<b>General fund</b>	<b>\$87,527,987</b>	<b>\$3,925,751</b>	<b>\$91,453,738</b>
FTE	308.00	5.00	313.00

**Department 182 - District Courts - Detail of House Changes**

	<b>Adjusts Funding for Base Payroll Changes<sup>1</sup></b>	<b>Adds Funding for Salary and Benefit Increases<sup>2</sup></b>	<b>Reduces Funding for Judges' Retirement<sup>3</sup></b>	<b>Adds FTE Positions<sup>4</sup></b>	<b>Adds Funding for the Court Improvement Program<sup>5</sup></b>	<b>Reduces Funding for Miscellaneous Expenses<sup>6</sup></b>
Salaries and wages	\$457,424	\$3,169,437		\$841,856	\$255,750	
Operating expenses					202,472	(\$657,477)
Capital assets						
Judges' retirement			(\$63,678)			
UND central legal research						
<b>Total all funds</b>	<b>\$457,424</b>	<b>\$3,169,437</b>	<b>(\$63,678)</b>	<b>\$841,856</b>	<b>\$458,222</b>	<b>(\$657,477)</b>
Less estimated income	(99,705)	48,922	0	0	404,306	(38,490)
<b>General fund</b>	<b>\$557,129</b>	<b>\$3,120,515</b>	<b>(\$63,678)</b>	<b>\$841,856</b>	<b>\$53,916</b>	<b>(\$618,987)</b>
FTE	0.00	0.00	0.00	5.00	0.00	0.00

	<b>Removes Funding for UND Central Legal Research<sup>7</sup></b>	<b>Adds One-Time Funding for Copy Machines<sup>8</sup></b>	<b>Total House Changes</b>
Salaries and wages			\$4,724,467
Operating expenses			(455,005)
Capital assets		\$75,000	75,000
Judges' retirement			(63,678)
UND central legal research	(\$40,000)		(40,000)
<b>Total all funds</b>	<b>(\$40,000)</b>	<b>\$75,000</b>	<b>\$4,240,784</b>
Less estimated income	0	0	315,033
<b>General fund</b>	<b>(\$40,000)</b>	<b>\$75,000</b>	<b>\$3,925,751</b>
FTE	0.00	0.00	5.00

<sup>1</sup> Funding is adjusted for base payroll changes.

<sup>2</sup> The following funding is added for 2019-21 biennium salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
Salary increase	\$1,726,546	\$26,264	\$1,752,810
Health insurance increase	1,393,969	22,658	1,416,627
<b>Total</b>	<b>\$3,120,515</b>	<b>\$48,922</b>	<b>\$3,169,437</b>

<sup>3</sup> Funding for judges' retirement is reduced by \$63,678 from the general fund.

<sup>4</sup> The following FTE positions and relating funding are added:

	FTE Positions	General Fund
Deputy clerk of court	2.00	\$309,117
Law clerk	2.00	378,067
Court recorder	1.00	154,672
<b>Total</b>	<b>5.00</b>	<b>\$841,856</b>

<sup>5</sup> Funding is added for the court improvement program, including \$53,916 from the general fund and \$404,306 from federal funds.

<sup>6</sup> Funding for miscellaneous expenses, including operating fees and services and information technology expenses, is reduced by \$618,987 from the general fund and \$38,490 from federal funds.

<sup>7</sup> Base funding of \$40,000 from the general fund is removed for University of North Dakota central legal research.

<sup>8</sup> One-time funding of \$75,000 from the general fund is added for 10 new copy machines.

### House Bill No. 1002 - Judicial Conduct Commission - House Action

	Base Budget	House Changes	House Version
Judicial Conduct Commission	\$1,174,822	\$72,126	\$1,246,948
Total all funds	\$1,174,822	\$72,126	\$1,246,948
Less estimated income	482,701	18,724	501,425
General fund	\$692,121	\$53,402	\$745,523
FTE	4.00	0.50	4.50

### Department 183 - Judicial Conduct Commission - Detail of House Changes

	Adjusts Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Adds Paralegal FTE Position <sup>3</sup>	Adjusts Funding for Miscellaneous Expenses <sup>4</sup>	Total House Changes
Judicial Conduct Commission	(\$8,372)	\$46,579	\$36,826	(\$2,907)	\$72,126
Total all funds	(\$8,372)	\$46,579	\$36,826	(\$2,907)	\$72,126
Less estimated income	(9,934)	18,725	14,111	(4,178)	18,724
General fund	\$1,562	\$27,854	\$22,715	\$1,271	\$53,402
FTE	0.00	0.00	0.50	0.00	0.50

<sup>1</sup> Funding is adjusted for base payroll changes.

<sup>2</sup> The following funding is added for 2019-21 biennium salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	General Fund	Other Funds	Total
Salary increase	\$14,513	\$9,756	\$24,269
Health insurance increase	13,341	8,969	22,310
<b>Total</b>	<b>\$27,854</b>	<b>\$18,725</b>	<b>\$46,579</b>

<sup>3</sup> Funding is added to convert a part-time temporary paralegal position to a 0.50 FTE position.

<sup>4</sup> Funding is adjusted for miscellaneous expenses, including an increase in rent and decreases in postage and information technology expenses.

### House Bill No. 1002 - Other Changes - House Action

This amendment also adds sections to:

- Provide the statutory changes needed to increase judges' and justices' salaries by 2 percent each year of the biennium
- Extend the effective date of the temporary court of appeals through January 1, 2024.