

2023 HOUSE APPROPRIATIONS

HB 1002

Department 180 - Judicial Branch
House Bill No. 1002

Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2023-25 Executive Budget	\$137,217,343	\$1,820,593	\$139,037,936
2023-25 Base Level	110,312,790	1,259,463	111,572,253
Increase (Decrease)	\$26,904,553	\$561,130	\$27,465,683

Selected Budget Changes Recommended in the Executive Budget

	General Fund	Other Funds	Total
Judicial branch			
1. Provides funding for state employee salary and benefit increases, of which \$11,434,441 is for salary increases and \$2,012,514 is for health insurance increases. The salary increase amount reflects increases for Supreme Court justices, district court judges, and district court referees of 20 percent on July 1, 2023, and 15 percent on July 1, 2024.	\$13,398,701	\$48,254	\$13,446,955
Supreme Court			
2. Adds funding for 1 new FTE assistant state court administrator	\$369,734	\$0	\$369,734
3. Adds one-time funding from federal funds to reduce delays in criminal case processing	\$0	\$388,000	\$388,000
District courts			
4. Adds funding for 21 new FTE positions, including 4 judges, 6 attorneys, and 11 deputy clerks of district court	\$5,391,220	\$0	\$5,391,220
5. Adds funding for increased IT costs	\$2,157,620	\$0	\$2,157,620
6. Adds funding for travel and professional development	\$622,577	\$0	\$622,577
7. Adds funding for temporary youth coordinator positions	\$495,000	\$0	\$495,000
8. Adds funding for drug court and veterans' treatment court coordinators and aides	\$189,582	\$0	\$189,582
9. Removes funding for youth cultural achievement programs	(\$252,000)	\$0	(\$252,000)
10. Adds funding for youth restorative justice	\$144,476	\$0	\$144,476
11. Adds funding to increase jury compensation rates by 100 percent	\$960,000	\$0	\$960,000
12. Adds one-time funding for equipment, including copy machines, video systems, and other IT equipment	\$1,125,220	\$0	\$1,125,220
Judicial Conduct Commission			
13. Adds funding for retirement leave payouts	\$11,642	\$7,166	\$18,808

A summary of the executive budget changes to the agency's base level appropriations is attached as an appendix.

A copy of the draft appropriations bill containing the executive budget recommendations is attached as an appendix.

Selected Bill Sections Recommended in the Executive Budget

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, 2023, and ending June 30, 2025.

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 20 percent on July 1, 2023, and by 15 percent on July 1, 2024. Supreme Court justices' annual salaries would be increased from the current level of \$169,162 to \$202,994 effective July 1, 2023, and \$233,444 effective July 1, 2024. The Chief Justice of the Supreme Court would be entitled to receive an additional \$5,741 per annum effective July 1, 2023, and an additional \$6,601 per annum effective July 1, 2024, an increase from the current additional amount for the Chief Justice of \$4,784 per annum.

District judges' salaries - Section 6 would provide the statutory changes to increase district court judges' salaries by 20 percent on July 1, 2023, and by 15 percent on July 1, 2024. District court judges' annual salaries would be increased from the current level of \$155,219 to \$186,263 effective July 1, 2023, and \$214,202 effective July 1, 2024. A presiding judge of a judicial district would be entitled to receive an additional \$5,292 per annum effective July 1, 2023, and an additional \$6,086 per annum effective July 1, 2024, an increase from the current additional amount for presiding judges of \$4,410 per annum.

Juror compensation - Section 7 would provide the statutory changes to increase jury compensation by 100 percent, from \$50 per day to \$100. Compensation for a juror in attendance for 4 hours or less on the 1st day would increase from \$25 to \$50.

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

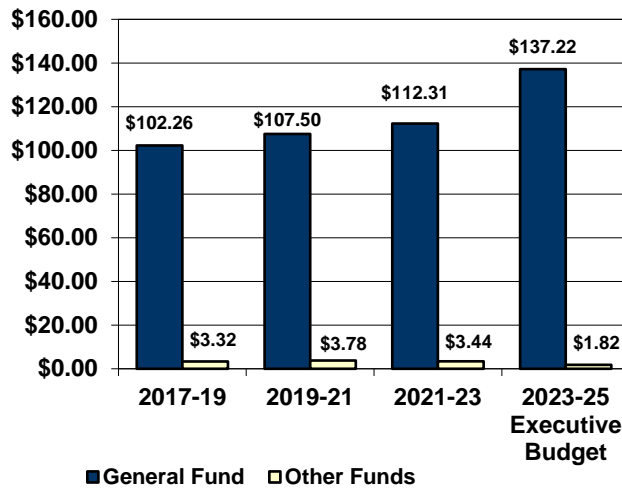
House Bill No. 1037 - Codifies the factors the court must consider in determining the amount and duration of spousal support.

House Bill No. 1038 - Makes technical corrections throughout the Century Code.

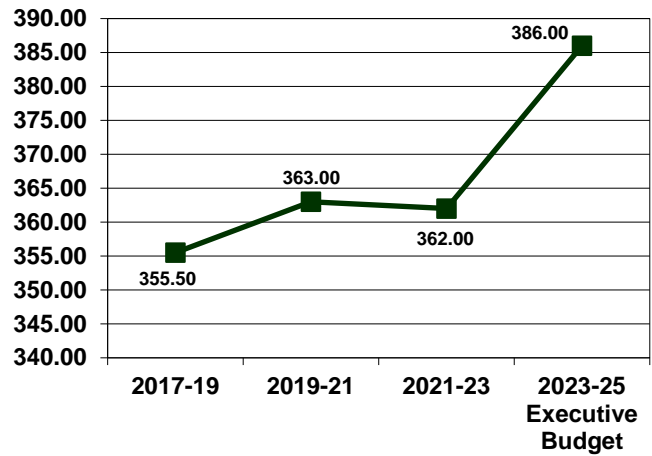
Historical Appropriations Information

Agency Appropriations and FTE Positions

Agency Funding (Millions)



FTE Positions



Ongoing General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
Ongoing general fund appropriations	\$101,591,134	\$102,257,770	\$107,355,691	\$110,312,790	\$136,063,623
Increase (decrease) from previous biennium	N/A	\$666,636	\$5,097,921	\$2,957,099	\$25,750,833
Percentage increase (decrease) from previous biennium	N/A	0.7%	5.0%	2.8%	23.3%
Cumulative percentage increase (decrease) from 2015-17 biennium	N/A	0.7%	5.7%	8.6%	33.9%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2017-19 Biennium

1. Removed 32 FTE positions (\$2,801,754)
2. Increased funding for operating expenses, including IT 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, IT, and other operating expenses (\$757,971)
3. Added funding for drug court in the Southeast Judicial District \$125,240

2021-23 Biennium

1. Reduced funding for juvenile intensive in-home services (\$200,000)
2. Added funding for a veterans' treatment court \$145,247
3. Added funding to lease IT equipment \$912,008

2023-25 Biennium (Executive Budget Recommendation)

1. Adds funding for 22 new FTE positions \$5,760,954
2. Adds funding for increased IT costs \$2,392,995
3. Adds funding to increase jury compensation rates by 100 percent \$960,000

One-Time General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
One-time general fund appropriations	\$3,662,530	\$0	\$147,352	\$2,000,000	\$1,153,720

Major One-Time General Fund Appropriations

2017-19 Biennium

None \$0

2019-21 Biennium

Added funding for copy machines and audio and video equipment \$147,357

2021-23 Biennium

Added funding for a juvenile case management system \$2,000,000

2023-25 Biennium (Executive Budget Recommendation)

1. Adds funding for district court equipment, including copy machines, video systems, and other IT equipment \$1,125,220
2. Adds funding for Supreme Court equipment, including a microfiche machine and copy machines \$28,500

Judicial Branch - Budget No. 180
House Bill No. 1002
Base Level Funding Changes

	Executive Budget Recommendation			
	FTE Positions	General Fund	Other Funds	Total
2023-25 Biennium Base Level	362.00	\$110,312,790	\$1,259,463	\$111,572,253
2023-25 Ongoing Funding Changes				
Base payroll changes		\$467,705	\$3,270	\$470,975
Salary increase		11,406,275	28,166	11,434,441
Health insurance increase		1,992,426	20,088	2,012,514
Adds new FTE positions	22.00	5,760,954		5,760,954
Converts federally funded court improvement program temporary positions to FTE positions	2.00		63,662	63,662
Adds funding for retirement leave payouts		369,922	7,166	377,088
Increases funding for judges retirement		40,094		40,094
Adds funding for temporary youth coordinator positions		495,000		495,000
Adds funding for drug court and veterans' court coordinators and aides		189,582		189,582
Adds funding for increased jury compensation rates		960,000		960,000
Adds funding for jury costs, including bailiff pay, postage, and jury fees		245,900		245,900
Adds funding for increased IT costs		2,392,995		2,392,995
Adds funding for the Supreme Court Law Library		125,500		125,500
Adds funding for the rural attorney recruitment program		36,000		36,000
Adds funding for travel and professional development		653,287		653,287
Adds funding for the family mediation program		282,800		282,800
Adds funding for office equipment and furniture		178,880		178,880
Removes funding for youth cultural achievement programs		(252,000)		(252,000)
Adds funding for youth restorative justice		144,476		144,476
Adjusts funding for other juvenile court services and program costs		7,298		7,298
Adjusts funding for other base budget adjustments		253,739	50,778	304,517
Adjusts funding to consolidate line items, including the removal of the guardianship monitoring line item				0
Total ongoing funding changes	24.00	\$25,750,833	\$173,130	\$25,923,963
One-time funding items				
Adds funding for Supreme Court equipment, including a microfiche machine and copy machines		\$28,500		\$28,500
Adds funding for district courts equipment, including copy machines, courtroom video systems, and blades and disk drives		1,125,220		1,125,220
Adds funding for a federal Department of Justice grant to reduce delays in criminal case processing			\$388,000	388,000
Total one-time funding changes	0.00	\$1,153,720	\$388,000	\$1,541,720
Total Changes to Base Level Funding	24.00	\$26,904,553	\$561,130	\$27,465,683
2023-25 Total Funding	386.00	\$137,217,343	\$1,820,593	\$139,037,936

Federal funds included in other funds

\$1,280,129

Total ongoing changes as a percentage of base level

6.6%

23.3%

13.7%

23.2%

Total changes as a percentage of base level

6.6%

24.4%

44.6%

24.6%

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, 2023, and ending June 30, 2025.

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 20 percent on July 1, 2023, and by 15 percent on July 1, 2024. Supreme Court justices' annual salaries would be increased from the current level of \$169,162 to \$202,994 effective July 1, 2023, and \$233,444 effective July 1, 2024. The Chief Justice of the Supreme Court would be entitled to receive an additional \$5,741 per annum effective July 1, 2023, and an additional \$6,601 per annum effective July 1, 2024, an increase from the current additional amount for the Chief Justice of \$4,784 per annum.

District court judges' salaries

Section 6 would provide the statutory changes to increase district court judges' salaries by 20 percent on July 1, 2023, and by 15 percent on July 1, 2024. District court judges' annual salaries would be increased from the current level of \$155,219 to \$186,263 effective July 1, 2023, and \$214,202 effective July 1, 2024. A presiding judge of a judicial district would be entitled to receive an additional \$5,292 per annum effective July 1, 2023, and an additional \$6,086 per annum effective July 1, 2024, an increase from the current additional amount for presiding judges of \$4,410 per annum.

Juror compensation

Section 7 would provide the statutory changes to increase jury compensation by 100 percent, from \$50 per day to \$100. Compensation for a juror in attendance for 4 hours or less on the 1st day would increase from \$25 to \$50.

Introduced by
Appropriations Committee
(At the request of the Supreme Court)

A BILL for an ACT to provide an appropriation for defraying the expenses of the judicial branch; to amend and reenact sections 27-02-02, 27-05-03 and 27-09.1-14 of the North Dakota Century Code, relating to salaries of justices of the supreme court, salaries of district court judges, and compensation of jurors; and to provide for a transfer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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, 2023, and ending June 30, 2025 as follows:

Subdivision 1.

SUPREME COURT

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,452,261	\$2,255,262	\$13,707,523
Operating expenses	2,386,836	809,923	3,196,759
Capital assets	<u>0</u>	<u>28,500</u>	<u>28,500</u>
Total all funds	\$13,839,097	\$3,093,685	\$16,932,782
Less estimated income	<u>0</u>	<u>388,000</u>	<u>388,000</u>
Total general fund	\$13,839,097	\$2,705,685	\$16,544,782

Subdivision 2.

DISTRICT COURTS

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$76,196,548	\$18,606,384	\$94,802,932
Operating expenses	20,081,881	4,442,738	24,524,619
Capital assets	0	1,125,220	1,125,220
Judges' retirement	<u>137,246</u>	<u>40,094</u>	<u>177,340</u>
Total all funds	\$96,415,675	\$24,214,436	\$120,630,111
Less estimated income	<u>756,963</u>	<u>135,166</u>	<u>892,129</u>
Total general fund	\$95,658,712	\$24,079,270	\$119,737,982

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Judicial conduct commission and disciplinary board	\$1,317,481	\$157,562	\$1,475,043
Total all funds	\$1,317,481	\$157,562	1,475,043
Less estimated income	<u>502,500</u>	<u>37,964</u>	<u>540,464</u>
Total general fund	\$814,981	\$119,598	\$934,579

Subdivision 4.

BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$110,312,790	\$26,904,553	\$137,217,343
Grand total special funds	<u>1,259,463</u>	<u>561,130</u>	<u>1,820,593</u>
Grand total all funds	\$111,572,253	\$27,465,683	\$139,037,936
Full-time equivalent positions	362	24	386

SECTION 2. ONE-TIME FUNDING - REPORT TO SIXTY-NINTH

LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the 2023-25 one-time funding items in section 1 of this Act:

<u>One-time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
Copy machines	\$0	\$88,000
Folding machine	0	10,000
Microfiche machine	0	6,000
Office furniture		73,300
Interactive camera systems		256,000
Courtroom sound and video presentation		45,000
Blade and disk drive lease payment		675,420
Department of Justice grant	0	388,000
Juvenile case management system	2,000,000	0
Wi-Fi access points installation	<u>157,600</u>	<u>0</u>
Total all funds	\$2,157,600	\$1,541,720
Less estimated income	<u>157,600</u>	<u>388,000</u>
Total general fund	\$2,000,000	\$1,153,720

The 2023-25 one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The supreme court shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025.

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, 2023, and ending June 30, 2025.

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 sixty-five thousand eight hundred forty-five dollars through June 30, 2022~~ two hundred two thousand nine hundred ninety-four dollars through June 30, 2024, and ~~one hundred sixty-nine thousand one hundred sixty-two~~ two hundred thirty-three thousand four hundred forty-four dollars thereafter. The chief justice of the supreme court is entitled to receive an additional ~~four thousand six hundred ninety dollars per annum through June 30, 2022~~ five thousand seven hundred forty-one dollars per annum through June 30, 2024, and ~~four thousand seven hundred eighty-four~~ six thousand six hundred one 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 fifty-two thousand one hundred seventy-five dollars through June 30, 2022~~ one hundred eighty-six thousand two hundred sixty-three dollars through June 30, 2024, and ~~one hundred fifty-five thousand two hundred nineteen~~ two hundred fourteen thousand two hundred two 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 three hundred twenty-four dollars per annum through June 30, 2022~~ five thousand two hundred ninety-two dollars per annum through June 30, 2024, and ~~four thousand four hundred ten~~ six thousand eighty-six dollars thereafter.

SECTION 7. AMENDMENT. Section 27-09.1-14 of the North Dakota Century Code is amended and reenacted as follows:

27-09.1-14. Mileage and compensation of jurors. A juror must be paid mileage at the rate provided for state employees in section 54-06-09. A juror must be

compensated at the rate of ~~twenty five~~ one hundred dollars for each day of required attendance at sessions of the district court unless the juror is in attendance for four hours or less on the first day, in which case compensation for the first day is ~~twenty five~~ fifty dollars. A juror must be compensated at the rate of ten dollars for each day of required attendance at sessions of a coroner's inquest. The mileage and compensation of jurors must be paid by the state for jurors at sessions of the district court. Jurors at coroner's inquests must be paid by the county.

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Prairie Room, State Capitol

HB 1002
1/13/2023

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

8:30 Chairman Nathe opened the meeting

Members present: Chairman Nathe, Vice Chairman Swiontek, Representatives; Martinson, Richter, Sanford, Schatz, Hanson.

Discussion Topics:

- FTE requests for the judicial branch
- Judicial branch budget

Jon Jensen - Chief Justice spoke in favor of HB 1002

Sally Holewa, State Court Administrator– spoke in favor of HB 1002, testimony #13107

Don Wolf, Finance Director – spoke in favor of HB 1002, testimony #13083

Kara Erickson, Office of Disciplinary Counsel – spoke in favor of HB 1002, testimony #13103

Bobbi Weiler, District Court Judge, South Central Judicial District. - spoke in favor of HB 1002, #13139

Barbara Whelan, District Court Judge – spoke in favor of HB 1002, testimony #13112

Tony Weiler, Executive State Bar Association – spoke in favor of HB 1002, #13095

Zachary Pelham, Board of Govenors – spoke in favor of HB 1002, testimony #12877

Patrick Weir, Billings County States Attorney – spoke in favor of HB 1002, testimony #12789

Additional written testimony:

Testimony #'s 13082,12912,12544,13145,13130

10:20 Chairman Nathe adjourned the meeting on HB 1002

Donna Knutson, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division
Prairie Room, State Capitol

HB1002
1/16/2023

A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; to provide for transfers; and to provide an exemption.
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2:57 PM Chairman Nathe began the discussion

Members present: Chairman Nathe, Vice Chairman Swiontek, Representatives; Martinson, Richter, Sanford, Schatz, Hanson.

Discussion Topics:

- Clarification of judicial employees that are seeking permanent status
- Clarification of who funds county employees

Sally Holewa, State Court Administer– spoke in favor of HB 1002 (#13853)

3:28 PM Chairman Nathe adjourned the meeting.

Donna Knutson, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Prairie Room, State Capitol

HB1002
1/17/2023

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

9:29 AM Chairman Nathe opened the committee meeting

Members present: Chairman Nathe, Vice Chairman Swiontek, Representatives; Martinson, Richter, Sanford, Schatz, Hanson.

Discussion:

- IT requirements

Sally Holewa – spoke in favor of HB 1002.

9:48 AM Chairman Nathe adjourned the meeting.

Donna Knutson, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division
Prairie Room, State Capitol

HB1002
1/23/2023

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

9:50 AM Chairman Nathe – opened the meeting

Members present: Chairman Nathe, Vice Chairman Swiontek, Representatives; Martinson, Richter, Sanford, Schatz, Hanson.

Discussion Topics:

- Right to a speedy trial
- Financial consequences for counties
- Consequences for children in need of protection
- Business consequences
- Alleviate salary concerns

Representative Hanson - testified in favor of HB 1002, testimony #15590

Don Wolf Finance Director – spoke in favor of HB 1002

Salley Holewa State Clerk Administer– spoke in favor of HB 1002 (#14208, #14240)

Tony Weiler, Executive Director of State Bar Association – spoke in favor of HB 1002

Additional written testimony:

Alex Cronquist, Senior Fiscal Analyst #15599

10:50 AM Chairman Nathe adjourned the meeting

Donna Knutson, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Prairie Room, State Capitol

HB 1002
1/24/2023

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

11:05 AM Chairman Nathe opened the meeting

Members present: Chairman Nathe, Vice Chairman Swiontek, Representatives; Martinson, Richter, Sanford, Schatz, Hanson.

Discussion Topics:

- FTE request
- Judges request
- Salary equity adjustments

Representative Hanson spoke in favor of HB 1002.

Representative Martinson spoke in favor of HB 1002.

Dave Krebsbach, Vice Chancellor NDUS spoke in favor of HB 1002.

Additional Written Testimony

Alex Cronquist, Legislative Council testimony, #16489

11:12 AM Chairman Nathe adjourned the meeting

Donna Lynn Knutson, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division
Prairie Room, State Capitol

HB 1002
2/2/2023

A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; to provide for transfers; and to provide an exemption.
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2:49 PM Chairman Nathe started the meeting.

Members present: Chairman Nathe, Vice Chairman Swiontek, Representatives: Martinson, Richter, Sanford, Schatz, Hanson.

Discussion Topics:

- Funding for payroll changes
- Funding for FTE's
- Salaries for branch employees
- Committee discussion

Representative Hanson testified in favor of HB 1002, #18899

Representative Hanson: proposed an amendment on HB 1002 #18893

Representative Martinson moved to adopt amendment.

Representative Sandford seconded.

Roll call vote was taken.

Representatives	Vote
Representative Mike Nathe	Y
Representative Steve Swiontek	Y
Representative Karla Rose Hanson	Y
Representative Bob Martinson	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	N

Do pass as amended 6-1-0.

Motion carried.

3:10 PM Chairman Nathe adjourned the meeting.

Donna Lynn Knutson, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Brynhild Haugland Room, State Capitol

HB 1002
2/8/2023

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

11:05 AM Chairman Vigesaa- Meeting was called to order and roll call was taken:

Members present; Chairman Vigesaa, Representative Kempenich, Representative B. Anderson, Representative Bellew, Representative Brandenburg, Representative Hanson, Representative Kreidt, Representative Martinson, Representative Mitskog, Representative Meier, Representative Mock, Representative Monson, Representative Nathe, Representative J. Nelson, Representative O'Brien, Representative Pyle, Representative Richter, Representative Schatz, Representative Schobinger, Representative G. Stemen and Representative Swiontek.

Members not Present: Representative Sanford and Representative Strinden

Discussion Topics:

- Budget
- Amendment

Representative Hanson- Introduces the bill and the proposed amendment 23.0231.01001 (Testimony#19877)

Representative Hanson -Move to Adopt amendment 23.0231.01001

Representative Nathe -Second the motion

Roll Call Vote Was taken:

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	N
Representative Bert Anderson	Y
Representative Larry Bellew	N
Representative Mike Brandenburg	N
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	N
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	N

Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	A
Representative Mike Schatz	N
Representative Randy A. Schobinger	Y
Representative Greg Stemen	A
Representative Michelle Strinden	Y
Representative Steve Swiontek	Y

Motion Carries 15-6-2.

