

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 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 Changes¹	Adds Funding for Salary and Benefit Adjustments²	Reduces Funding for Miscellaneous Expenses³	Adds Funding to Lease Information Technology Equipment⁴	Adds One-Time Funding for Zoom Remote Video Equipment⁵	Adds One-Time Funding for a Docket Management System⁶
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	<u>2,144</u>
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:

<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	<u>\$1,250,962</u>	\$69,235	<u>\$1,320,197</u>
Total all funds	\$1,250,962	\$69,235	\$1,320,197
Less estimated income	<u>482,701</u>	19,799	<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	<u>\$45,323</u>	\$26,738	(\$2,826)	\$69,235
Total all funds	\$45,323	\$26,738	(\$2,826)	\$69,235
Less estimated income	<u>20,121</u>	0	(322)	<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.