Representative Kempenich – Move to further amend by removing the 11 FTEs.

Representative Brandenburg Second the motion

Roll Call Vote was Taken:

Representatives	Vote
Representative Don Vigesaa	N
Representative Keith Kempenich	Y
Representative Bert Anderson	N
Representative Larry Bellew	Y
Representative Mike Brandenburg	Y
Representative Karla Rose Hanson	N
Representative Gary Kreidt	Y
Representative Bob Martinson	N
Representative Lisa Meier	Y
Representative Alisa Mitskog	N
Representative Corey Mock	N
Representative David Monson	Y
Representative Mike Nathe	N
Representative Jon O. Nelson	N
Representative Emily O'Brien	N
Representative Brandy Pyle	N
Representative David Richter	N
Representative Mark Sanford	A
Representative Mike Schatz	Y
Representative Randy A. Schobinger	N
Representative Greg Stemen	A
Representative Michelle Strinden	N
Representative Steve Swiontek	N

Motion Fails 7-14-2

Representative Hanson - Move for a Do Pass as Amended

Representative Nathe- Second the motion

Roll Call Vote was taken:

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	N
Representative Bert Anderson	Y
Representative Larry Bellew	N
Representative Mike Brandenburg	N
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	N
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	N
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	A
Representative Mike Schatz	N
Representative Randy A. Schobinger	Y
Representative Greg Stemen	A
Representative Michelle Strinden	Y
Representative Steve Swiontek	Y

15-6-2 Motion Carries Representative Hanson will carry the bill.

Chairman Vigesaa Closed the meeting for HB 1002 at 11:53 AM

Risa Berube, Committee Clerk

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1002

Page 1, line 1, after the semicolon insert "to amend and reenact sections 27-02-02, 27-05-03, and 27-09.1-14 of the North Dakota Century Code, relating to the salaries of justices of the supreme court, the salaries of district court judges, and compensation of jurors;"

Page 1, remove lines 10 through 24

Page 2, replace lines 1 through 22 with:

"SUPREME COURT

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,202,906	\$2,069,071	\$13,271,977
Operating expenses	2,350,094	846,665	3,196,759
Capital assets	0	28,500	28,500
Guardianship monitoring program	<u>286,097</u>	<u>(286,097)</u>	<u>0</u>
Total all funds	\$13,839,097	\$2,658,139	\$16,497,236
Less estimated income	<u>0</u>	<u>388,000</u>	<u>388,000</u>
Total general fund	\$13,839,097	\$2,270,139	\$16,109,236

Subdivision 2.

DISTRICT COURTS

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$76,196,548	\$12,465,792	\$88,662,340
Operating expenses	20,081,881	4,442,738	24,524,619
Capital assets	0	1,125,220	1,125,220
Judges' retirement	<u>137,246</u>	<u>40,094</u>	<u>177,340</u>
Total all funds	\$96,415,675	\$18,073,844	\$114,489,519
Less estimated income	<u>756,963</u>	<u>155,868</u>	<u>912,831</u>
Total general fund	\$95,658,712	\$17,917,976	\$113,576,688

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Judicial conduct commission and disciplinary board	<u>\$1,317,481</u>	<u>\$139,596</u>	<u>\$1,457,077</u>
Total all funds	\$1,317,481	\$139,596	\$1,457,077
Less estimated income	<u>502,500</u>	<u>31,116</u>	<u>533,616</u>
Total general fund	\$814,981	\$108,480	\$923,461

Subdivision 4.

2-8-23

BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$110,312,790	\$20,296,595	\$130,609,385
Grand total special funds	<u>1,259,463</u>	<u>574,984</u>	<u>1,834,447</u>
Grand total all funds	\$111,572,253	\$20,871,579	\$132,443,832
Full-time equivalent positions	362.00	21.00	383.00"

Page 2, line 23, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY"

Page 2, line 24, after "biennium" insert "and the 2023-25 biennium one-time funding items included in section 1 of this Act"

Page 2, replace line 27 with:

"Information technology equipment		157,600	1,153,720
Federal department of justice grant		0	388,000"

Page 2, replace lines 29 through 31 with:

"Total all funds		\$4,177,600	\$1,541,720
Less estimated income		<u>2,177,600</u>	<u>388,000</u>
Total general fund		\$2,000,000	\$1,153,720

The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The supreme court shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025."

Page 3, after line 10, insert:

"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 sixty-five thousand eight hundred forty-five dollars through June 30, 2022, and one hundred sixty-nine thousand one hundred sixty-two~~one hundred eighty-two thousand six hundred ninety-five dollars through June 30, 2024, and one hundred ninety thousand three dollars thereafter. The chief justice of the supreme court is entitled to receive an additional ~~four thousand six hundred ninety dollars per annum through June 30, 2022, and four thousand seven hundred eighty-four~~five thousand one hundred sixty-seven dollars per annum through June 30, 2024, and five thousand three hundred seventy-four 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 fifty-two thousand one hundred seventy-five dollars through June 30, 2022, and one hundred fifty-five thousand two hundred nineteen~~one hundred sixty-seven thousand six hundred

thirty-seven dollars through June 30, 2024, and one hundred seventy-four thousand three hundred forty-two 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 three hundred twenty-four dollars per annum through June 30, 2022, and four thousand four hundred ten four thousand seven hundred sixty-three dollars per annum through June 30, 2024, and four thousand nine hundred fifty-four dollars thereafter.

Handwritten: 2-8-23

SECTION 7. AMENDMENT. Section 27-09.1-14 of the North Dakota Century Code is amended and reenacted as follows:

27-09.1-14. Mileage and compensation of jurors.

A juror must be paid mileage at the rate provided for state employees in section 54-06-09. A juror must be compensated at the rate of fiftyone hundred dollars for each day of required attendance at sessions of the district court unless the juror is in attendance for four hours or less on the first day, in which case compensation for the first day is twenty-fivefifty dollars. A juror must be compensated at the rate of ten dollars for each day of required attendance at sessions of a coroner's inquest. The mileage and compensation of jurors must be paid by the state for jurors at sessions of the district court. Jurors at coroner's inquests must be paid by the county."

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	\$13,839,097	\$2,658,139	\$16,497,236
Less estimated income	0	388,000	388,000
General fund	\$13,839,097	\$2,270,139	\$16,109,236
FTE	43.50	1.00	44.50
District Courts			
Total all funds	\$96,415,675	\$18,073,844	\$114,489,519
Less estimated income	756,963	155,868	912,831
General fund	\$95,658,712	\$17,917,976	\$113,576,688
FTE	314.00	20.00	334.00
Judicial Conduct Commission			
Total all funds	\$1,317,481	\$139,596	\$1,457,077
Less estimated income	502,500	31,116	533,616
General fund	\$814,981	\$108,480	\$923,461
FTE	4.50	0.00	4.50
Bill total			
Total all funds	\$111,572,253	\$20,871,579	\$132,443,832
Less estimated income	1,259,463	574,984	1,834,447
General fund	\$110,312,790	\$20,296,595	\$130,609,385
FTE	362.00	21.00	383.00

House Bill No. 1002 - Supreme Court - House Action

JA 2-8-23

	Base Budget	House Changes	House Version
Salaries and wages	\$11,202,906	\$2,069,071	\$13,271,977
Operating expenses	2,350,094	846,665	3,196,759
Capital assets		28,500	28,500
Guardianship monitoring program	286,097	(286,097)	
Total all funds	\$13,839,097	\$2,658,139	\$16,497,236
Less estimated income	0	388,000	388,000
General fund	\$13,839,097	\$2,270,139	\$16,109,236
FTE	43.50	1.00	44.50

Department 181 - Supreme Court - Detail of House Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Increases ²	Adds Funding for Salary Equity ³	Adds Assistant State Court Administrator FTE Position ⁴	Adds Funding for Retirement Leave Payouts ⁵	Adds Funding for Operating Expenses ⁶
Salaries and wages	\$192,047	\$954,589	\$125,760	\$369,734	\$84,586	
Operating expenses						\$514,923
Capital assets						
Guardianship monitoring program						
Total all funds	\$192,047	\$954,589	\$125,760	\$369,734	\$84,586	\$514,923
Less estimated income	0	0	0	0	0	0
General fund	\$192,047	\$954,589	\$125,760	\$369,734	\$84,586	\$514,923
FTE	0.00	0.00	0.00	1.00	0.00	0.00

	Adjusts Funding to Consolidate Line Items ⁷	Adds One-Time Funding for Equipment ⁸	Adds One-Time Funding from Federal Funds ⁹	Total House Changes
Salaries and wages	\$249,355		\$93,000	\$2,069,071
Operating expenses	36,742		295,000	846,665
Capital assets		\$28,500		28,500
Guardianship monitoring program	(286,097)			(286,097)
Total all funds	\$0	\$28,500	\$388,000	\$2,658,139
Less estimated income	0	0	388,000	388,000
General fund	\$0	\$28,500	\$0	\$2,270,139
FTE	0.00	0.00	0.00	1.00

¹ Funding is adjusted for base payroll changes, including the cost to continue 2021-23 biennium salaries and wages.

² The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

General Fund	
Salary increase	\$626,385
Health insurance increase	242,061
Total	\$868,446

In addition, \$86,143 from the general fund is added to provide Supreme Court justices with a total salary increase of 8 percent on July 1, 2023.

³ Funding of \$125,760 from the general fund is added for Supreme Court employee salary equity.

⁴ Funding of \$369,734 is added from the general fund for 1 new FTE state court administrator position.

⁵ Funding of \$84,586 from the general fund is added for the anticipated payout of accrued leave to retiring employees.

⁶ Operating funding is increased as follows:

	<u>General Fund</u>
Increased IT costs	\$235,375
Supreme Court Law Library	125,500
Rural attorney recruitment program	36,000
Travel and professional development	30,710
Office equipment and furniture	13,300
Other base budget adjustments	<u>74,038</u>
Total	\$514,923

JA
2-8-23

⁷ Funding is adjusted among the Supreme Court line items to consolidate the guardianship monitoring line item into the salary and wages and operating expenses line items.

⁸ One-time funding of \$28,500 from the general fund is added for equipment, including a microfiche machine and copy machines.

⁹ One-time funding of \$388,000 from a federal Department of Justice grant, including \$93,000 for salaries and wages and \$295,000 for operating expenses, is added to reduce delays in criminal case processing.

House Bill No. 1002 - District Courts - House Action

	<u>Base Budget</u>	<u>House Changes</u>	<u>House Version</u>
Salaries and wages	\$76,196,548	\$12,465,792	\$88,662,340
Operating expenses	20,081,881	4,442,738	24,524,619
Capital assets		1,125,220	1,125,220
Judges' retirement	<u>137,246</u>	<u>40,094</u>	<u>177,340</u>
Total all funds	\$96,415,675	\$18,073,844	\$114,489,519
Less estimated income	<u>756,963</u>	<u>155,868</u>	<u>912,831</u>
General fund	\$95,658,712	\$17,917,976	\$113,576,688
FTE	314.00	20.00	334.00

Department 182 - District Courts - Detail of House Changes

	<u>Adjusts Funding for Base Payroll Changes¹</u>	<u>Adds Funding for Salary and Benefit Increases²</u>	<u>Adds Funding for Salary Equity³</u>	<u>Adds FTE Positions⁴</u>	<u>Adds Funding for Retirement Leave Payouts⁵</u>	<u>Increases Funding for Judges' Retirement⁶</u>
Salaries and wages	\$269,412	\$6,869,708	\$213,330	\$4,062,666	\$273,694	
Operating expenses						
Capital assets						
Judges' retirement						<u>\$40,094</u>
Total all funds	\$269,412	\$6,869,708	\$213,330	\$4,062,666	\$273,694	\$40,094
Less estimated income	<u>0</u>	<u>30,990</u>	<u>0</u>	<u>63,662</u>	<u>0</u>	<u>0</u>
General fund	\$269,412	\$6,838,718	\$213,330	\$3,999,004	\$273,694	\$40,094
FTE	0.00	0.00	0.00	20.00	0.00	0.00

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	Adds Funding for Drug Court and Veterans' Court ⁷	Adds Funding for Bailiffs ⁸	Adjusts Funding for Juvenile Services and Programs ⁹	Adjusts Operating Funding ¹⁰	Adds One- Time Funding for Equipment ¹¹	Total House Changes
Salaries and wages	\$189,582	\$92,400	\$495,000			\$12,465,792
Operating expenses			(100,226)	\$4,542,964		4,442,738
Capital assets					\$1,125,220	1,125,220
Judges' retirement						40,094
Total all funds	\$189,582	\$92,400	\$394,774	\$4,542,964	\$1,125,220	\$18,073,844
Less estimated income	0	0	0	61,216	0	155,868
General fund	\$189,582	\$92,400	\$394,774	\$4,481,748	\$1,125,220	\$17,917,976
FTE	0.00	0.00	0.00	0.00	0.00	20.00

¹ Funding is adjusted for base payroll changes, including cost to continue 2021-23 biennium salaries and wages.

² The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

	<u>General Fund</u>	<u>Federal Funds</u>	<u>Total</u>
Salary increase	\$4,146,503	\$20,465	\$4,166,968
Health insurance increase	<u>1,764,483</u>	<u>10,525</u>	<u>1,775,008</u>
Total	\$5,910,986	\$30,990	\$5,941,976

In addition, \$927,732 from the general fund is added to provide district court judges and referees with a total salary increase of 8 percent on July 1, 2023.

³ Funding of \$213,330 from the general fund is added for district court employee salary equity.

⁴ The following FTE positions and related funding are added:

	<u>FTE Positions</u>	<u>General Fund</u>	<u>Federal Funds</u>	<u>Total</u>
District judge	3.00	\$1,314,348	\$0	\$1,314,348
Staff attorney	4.00	1,014,328	0	1,014,328
Clerk of court	11.00	1,670,328	0	1,670,328
Court improvement program conversion from temporary positions	<u>2.00</u>	<u>0</u>	<u>63,662</u>	<u>63,662</u>
Total	20.00	\$3,999,004	\$63,662	\$4,062,666

⁵ Funding of \$273,694 from the general fund is added for the anticipated payout of accrued leave to retiring employees.

⁶ Funding of \$40,094 from the general fund is added for judges' retirement.

⁷ Funding of \$189,582 from the general fund is added to the salaries and wages line item for drug court and veterans' court coordinators and aides.

⁸ Funding of \$92,400 from the general fund is added for temporary bailiff salaries and wages.

⁹ Funding for youth programming is adjusted as follows:

	<u>General Fund</u>
Adds temporary youth coordinator positions	\$495,000
Removes funding for youth cultural achievement programs	(252,000)
Adds funding for youth restorative justice	144,476
Adjusts funding for other juvenile court services and program costs	<u>7,298</u>
Total	\$394,774

¹⁰ Operating funding is adjusted as follows:

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2-8-23

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Increased jury compensation rates	\$960,000	\$0	\$960,000
Jury costs	153,500	0	153,500
IT costs	2,157,620	0	2,157,620
Travel and professional development	622,577	0	622,577
Family mediation program	282,800	0	282,800
Office equipment and furniture	165,580	0	165,580
Various operating adjustments	<u>139,671</u>	<u>61,216</u>	<u>200,887</u>
Total	\$4,481,748	\$61,216	\$4,542,964

¹¹ One-time funding of \$1,125,220 from the general fund is added for equipment, including copy machines, courtroom video systems, and server equipment.

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2-8-23*

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

	<u>Base Budget</u>	<u>House Changes</u>	<u>House Version</u>
Judicial Conduct Commission	\$1,317,481	\$139,596	\$1,457,077
Total all funds	\$1,317,481	\$139,596	\$1,457,077
Less estimated income	<u>502,500</u>	<u>31,116</u>	<u>533,616</u>
General fund	\$814,981	\$108,480	\$923,461
FTE	4.50	0.00	4.50

Department 183 - Judicial Conduct Commission - Detail of House Changes

	<u>Adjusts Funding for Base Payroll Changes¹</u>	<u>Adds Funding for Salary and Benefit Increases²</u>	<u>Adds Funding for Retirement Leave Payouts³</u>	<u>Adds Funding for Other Base Budget Adjustments⁴</u>	<u>Total House Changes</u>
Judicial Conduct Commission	\$9,516	\$81,680	\$18,808	\$29,592	\$139,596
Total all funds	\$9,516	\$81,680	\$18,808	\$29,592	\$139,596
Less estimated income	<u>3,270</u>	<u>31,118</u>	<u>7,166</u>	<u>(10,438)</u>	<u>31,116</u>
General fund	\$6,246	\$50,562	\$11,642	\$40,030	\$108,480
FTE	0.00	0.00	0.00	0.00	0.00

¹ Funding is adjusted for base payroll changes, including the cost to continue 2021-23 biennium salaries and wages.

² The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Salary increase	\$34,276	\$21,093	\$55,369
Health insurance increase	<u>16,286</u>	<u>10,025</u>	<u>26,311</u>
Total	\$50,562	\$31,118	\$81,680

³ Funding of \$18,808, including \$11,642 from the general fund and \$7,166 from other funds, is added for the anticipated payout of accrued leave to retiring employees.

⁴ Funding is adjusted for other base budget changes, including an increase in professional fees and services.

REPORT OF STANDING COMMITTEE

HB 1002: Appropriations Committee (Rep. Vigesaa, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). HB 1002 was placed on the Sixth order on the calendar.

Page 1, line 1, after the semicolon insert "to amend and reenact sections 27-02-02, 27-05-03, and 27-09.1-14 of the North Dakota Century Code, relating to the salaries of justices of the supreme court, the salaries of district court judges, and compensation of jurors;"

Page 1, remove lines 10 through 24

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	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
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Operating expenses	2,350,094	846,665	3,196,759
Capital assets	0	28,500	28,500
Guardianship monitoring program	<u>286,097</u>	<u>(286,097)</u>	<u>0</u>
Total all funds	\$13,839,097	\$2,658,139	\$16,497,236
Less estimated income	<u>0</u>	<u>388,000</u>	<u>388,000</u>
Total general fund	\$13,839,097	\$2,270,139	\$16,109,236

Subdivision 2.

DISTRICT COURTS

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$76,196,548	\$12,465,792	\$88,662,340
Operating expenses	20,081,881	4,442,738	24,524,619
Capital assets	0	1,125,220	1,125,220
Judges' retirement	<u>137,246</u>	<u>40,094</u>	<u>177,340</u>
Total all funds	\$96,415,675	\$18,073,844	\$114,489,519
Less estimated income	<u>756,963</u>	<u>155,868</u>	<u>912,831</u>
Total general fund	\$95,658,712	\$17,917,976	\$113,576,688

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Judicial conduct commission and disciplinary board	<u>\$1,317,481</u>	<u>\$139,596</u>	<u>\$1,457,077</u>
Total all funds	\$1,317,481	\$139,596	\$1,457,077
Less estimated income	<u>502,500</u>	<u>31,116</u>	<u>533,616</u>
Total general fund	\$814,981	\$108,480	\$923,461

Subdivision 4.

BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$110,312,790	\$20,296,595	\$130,609,385
Grand total special funds	<u>1,259,463</u>	<u>574,984</u>	<u>1,834,447</u>

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Federal department of justice grant	0	388,000"

Page 2, replace lines 29 through 31 with:

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Less estimated income	<u>2,177,600</u>	<u>388,000</u>
Total general fund	\$2,000,000	\$1,153,720

The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The supreme court shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025."

Page 3, after line 10, insert:

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The annual salary of each justice of the supreme court is ~~one hundred sixty-five thousand eight hundred forty-five dollars through June 30, 2022, and one hundred sixty-nine thousand one hundred sixty-two one hundred eighty-two thousand six hundred ninety-five dollars through June 30, 2024, and one hundred ninety thousand three dollars thereafter.~~ The chief justice of the supreme court is entitled to receive an additional ~~four thousand six hundred ninety dollars per annum through June 30, 2022, and four thousand seven hundred eighty-four five thousand one hundred sixty-seven dollars per annum through June 30, 2024, and five thousand three hundred seventy-four 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 fifty-two thousand one hundred seventy-five dollars through June 30, 2022, and one hundred fifty-five thousand two hundred nineteen one hundred sixty-seven thousand six hundred thirty-seven dollars through June 30, 2024, and one hundred seventy-four thousand three hundred forty-two 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 three hundred twenty-four dollars per annum through June 30, 2022, and four thousand four hundred ten four thousand seven hundred sixty-three dollars per annum through June 30, 2024, and four thousand nine hundred fifty-four dollars thereafter.~~

SECTION 7. AMENDMENT. Section 27-09.1-14 of the North Dakota Century Code is amended and reenacted as follows:

27-09.1-14. Mileage and compensation of jurors.

A juror must be paid mileage at the rate provided for state employees in section 54-06-09. A juror must be compensated at the rate of ~~twenty-five~~ fiftyone hundred dollars for each day of required attendance at sessions of the district court unless the juror is in attendance for four hours or less on the first day, in which case compensation for the first day is ~~twenty-five~~ fifty dollars. A juror must be compensated at the rate of ten dollars for each day of required attendance at sessions of a coroner's inquest. The mileage and compensation of jurors must be paid by the state for jurors at sessions of the district court. Jurors at coroner's inquests must be paid by the county."

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	\$13,839,097	\$2,658,139	\$16,497,236
Less estimated income	0	388,000	388,000
General fund	\$13,839,097	\$2,270,139	\$16,109,236
FTE	43.50	1.00	44.50
District Courts			
Total all funds	\$96,415,675	\$18,073,844	\$114,489,519
Less estimated income	756,963	155,868	912,831
General fund	\$95,658,712	\$17,917,976	\$113,576,688
FTE	314.00	20.00	334.00
Judicial Conduct Commission			
Total all funds	\$1,317,481	\$139,596	\$1,457,077
Less estimated income	502,500	31,116	533,616
General fund	\$814,981	\$108,480	\$923,461
FTE	4.50	0.00	4.50
Bill total			
Total all funds	\$111,572,253	\$20,871,579	\$132,443,832
Less estimated income	1,259,463	574,984	1,834,447
General fund	\$110,312,790	\$20,296,595	\$130,609,385
FTE	362.00	21.00	383.00

House Bill No. 1002 - Supreme Court - House Action

	Base Budget	House Changes	House Version
Salaries and wages	\$11,202,906	\$2,069,071	\$13,271,977
Operating expenses	2,350,094	846,665	3,196,759
Capital assets		28,500	28,500
Guardianship monitoring program	286,097	(286,097)	
Total all funds	\$13,839,097	\$2,658,139	\$16,497,236
Less estimated income	0	388,000	388,000
General fund	\$13,839,097	\$2,270,139	\$16,109,236
FTE	43.50	1.00	44.50

Department 181 - Supreme Court - Detail of House Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Increases ²	Adds Funding for Salary Equity ³	Adds Assistant State Court Administrator FTE Position ⁴	Adds Funding for Retirement Leave Payouts ⁵	Adds Funding for Operating Expenses ⁶
Salaries and wages	\$192,047	\$954,589	\$125,760	\$369,734	\$84,586	
Operating expenses						\$514,923
Capital assets						
Guardianship monitoring program						
Total all funds	\$192,047	\$954,589	\$125,760	\$369,734	\$84,586	\$514,923
Less estimated income	0	0	0	0	0	0
General fund	\$192,047	\$954,589	\$125,760	\$369,734	\$84,586	\$514,923
FTE	0.00	0.00	0.00	1.00	0.00	0.00

	Adjusts Funding to Consolidate Line Items ⁷	Adds One-Time Funding for Equipment ⁸	Adds One-Time Funding from Federal Funds ⁹	Total House Changes
Salaries and wages	\$249,355		\$93,000	\$2,069,071
Operating expenses	36,742		295,000	846,665
Capital assets		\$28,500		28,500
Guardianship monitoring program	(286,097)			(286,097)
Total all funds	\$0	\$28,500	\$388,000	\$2,658,139
Less estimated income	0	0	388,000	388,000
General fund	\$0	\$28,500	\$0	\$2,270,139
FTE		0.00	0.00	1.00

¹ Funding is adjusted for base payroll changes, including the cost to continue 2021-23 biennium salaries and wages.

² The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

General Fund	
Salary increase	\$626,385
Health insurance increase	242,061
Total	\$868,446

In addition, \$86,143 from the general fund is added to provide Supreme Court justices with a total salary increase of 8 percent on July 1, 2023.

³ Funding of \$125,760 from the general fund is added for Supreme Court employee salary equity.

⁴ Funding of \$369,734 is added from the general fund for 1 new FTE state court administrator position.

⁵ Funding of \$84,586 from the general fund is added for the anticipated payout of accrued leave to retiring employees.

⁶ Operating funding is increased as follows:

General Fund	
Increased IT costs	\$235,375
Supreme Court Law Library	125,500
Rural attorney recruitment program	36,000
Travel and professional development	30,710
Office equipment and furniture	13,300
Other base budget adjustments	74,038
Total	\$514,923

⁷ Funding is adjusted among the Supreme Court line items to consolidate the guardianship monitoring line item into the salary and wages and operating expenses line items.

⁸ One-time funding of \$28,500 from the general fund is added for equipment, including a microfiche machine and copy machines.

⁹ One-time funding of \$388,000 from a federal Department of Justice grant, including \$93,000 for salaries and wages and \$295,000 for operating expenses, is added to reduce delays in criminal case processing.

House Bill No. 1002 - District Courts - House Action

	Base Budget	House Changes	House Version
Salaries and wages	\$76,196,548	\$12,465,792	\$88,662,340
Operating expenses	20,081,881	4,442,738	24,524,619
Capital assets		1,125,220	1,125,220
Judges' retirement	137,246	40,094	177,340
Total all funds	\$96,415,675	\$18,073,844	\$114,489,519
Less estimated income	756,963	155,868	912,831
General fund	\$95,658,712	\$17,917,976	\$113,576,688
FTE	314.00	20.00	334.00

Department 182 - District Courts - Detail of House Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Increases ²	Adds Funding for Salary Equity ³	Adds FTE Positions ⁴	Adds Funding for Retirement Leave Payouts ⁵	Increases Funding for Judges' Retirement ⁶
Salaries and wages	\$269,412	\$6,869,708	\$213,330	\$4,062,666	\$273,694	
Operating expenses						
Capital assets						
Judges' retirement						\$40,094
Total all funds	\$269,412	\$6,869,708	\$213,330	\$4,062,666	\$273,694	\$40,094
Less estimated income	0	30,990	0	63,662	0	0
General fund	\$269,412	\$6,838,718	\$213,330	\$3,999,004	\$273,694	\$40,094
FTE	0.00	0.00	0.00	20.00	0.00	0.00

	Adds Funding for Drug Court and Veterans' Court ⁷	Adds Funding for Bailiffs ⁸	Adjusts Funding for Juvenile Services and Programs ⁹	Adjusts Operating Funding ¹⁰	Adds One-Time Funding for Equipment ¹¹	Total House Changes
Salaries and wages	\$189,582	\$92,400	\$495,000	\$4,542,964		\$12,465,792
Operating expenses			(100,226)			4,442,738
Capital assets					\$1,125,220	1,125,220
Judges' retirement						40,094
Total all funds	\$189,582	\$92,400	\$394,774	\$4,542,964	\$1,125,220	\$18,073,844
Less estimated income	0	0	0	61,216	0	155,868
General fund	\$189,582	\$92,400	\$394,774	\$4,481,748	\$1,125,220	\$17,917,976
FTE	0.00	0.00	0.00	0.00	0.00	20.00

¹ Funding is adjusted for base payroll changes, including cost to continue 2021-23 biennium salaries and wages.

² The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

	General Fund	Federal Funds	Total
Salary increase	\$4,146,503	\$20,465	\$4,166,968
Health insurance increase	1,764,483	10,525	1,775,008
Total	\$5,910,986	\$30,990	\$5,941,976

In addition, \$927,732 from the general fund is added to provide district court judges and referees with a total salary increase of 8 percent on July 1, 2023.

³ Funding of \$213,330 from the general fund is added for district court employee salary

equity.

⁴ The following FTE positions and related funding are added:

	<u>FTE Positions</u>	<u>General Fund</u>	<u>Federal Funds</u>	<u>Total</u>
District judge	3.00	\$1,314,348	\$0	\$1,314,348
Staff attorney	4.00	1,014,328	0	1,014,328
Clerk of court	11.00	1,670,328	0	1,670,328
Court improvement program conversion from temporary positions	<u>2.00</u>	<u>0</u>	<u>63,662</u>	<u>63,662</u>
Total	20.00	\$3,999,004	\$63,662	\$4,062,666

⁵ Funding of \$273,694 from the general fund is added for the anticipated payout of accrued leave to retiring employees.

⁶ Funding of \$40,094 from the general fund is added for judges' retirement.

⁷ Funding of \$189,582 from the general fund is added to the salaries and wages line item for drug court and veterans' court coordinators and aides.

⁸ Funding of \$92,400 from the general fund is added for temporary bailiff salaries and wages.

⁹ Funding for youth programming is adjusted as follows:

	<u>General Fund</u>
Adds temporary youth coordinator positions	\$495,000
Removes funding for youth cultural achievement programs	(252,000)
Adds funding for youth restorative justice	144,476
Adjusts funding for other juvenile court services and program costs	<u>7,298</u>
Total	\$394,774

¹⁰ Operating funding is adjusted as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Increased jury compensation rates	\$960,000	\$0	\$960,000
Jury costs	153,500	0	153,500
IT costs	2,157,620	0	2,157,620
Travel and professional development	622,577	0	622,577
Family mediation program	282,800	0	282,800
Office equipment and furniture	165,580	0	165,580
Various operating adjustments	139,671	61,216	200,887
Total	\$4,481,748	\$61,216	\$4,542,964

¹¹ One-time funding of \$1,125,220 from the general fund is added for equipment, including copy machines, courtroom video systems, and server equipment.

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

	<u>Base Budget</u>	<u>House Changes</u>	<u>House Version</u>
Judicial Conduct Commission	\$1,317,481	\$139,596	\$1,457,077
Total all funds	\$1,317,481	\$139,596	\$1,457,077
Less estimated income	502,500	31,116	533,616
General fund	\$814,981	\$108,480	\$923,461
FTE	4.50	0.00	4.50

Department 183 - Judicial Conduct Commission - Detail of House Changes

	<u>Adjusts Funding for Base Payroll Changes¹</u>	<u>Adds Funding for Salary and Benefit Increases²</u>	<u>Adds Funding for Retirement Leave Payouts³</u>	<u>Adds Funding for Other Base Budget Adjustments⁴</u>	<u>Total House Changes</u>
Judicial Conduct Commission	\$9,516	\$81,680	\$18,808	\$29,592	\$139,596
Total all funds	\$9,516	\$81,680	\$18,808	\$29,592	\$139,596
Less estimated income	3,270	31,118	7,166	(10,438)	31,116
General fund	\$6,246	\$50,562	\$11,642	\$40,030	\$108,480
FTE	0.00	0.00	0.00	0.00	0.00

¹ Funding is adjusted for base payroll changes, including the cost to continue 2021-23 biennium salaries and wages.

² The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Salary increase	\$34,276	\$21,093	\$55,369
Health insurance increase	16,286	10,025	26,311
Total	\$50,562	\$31,118	\$81,680

³ Funding of \$18,808, including \$11,642 from the general fund and \$7,166 from other funds, is added for the anticipated payout of accrued leave to retiring employees.

⁴ Funding is adjusted for other base budget changes, including an increase in professional fees and services.

2023 SENATE APPROPRIATIONS

HB 1002

Department 180 - Judicial Branch
House Bill No. 1002

First Chamber Comparison to Base Level

	General Fund	Other Funds	Total
2023-25 First Chamber Version	\$130,609,385	\$1,834,447	\$132,443,832
2023-25 Base Level	110,312,790	1,259,463	111,572,253
Increase (Decrease)	\$20,296,595	\$574,984	\$20,871,579

First Chamber Changes

A summary of the first chamber's changes to the agency's base level appropriations and the executive budget is attached as an appendix.

Selected Bill Sections Included in the First Chamber 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, 2023, and ending June 30, 2025.

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.

Supreme Court justices' salaries - Section 5 provides the statutory changes to increase Supreme Court justices' salaries by 8 percent on July 1, 2023, and by 4 percent on July 1, 2024. Supreme Court justices' annual salaries would be increased from the current level of \$169,162 to \$182,695 effective July 1, 2023, and \$190,003 effective July 1, 2024. The Chief Justice of the Supreme Court is entitled to receive an additional \$5,167 per annum effective July 1, 2023, and an additional \$5,374 per annum effective July 1, 2024, an increase from the current additional amount for the Chief Justice of \$4,784 per annum.

District judges' salaries - Section 6 provides the statutory changes to increase district court judges' salaries by 8 percent on July 1, 2023, and by 4 percent on July 1, 2024. District court judges' annual salaries would be increased from the current level of \$155,219 to \$167,637 effective July 1, 2023, and \$174,342 effective July 1, 2024. A presiding judge of a judicial district is entitled to receive an additional \$4,763 per annum effective July 1, 2023, and an additional \$4,954 per annum effective July 1, 2024, an increase from the current additional amount for presiding judges of \$4,410 per annum.

Juror compensation - Section 7 provides the statutory changes to increase jury compensation by 100 percent, from \$50 per day to \$100. Compensation for a juror in attendance for 4 hours or less on the 1st day would increase from \$25 to \$50.

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. 1138 - Provides for a mental health court pilot program in the Southeast Judicial District.

House Bill No. 1213 - Provides for the state to reimburse costs to a defendant charge with a crime of violence that is determined to be justifiable self-defense.

House Bill No. 1289 - Provides for the court to waive unpaid fines and fees upon completion of a drug court program.

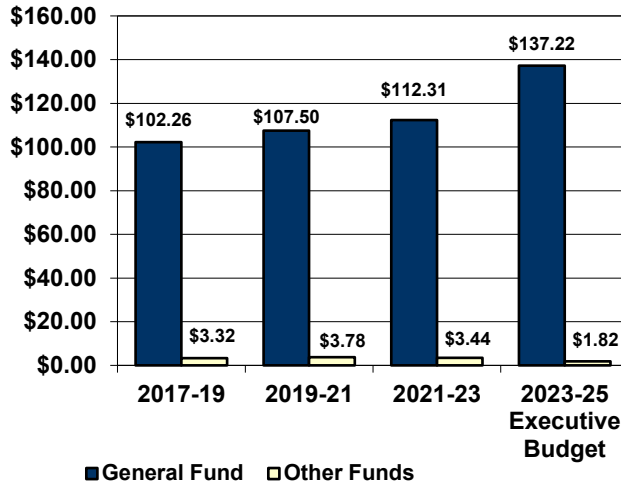
Senate Bill No. 2267 - Expands the rural attorney recruitment program from 4 to 8 attorneys.

Senate Bill No. 2345 - Provides an appropriation for a guardianship monitoring task force established by the Supreme Court.

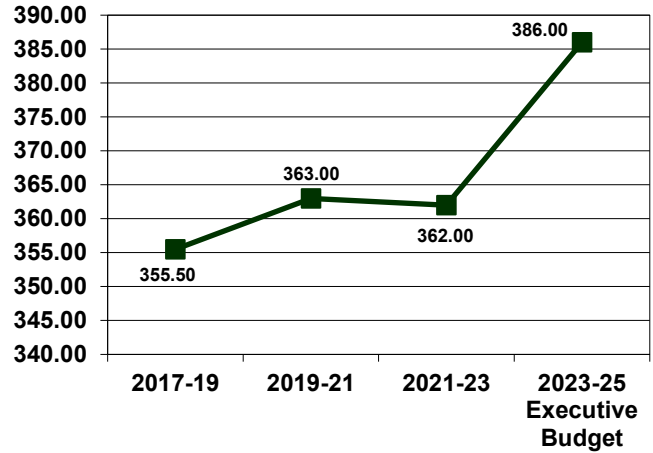
Historical Appropriations Information

Agency Appropriations and FTE Positions

Agency Funding (Millions)



FTE Positions



Ongoing General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
Ongoing general fund appropriations	\$101,591,134	\$102,257,770	\$107,355,691	\$110,312,790	\$136,063,623
Increase (decrease) from previous biennium	N/A	\$666,636	\$5,097,921	\$2,957,099	\$25,750,833
Percentage increase (decrease) from previous biennium	N/A	0.7%	5.0%	2.8%	23.3%
Cumulative percentage increase (decrease) from 2015-17 biennium	N/A	0.7%	5.7%	8.6%	33.9%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2017-19 Biennium

1. Removed 32 FTE positions (\$2,801,754)
2. Increased funding for operating expenses, including information technology (IT) 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, IT, and other operating expenses (\$757,971)
3. Added funding for drug court in the Southeast Judicial District \$125,240

2021-23 Biennium

1. Reduced funding for juvenile intensive in-home services (\$200,000)
2. Added funding for a veterans' treatment court \$145,247
3. Added funding to lease IT equipment \$912,008

2023-25 Biennium (Executive Budget Recommendation)

1. Adds funding for 22 new FTE positions \$5,760,954
2. Adds funding for increased IT costs \$2,392,995
3. Adds funding to increase jury compensation rates by 100 percent \$960,000

One-Time General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
One-time general fund appropriations	\$3,662,530	\$0	\$147,352	\$2,000,000	\$1,153,720

Major One-Time General Fund Appropriations

2017-19 Biennium

None \$0

2019-21 Biennium

Added funding for copy machines and audio and video equipment \$147,357

2021-23 Biennium

Added funding for a juvenile case management system \$2,000,000

2023-25 Biennium (Executive Budget Recommendation)

1. Adds funding for district court equipment, including copy machines, video systems, and other IT equipment \$1,125,220
2. Adds funding for Supreme Court equipment, including a microfiche machine and copy machines \$28,500

Judicial Branch - Budget No. 180
House Bill No. 1002
Base Level Funding Changes

	Executive Budget Recommendation				House Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2023-25 Biennium Base Level	362.00	\$110,312,790	\$1,259,463	\$111,572,253	362.00	\$110,312,790	\$1,259,463	\$111,572,253
2023-25 Ongoing Funding Changes								
Base payroll changes		\$467,705	\$3,270	\$470,975		\$467,705	\$3,270	\$470,975
Salary increase		11,406,275	28,166	11,434,441		5,821,039	41,558	5,862,597
Health insurance increase		1,992,426	20,088	2,012,514		2,022,830	20,550	2,043,380
Adds funding for salary equity				0		339,090		339,090
Adds new FTE positions	22.00	5,760,954		5,760,954	19.00	4,368,738		4,368,738
Converts federally funded court improvement program temporary positions to FTE positions	2.00		63,662	63,662	2.00		63,662	63,662
Adds funding for retirement leave payouts		369,922	7,166	377,088		369,922	7,166	377,088
Increases funding for judges retirement		40,094		40,094		40,094		40,094
Adds funding for temporary youth coordinator positions		495,000		495,000		495,000		495,000
Adds funding for drug court and veterans' court coordinators and aides		189,582		189,582		189,582		189,582
Adds funding for increased jury compensation rates		960,000		960,000		960,000		960,000
Adds funding for jury costs, including bailiff pay, postage, and jury fees		245,900		245,900		245,900		245,900
Adds funding for increased IT costs		2,392,995		2,392,995		2,392,995		2,392,995
Adds funding for the Supreme Court Law Library		125,500		125,500		125,500		125,500
Adds funding for the rural attorney recruitment program		36,000		36,000		36,000		36,000
Adds funding for travel and professional development		653,287		653,287		653,287		653,287
Adds funding for the family mediation program		282,800		282,800		282,800		282,800
Adds funding for office equipment and furniture		178,880		178,880		178,880		178,880
Removes funding for youth cultural achievement programs		(252,000)		(252,000)		(252,000)		(252,000)
Adds funding for youth restorative justice		144,476		144,476		144,476		144,476
Adjusts funding for other juvenile court services and program costs		7,298		7,298		7,298		7,298
Adjusts funding for other base budget		253,739	50,778	304,517		253,739	50,778	304,517
Adjusts funding to consolidate line items, including the removal of the guardianship monitoring line item				0				0
Total ongoing funding changes	24.00	\$25,750,833	\$173,130	\$25,923,963	21.00	\$19,142,875	\$186,984	\$19,329,859
One-Time Funding Items								
Adds funding for Supreme Court equipment, including a microfiche machine and copy machines		\$28,500		\$28,500		\$28,500		\$28,500

Adds funding for district courts equipment, including copy machines, courtroom video systems, and server equipment	1,125,220		1,125,220	1,125,220		1,125,220		
Adds funding for a federal Department of Justice grant to reduce delays in criminal case processing		\$388,000	388,000		\$388,000	388,000		
Total one-time funding changes	0.00	\$1,153,720	\$388,000	\$1,541,720	0.00	\$1,153,720	\$388,000	\$1,541,720
Total Changes to Base Level Funding	24.00	\$26,904,553	\$561,130	\$27,465,683	21.00	\$20,296,595	\$574,984	\$20,871,579
2023-25 Total Funding	386.00	\$137,217,343	\$1,820,593	\$139,037,936	383.00	\$130,609,385	\$1,834,447	\$132,443,832
<i>Federal funds included in other funds</i>			\$1,280,129				\$1,300,831	
<i>Total ongoing changes as a percentage of base level</i>	6.6%	23.3%	13.7%	23.2%	5.8%	17.4%	14.8%	17.3%
<i>Total changes as a percentage of base level</i>	6.6%	24.4%	44.6%	24.6%	5.8%	18.4%	45.7%	18.7%

Other Sections in Judicial Branch - Budget No. 180

	<u>Executive Budget Recommendation</u>	<u>House Version</u>
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, 2023, and ending June 30, 2025.	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, 2023, and ending June 30, 2025.
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 20 percent on July 1, 2023, and by 15 percent on July 1, 2024. Supreme Court justices' annual salaries would be increased from the current level of \$169,162 to \$202,994 effective July 1, 2023, and \$233,444 effective July 1, 2024. The Chief Justice of the Supreme Court would be entitled to receive an additional \$5,741 per annum effective July 1, 2023, and an additional \$6,601 per annum effective July 1, 2024, an increase from the current additional amount for the Chief Justice of \$4,784 per annum.	Section 5 provides the statutory changes to increase Supreme Court justices' salaries by 8 percent on July 1, 2023, and by 4 percent on July 1, 2024. Supreme Court justices' annual salaries would be increased from the current level of \$169,162 to \$182,695 effective July 1, 2023, and \$190,003 effective July 1, 2024. The Chief Justice of the Supreme Court is entitled to receive an additional \$5,167 per annum effective July 1, 2023, and an additional \$5,374 per annum effective July 1, 2024, an increase from the current additional amount for the Chief Justice of \$4,784 per annum.
District court judges' salaries	Section 6 would provide the statutory changes to increase district court judges' salaries by 20 percent on July 1, 2023, and by 15 percent on July 1, 2024. District court judges' annual salaries would be increased from the current level of \$155,219 to \$186,263 effective July 1, 2023, and \$214,202 effective July 1, 2024. A presiding judge of a judicial district would be entitled to receive an additional \$5,292 per annum effective July 1, 2023, and an additional \$6,086 per annum effective July 1, 2024, an increase from the current additional amount for presiding judges of \$4,410 per annum.	Section 6 provides the statutory changes to increase district court judges' salaries by 8 percent on July 1, 2023, and by 4 percent on July 1, 2024. District court judges' annual salaries would be increased from the current level of \$155,219 to \$167,637 effective July 1, 2023, and \$174,342 effective July 1, 2024. A presiding judge of a judicial district is entitled to receive an additional \$4,763 per annum effective July 1, 2023, and an additional \$4,954 per annum effective July 1, 2024, an increase from the current additional amount for presiding judges of \$4,410 per annum.
Juror compensation	Section 7 would provide the statutory changes to increase jury compensation by 100 percent, from \$50 per day to \$100. Compensation for a juror in attendance for 4 hours or less on the 1 st day would increase from \$25 to \$50.	Section 7 provides the statutory changes to increase jury compensation by 100 percent, from \$50 per day to \$100. Compensation for a juror in attendance for 4 hours or less on the 1 st day would increase from \$25 to \$50.

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations - Government Operations Division Red River Room, State Capitol

HB 1002
3/7/2023

A bill for an act to provide an appropriation for defraying the expenses of the Judicial Branch, relating to the salaries of Justices of the Supreme Court, the salaries of district court judges, and compensation of jurors; to provide for transfers; and to provide an exemption

2:30 PM Chairman Wanzek called the meeting to order.
Senators Wanzek, Erbele, Roers, Dwyer, and Vedaa are present.

Discussion Topics:

- Judicial pay
- Additional compensations for non-judicial employees
- Support staff – one court reporter per judge
- Scope of knowledge/research
- Recipients of threats
- History of salary increases
- Judicial compensation state ranking
- Recruitment and retention
- Equity adjustment
- Inflation rate
- Cost-quality ratio
- Case backlog
- Court operating costs
- New full-time employee requests (FTEs)
- Court reporter/court recorder/law clerk
- Juvenile Court services
- Assistant State Court Administrator
- Court Improvement Program
- Youth Coordinator positions
- Case Aids
- Part-time temporary positions
- Daily jury compensation
- Jury mileage fees
- Mediation fees (Child custody)
- New IT costs
- Lease payment for digital court records storage
- Federal funds
- Rural Attorney Recruitment Program

2:30 PM Jon Jensen, Chief Justice, introduced HB 1002 and testified affirmatively.
Testimony #22644

2:38 PM Barbara Whelan, District Judge, testified. Testimony #22473

2:54 PM Steven McCullough, District Judge from Fargo, testified. Testimony #21919,
#21918

3:18 PM Zachary Pelham, Chair of ND Legal Counsel for Indigents Commission, testified.
Testimony #22548

3:27 PM Tony Weiler , Executive Director ND State Bar Association, testified.
Testimony #22251

3:30 PM Sally Holewa, State Court Administrator, testified. Testimony #21976

4:01 PM Kara Erickson, Judicial Conduct Commission, testified. Testimony #22334

4:05 PM Don Wolf, Director of Finance for the Court System, testified. Testimony #22205

Additional written testimony:

Diane Schull, President Greater Grand Forks County Bar Association Testimony #22095

Adam Justinger, President Cass County Bar Association Testimony #22148

Cynthia M. Feland, District Court Judge South Central District Court Testimony #22427

Dennis Pathroff, Attorney at GA Group, PC Law Firm Testimony #22446

Toby Mertz, Legislative Council Fiscal Analyst Testimony #22786

Brad Bekkedahl, ND Senator Testimony #22785

4:10 PM Chairman Wanzek closed the meeting

Carol Thompson, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations - Government Operations Division Red River Room, State Capitol

HB 1002
3/16/2023

A bill for an act to provide an appropriation for defraying the expenses of the Judicial Branch, relating to the salaries of Justices of the Supreme Court, the salaries of district court judges, and compensation of jurors; to provide for transfers; and to provide an exemption

8:32 AM Chairman Wanzek called the meeting to order.
Senators Wanzek, Erbele, Roers, Dwyer, and Vedaa are present.

Discussion Topics:

- Salaries
- Judges' compensation
- Assistant State Court Administrator
- District Court staff requests
- Study: time and weight requirement for case work
- Statutory control – judges' salaries
- Staff cuts – 2016 interim
- Estimated retirement costs
- Youth programs
- Jury compensation
- IT costs
- Mediation program
- One-time funds – server lease
- Federal Department of Justice grant
- Equity, retirement

8:34 AM Adam Mathiak testified. Testimony #25735

8:37 AM Don Wolf, Finance Director for the Court, testified. Testimony #22205

8:51 AM Sally Holewa, State Court Administrator, testified. Testimony #21976

9:52 AM Chairman Wanzek closed the meeting.

Carol Thompson, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations - Government Operations Division Red River Room, State Capitol

HB 1002
3/21/2023

A bill for an act to provide an appropriation for defraying the expenses of the Judicial Branch, relating to the salaries of Justices of the Supreme Court, the salaries of district court judges, and compensation of jurors; to provide for transfers; and to provide an exemption.

2:51 PM Chairman Wanzek called the meeting to order.
Senators Wanzek, Erbele, Roers, Dwyer, and Vedaa are present.

Discussion Topics:

- New full-time employee requests
- Family mediation
- Juvenile program changes
- Judicial salary requests

2:55 PM Adam Mathiak, Senior Fiscal Analyst, testified. Testimony #25735

3:02 PM S Vedaa moved to amend HB 1002 to award Supreme Court judges and district judges a salary increase of 6% the first year of the biennium and an additional 4% the second year, with health insurance adjustments the same as other state employees.
Senator Erbele seconded the motion.

Senators	Vote
Senator Terry M. Wanzek	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Jim P. Roers	Y
Senator Shawn Vedaa	Y

Motion passed 5-0-0

3:08 PM Senator Roers moved a Do Pass recommendation for HB 1002 as Amended.
Senator Dwyer seconded the motion.

Senators	Vote
Senator Terry M. Wanzek	
Senator Michael Dwyer	
Senator Robert Erbele	
Senator Jim P. Roers	
Senator Shawn Vedaa	

Motion passed 5-0-0

Senator Dwyer will carry the bill.

3:10 PM Chairman Wanzek closed the meeting.

Carol Thompson, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations - Government Operations Division Red River Room, State Capitol

HB 1002
3/28/2023

A bill for an act to provide an appropriation for defraying the expenses of the **Judicial Branch**, relating to the salaries of Justices of the Supreme Court, the salaries of district court judges, and compensation of jurors; to provide for transfers; and to provide an exemption.

9:33 AM Chairman Wanzek opened the meeting.
Senators Wanzek, Dwyer, J. Roers, Vedaa, and Erbele were present.

Discussion Topics:

- Salary pool change

9:33 AM Alex Cronquist, LC Senior Fiscal Analyst, testified. Testimony #26852

9:34 AM Chairman Wanzek called for a motion to reconsider Amendment

9:34 AM Senator Dwyer moved to reconsider Amendment LC 23.0231.02001.
Senator Roers seconded the motion.

Senators	Vote
Senator Terry M. Wanzek	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Jim P. Roers	Y
Senator Shawn Vedaa	Y

Motion passed 5-0-0

9:48 AM Senator Dwyer moved to adopt Amendment LC 23.0231.02002.
Senator Roers seconded the motion.

Senators	Vote
Senator Terry M. Wanzek	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Jim P. Roers	Y
Senator Shawn Vedaa	Y

Motion passed 5-0-0

9:48 AM Senator Roers moved a Do Pass as Amended recommendation for HB 1002.
Senator Erbele seconded the motion.

Senators	Vote
Senator Terry M. Wanzek	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Jim P. Roers	Y
Senator Shawn Vedaa	Y

Senate Appropriations Government Operations Division

HB 1002

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Page 2

Motion passed 5-0-0

Senator Dwyer will carry this bill.

9:49 AM Chairman Wanzek closed the meeting.

Carol Thompson, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

HB 1002
3/31/2023

A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; relating to the salaries of justices of the supreme court, the salaries of district court judges, and compensation of jurors; to provide for transfers; and to provide an exemption.

8:26 AM Chairman Bekkedahl opened the hearing on HB 1002.

Members present: Senators Bekkedahl, Krebsbach, Burckhard, Davison, Dever, Dwyer, Erbele, Kreun, Meyer, Roers, Schaible, Sorvaag, Vedaa, Wanzek, Rust, and Mathern.

Discussion Topics:

- Judicial branch
- Committee action

8:26 AM Senator Dwyer introduced the amendment LC 23.0231.02002, testimony #27134.

8:36 AM Senator Dwyer moved to adopt AMENDMENT 23.0231.02002.
Senator Roers seconded the motion.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Karen K. Krebsbach	Y
Senator Randy A. Burckhard	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Curt Kreun	Y
Senator Tim Mathern	N
Senator Scott Meyer	Y
Senator Jim P. Roers	Y
Senator David S. Rust	Y
Senator Donald Schaible	Y
Senator Ronald Sorvaag	Y
Senator Shawn Vedaa	Y
Senator Terry M. Wanzek	Y

Motion passed 15-1-0.

8:38 AM Senator Dwyer moved DO PASS AS AMENDED.
Senator Wanzek seconded the motion.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Karen K. Krebsbach	Y
Senator Randy A. Burckhard	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Curt Kreun	Y
Senator Tim Mathern	Y
Senator Scott Meyer	Y
Senator Jim P. Roers	Y
Senator David S. Rust	Y
Senator Donald Schaible	Y
Senator Ronald Sorvaag	Y
Senator Shawn Vedaa	Y
Senator Terry M. Wanzek	Y

Motion passed 16-0-0.

Senator Dwyer will carry the bill.

8:40 AM Chairman Bekkedahl closed the hearing.

Kathleen Hall, Committee Clerk

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1002

Page 1, line 4, after the second semicolon insert "to provide for a report;"

Page 1, remove lines 11 through 23

Page 2, replace lines 1 through 26 with:

"Subdivision 1.

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(1-6)

SUPREME COURT

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,202,906	\$931,799	\$12,134,705
Operating expenses	2,350,094	846,665	3,196,759
Capital assets	0	28,500	28,500
New and vacant FTE funding pool	0	8,740,214	8,740,214
Guardianship monitoring program	<u>286,097</u>	<u>(286,097)</u>	<u>0</u>
Total all funds	\$13,839,097	\$10,261,081	\$24,100,178
Less estimated income	<u>0</u>	<u>485,793</u>	<u>485,793</u>
Total general fund	\$13,839,097	\$9,775,288	\$23,614,385

Subdivision 2.

DISTRICT COURTS

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$76,196,548	\$3,082,696	\$79,279,244
Operating expenses	20,081,881	4,442,738	24,524,619
Capital assets	0	1,125,220	1,125,220
Judges' retirement	<u>137,246</u>	<u>40,094</u>	<u>177,340</u>
Total all funds	\$96,415,675	\$8,690,748	\$105,106,423
Less estimated income	<u>756,963</u>	<u>71,427</u>	<u>828,390</u>
Total general fund	\$95,658,712	\$8,619,321	\$104,278,033

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Judicial conduct commission and disciplinary board	<u>\$1,317,481</u>	<u>\$77,532</u>	<u>\$1,395,013</u>
Total all funds	\$1,317,481	\$77,532	\$1,395,013
Less estimated income	<u>502,500</u>	<u>7,472</u>	<u>509,972</u>
Total general fund	\$814,981	\$70,060	\$885,041

Subdivision 4.

BILL TOTAL

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3-31-23
(2-6)

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$110,312,790	\$18,464,669	\$128,777,459
Grand total special funds	<u>1,259,463</u>	<u>564,692</u>	<u>1,824,155</u>
Grand total all funds	\$111,572,253	\$19,029,361	\$130,601,614
Full-time equivalent positions	362.00	21.00	383.00"

Page 3, line 19, after "items" insert "and subdivisions"

Page 3, after line 22, insert:

"SECTION 5. NEW AND VACANT FTE FUNDING POOL - BUDGET SECTION REPORT.

1. The supreme court may not spend funding from the new and vacant FTE funding pool line item in subdivision 1 of section 1 of this Act, but may transfer funds from this line item to the salaries and wages line items within subdivisions 1 and 2 of this Act, and to the judicial conduction commission and disciplinary board line item within subdivision 3 of this Act, as necessary to provide funding for:
 - a. Filling a new or vacant FTE position from the date of hire through the end of the biennium; or
 - b. Salaries and wages if actual salaries and wages savings from vacant positions are less than the estimate used by the sixty-eighth legislative assembly in the development of the appropriation.
2. The supreme court shall report to the budget section regarding the use of funding in the pool, including information on:
 - a. New FTE positions, including the date hired;
 - b. Vacant FTE positions, including the dates the positions are vacated and filled; and
 - c. Additional salaries and wages funding needed due to savings from vacant positions being less than anticipated.
3. If funding in the new and vacant FTE funding pool line item is insufficient to provide the necessary salaries and wages funding for the biennium, the supreme court may request a deficiency appropriation from the sixty-ninth legislative assembly."

Page 3, line 28, remove "one hundred eighty-two thousand six hundred ninety-five dollars through"

Page 3, line 29, replace "June 30, 2024, and one hundred ninety thousand three" with "one hundred seventy-nine thousand three hundred twelve dollars through June 30, 2024, and one hundred eighty-six thousand four hundred eighty-four"

Page 3, line 31, remove "five thousand"

Page 4, remove line 1

Page 4, line 2, replace "hundred seventy-four" with "five thousand seventy-one dollars per annum through June 30, 2024, and five thousand two hundred seventy-four"

AG

Page 4, line 8, remove "one hundred sixty-seven thousand six hundred thirty-seven dollars through June 30,"

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(3-6)

Page 4, line 9, replace "2024, and one hundred seventy-four thousand three hundred forty-two" with "one hundred sixty-four thousand five hundred thirty-two dollars through June 30, 2024, and one hundred seventy-one thousand one hundred thirteen"

Page 4, line 14, remove "four thousand"

Page 4, remove line 15

Page 4, line 16, replace "hundred fifty-four" with "four thousand six hundred seventy-five dollars per annum through June 30, 2024, and four thousand eight hundred sixty-two"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1002 - Summary of Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Supreme Court				
Total all funds	\$13,839,097	\$16,497,236	\$7,602,942	\$24,100,178
Less estimated income	0	388,000	97,793	485,793
General fund	\$13,839,097	\$16,109,236	\$7,505,149	\$23,614,385
FTE	43.50	44.50	0.00	44.50
District Courts				
Total all funds	\$96,415,675	\$114,489,519	(\$9,383,096)	\$105,106,423
Less estimated income	756,963	912,831	(84,441)	828,390
General fund	\$95,658,712	\$113,576,688	(\$9,298,655)	\$104,278,033
FTE	314.00	334.00	0.00	334.00
Judicial Conduct Commission				
Total all funds	\$1,317,481	\$1,457,077	(\$62,064)	\$1,395,013
Less estimated income	502,500	533,616	(23,644)	509,972
General fund	\$814,981	\$923,461	(\$38,420)	\$885,041
FTE	4.50	4.50	0.00	4.50
Bill total				
Total all funds	\$111,572,253	\$132,443,832	(\$1,842,218)	\$130,601,614
Less estimated income	1,259,463	1,834,447	(10,292)	1,824,155
General fund	\$110,312,790	\$130,609,385	(\$1,831,926)	\$128,777,459
FTE	362.00	383.00	0.00	383.00

House Bill No. 1002 - Supreme Court - Senate Action

AG
3-31-23
(4-6)

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$11,202,906	\$13,271,977	(\$1,137,272)	\$12,134,705
Operating expenses	2,350,094	3,196,759		3,196,759
Capital assets		28,500		28,500
Guardianship monitoring program	286,097			
New and vacant FTE funding pool			8,740,214	8,740,214
Total all funds	\$13,839,097	\$16,497,236	\$7,602,942	\$24,100,178
Less estimated income	0	388,000	97,793	485,793
General fund	\$13,839,097	\$16,109,236	\$7,505,149	\$23,614,385
FTE	43.50	44.50	0.00	44.50

Department 181 - Supreme Court - Detail of Senate Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Removes Salary Funding for Funding Pool ²	Adds Funding for a Salary Funding Pool ³	Total Senate Changes
Salaries and wages	\$120,453	(\$1,257,725)		(\$1,137,272)
Operating expenses				
Capital assets				
Guardianship monitoring program				
New and vacant FTE funding pool			\$8,740,214	8,740,214
Total all funds	\$120,453	(\$1,257,725)	\$8,740,214	\$7,602,942
Less estimated income	0	0	97,793	97,793
General fund	\$120,453	(\$1,257,725)	\$8,642,421	\$7,505,149
FTE	0.00	0.00	0.00	0.00

¹ Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, for all judicial branch employees, including Supreme Court justices and district court judges, and for adjustments to health insurance premium rates as follows:

	General Fund
Salary increase	\$125,896
Health insurance adjustment	(5,443)
Total	\$120,453

The House provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024. The House also provided salary adjustments of 8 percent on July 1, 2023, and 4 percent on July 1, 2024, for Supreme Court justices and district court judges.

² Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Chief Justice of the Supreme Court for a transfer from the new and vacant FTE funding pool.

	General Fund
New FTE positions	(\$369,734)
Vacant FTE positions	(887,991)
Total	(\$1,257,725)

³ Funding is added for a salary funding pool for filling new and vacant FTE positions.

House Bill No. 1002 - District Courts - Senate Action

AG
3-31-23
(5-6)

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$76,196,548	\$88,662,340	(\$9,383,096)	\$79,279,244
Operating expenses	20,081,881	24,524,619		24,524,619
Capital assets		1,125,220		1,125,220
Judges' retirement	137,246	177,340		177,340
Total all funds	\$96,415,675	\$114,489,519	(\$9,383,096)	\$105,106,423
Less estimated income	756,963	912,831	(84,441)	828,390
General fund	\$95,658,712	\$113,576,688	(\$9,298,655)	\$104,278,033
FTE	314.00	334.00	0.00	334.00

Department 182 - District Courts - Detail of Senate Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Removes Salary Funding for Funding Pool ²	Total Senate Changes
Salaries and wages	\$498,767	(\$9,881,863)	(\$9,383,096)
Operating expenses			
Capital assets			
Judges' retirement			
Total all funds	\$498,767	(\$9,881,863)	(\$9,383,096)
Less estimated income	6,583	(91,024)	(84,441)
General fund	\$492,184	(\$9,790,839)	(\$9,298,655)
FTE	0.00	0.00	0.00

¹ Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates as follows:

	General Fund	Other Funds	Total
Salary increase	\$532,208	\$6,820	\$539,028
Health insurance adjustment	(40,024)	(237)	(40,261)
Total	\$492,184	\$6,583	\$498,767

The House provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024. The House also provided salary adjustments of 8 percent on July 1, 2023, and 4 percent on July 1, 2024, for Supreme Court justices and district court judges.

² Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Chief Justice of the Supreme Court for a transfer from the new and vacant FTE funding pool.

	General Fund	Other Funds	Total
New FTE positions	(\$3,999,004)	(\$63,662)	(\$4,062,666)
Vacant FTE positions	(5,791,835)	(27,362)	(5,819,197)
Total	(\$9,790,839)	(\$91,024)	(\$9,881,863)

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

	Base Budget	House Version	Senate Changes	Senate Version
Judicial Conduct Commission	\$1,317,481	\$1,457,077	(\$62,064)	\$1,395,013
Total all funds	\$1,317,481	\$1,457,077	(\$62,064)	\$1,395,013
Less estimated income	502,500	533,616	(23,644)	509,972
General fund	\$814,981	\$923,461	(\$38,420)	\$885,041
FTE	4.50	4.50	0.00	4.50

Department 183 - Judicial Conduct Commission - Detail of Senate Changes

AG
3-31-23
(6-6)

	Adjusts Funding for Salary and Benefit Increases ¹	Removes Salary Funding for Funding Pool ²	Total Senate Changes
Judicial Conduct Commission	\$17,966	(\$80,030)	(\$62,064)
Total all funds	\$17,966	(\$80,030)	(\$62,064)
Less estimated income	6,848	(30,492)	(23,644)
General fund	\$11,118	(\$49,538)	(\$38,420)
FTE	0.00	0.00	0.00

¹ Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Salary increase	\$11,484	\$7,073	\$18,557
Health insurance adjustment	(366)	(225)	(591)
Total	\$11,118	\$6,848	\$17,966

The House provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

² Funding for estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Chief Justice of the Supreme Court for a transfer from the new and vacant FTE funding pool.

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Vacant FTE positions	(\$49,538)	(\$30,492)	(\$80,030)

House Bill No. 1002 - Other Changes - Senate Action

This amendment also:

- Provides the statutory changes to increase district court judges' and Supreme Court justices' salaries by 6 percent on July 1, 2023, and by 4 percent on July 1, 2024.
- Provides requirements for a new and vacant FTE funding pool, including a reporting requirement.

REPORT OF STANDING COMMITTEE

HB 1002, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1002 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 4, after the second semicolon insert "to provide for a report;"

Page 1, remove lines 11 through 23

Page 2, replace lines 1 through 26 with:

"Subdivision 1.

SUPREME COURT

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,202,906	\$931,799	\$12,134,705
Operating expenses	2,350,094	846,665	3,196,759
Capital assets	0	28,500	28,500
New and vacant FTE funding pool	0	8,740,214	8,740,214
Guardianship monitoring program	<u>286,097</u>	<u>(286,097)</u>	<u>0</u>
Total all funds	\$13,839,097	\$10,261,081	\$24,100,178
Less estimated income	<u>0</u>	<u>485,793</u>	<u>485,793</u>
Total general fund	\$13,839,097	\$9,775,288	\$23,614,385

Subdivision 2.

DISTRICT COURTS

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$76,196,548	\$3,082,696	\$79,279,244
Operating expenses	20,081,881	4,442,738	24,524,619
Capital assets	0	1,125,220	1,125,220
Judges' retirement	<u>137,246</u>	<u>40,094</u>	<u>177,340</u>
Total all funds	\$96,415,675	\$8,690,748	\$105,106,423
Less estimated income	<u>756,963</u>	<u>71,427</u>	<u>828,390</u>
Total general fund	\$95,658,712	\$8,619,321	\$104,278,033

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Judicial conduct commission and disciplinary board	<u>\$1,317,481</u>	<u>\$77,532</u>	<u>\$1,395,013</u>
Total all funds	\$1,317,481	\$77,532	\$1,395,013
Less estimated income	<u>502,500</u>	<u>7,472</u>	<u>509,972</u>
Total general fund	\$814,981	\$70,060	\$885,041

Subdivision 4.

BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$110,312,790	\$18,464,669	\$128,777,459

Grand total special funds	<u>1,259,463</u>	<u>564,692</u>	<u>1,824,155</u>
Grand total all funds	\$111,572,253	\$19,029,361	\$130,601,614
Full-time equivalent positions	362.00	21.00	383.00"

Page 3, line 19, after "items" insert "and subdivisions"

Page 3, after line 22, insert:

**"SECTION 5. NEW AND VACANT FTE FUNDING POOL - BUDGET
SECTION REPORT.**

1. The supreme court may not spend funding from the new and vacant FTE funding pool line item in subdivision 1 of section 1 of this Act, but may transfer funds from this line item to the salaries and wages line items within subdivisions 1 and 2 of this Act, and to the judicial conduction commission and disciplinary board line item within subdivision 3 of this Act, as necessary to provide funding for:
 - a. Filling a new or vacant FTE position from the date of hire through the end of the biennium; or
 - b. Salaries and wages if actual salaries and wages savings from vacant positions are less than the estimate used by the sixty-eighth legislative assembly in the development of the appropriation.
2. The supreme court shall report to the budget section regarding the use of funding in the pool, including information on:
 - a. New FTE positions, including the date hired;
 - b. Vacant FTE positions, including the dates the positions are vacated and filled; and
 - c. Additional salaries and wages funding needed due to savings from vacant positions being less than anticipated.
3. If funding in the new and vacant FTE funding pool line item is insufficient to provide the necessary salaries and wages funding for the biennium, the supreme court may request a deficiency appropriation from the sixty-ninth legislative assembly."

Page 3, line 28, remove "one hundred eighty-two thousand six hundred ninety-five dollars through"

Page 3, line 29, replace "June 30, 2024, and one hundred ninety thousand three" with "one hundred seventy-nine thousand three hundred twelve dollars through June 30, 2024, and one hundred eighty-six thousand four hundred eighty-four"

Page 3, line 31, remove "five thousand"

Page 4, remove line 1

Page 4, line 2, replace "hundred seventy-four" with "five thousand seventy-one dollars per annum through June 30, 2024, and five thousand two hundred seventy-four"

Page 4, line 8, remove "one hundred sixty-seven thousand six hundred thirty-seven dollars through June 30."

Page 4, line 9, replace "2024, and one hundred seventy-four thousand three hundred forty-two" with "one hundred sixty-four thousand five hundred thirty-two dollars"

through June 30, 2024, and one hundred seventy-one thousand one hundred thirteen"

Page 4, line 14, remove "four thousand"

Page 4, remove line 15

Page 4, line 16, replace "hundred fifty-four" with "four thousand six hundred seventy-five dollars per annum through June 30, 2024, and four thousand eight hundred sixty-two"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1002 - Summary of Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Supreme Court				
Total all funds	\$13,839,097	\$16,497,236	\$7,602,942	\$24,100,178
Less estimated income	0	388,000	97,793	485,793
General fund	\$13,839,097	\$16,109,236	\$7,505,149	\$23,614,385
FTE	43.50	44.50	0.00	44.50
District Courts				
Total all funds	\$96,415,675	\$114,489,519	(\$9,383,096)	\$105,106,423
Less estimated income	756,963	912,831	(84,441)	828,390
General fund	\$95,658,712	\$113,576,688	(\$9,298,655)	\$104,278,033
FTE	314.00	334.00	0.00	334.00
Judicial Conduct Commission				
Total all funds	\$1,317,481	\$1,457,077	(\$62,064)	\$1,395,013
Less estimated income	502,500	533,616	(23,644)	509,972
General fund	\$814,981	\$923,461	(\$38,420)	\$885,041
FTE	4.50	4.50	0.00	4.50
Bill total				
Total all funds	\$111,572,253	\$132,443,832	(\$1,842,218)	\$130,601,614
Less estimated income	1,259,463	1,834,447	(10,292)	1,824,155
General fund	\$110,312,790	\$130,609,385	(\$1,831,926)	\$128,777,459
FTE	362.00	383.00	0.00	383.00

House Bill No. 1002 - Supreme Court - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$11,202,906	\$13,271,977	(\$1,137,272)	\$12,134,705
Operating expenses	2,350,094	3,196,759		3,196,759
Capital assets		28,500		28,500
Guardianship monitoring program	286,097			
New and vacant FTE funding pool			8,740,214	8,740,214
Total all funds	\$13,839,097	\$16,497,236	\$7,602,942	\$24,100,178
Less estimated income	0	388,000	97,793	485,793
General fund	\$13,839,097	\$16,109,236	\$7,505,149	\$23,614,385
FTE	43.50	44.50	0.00	44.50

Department 181 - Supreme Court - Detail of Senate Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Removes Salary Funding for Funding Pool ²	Adds Funding for a Salary Funding Pool ³	Total Senate Changes
Salaries and wages	\$120,453	(\$1,257,725)		(\$1,137,272)
Operating expenses				
Capital assets				
Guardianship monitoring program				
New and vacant FTE funding pool			\$8,740,214	8,740,214
Total all funds	\$120,453	(\$1,257,725)	\$8,740,214	\$7,602,942
Less estimated income	0	0	97,793	97,793
General fund	\$120,453	(\$1,257,725)	\$8,642,421	\$7,505,149
FTE	0.00	0.00	0.00	0.00

¹ Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, for all judicial branch employees, including Supreme Court justices and district court judges, and for adjustments to health insurance premium rates as follows:

General Fund	
Salary increase	\$125,896
Health insurance adjustment	(5,443)
Total	\$120,453

The House provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024. The House also provided salary adjustments of 8 percent on July 1, 2023, and 4 percent on July 1, 2024, for Supreme Court justices and district court judges.

² Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Chief Justice of the Supreme Court for a transfer from the new and vacant FTE funding pool.

General Fund	
New FTE positions	(\$369,734)
Vacant FTE positions	(887,991)
Total	(\$1,257,725)

³ Funding is added for a salary funding pool for filling new and vacant FTE positions.

House Bill No. 1002 - District Courts - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$76,196,548	\$88,662,340	(\$9,383,096)	\$79,279,244
Operating expenses	20,081,881	24,524,619		24,524,619
Capital assets		1,125,220		1,125,220
Judges' retirement	137,246	177,340		177,340
Total all funds	\$96,415,675	\$114,489,519	(\$9,383,096)	\$105,106,423
Less estimated income	756,963	912,831	(84,441)	828,390
General fund	\$95,658,712	\$113,576,688	(\$9,298,655)	\$104,278,033
FTE	314.00	334.00	0.00	334.00

Department 182 - District Courts - Detail of Senate Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Removes Salary Funding for Funding Pool ²	Total Senate Changes
Salaries and wages	\$498,767	(\$9,881,863)	(\$9,383,096)
Operating expenses			
Capital assets			
Judges' retirement			
Total all funds	\$498,767	(\$9,881,863)	(\$9,383,096)
Less estimated income	6,583	(91,024)	(84,441)
General fund	\$492,184	(\$9,790,839)	(\$9,298,655)
FTE	0.00	0.00	0.00

¹ Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates as follows:

	General Fund	Other Funds	Total
Salary increase	\$532,208	\$6,820	\$539,028
Health insurance adjustment	(40,024)	(237)	(40,261)
Total	\$492,184	\$6,583	\$498,767

The House provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024. The House also provided salary adjustments of 8 percent on July 1, 2023, and 4 percent on July 1, 2024, for Supreme Court justices and district court judges.

² Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Chief Justice of the Supreme Court for a transfer from the new and vacant FTE funding pool.

	General Fund	Other Funds	Total
New FTE positions	(\$3,999,004)	(\$63,662)	(\$4,062,666)
Vacant FTE positions	(5,791,835)	(27,362)	(5,819,197)
Total	(\$9,790,839)	(\$91,024)	(\$9,881,863)

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

	Base Budget	House Version	Senate Changes	Senate Version
Judicial Conduct Commission	\$1,317,481	\$1,457,077	(\$62,064)	\$1,395,013
Total all funds	\$1,317,481	\$1,457,077	(\$62,064)	\$1,395,013
Less estimated income	502,500	533,616	(23,644)	509,972
General fund	\$814,981	\$923,461	(\$38,420)	\$885,041
FTE	4.50	4.50	0.00	4.50

Department 183 - Judicial Conduct Commission - Detail of Senate Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Removes Salary Funding for Funding Pool ²	Total Senate Changes
Judicial Conduct Commission	\$17,966	(\$80,030)	(\$62,064)
Total all funds	\$17,966	(\$80,030)	(\$62,064)
Less estimated income	6,848	(30,492)	(23,644)
General fund	\$11,118	(\$49,538)	(\$38,420)
FTE	0.00	0.00	0.00

¹ Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates as follows:

	General Fund	Other Funds	Total
Salary increase	\$11,484	\$7,073	\$18,557
Health insurance adjustment	(366)	(225)	(591)
Total	\$11,118	\$6,848	\$17,966

The House provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

² Funding for estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Chief Justice of the Supreme Court for a transfer from the new and vacant FTE funding pool.

	General Fund	Other Funds	Total
Vacant FTE positions	(\$49,538)	(\$30,492)	(\$80,030)

House Bill No. 1002 - Other Changes - Senate Action

This amendment also:

- Provides the statutory changes to increase district court judges' and Supreme Court justices' salaries by 6 percent on July 1, 2023, and by 4 percent on July 1, 2024.
- Provides requirements for a new and vacant FTE funding pool, including a reporting requirement.

2023 CONFERENCE COMMITTEE

HB 1002

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division
Prairie Room, State Capitol

HB 1002
4/14/2023
Conference Committee

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

8:32 AM Chairman Nathe started the meeting.

Members present: Chairman Nathe, Representatives Swiontek, and Hanson.
Chairman Dwyer, Senators Roers, and Vedaa.

Discussion Topics:

- FTE's
- Salary Comparisons
- Compensation Packages
- Equity Package

Chairman Nathe opened the discussion on HB 1002.

Senator Dwyer expressed the rational for the Senate changes.

8:35 AM Chairman Nathe closed the meeting.

Donna Lynn Knutson, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division
Prairie Room, State Capitol

HB 1002
4/17/2023
Conference Committee

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

2:54 PM Chairman Nathe started the meeting.

Members present: Chairman Nathe, Representatives Swiontek, and Hanson.
Chairman Dwyer, Senator Roers, and Senator Vedaa.

Discussion Topics:

- Committee action
- Comparison Compensation
- Additional Capacity
- Judicial Workload

Chairman Nathe opened the discussion on HB 1002.

Representative Hanson expressed her concerns.

Senator Dwyer addressed his rationale.

Representative Swiontek moved to accede to the Senate amendments on HB 1002.

Senator Roers seconded.

Motion carried 5-1-0.

Representative Nathe and Senator Dwyer will carry the bill.

3:00 PM Chairman Nathe closed the meeting.

Donna Lynn Knutson, Committee Clerk

**2023 HOUSE CONFERENCE COMMITTEE
 ROLL CALL VOTES**

BILL/RESOLUTION NO. HB 1002 as engrossed

House Environment and Education Appropriations Committee

- Action Taken** **HOUSE accede to Senate Amendments**
 HOUSE accede to Senate Amendments and further amend
 SENATE recede from Senate amendments
 SENATE recede from Senate amendments and amend as follows
- Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Representative Swiontek Seconded by: Senator Roers

Representatives			Yes	No		Senators			Yes	No
	4/14	4/17					4/14	4/17		
Nathe	X	X	X			Dwyer	X	X	X	
Swiontek	X	X	X			Roers	X	X	X	
Hanson	X	X		X		Vedaa	X	X	X	
Total Rep. Vote			2	1		Total Senate Vote			3	

Vote Count Yes: 5 No: 1 Absent: 0

House Carrier Representative Nathe Senate Carrier Senator Dwyer

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

HB 1002, as engrossed: Your conference committee (Sens. Dwyer, K. Roers, Vedaa and Reps. Nathe, Swiontek, Hanson) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1601-1606 and place HB 1002 on the Seventh order.

Engrossed HB 1002 was placed on the Seventh order of business on the calendar.

TESTIMONY

HB 1002

CASS COUNTY BAR ASSOCIATION

President: Patrick Sinner
Vice President: Adam Justinger
Secretary/Treasurer: Ryan Hestbeck

PO Box 1214
Fargo, ND 58103
ndccba01@gmail.com

December 28, 2022

Appropriations Committee

Re: HB 1002

Dear Members of the House Appropriations Committee:

My name is Patrick Sinner. I am the president of the Cass County Bar Association. Our organization consists of attorneys who live in and practice in Cass County, North Dakota.

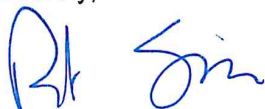
I am writing to you in regards to the budget for the judicial branch for upcoming biennium. Specifically, I am writing to urge you to support an increase in judicial salaries. North Dakota's judicial pay is ranked 40th in the nation and is far below comparable positions in state government. North Dakota judges are also asked to handle substantially more work with less support and with less pay than judges in other comparable states.

While judicial salaries generally increase by a percentage each year, these incremental pay increases are not keeping pace with inflation. These factors have created a situation where judicial recruitment and retention is at risk. The state will have difficulty in filling judicial positions when joining the bench is considered to be a hardship rather than a career goal. The most qualified and competent attorneys in the state will be dissuaded from becoming a judge if the financial trade-off is too high when compared to their earning potential in private practice.

Therefore, on behalf of the Cass County Bar Association, I urge you to support a pay increase for the judges and justices of the state of North Dakota. By doing so, you will recognize the great work already being done by the state's judiciary branch and will encourage recruitment and retention of judges into the future. This will help to guaranty that the citizens of the state will have access to the most competent, fair, and qualified judges when they need their day in court.

Please feel free to contact me if you have any questions or concerns.

Sincerely,



Patrick J. Sinner
President, Cass County Bar Association

My name is H. Patrick Weir ("Pat"). I would, respectfully, offer my testimony in support of HB1002.

I graduated from the University of Notre Dame Law School; accepted a judicial clerkship with the Honorable Charles Vogel, Chief Judge of the United States Court of Appeals for the 8th. Circuit. I then joined the Vogel Law Firm where I practiced in the Fargo and Bismarck office for 40 some years.

After my retirement from the active practice, I was appointed to serve as a District Judge in the S.W. District of North Dakota. I served on that court for about four years, after which I served as a Surrogate Judge in Grand Forks for about six months and later in Minot for several months. During my term as a district judge, I was also honored by serving several times as a Surrogate Justice on the ND Supreme Court.

After my court service, I was the first General Counsel for Missouri Basin Oil and Gas Company in western North Dakota. Upon retirement from that position, I was named Billings County States Attorney in my home town of Medora, ND. I continue as the States Attorney.

I presently serve as Chairman of the North Dakota Parole Board & have served in that capacity for approximately eight years. I am the immediate past chairman of the North Dakota History Society Board and continue to serve on that board. I currently serve as Chairman of the North Dakota Pardon Advisory Board and have served in that capacity for approximately 6 years.

Judges and Justices in North Dakota, in my opinion, are not being adequately compensated. Your Committee has been provided with the comparative data. I can tell the committee that beginning lawyers in the "larger" law firms in North Dakota compensate first year graduates at about two thirds of what sitting judges and justices earn. Within a relatively short period of time (5-8 years) these very good, young lawyers will be earning more money than the judges and justices. Moreover, in my experience, lawyers who chose to go into a business as associate counsel or general counsel for larger corporations in North Dakota will earn a good deal more income than the judiciary.

Further complicating the compensation issue for the judiciary is the fact that very competent lawyers in the desired age range for appointment simply cannot afford to give up their private practice. There are many advantages to being on the bench: professional prestige amongst the most important as well as the certainty of the income flow and good health and retirement benefits. However, lawyers with family, educational, and other priorities, unless blessed with inherited wealth, are faced with a very difficult decision. Another complication of the existing compensation system is that the "pool" of lawyers willing to become judges/justices is rapidly shrinking. North Dakota has been blessed with judges and justices who have accepted the financial situation. In my opinion, that is rapidly changing. I am fearful that the future will hold out the possibility that the judiciary will be populated by the young and inexperienced or as an "honored" position for those well-past the prime of their professional careers.

Good morning, Chairman Nathe and members of the Education and Environment Division of House Appropriations. My name is Zack Pelham.

I'm here today to testify in support of HB 1002, the judicial branch's budget. Specifically, I'm here to urge your support of an increase in judicial salaries.

I've been in private practice for many years and am an active member of the state bar. Currently, I'm the managing member of the Pearce Durick law firm in Bismarck. My practice focuses on insurance defense, oil and gas law, product liability defense, employment and labor law, and general business representation. I am a past president of the State Bar Association, past president of the Big Muddy Bar Association, past president of the North Dakota Defense Lawyers Association, and current Chair of the Commission on Legal Counsel for Indigents. I am here today, however, in my individual capacity as a private practice attorney.

Current judicial compensation is inadequate to attract highly qualified individuals from private practice. When I first starting practicing law in 2004, judicial vacancies used to routinely have 10 or more candidates, many from private practice. That is no longer the case. The vast majority of recent judicial applicants are individuals moving from one government position to another or candidates with limited legal experience. To be clear, these are good people. I worked with some of them when I was an assistant attorney general before moving into private practice in 2007. The reason we have few applicants, and almost no applicants from private practice, for state judicial vacancies is in large part because of current judicial compensation. I can tell you that is not a problem for federal judicial vacancies—of which I have applied for. I can tell you with certainty that a successful, mid-career private practitioner in North Dakota, who is typically at the height of their earning capacity, simply cannot take a significant pay cut in becoming a state court judge. For me, with a wife and four children, I am here to tell you the numbers do not add up—I have done the math.

We are fortunate in North Dakota to have a great bench from a diversity of life and professional experiences. However, as our current judges retire and judicial salaries continue to lag behind real-dollar increases realized by private practitioners, judicial recruitment and the quality of our bench is at serious risk. Having a broad based judiciary, made up of professionals from public *and* private practice is imperative for a healthy judicial system in North Dakota.

As such, I urge you to support the judiciary's request for a \$6.4 million dollar increase to its biannual budget to provide our judges and justices with increased compensation.

Thank you, Chairman Nathe. I'd be happy to answer any questions from the committee.



Greater Grand Forks County Bar Association

124 S. Fourth St.
Grand Forks, ND 58206

Email: gfcountrybar@gmail.com

Social Media: <http://www.facebook.com/gfcountrybar/>

Board Members

Diane Schull, President
Jacqui Bergstrom, Vice President
Robin Johansen, Secretary-Treasurer
Justine Hesselbart, Member at Large
Skyler Johnson, Past President

January 11, 2023

Appropriations Committee

RE: **HB 1002**

Dear Members of the House Appropriations Committee:

My name is Diane Schull. I am the president of the Greater Grand Forks County Bar Association. Our organization consists of attorneys who live in and practice in Grand Forks County, North Dakota.

I am writing to you regarding the budget for the judicial branch for upcoming biennium. Specifically, I am writing to urge you to support an increase in judicial salaries. North Dakota's judicial pay is ranked 40th in the nation and is far below comparable positions in state government. North Dakota judges are also asked to handle substantially more work with less support and with less pay than judges in other comparable states.

While judicial salaries generally increase by a percentage each year, these incremental pay increases are not keeping pace with inflation. These factors have created a situation where judicial recruitment and retention is at risk. The state will have difficulty in filling judicial positions when joining the bench is considered to be a hardship rather than a career goal. The most qualified and competent attorneys in the state will be dissuaded from becoming a judge if the financial trade-off is too high when compared to their earning potential in private practice. I have personally had conversations with attorneys whom I believe would make great judges and am aware that they, although may be interested in becoming a judge, are not willing to take a salary cut in order to do so.

Therefore, on behalf of the Greater Grand Forks County Bar Association, I urge you to support a pay increase for the judges and justices of the state of North Dakota. By doing so, you will recognize the great work already being done by the state's judiciary branch and will encourage recruitment and retention of judges into the future. This will help to guaranty that the citizens of

the state will have access to the most competent, fair, and qualified judges when they need their day in court.

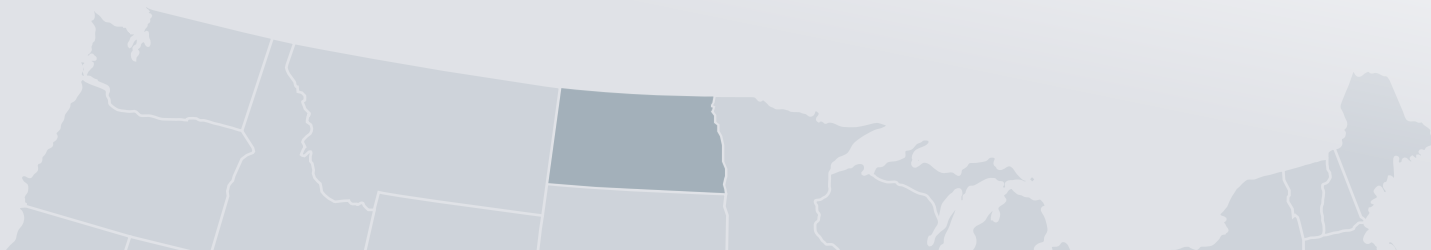
Please feel free to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Diane L. Schull". The signature is written in a cursive style and is positioned above a horizontal line.

Diane L. Schull
President, Greater Grand Forks County Bar Association

NORTH DAKOTA'S JUDGES DESERVE A RAISE



North Dakota's Judges are Paid Less than Peer States

Historically, North Dakota pays its judges less than most judiciaries nationally and less than some of its peer states¹.

North Dakota judges and justices are paid the 40th and 41st lowest salaries, respectively, in the nation².

North Dakota does not have specialized courts, leaving judges with heavier workloads and less support staff than peer states. Of other states that pay less, all reduce the workload by creating specialty courts.



Judicial Salaries are Far Below Other North Dakota Officials

Members of the North Dakota judiciary are paid significantly below others in North Dakota government who have similar education, experience, and job requirements³.

334th | 307th | 244th

The compensation rankings of a district court judge, a district court presiding judge, and a supreme court justice, respectively, in comparison to compensation of other state employees.



North Dakota's Judges Do More with Less

North Dakota judges are doing substantially more work with less support *and* for less pay.

District courts handle everything from a \$10 traffic ticket, to multi-million dollar lawsuits, including:

- infractions to murders,
- protection orders to contentious divorce cases,
- modest, small-claims matters to complex, multi-party commercial litigation and class action lawsuits.

BUDGET ALLOCATED

0.67%

Only two-thirds of one percent (.67%) of North Dakota's 2021-2023 budget is **allocated** for the judicial branch of government.

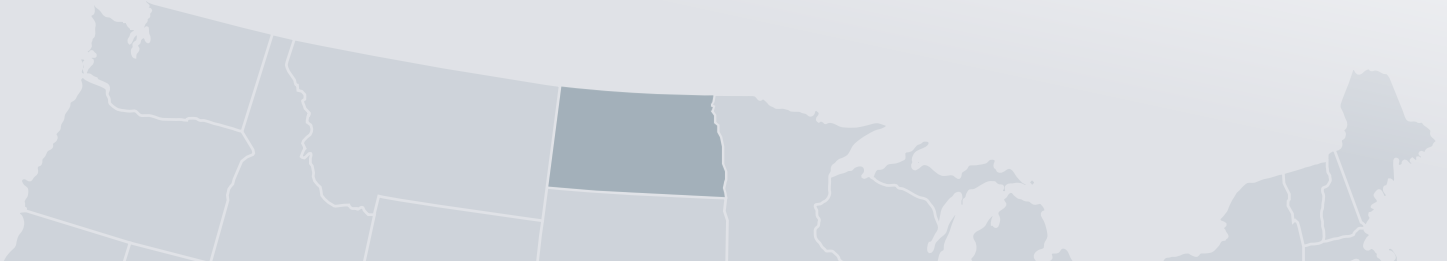
VS.

BUDGET SPENT

0.1%

North Dakota **spends one tenth of one percent (.1%)** of its total budget on judicial salaries.

SUPPORT FOR NORTH DAKOTA'S JUDICIAL BRANCH



Judicial Salaries are Losing Against Inflation

North Dakota judicial salaries have only slightly exceeded the rate of inflation. Judicial salaries lagged behind real-dollar increases realized by practicing lawyers.

JUDGES HAVE LOST \$14,000

In 2017 and 2018 North Dakota judges received zero dollars for raises. That biennium, judges lost nearly \$6,500 due to inflation. From 2017 to the middle of 2022, North Dakota judges have lost more than \$14,000 due to inflation.

Small raises and caps have put judges further behind the inflation curve. If caps continue, judges will simply fail to even keep up with inflation, and arguably not even receive an actual increase in pay.



Judicial Recruitment and Retention are at Risk

North Dakota's judicial compensation is inadequate to attract highly qualified individuals from a diversity of life and professional experiences to serve in the judiciary.

Experienced attorneys who become judges must learn new skills and law with less support staff, creating more work for less money. This approach creates a less appealing position than peer states that have developed multiple levels of courts, and may account for the decline in judicial applications.

Among the peer states, North Dakota has the shortest terms for district court judges at 6 years, and no retention practice other than general elections. Judicial compensation fails to adequately compensate for these levels of uncertainty.

NORTH DAKOTA MUST INCREASE JUDICIAL PAY TO ATTRACT AND RETAIN HIGHLY-QUALIFIED JUDGES.

2021-23 Budget	Amount	%
Total State Budget	\$16.94 Billion	
Judiciary Budget	\$113,729,853	0.67
Judicial Salaries	\$17,738,869	0.1

Annual Salary	District Court Judge	Presiding Judge	Supreme Court Justices	Chief Justice
July 1, 2022	\$155,219	\$159,629	\$169,162	\$173,946
20% Year 1 Increase	\$31,044	\$31,926	\$33,832	\$34,789
July 1, 2023	\$186,263	\$191,555	\$202,994	\$208,735
15% Year 2 Increase	\$27,939	\$28,733	\$30,450	\$31,310
July 1, 2024	\$214,202	\$220,288	\$233,444	\$240,045
Total Cost of Increase as Compared to 2022 Salary				\$6,447,778

¹The term "peer states" as used here means the 10 smallest population states in the country.

²Survey of Judicial Salaries, National Center for State Courts, Vol. 47 No. 1 (July 1, 2022); https://www.ncsc.org/_data/assets/pdf_file/0040/79798/JSS-July-2022.pdf (Rates are adjusted to reflect inflation).

³According to salary information obtained from the Office of Management and Budget.

House Bill 1002
House Appropriations
 Don Wolf, Director of Finance
 January 13, 2023

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	2021-23 Biennium Appropriation	One-time Funding Adjustment	2021-23 Biennium Base
Supreme Court	\$13,839,097	0	\$13,839,097
District Court	98,573,275	(2,157,600)	\$96,415,675
JCC/DB	<u>1,317,481</u>	<u>0</u>	<u>\$1,317,481</u>
Total base budget	\$113,729,853	(\$2,157,600)	\$111,572,253

Funding	2021-23 Biennium Appropriation	One-time Funding Adjustment	2021-23 Biennium Base
General Fund	\$112,312,790	(\$2,000,000)	\$110,312,790
Federal funds	914,563	(157,600)	\$756,963
Special funds	<u>502,500</u>	<u>0</u>	<u>\$502,500</u>
Total	\$113,729,853	(\$2,157,600)	\$111,572,253

The total **2021-23 biennium appropriation** for the Judicial Branch is **\$113,729,853**. The appropriation includes funding for the Supreme Court, district courts and the Judicial Conduct Commission and Disciplinary Board (JCC/DB).

The 2021-23 biennium appropriation included **one-time funding** of \$2,000,000 from the general fund to replace the Juvenile Case Management System and \$157,600 from the state fiscal recovery fund for installation of Wi-Fi access points in courtrooms. Total expenditures to date for the JCMS project is \$330,565 and it is projected to be completed within budget by May 2023. The Wi-Fi access points installation project has been completed for a cost of \$70,749. The total 2021-23 biennium **base budget** (net of the one-time funding) is **\$111,572,253**.

During the 2021 special session (SB 2345) the Legislative Assembly appropriated **\$2,020,000** of one-time funding from the state fiscal recovery fund (ARPA) to replace

the Supreme Court docket management system. Although Thomson Reuters has only billed us for \$50,000 as of November 30, 2022, it is anticipated that the project will be completed within budget by December 2024.

The 2023-25 biennium budget request (Governor’s recommendation) is **\$139,037,936** or an increase of \$27,465,683 as compared to the 2021-23 biennium base budget. The budget request provides for a total of **386.0 full-time equivalent (FTE)** positions, which is an increase of 24 FTEs as compared to the current appropriation.

A comparison of budget versions:

Subdivision	2021-23 Biennium Base	2023-25 Biennium Request	Increase (Decrease)
Supreme Court	\$13,839,097	\$16,932,782	\$3,093,685
District Court	96,415,675	120,630,111	\$24,214,436
JCC/DB	1,317,481	1,475,043	\$157,562
Total	\$111,572,253	\$139,037,936	\$27,465,683

Funding	2021-23 Biennium Base	2023-25 Biennium Request	Increase (Decrease)
General Fund	\$110,312,790	\$137,217,343	\$26,904,553
Federal funds	756,963	1,280,129	\$523,166
Special funds	502,500	540,464	\$37,964
Total	\$111,572,253	\$139,037,936	\$27,465,683

FTEs	2021-23 Biennium Base	2023-25 Biennium Request	Increase (Decrease)
Total	362.0	386.0	24.0

2023-25 biennium Judicial Branch budget request (Governor’s Recommendation) – Overview:

- The executive budget recommendation includes **\$6,546,711** added by the Office of Management and Budget (OMB) for proposed employee salary (6%/4%) and health insurance increases.
- The budget proposal includes a 20% and 15% annual salary increase for justices (**\$612,294**) and judges (**\$5,835,550**), salary increases for judicial

referees to 80% of the proposed judge salary pursuant to State Court Policy 160 (**\$452,400**) and funding for retiree leave payouts (**\$377,088**).

- Information technology operating costs increased by **\$2,392,995**. The proposal adds funding for the new juvenile case management (\$290,000) and Supreme Court docket (\$670,000) systems annual software licensing and maintenance agreements, software system customizations (\$400,000), new application testing (\$100,000) and Email archive and search (\$60,000) software, courtroom assisted hearing device upgrades per American Disability Act guidelines (\$158,400), computer replacement costs (\$244,230) and audio and visual equipment maintenance agreements (\$158,867).
- There is an increase in the travel and professional development budget of **\$653,287** primarily to allow for increases in in-state mileage and lodging rates and to restore the out-of-state training and education budget to pre-pandemic levels.

Supreme Court Budget

Supreme Court	2021-23 Biennium Base	2023-25 Biennium Request	Increase (Decrease)
Salaries and wages	\$11,452,261	\$13,707,523	\$2,255,262
Operating	2,386,836	3,196,759	\$809,923
Capital assets	0	28,500	\$28,500
Total	\$13,839,097	\$16,932,782	\$3,093,685

Funding	2021-23 Biennium Base	2023-25 Biennium Request	Increase (Decrease)
General Fund	\$13,839,097	\$16,544,782	\$2,705,685
Federal funds	0	388,000	\$388,000
Special funds	0	0	\$0
Total	\$13,839,097	\$16,932,782	\$3,093,685

The total Supreme Court budget request is **\$16,932,782** and includes 1 new FTE position, an assistant state trial court administrator, for a total of **44.5 FTEs**. Highlights of the Supreme Court budget changes include the following:

- **Department of Justice grant (one-time)** – In 2022 the Court System was awarded a \$998,302 grant from the federal Department of Justice for a 3-year study and implementation project to reduce delay in criminal case processing. The 2023-25 biennium budget request for the final year of the grant is **\$388,000**. The budget includes \$93,000 for a temporary grant coordinator position and \$295,000 for research and consultation fees.
- **Supreme Court Law Library costs** – The Law Library budget request includes **\$125,500** for anticipated increases in subscription rates, an increase in the number of users for Westlaw patron access contracts and to purchase Thomson Reuters North Dakota and Federal Rules sets and Bloomberg e-research.
- **Rural attorney recruitment program (NDCC Section 27-02.2-05)** – The 2021 Legislative Assembly approved the rural attorney recruitment program. An attorney agreeing to practice in rural counties or municipalities is eligible to receive an incentive payment of \$45,000 to be paid in five equal annual installments. The county or municipality served by the attorney is to provide 35% of the incentive, the ND State Bar Foundation is to pay 15% and the Supreme Court is responsible for the balance. No more than four attorneys may participate in the program at any one time. The Supreme Court share of incentive payments is **\$36,000**.
- **Equipment over \$5,000 (one-time)** – The Supreme Court capital asset request of **\$28,500** includes funding to replace a copy machine (\$15,000), color printer/copier (\$7,500) and a microfiche machine (\$6,000) for the law library.

District Court Budget

District Court	2021-23 Biennium Base	2023-25 Biennium Request	Increase (Decrease)
Salaries and wages	\$76,196,548	\$94,802,932	\$18,606,384
Operating	\$20,081,881	\$24,524,619	\$4,442,738
Capital assets	\$0	\$1,125,220	\$1,125,220
Judges' retirement	<u>\$137,246</u>	<u>\$177,340</u>	<u>\$40,094</u>
Total	\$96,415,675	\$120,630,111	\$24,214,436

Funding	2021-23 Biennium Base	2023-25 Biennium Request	Increase (Decrease)
General Fund	\$95,658,712	\$119,737,982	\$24,079,270
Federal funds	756,963	892,129	\$135,166
Special funds	<u>0</u>	<u>0</u>	<u>\$0</u>
Total	\$96,415,675	\$120,630,111	\$24,214,436

The district court budget request is **\$120,630,111**. The proposal includes funding for a total of **337 FTEs**, including the following 23 new FTE positions:

- ❖ 1 FTE judge and 1 FTE staff attorney in the NECJD;
- ❖ 2 FTE judges and 2 FTE staff attorneys in the ECJD;
- ❖ 1 FTE judge and 1 FTE staff attorney in the SCJD;
- ❖ 1 FTE deputy clerk in Grand Forks County;
- ❖ 7 FTE deputy clerks in Cass County;
- ❖ 2 FTE deputy clerks in Burleigh County;
- ❖ 1 FTE deputy clerk in Morton County;
- ❖ 1 FTE staff attorney in the NCJD;
- ❖ 1 FTE staff attorney in the NWJD;
- ❖ 2 FTE Court Improvement Program positions (this request is to convert 2 long-time federally funded temporary positions to FTEs).

Other proposed changes to the district court budget include the following:

- **Drug court coordinators and case aides** –The treatment court budget request adds **\$189,582** for temporary salaries in order to increase the hourly rate paid for juvenile drug court, Richland County treatment court and the Veteran’s Court program coordinators from \$17 to \$20 and case aides from \$15 to \$17.
- **Family mediation program** – The family mediation program budget request includes an additional **\$282,800** to increase the rate paid to mediators from \$170 to \$220 per hour. Mediators are allowed to bill for up to six hours for each case or up to two and one-half hours for expedited mediation cases.
- **Juvenile court services** – The juvenile court services budget includes \$495,000 to add temporary youth coordinators to provide youth cultural achievement activities with minority youth, assist with monitoring the intensive supervised probation caseload and mentor youth activities. The increase in temporary salaries is partially offset with a \$252,000 savings by not contracting with providers for youth cultural achievement programs. There is an increase in restorative justice program costs of \$144,476. The total juvenile court services budget request is \$1,550,832 or an increase of **\$394,774** as compared to the current budget.
- **Jury costs** – Due to increases in the number of jury trials over the last several years the budget includes an increase of **\$245,900** for bailiffs, postage, jury fees and amenities.
- **Jury compensation rate** – North Dakota Century code Section 27-09.1-14 provides that a juror be paid mileage at the rate provided for state employees and compensated at the rate of \$25 for the first day if the juror is in attendance for four hours or less, and \$50 if the juror is in attendance for more than four hours; and \$50 for each subsequent day of required attendance. The proposed budget includes **\$960,000** in order to double the daily compensation rate to \$100 and the rate for the first day when in attendance for less than four hours to \$50.
- **IT equipment over \$5,000 (one-time)** – The budget request for IT equipment over \$5,000 is **\$976,420** which includes funding for blade and disk drive lease payments (\$675,420), replacement of 16 QSC interactive courtroom camera and

video systems (\$256,000) and to upgrade 3 courtroom sound and video display systems (\$45,000).

- **Equipment over \$5,000 - (one-time)** – The office equipment and furniture over \$5,000 budget request of **\$148,800** includes funding for replacement copy machines (\$65,500), a folding machine (\$10,000), judge chamber/staff office furniture (\$30,000), workstation systems (\$29,000), a composite wall divider (\$8,500) and a desk (\$5,800).
- **Judges’ Retirement (NDCC Chapter 27-17 Old Retirement System)** – There are two remaining participants within the old judges’ retirement system. The budget request is \$177,340 or an increase of **\$40,094** as compared to the current appropriation. The retirement payments are increased at the same percentage rate as the proposed judge salary increase (20%/15%). The average age of the remaining recipients is 90.

Judicial Conduct Commission and Disciplinary Board Budget

JCC/DB	2021-23 Biennium Base	2023-25 Biennium Request	Increase (Decrease)
Salaries and wages	\$1,074,180	\$1,202,150	\$127,970
Operating	\$243,301	\$272,893	\$29,592
Total	\$1,317,481	\$1,475,043	\$157,562

Funding	2021-23 Biennium Base	2023-25 Biennium Request	Increase (Decrease)
General Fund	\$814,981	\$934,579	\$119,598
Federal funds	0	0	\$0
Special funds	502,500	540,464	\$37,964
Total	\$1,317,481	\$1,475,043	\$157,562

The Judicial Conduct Commission and Disciplinary Board (JCC/DB) is responsible for investigating complaints against North Dakota judges and attorneys. The budget

request of **\$1,475,043** includes funding for **4.5 FTEs**, the same as the current appropriation. No capital assets are being requested.

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.

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.

Other sections needed:

- **NDCC Section 27-02-02** – Amendment to provide for the salaries of the Supreme Court justices.
- **NDCC Section 27-05-03** – Amendment to provide for the salaries of the District Court judges.
- **NDCC Section 27-09.14** – Amendment to increase the jury compensation rate.

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

House Bill 1002**Testimony of Tony J. Weiler****House Appropriations-Education and Environment Division****January 13, 2023**

Representative Nathe and Members of the House Education and Environment Division of the House 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 over 3,000 licensed North Dakota lawyers. On behalf of SBAND President Jennifer Albaugh and our Board of Governors, I present this testimony in support of HB1002, 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. While SBAND is not an arm of the Court, we work very closely with the Board of Law Examiners, are involved in our disciplinary system, and work with the Court on many joint committees. 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.

Our Court System is efficient and works hard to provide a forum for our member and their clients to settle disputes, and deal with a variety of legal issues. We support the Court's request of increased salaries, a new Supreme Court Building, the 4 new judgeships, the increase in support staff, as well as a long overdue raise in the family law mediator fee. The family mediator program has been very successful, but the fee is well below the market rate.

It is vital to fund the Judicial Branch to the maximum extent possible. The State Bar Association encourages a Do Pass.

Tony Weiler

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701-220-5846

House Bill 1002
House Appropriations
Kara J. Erickson, Disciplinary Counsel
January 13, 2023

Good morning, Chairman Nathe and members of the committee, my name is Kara Erickson. My office, the Office of Disciplinary Counsel, handles the administrative and prosecutorial roles for matters that are before the Judicial Conduct Commission and the Disciplinary Board of the Supreme Court. More simply stated, we handle both lawyer and judicial discipline for ethical violations. Both the Judicial Conduct Commission and Disciplinary Board fall under the authority of the Supreme Court; however, because one of the functions of our office is to discipline members of the judiciary, including the Justices of the Supreme Court, our office is held at arms' length from the Supreme Court. Sally Holewa and Don Wolf have done a wonderful job going over the appropriations requests from the Court, but they asked me to specifically touch on my office's portion of that request.

As a bit of background about our functioning, because my office is held at arms' length, the Court's rules established an Operations Committee to handle overseeing my office. The Committee has four members, with two additional ex-officio members. The members of the Operations Committee are appointed to oversee the budget requests and the operational aspects of my office. The four members of the Operations Committee consist of a lay member, a member appointed by the Court from nominations from the Disciplinary Board, a member

House Bill 1002
House Appropriations
Kara J. Erickson, Disciplinary Counsel
January 13, 2023

appointed by the Court from a nomination from the State Bar Association's Board of Governors, and one member appointed by the Court from a list of nominations from the Judicial Conduct Commission. The ex-officio members who attend the Operations Committee meetings are the State Court Administrator, Sally Holewa, and the State Bar Association's Executive Director, Tony Weiler.

Both our office and its Operations Committee agreed that after several years of making budget cuts, that we need to add some of those funds back into our budget for the upcoming biennium. In developing our budget for the upcoming biennium, we referred back to the budget figures for our office's 2017-2019 biennium for a more accurate comparison of where figures were before those cuts occurred. In some places, we were able to maintain the cuts, while in others we needed to account for increased expenses and the changes in the types of cases being seen by our office.

I would be happy to try to answer any questions the Committee may have at this time that are more specifically related to the Judicial Conduct Commission and the Disciplinary Board's portion of the budget included within House Bill 1002. I would urge the Committee to recommend a "do pass" of House Bill 1002. Thank you for your consideration.

House Bill 1002
House Appropriations Committee
Education and Environment Division

Testimony Presented by Sally Holewa
State Court Administrator
January 13, 2023

Good morning, Chairman Nathe 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 changes in the Judicial Branch appropriation request. Our director of finance will be following me to provide the line item details.

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 2023-2025 biennium is **\$139,037,936**. This is an increase of **\$27,465,683** (24.6%) from our 2021-2023 base budget. The increase primarily consists of increased salary and benefit costs, including an increase in judge salaries, a request for new judgeships, and a request for additional FTEs. We have also had a substantial increase in IT costs that are reflected in our appropriation request. In addition, we have included a request to raise juror's daily compensation and the fees we pay for mediation in parenting responsibility (custody) and parenting time disputes (visitation).

Salary and Wages

Personnel costs make-up the largest share (81%) of the court's budget. Not surprisingly then, 78% of the increase we are asking for this biennium comes

in this area. This includes funding for the state employee salary and benefit increases (\$11,434,441), the health insurance increase (\$2,012,514) and salary increases of 20% in year one of the biennium and 15% in the second year for supreme court justices, district court judges and district court referees. The cost for judicial officer raises is **\$6,447,844**. We are also requesting 22 new FTEs and to convert 2 full-time temporary employees to regular FTEs at a total cost of **\$6,166,906**. In addition to our full-time regular employees, we employ many part-time temporary employees who are paid on an hourly basis. Our appropriation request includes funding to raise the hourly rate we pay for these positions and to add several youth coordinator positions as new part-time temporary employees.

Judicial Officer Raises

There are several people here today who will be testifying about the need to increase judicial salaries, so I will keep my remarks on this subject short. Our judicial salaries have not been competitive with the private sector for quite some time. That is not a new situation but it is a growing concern as the disparity continues to widen. However, it is not just the private sector disparity that is a problem. Judicial officer salaries now lag behind salaries for public sector attorneys and salaries for many non-attorney public sector employees. We believe the low salaries are a major factor in the declining applications we are seeing for new and vacant judgeships.

The current salary for a district court judge is \$155,219. Every district has a presiding judge who is paid slightly higher to handle administrative duties in addition to their duties as a judge. The current salary for a presiding judge is \$159,629. Under the proposed increase, the salary for a district court judge

would rise to \$186,263 on July 1, 2023 and to \$214,202 on July 1, 2024. The salary for a presiding judge would rise to \$191,555 on July 1, 2023 and to \$220,288 on July 1, 2024. We currently have 52 district court judges.

The current salary for a supreme court justice is \$169,162. The Chief Justice has a higher salary because he is the administrative head of the judicial branch in addition to his adjudicative duties. The current salary for the Chief Justice is \$173,946. Under the proposed increase, the salary for a supreme court justice would rise to \$202,994 on July 1, 2023 and to \$233,444 on July 1, 2024. The salary for the Chief Justice would rise to \$208,735 on July 1, 2023 and to \$240,045 on July 1, 2024. There are 5 supreme court justices.

District court referees are appointed by the presiding judge of a district to assist the judges in managing their caseloads. By court policy, they are paid 80% of the salary of a district court judge. We currently have 5 referees serving in 3 judicial districts.

Although your first reaction to the raises we are requesting might be that they are overly-generous, I think when you hear from the others who are going to testify on this issue you will see that we are asking for a modest amount to fairly compensate our current judicial officers and to attract others to the positions.

New FTEs

Judges (4): We are requesting four new judges. Two of the new judgeships would be chambered in Fargo, one in either Burleigh or Morton County (depending on availability of space), and one in Grand Forks. We use a

weighted workload assessment to determine how many judges are needed. This formula determines the amount of work required based on number and types of cases filed using a two-year average. For more than 15 years, our workload studies have consistently shown a shortage in the East Central and South Central judicial districts. For the past 7 years, the Northeast Central Judicial District has consistently been short by more than one judge.

For each new judge, we have to add one staff position. The staff positions which are required to support each new judgeship are included below in the section on staff attorneys.

Staff attorneys (6): We are requesting six new staff attorneys. Four of those staff attorneys would be assigned to work with the four new judgeships in lieu of a court reporter. Of the remaining two, one would be assigned to work with the judges in the North Central Judicial District (the 11 counties stretching from Pembina to Renville and from McHenry to Walsh) and the Northwest Judicial District comprised of Divide, Williams and McKenzie counties).

Although the title is the same, the staff attorneys assigned to individual judges have a distinctly different function than the staff attorneys assigned to work within a district. Staff attorneys assigned to work with an individual judge serve in a capacity that is more similar to a junior attorney in a law firm than a traditional law clerk. They review all cases assigned to a judge for sufficiency of the pleadings. They do preliminary legal research when the pleadings raise an unusual issue and assist the judge with legal research and drafting after motions and trials. Because they are hired in lieu of a court

reporter, they attend all sessions of court with their assigned judge and run the recording system to capture the court record.

Staff attorneys assigned to work within a district assist judges with legal research and drafting on specific cases when asked to do so. Depending on the district, they assist anywhere from 5 to 11 judges. They differ from a short-term law clerk only in that they are required to have a minimum of two years of experience and they are expected to continue in the position beyond the one to two years that a traditional law clerk serves.

Deputy clerks of court (11): Deputy clerks are the frontline workers for the court system. They maintain court records, assist in the courtroom, handle collections and payments, monitor compliance with conditions in cases that are not supervised by probation, and provide assistance by telephone, email and in person. Because of the extensive lay-offs we had to do in 2016, our state-employed clerk of court offices have been staffed at 30% below what our weighted caseload studies indicate we need. We are requesting 11 new deputy clerk positions. Seven of these positions would be for Cass County. Two would be placed in Burleigh County, and one each in Grand Forks and Morton County.

Assistant state court administrator (1): We are asking to have the position of assistant state court administrator restored. The assistant state court administrator serves as the primary contact for trial court services and the juvenile court. This position also serves as the acting state court administrator when necessary. This is not a new position to the court.

Between 1979 and 2003, we had two assistant state court administrators and

a juvenile court coordinator. Due to budget cuts over the years, by 2004 we were reduced to a single assistant court administrator. In 2016, we had to eliminate the remaining assistant state court administrator position as part of the reduction-in-force required by the sudden plummet in state revenues. The court system is not a small entity that can be easily managed by a single administrator. This position is necessary to ensure the smooth operation of the court system. As things stand now, if I were incapacitated, disabled or left the organization, there is no one who is authorized to step up and handle the administrative side of the court system.

Convert full-time temporary staff to full-time FTEs

Court Improvement Program Staff (2): The Court Improvement Program is funded through federal grants for the purpose of monitoring and improving the case management of children in need of protection or services. We have had two full-time temporary staff for the program for the past 12 years. We would like to make these full-time FTEs in order to retain staff who are committed to the goal of improving the lives of abused and neglected children and have remained loyal to the court system despite being unable to access employee benefits that are available to other staff. The cost to convert the positions is \$63,662 for the biennium and will continue to be covered by federal grants.

Temporary employees

Youth Coordinator positions: We are requesting funding to add 9 part-time, temporary youth coordinator positions. Two of these positions would be assigned to the East Central Judicial District and one position would be assigned to each of the other 7 districts. Youth coordinators would serve as

mentors to high-risk youth and involve them in positive substitute behaviors and community activities. They would assist with drug testing and curfew compliance. These positions would replace the youth cultural achievement programs that we have previously used as those programs are no longer viable due to budget reductions and staff turnover. This proposal was presented to the Children's Cabinet and received its approval. The cost to add these position is \$495,000.

Drug court and veterans court coordinators and case aides: Our budget includes funding to increase the hourly wage for the coordinators and case aides who manage the drug court and veterans court caseloads. We have a total of 8 coordinators (one coordinator for each of the 6 juvenile drug courts, one coordinator for the Richland County adult drug court and one coordinator for the veterans treatment court). Statewide we have 17 case aides. Raising the wages will make us more competitive with other types of jobs. The cost of the raises is \$189,582.

Our appropriation request includes funding in a few other areas that I specifically want to call to your attention.

Jury Fees and Juror Compensation

We have had an increase in the number of jury trials that are being held. The budget includes **\$245,900** to cover the cost needed to fund the resulting increase in mileage reimbursement, juror fees, amenities, parking reimbursement and bailiff costs.

The budget also includes **\$960,000** to increase the daily compensation rate for jurors.

The current rate of daily compensation is \$25 for the first half-day of service and \$50 for first full-day of service and each subsequent day of service. The \$25 rate was set in 1977. In 2009, the rate was adjusted to \$50 for each full-day of service. Every year, more than 8,000 North Dakota citizens report for jury service. Costs associated with jury service include loss of income, daycare or respite care costs, meals and gas. In six of our judicial districts, we ask jurors to complete a survey regarding their experience. Sixty-percent of those who respond to the survey indicate that jury service created a financial hardship for them. When asked what amount would be fair compensation for their service the two most common responses are \$100/day and minimum wage per hour. We know that there are a number of jurors whose employer pays their wages while they are serving on jury duty in exchange for the juror turning over the compensation they receive from us. Raising the compensation rate would lessen their losses and more properly recognize the sacrifice they are making to support the justice system in North Dakota.

Mediation fees

Since 2007, the Court has had a mandatory mediation program for families involved in parenting time (visitation) or parenting responsibility (custody) disputes. The program provides up to 6 hours of mediation services at no cost to the parties. Since its inception, mediation has been used in 7,128 disputes. The program has an average combined full and partial settlement rate of 70% and shortened the time from filing to disposition by an average

of 117 days. Because the program allows parties to reach their own agreement and teaches them new methods of resolving disagreements, it has been shown to reduce the number of post-judgment motions by 64%. The program has consistently had a satisfaction rate of 87% from the individuals who have used it. We are requesting an increase of **\$282,800** to allow us to increase the mediator's hourly fees from \$170 to \$220. The current fee of \$170 has not been raised since it was set in 2007. The increased hourly compensation would allow us to remain competitive with the private sector and help us to retain experienced mediators in the program.

IT Costs

In addition to the normal increases associated with data processing, software licensing and equipment, we will have new IT costs in the coming biennium. These are the software licensing, maintenance costs, and customization fees related to the new juvenile case management system and the new supreme court case management system that we are in the process of implementing. The juvenile case management system we are replacing was purchased in 1998 and had minimal annual software licensing and maintenance costs. The new system is expected to be fully implemented in May 2023. The on-going cost for that system will be \$290,000.

The supreme court case management system we are replacing was custom-built in 1993 and had no licensing fees and only minimal, as-needed maintenance fees associated with it. The new system is being paid for by funds provide to North Dakota under the American Rescue Plan Act (ARPA) and is expected to be fully implemented by December 2024. The biennial costs for that system will be \$670,000 for annual licensing,

maintenance agreements and software system customizations. We expect the cost to continue will drop substantially after this biennium as the need for customization should be reduced.

Capital Assets

With 54 locations and more than 100 courtrooms statewide, we have equipment that regularly needs to be replaced. Our appropriation request includes funds to replace a number of copiers, audio and video systems for courtrooms, and similar equipment that are used on a daily basis. There is one item, though, that I specifically want to bring to your attention because it is the single largest item in our capital assets request and probably the most important one. That is the \$675,420 lease payment for the blade servers and disk drives. This equipment holds all of our court records and is vital to our operation. We used to buy these items and replace them every few years but last biennium we followed NDIT's lead and switched to leasing. Leasing allows us access to upgrades as they are released and allows for more predictable budgeting and better pricing.

Related legislation

In addition to the two bills listed on your green sheet as major related legislation, there are three more bills that I want to bring to your attention. These bills have primary sponsors but, as of this moment, have not been filed or assigned bill numbers so I will refer to them by topic.

Supreme Court building: This bill would appropriate \$55 million to remodel the Liberty Memorial building and add an addition to house the Supreme Court.

Judicial referees: This bill would convert five judicial referee positions to district court judgeships as the positions become vacant.

Clerk of Court: This bill would transfer the remaining county-employed clerk of court staff in 39 counties to state employment.

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, depending on the preference of the committee chair.

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

North Dakota Courts by the Numbers

Supreme Court

5 – Number of Justices on the Supreme Court

10 years – Length of Term

4 - Number of Justices initially reaching the bench through gubernatorial appointment

346 – Number of new Supreme Court cases filed in 2021

District Courts

52 – Number of District Court Judges

6 years– Length of Term

33 – 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

159,127 new district court cases filed in 2021

Municipal Courts

87 – Number of Municipal Courts

63– Number of Municipal Court Judges

4 years– Length of Term

55 – Number of Municipal Court Clerks

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

72 – 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

10 – Number of Juvenile Court Offices

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

9,514 – Number of new juvenile cases filed in 2021

Finances

305 – Number of FTEs excluding judicial officers

.07 % - Percent of General Fund dollars appropriated to the Judicial Branch for the 2021-2023 biennium

75.7% - Percent of Judicial Branch Budget Spent on Salaries & Wages

\$26.9 Million – Average amount of money collected by the district courts during a biennium

Specialized Court Dockets

6 - Number of juvenile drug courts

72 – Number of new cases referred to juvenile drug court in 2021

6 – Number of adult drug courts

1 – Number of veterans treatment courts

1 – Number of domestic violence courts

72 – Number of referrals to domestic violence court in 2021

459 – Number of cases supervised by DV court in its first two years of operation

Court Services

Self-Help Center

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

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

1,752 - Number of direct requests made to the Self-Help Center in 2021

13,438 - Number of direct requests received by the Self-Help Center since its inception in July 2015

Family Mediation Program

817 - Number of cases sent to family mediation program in 2021

70% - Percentage of cases fully or mostly resolved through the family mediation program in 2021

Expedited Family Mediation Program

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

64% - Percentage of cases resolved through the expedited mediation program

Guardianship Monitoring Program

355 - Average number of new guardianship cases filed each year

45 - Number of cases referred to the monitoring program in 2021

6 - Number of cases referred to Adult Protective Services as a result of a review by the Guardianship monitoring program

300 - Average number of individuals participating in training provided through the guardianship monitoring program each biennium

3,273 - Number of guardianship cases that were active in 2021

Judicial Conduct Commission & Attorney Disciplinary Board

34 – Number of new judicial conduct complaints filed in 2021

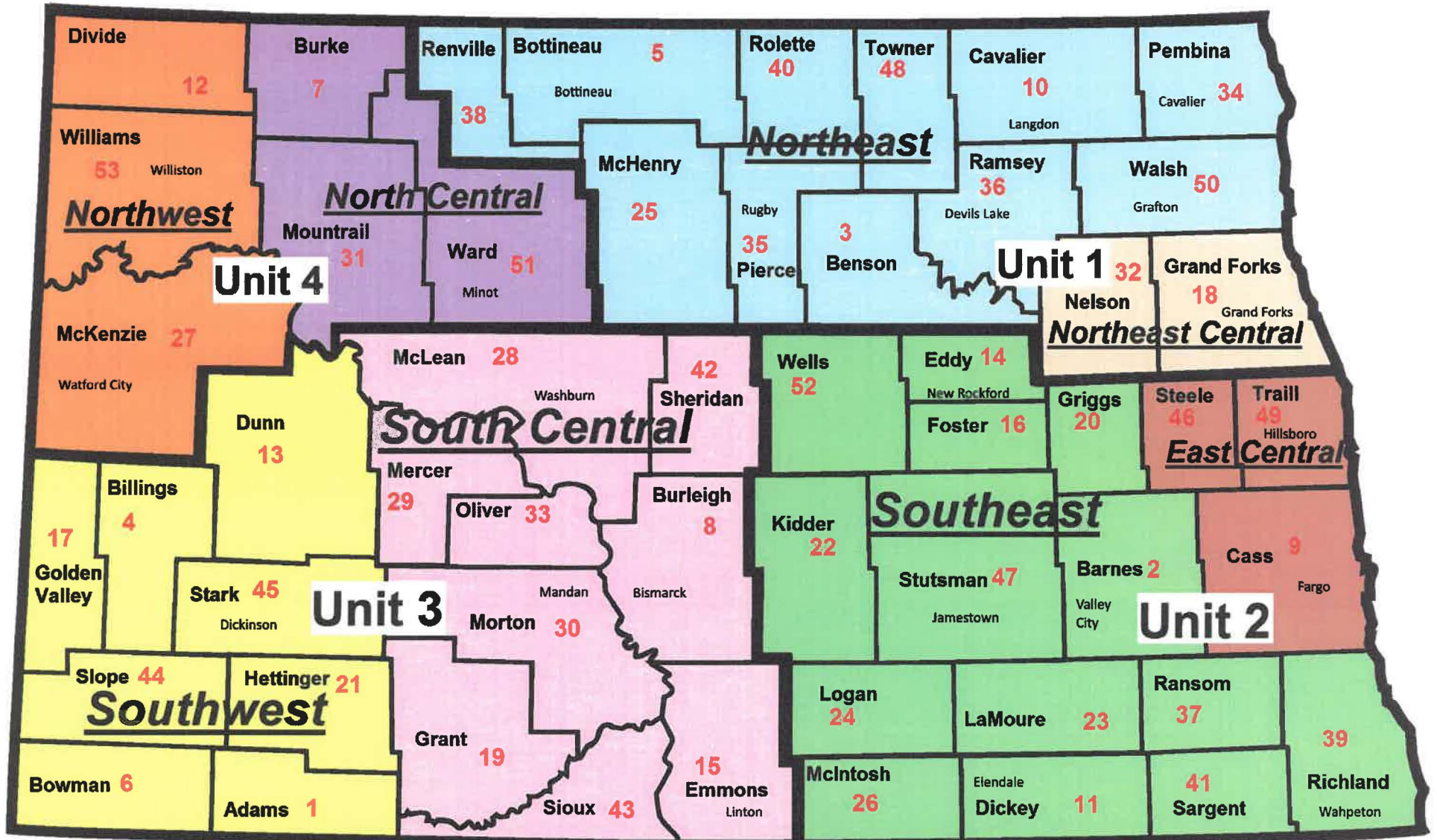
133 – Number of new attorney conduct complaints filed in 2021

State Board of Law Examiners

3,070 – Number of law licenses issued in 2021

1,585 - Number of North Dakota licensed attorneys who actually reside in North Dakota

North Dakota Administrative Units & Judicial Districts





North Dakota Courts

Juvenile Court

Juvenile Court is a division of the district court designed to address the unique needs of children and families that come before the court in delinquency or child in need of protection or services cases.

The mission of the North Dakota Juvenile Court is to promote public safety, hold juvenile offenders accountable, and increase the capacity of juveniles to contribute productively to their community. The court empowers victims, encourages community participation, and supports parental responsibility.

10

Juvenile court offices in North Dakota

4

Juvenile court offices staffed by a single person

34

Number of juvenile court officers in North Dakota

904

Confirmed cases of child abuse and neglect referred to Juvenile Court from human service zones in 2021

9,514

New juvenile cases filed in 2021



North Dakota Courts

Specialized Court Dockets

“Specialized Court Docket” is an umbrella term for a therapeutic approach to handling designated cases. Specialized court dockets in North Dakota include juvenile and adult drug courts, the Richland County adult treatment court, domestic violence court and veterans’ treatment court. In these courts, the assigned judge oversees a therapeutic program comprised of interdisciplinary teams, enhanced judicial involvement, court-supervised treatment programs, and other components designed to achieve effective alternatives to traditional case dispositions.

6

Juvenile Drug Courts

6

Adult Drug Courts

72

New cases referred to Juvenile
Drug Court in 2021

1

Domestic Violence Treatment Court

1

Veterans Treatment Court

459

Cases supervised by the Domestic
Violence Treatment Court in its first
two years of operation



North Dakota Judicial Programs and Services Family Mediation Program

The Family Mediation Program is a statewide mandatory mediation program resolving disputed parental rights and responsibilities matters, including grandparent visitation. Mediation minimizes family conflicts, encourages shared decision making and supports healthy co-parenting relationships.

Successful mediation significantly shortens the time to reach resolution of a case and reduces the number of post-judgment motions related to parenting time.

In addition to our traditional mediation program, the court offers an expedited mediation program designed to resolve emerging conflicts within 7 days of the request for expedited mediation.

817

Number of cases sent to the Family Mediation Program in 2021

196

Requests for the Expedited Mediation Program since June 2020

70%

Cases fully/mostly resolved through the Family Mediation Program in 2021

64%

Cases resolved through the Expedited Mediation Program

7,128

Cases accepted into the program since its inception in 2008.



North Dakota Judicial Programs and Services Guardianship Monitoring Program

The mission of the monitoring program is to help the Courts mitigate the risk of financial or other abuse of protected persons.

This program provides financial and wellbeing reviews for adults under guardianship or conservatorship. Cases are randomly selected for review, and District Court judges may refer cases to the program. The program manager performs the financial evaluations, and social workers perform the wellbeing reviews.

In addition to reviewing cases, the Program Monitor educates family and professional guardians, responds to questions from concerned individuals and works closely with Adult Protective Services.

355

Average number of new guardianship cases filed each year

3,273

Current number of active guardianship cases

45

Number of cases judges referred to the program in 2021

6

Number of cases referred to Adult Protective Services as a result of a review by the program in 2021



North Dakota Judicial Programs and Services

Legal Self Help Center

The North Dakota Legal Self Help Center is a neutral resource designed to assist self-represented litigants with access to the North Dakota State Court System. The purpose of the Center is to provide civil process information to the thousands of people in the state who are involved in a civil legal issue but not represented by a lawyer. The Center does *NOT* provide legal advice or representation to patrons.

Center staff also provide direct support to self-represented litigants by phone, email and in-person. Center staff answer questions about civil court processes, procedures and legal terms, and provide contact information for other agencies that may be able to assist with a problem. Self-represented litigants are directed to state laws, rules, and regulations available on the Center website that may be relevant to a legal issue.

13,438

Number of direct requests to the Self Help Center since its inception in 2015

2

Number of staff employed at the Self Help Center

718

Forms and guides available through the Self Help Center

1,752

Number of direct requests to the Self Help Center in 2021

State of North Dakota

Barbara L. Whelan

District Court Judge
Northeast Judicial District

CHAMBERS

Walsh County Courthouse
600 Cooper Avenue – 2nd Floor
Grafton, North Dakota 58237
Telephone: 352-1311

Tammy Henriksen
Certified Court Recorder

Good Morning Chairman Nathe and members of the Committee.

My name is Barbara Whelan, and I serve as a District Court Judge from the Northeast Judicial District, which covers 11 counties in the upper northeast corner of the state.

I have been a lawyer since being admitted to the Maryland Bar in 1990. I returned to North Dakota in 1993 and have practiced here since then. I was in private practice and doing part-time State's Attorney work until 1998 when I became a full time State's Attorney in 1998. I was elected and served as State's Attorney until 2017.

In October 2017 I was appointed to the bench by Governor Burgum. I have stood for election in 2020, again in 2022, and should I choose I will be on the ballot in 2026.

While I am accustomed to the election process, make no mistake that managing an election across 11 counties is significantly more expensive than running an election in a single county. Although unopposed in my judicial elections, there is no guarantee my next campaign will be unopposed. I must plan for the financial burden of a contested election across a broad geographic area.

When the issue of judicial compensation has been discussed at various judge's meetings during my five years on the bench, I was always surprised by the conservative and sometimes apologetic nature of the sitting Judges to seek compensation raises. Often times the comments made were: the farming economy isn't that great, we can't ask for a raise; the Governor has asked us to cut the budget, and we can't cut anything else and still provide judicial services, so we can't ask for a raise; we are so shorthanded and need more Judges, so we should focus our attention on getting more Judges, rather than seeking a raise for ourselves. This reflects, in general, the North Dakota way of addressing the uncomfortable issue of compensation.

As the natural result, judicial salaries have fallen unacceptably behind inflation, behind what other North Dakota officials are making, and behind what peer states are paying their judicial officers.

Considering the five years I have been on the bench, the first salary increase was not received until 2019, and then it was capped at \$200 per month, a 1.67% raise. The following year, 2020, we received a 2.5% raise. In 2021 the raise was 1.5%. In 2022, the raise was equal to 2.0%.

As indicated on the handout provided, Judges are losing against inflation. But perhaps more concerning is the base salary itself is far below other North Dakota officials and certainly below what attorneys in private practice with similar experience are making.

District Court Judges routinely rule on cases involving attorneys employed by the State, and review actions of governmental employees and school boards. Yet, many State employees, government attorneys, and public school administrators are compensated at higher levels than the Judges deciding their cases.

The North Dakota Supreme Court is the highest court of the state. It has appellate jurisdiction, and also original jurisdiction as necessary. Our Supreme Court promulgates rules of procedure followed by all the courts, and makes rules relating to admission to practice, professional conduct, and discipline of attorneys.

The Chief Justice is the administrative head of the state's unified judicial system, a co-equal branch of government in the State of North Dakota. In addition to judicial responsibilities the Chief Justice administers an annual budget of roughly \$56.5 million, and supervises more than 360 full-time employees. Sadly, the Chief Justice's compensation is significantly less than many state employees with less formal education.

Ignoring compensation rates in the areas of athletics and medicine, many professors and administrators in our University System make more than our Justices and Judges. The Dean of Libraries at UND earns more than the Chief Justice of the North Dakota Supreme Court. The Associate Vice President of Facilities (custodial services and maintenance) at UND is paid more than the Chief Justice and all other Judges, and the comparable position at NDSU, Director of Facilities Management, is paid more than the Chief Justice and Judges. Consider the presidents of Lake Region State College, Valley City State University, Mayville State University, Dickinson State University, Bismarck State College, Minot State University, the University of North Dakota and North Dakota State University: all of these positions are compensated much higher than every member of the North Dakota Judiciary.

And even within the Law School, the Dean of UND School of Law is paid significantly more than the Chief Justice of the North Dakota Supreme Court. Some professors at UND School of Law earn more than the Chief Justice of the North Dakota Supreme Court.

These comparisons to other officials is not made to devalue the education and experience those persons bring to their service to the citizens of North Dakota. The comparisons are made simply to demonstrate the judiciary has fallen far behind, and it is time to take a serious look at compensation of our Justices and Judges.

Given the authority and responsibility carried by Judges, and the legal experience, expertise, skills and education required of them, it is not reasonable that Supreme Court Justices and District Court Judges are compensated significantly less than other public servants who have less authority, responsibility and educational requirements.

Finally, it is also true that a comparison of North Dakota's judiciary salaries with peer states shows that we lag significantly behind. I do not have the time to go through these individually, but I am certain the Judge's Association would provide that specific information to this Committee if requested. I stand on the information provided in our handout asserting we are paid 40th and 41st lowest in the nation.

These are the reasons I appear today to advocate for a significant increase in judicial salaries as set forth in the budget request by the Judicial Branch. My colleagues on the bench deserve compensation commensurate with the amount of work they do, the depth and breadth of the knowledge and experience they hold, the enormous responsibility they carry on their shoulders, and the professional and personal burdens that come with being an elected District Court Judge.

Thank you for your attention, and I would be happy to try to answer any questions you may have.

Respectfully submitted,



Barbara L. Whelan
District Court Judge
Northeast Judicial District

UPPER MISSOURI BAR ASSOCIATION
Serving the Legal Profession in Divide, McKenzie, Mountrail & Williams Counties
P.O. Box 2686, Williston, ND 58802-2686

Officers for 2023

Hernando Perez, President
Thomas Jeffrey Corcoran, Secretary-Treasurer

January 12, 2023

Appropriations Committee

Re: HB 1002

Dear Members of the House Appropriations Committee,

My name is Hernando Perez. I am the president of the Upper Missouri Bar Association. Our organization consists of attorneys who live in and practice in Divide, McKenzie, Mountrail and Williams Counties. There are approximately fifty plus (50+) attorneys working in these areas.

Our organization would like to express our support of HB 1002, the judicial branch's budget. Specifically, we urge your support of an increase in judicial salaries. It is very concerning that North Dakota ranks 40th lowest in the nation when it comes to judicial salaries. In order to stay competitive with surrounding states and attract highly qualified attorneys wanting to become judges, judicial salaries need to increase.

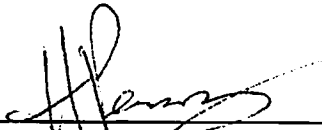
Ever since I've been practicing in North Dakota, I have noticed that our judges in these counties are tasked with handling a substantial number of cases with less support and with less pay than judges in other comparable states. In some of our counties the judges do not have enough supporting staff to help with their case load. I have noticed that retention of supporting staff has decreased leaving our judges with more work to do all by themselves. I have seen staff attorney and paralegal positions go unfilled in our judicial district.

In this part of our state, we already have a hard time attracting attorneys that would like to come and practice here. The few attorneys that do decide to move into our community and practice in the northwest part of the state tend to be young new attorneys. They usually go into private practice. It is very rare that an attorney goes from private practice to a judicial position. If salaries are increased, I believe we would have more experienced applicants to fill a judicial position when one does become available. Our judges in our counties are also tasked with

covering multiple counties, that requires extensive traveling. Our judges that sit on the bench in Watford City must travel to Crosby, this is a distance of 230 miles and it take about four hours round trip. We have competent judges that care about our communities and put time and effort into their jobs and as such, need to be compensated appropriately.

Therefore, on behalf of the Upper Missouri Bar Association, I urge you to support a pay increase for the judges and justices of the state of North Dakota. The great work our judges do should be recognized and a salary increase will be a step forward to encourage recruitment and retention of judges into the future. Thank you for your time.

Please feel free to contact me if you have any questions or concerns.



Hernando Perez
President, Upper Missouri Bar Association

STATE OF NORTH DAKOTA

DISTRICT COURT

SOUTH CENTRAL JUDICIAL DISTRICT

210 2ND AVE. NW

MANDAN, ND 58554

JANA AAMODT
COURT REPORTER

701-667-3394

HON. BOBBI WEILER
DISTRICT JUDGE

Good Morning,

Chairman Nathe and members of the Education and Environment Division of House Appropriations.

My name is Bobbi Weiler and I am a District Court Judge from the South Central Judicial District. I was appointed to the bench in March of 2020.

Prior to the bench, I was an attorney in private practice focusing primarily in family law and criminal law.

I came here today to provide some insight into the requests that are being made regarding judicial compensation. I would like to address a few areas that I believe will help the legislators understand the reasoning behind our request.

First, one of the more shocking aspects of transitioning between being in private practice and the judgeship has been the complete lack of resources available to judges. In private practice I had several office staff personnel available to me, including associates, paralegals, and office assistants. The main role of the office staff personnel was to draft documents, research legal issues, and proofread. Honestly, as an attorney in private practice, I spent little time on these tasks.

However, this is not the case with being a District Judge. I currently have a Court Reporter who primarily is in the courtroom and works on transcripts. Our Court Reporters/Recorders cannot research or draft documents for us. They do provide some proofreading. We share one staff attorney and one law clerk for the ten Judges and two Referees in our District. Therefore, their time is mainly limited to working on complex cases and administrative appeals. In my almost three years, I had our staff attorney draft one opinion for me and had our law clerk research less than ten cases.

If I am being completely honest, I have read, researched, and wrote more in my almost three years on the bench than I did in my ten years in private practice. This requires me to find time in between my court hearings and trials to work on my opinions. With North Dakota District Courts being courts of general jurisdiction and requiring the bench to hear cases of which they may have no prior knowledge, the research can be extensive.

Looking at our peer states, the Judges in North Dakota are provided significantly less support. For example, Wyoming has a court recorder, a staff attorney, and a judicial assistant assigned to each district judge.

This brings me to my second point, North Dakota Judges are doing more with less. Because North Dakota District Courts are courts of general jurisdiction, the Judges are responsible for presiding over traffic tickets, murder cases, family law cases, small claims, multi-million dollar lawsuits, malpractice cases, oil and gas litigation, juvenile cases—the list is endless.

Most of our peer states have specialty courts or courts of limited jurisdiction. For example, Wyoming has a District Court, Circuit Court, Municipal Court, and Chancery. Montana has District Court, Water Court, Workers' Compensation Court, Justice Court, and City/Municipal Court. This allows the Judges to specialize in an area of law and not require as much time spent on researching different areas of law.

Finally, this brings me to my last point, North Dakota has been failing in attracting experienced attorneys to the bench because the extensive caseloads, lack of resources, and pay. When I applied only three years ago, there were eight applicants. Of the eight applicants, four were selected to interview with the Governor – two private attorneys and two government attorneys. The last judgeship opening in the South Central Judicial District only attracted four applicants. Of those four, only one was from private practice. This holds true for the Supreme Court as well. The most recent Supreme Court opening only attracted seven applicants. Of those seven applicants, only three were sent to the Governor, of which none were from private practice. The prior two Supreme Court openings had eleven and twelve applicants.

In closing, I would like to point out that with the requested increase in compensation, this would still place the judicial branch budget at less than one percent of the total state budget. This is an entire branch of government operating at less than one percent of the total state budget. The result would change the amount spent on judicial salaries from one-tenth of one percent to one-seventh of one percent.

I most certainly believe that based upon the importance of the Judiciary to the citizens of this State, we are worth spending one-seventh of one percent of our total state budget to continue to provide competent Judges within the State.

Thank you to Chairman Nathe and the Committee Members for allowing me this time today. I would be happy to answer any questions from the committee.

Bobbi Weiler
District Judge



State of North Dakota

DISTRICT COURT
 EAST CENTRAL JUDICIAL DISTRICT
 CASS COUNTY COURTHOUSE
 BOX 2806
 FARGO, NORTH DAKOTA 58108
 (701) 451-6940

January 12, 2023

Honorable John C. Irby
 Presiding District Judge

Honorable Susan L. Bailey
 District Judge

Honorable Reid A. Brady
 District Judge

Honorable Nicholas W. Chase
 District Judge

Honorable Constance L. Cleveland
 District Judge

Honorable Steven E. McCullough
 District Judge

Honorable Stephannie N. Stiel
 District Judge

Honorable Tristan J. Van de Streek
 District Judge

Honorable Wade L. Webb
 District Judge

Written Testimony in Support of Funding Two Additional Judgeships in the

East Central Judicial District (Counties of Cass, Steele and Traill)

[¶ 1] I write to urge the Committee and ultimately the Legislative Assembly to establish and fund two additional judgeships in the East Central Judicial District (ECJD). Several criteria may be considered in determining the need for judgeships in a Judicial District. These include, but are not limited to, caseloads, unusual case types, and trends in caseload and unusual case types, (see the Weighted Caseload Study, copy attached); the availability of facilities (e.g., law enforcement, correctional, and court facilities); and population and population trends. Within the past year, the Unit 2 Trial Court Administrator filed Notice of Consultation Judgeship Reports with the Supreme Court establishing a high need for retaining judgeships in the East Central Judicial District (ECJD). I posit that the same data supports adding two new judgeships in the ECJD. Rather than setting forth all of the information contained in those reports, I have attached copies of those reports and ask that the information they contain be incorporated herein by reference. Below, I highlight some

of the most pertinent information contained therein and provide some additional evidence which may be relevant to your determination as to the necessity of additional judgeships in the ECJD.

Caseload

[¶ 2] Currently, the ECJD is served by nine District Court Judges and two Judicial Referees. The last additional judicial officer added to the ECJD by the Legislative Assembly was in 2013. For purposes of looking at caseload trends, I focus primarily on the caseload information since that date. Data from the North Dakota Supreme Court's Weighted Caseload Study (attached) supports adding at least two judgeships to the ECJD. The 2020-2021 numbers show the ECJD has **a judicial shortage of 2.41 judicial officers.**

[¶ 3] In terms of weighted filings (using the two-year rolling average methodology utilized by the Supreme Court), and judicial officer need based off those filings, there is both a clear and sustained increasing need in the ECJD. For example, the weighted filings in the ECJD have risen from 816,935 in 2014-15 to 928,326 in 2020-21. The 2014-15 two-year rolling average for the ECJD showed that it had a judicial shortage of 0.87 judicial officers, whereas the 2020-21 two-year rolling average evidences **a judicial shortage of 2.41 judicial officers.** This increase in the need for judicial officers is not a result of an aberrant blip, but rather is the result of a continuing and persistent increase in need. As might be expected, the most recent year of data (2021), again shows the trend continuing as it shows increased need over the 2020 figure.

[¶ 4] In addition to these raw numbers, it must be noted that the ECJD has the largest urban population in the state with the highest concentration of commercial and corporate entities. This results in higher numbers of complex litigation being commenced in the ECJD. For example, in recent years all new asbestos cases (each with hundreds of parties and thousands of filings) are being filed in the ECJD. Additionally, the ECJD hosts two adult drug courts and one juvenile drug

court. The judges involved do not have a corresponding decrease in their other judicial duties, but rather volunteer and devote extra time to those endeavors. In my humble opinion, as a Drug Court Judge, the Weighted Caseload Study undervalues the judicial time actually devoted to drug courts.

[¶ 5] Further, the ECJD also sees the most cases requiring interpreters. A recent study conducted by the National Center for State Courts concerning the effect on interpreters in North Dakota Courts stated: “Overall, interpreter hearings for all case types studied lasted approximately twice as long as non-interpreter hearings.” See SELF-REPRESENTED LITIGANTS & LANGUAGE INTERPRETERS: NORTH DAKOTA WORKLOAD FACTORS PROJECT, at p. 21 (National Center for State Courts, Nov. 2021). Accordingly, the NCSC recommended to increase the weight given to these types of cases. If anything, the Weighted Caseload Study may actually be undercounting the need for judicial resources in the ECJD.

[¶ 6] These are but a few examples drawn from the caseloads of the ECJD which show why additional judges are so urgently needed in the ECJD. Looking at the objective evidence, clearly the caseload and caseload trends criteria strongly support additional judgeships for the ECJD.

Availability of Facilities

[¶ 7] Presently, space is available for two additional judges in the ECJD in Fargo. The Cass County Courthouse was expanded significantly in 2012. When the 2012 addition to the Cass County Courthouse was planned and constructed, it was specifically anticipated the ECJD would, at some time in the future, need additional judges. While the ECJD contains fewer courtrooms available than judicial officers, this has always been the case in the ECJD, since at least Court unification in 1994. However, through the use of efficient coordination by Court Administration, and a constantly updated Case Management Plan put in place by the Judges of the ECJD, this has not, and should not in the near future, preclude the ability to accommodate two additional judges.

Furthermore, following this legislative session, judges of the ECJD will be conducting a space-needs analysis in order to address long-range court facility needs with the Cass County Commission. The facilities in Steele County and Traill County are adequate for the cases that arise in those counties.

[¶ 8] Further, and again in addition to the information provided in the attached Reports, it must be noted that due to the ever-increasing criminal cases in the ECJD, Cass County is implementing a significant expansion of its correctional facility. See <https://www.inforum.com/news/north-dakota/cass-county-approves-building-plan-which-includes-county-jail-expansion?auth0Authentication=true> (InForum article by B. Amundson, entitled: “Cass County Approves Building Plan That Includes County Jail Expansion” dated July 19, 2022). The expansion of the Cass County Jail reflects the anticipated increase in jail population and the general expansion of law enforcement in the ECJD.

[¶ 9] In the last decade, all of our partners in the criminal justice system have experienced substantial staff increases. For example, since 2012, the Cass County State’s Attorney’s office has added five attorneys and six support staff. Between 2013 and 2022, the Fargo Police Department has added 36 officers and multiple support staff (from on-line annual reports of the FPD). Between 2013 and 2020, the West Fargo Police Department, has added 27 officers and three support staff (from on-line annual reports of the WFPD). In short, since 2013, all of the major entities involved in the criminal justice system in the ECJD, **with the exception of the courts**, have expanded personnel to meet the growing demand in this region. Simply put, more police, more prosecutors, more defenders and more jail space buttress the other evidence of the need for more judicial officers in the ECJD.

[¶ 10] A related parameter shows that the number of lawyers licensed to practice in the State of North Dakota that are based in the ECJD has experienced a similar increase. A review of the Supreme Court's website shows that there are presently 548 lawyers admitted to the North Dakota Bar that list an address within the counties that compose the ECJD. That figure is up dramatically from what it was a decade ago (up from 420 in the 2012 Directory of Lawyers.) This is an increase of just over 30%. These figures specifically exclude any lawyers with a listed address in Moorhead, Minnesota, and who may maintain significant practices in Cass County as well. Once again, the criteria relating to availability of facilities militates in favor of transferring this judgeship to the ECJD. Anecdotally, I can add that I have handled many divorce cases where the parties do not reside in the ECJD but have their cases filed here in the ECJD for the convenience of their attorneys (and reduce costs associated with travel).

Population

[¶ 11] The long term population trends for the ECJD support the addition of judgeships in the ECJD. According to US Census data, the population in the counties in the ECJD has increased significantly over the last century. For example, in 1920, the population of the counties which now compose the ECJD had 9.45% of the state's total population (61,088 of 646,772). By 2020, that figure had increased to 24.94% of the state's total population (194,320 of 779,094). The increase in population for the ECJD appears to be on an ever-steepening upward trend, including within the last decade.

[¶ 12] Also of interest is the relative ages of a judicial districts' populations. An increasingly older population makes fewer demands on the judicial system than the same number of younger citizens. This metric reinforces the need of additional judgeships in the ECJD. According to the Census

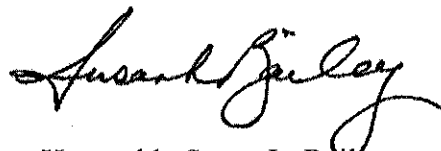
Reporter, and based upon the 2019 five year average, the population of the ECJD is significantly younger than the population of the State as a whole. See <https://censusreporter.org/profiles>.

Conclusion

[¶ 13] I recognize the Legislative Assembly is faced with many requests. But the Legislative Assembly must adequately provide judicial resources, and in turn justice, to all citizens of the State of North Dakota. The ECJD is approaching, if not already at, a **crisis** in terms of its need for additional judgeships. The ECJD is the most “under-judged” district in the state. Its shortage is larger than the total statewide shortage. Its shortage is double the shortage of second most under-judged district in the state (the Northeast Central Judicial District, with a shortage of 1.21 judicial officers). Basic tenets of fairness, and toward a goal of adequate and effective administration of justice, mandate the addition of at least two judgeships in the ECJD.

[¶ 14] Therefore, I respectfully request that the Legislative Assembly fund the addition of two judgeships in the ECJD.

Respectfully submitted,



Honorable Susan L. Bailey
District Court Judge
East Central Judicial District

FILED MARCH 16, 2022
CLERK OF THE SUPREME COURT
STATE OF NORTH DAKOTA

JUDICIAL OFFICER WEIGHTED CASELOAD STUDY
BASED ON AVERAGE OF 2020 and 2021 CASE FILINGS
Based on Total Judicial Officers as of December 31, 2021

Case Type	Case Weight	Unit 1		Unit 2		Unit 3		Unit 4		ALL
		NE	NEC	SE	EC	SC	SW	NW	NC	
Criminal Major	181.29	576	789	534	1,974	2,004	298	641	803	7,618
Criminal Minor	26.48	2,675	1,922	2,377	3,529	4,053	1,580	2,582	1,786	20,504
Criminal Summary	0.37	9,505	9,293	13,570	14,128	16,636	9,224	11,701	11,080	95,136
Civil Major	671.05	23	35	40	145	81	31	53	42	448
Civil Minor	54.86	675	983	936	1,792	1,388	414	705	797	7,689
Civil Summary	6.69	894	1,508	1,124	2,432	2,510	789	1,297	1,501	12,052
Family Major	152.14	181	260	278	707	541	212	245	412	2,834
Family Minor	53.63	222	263	252	519	478	118	235	301	2,385
Family Summary	46.44	27	63	34	100	77	22	34	37	393
Probate Major	228.76	40	41	85	95	96	30	55	62	503
Probate Minor	32.02	94	161	216	339	233	81	152	139	1,414
Probate Summary	9.93	362	168	439	380	557	297	587	397	3,184
Juvenile Delinquency	106.60	67	117	44	274	156	21	30	29	736
Juvenile Dependency	239.18	118	178	69	218	191	64	92	182	1,111
Juvenile - Other	30.00	33	42	52	91	65	38	40	59	419
Total Filings		15,490	15,819	20,046	26,720	29,063	13,216	18,446	17,624	156,422
Weighted Filings		329,788	413,574	360,564	928,326	834,244	218,220	372,342	430,127	3,887,185
Presiding Judge time at 47.14 min/day		9,664	9,664	9,664	9,664	9,664	9,664	9,664	9,664	77,310
Total workload		339,452	423,238	370,227	937,989	843,908	227,884	382,006	439,791	3,964,494
Judge Year (Minutes) 205 Days		86,100	86,100	86,100	86,100	86,100	86,100	86,100	86,100	
Avg. Non-Case time for all judicial FTEs 54.29 min/day		11,130	11,130	11,130	11,130	11,130	11,130	11,130	11,130	
Adjusted Judge Year (Judge year less non case time)		74,970	74,970	74,970	74,970	74,970	74,970	74,970	74,970	
Travel Adjustment		-10,250	-2,116	-11,070	-2,888	-5,426	-4,979	-4,774	-4,774	
Adjusted min available after travel and non-case		64,720	72,854	63,900	72,082	69,544	69,991	70,196	70,196	
Number of Judges & Refs total		6.00	5.00	7.00	11.00	12.00	4.00	6.00	6.00	57.00
Judge Minutes Available		388,320	364,270	447,300	792,897	834,524	279,962	421,173	421,173	3,949,620
Workload compared to Resources (in minutes)		-48,868	58,968	-77,073	145,092	9,384	-52,079	-39,167	18,617	14,875
Weighted Case Filing Judicial Officer Need		5.24	5.81	5.79	13.01	12.13	3.26	5.44	6.27	56.96
Treatment Court Need		0.133	0.399	0.399	0.399	0.266		0.067	0.200	1.863
Total Judicial Officer Need		5.38	6.21	6.19	13.41	12.40	3.26	5.51	6.47	58.83
Current Total Judges/Referees		6.00	5.00	7.00	11.00	12.00	4.00	6.00	6.00	57.00
2020/2021 Excess (Shortage) of Judicial FTE		0.62	(1.21)	0.81	(2.41)	(0.40)	0.74	0.49	(0.47)	(1.83)
2020/21 Percent Excess (Shortage) of Judicial FTE		10.4%	-24.2%	11.5%	-21.9%	-3.3%	18.6%	8.2%	-7.8%	-3.2%
2019/20 Excess (Shortage) of Judicial FTE		0.58	(1.45)	0.58	(2.27)	(0.51)	0.58	0.00	(0.98)	(3.48)

Total Judicial Officer Need Comparison

Year	NE	NEC	SE	EC	SC	SW	NW	NC	Total
2020/21	5.38	6.21	6.19	13.41	12.40	3.26	5.51	6.47	58.83
2019/20	5.42	6.45	6.42	13.27	12.51	3.42	6.00	6.98	60.47
2018/19	5.57	6.48	6.81	12.91	13.03	3.59	6.60	6.95	61.94
2017/18	5.59	6.39	7.07	12.79	13.60	3.76	6.51	7.22	62.94
2016/17	5.78	6.42	7.03	12.77	14.06	3.92	6.53	7.80	64.31
2015/16	6.27	6.17	7.15	12.28	14.11	4.27	7.42	8.25	65.92
2014/15	6.53	6.27	7.27	11.87	13.31	4.60	8.27	8.20	66.32

Treatment Courts:

Northeast:	
Devils Lake - juvenile (started in March 2009)	0.133
Northeast Central:	
Grand Forks - adult (started in August 2008)	0.133
Grand Forks - domestic violence (started in August 2018)	0.133
Grand Forks - juvenile (2000)	<u>0.133</u>
	0.399
Southeast:	
Jamestown/Valley City - juvenile (started October 2013)	0.133
Jamestown/Valley City - adult (Started August 2019)	0.133
Richland County - adult/DUI (Started in January 2019)	<u>0.133</u>
	0.399
East Central:	
Fargo - adult (started in 2003)	0.133
Fargo - adult (started in December 2007)	0.133
Fargo - juvenile (2000)	<u>0.133</u>
	0.399
South Central:	
Bismarck - adult (started in 2001)	0.133
Bismarck - juvenile (2002)	<u>0.133</u>
	0.266
North Central:	
Minot - adult (started in Jan 2009)	0.133
Minot - juvenile (2007) (Combined with Williston Sept 2020)	<u>0.067</u>
	0.200
Northwest:	
Williston - juvenile (Combined with Minot Sept 2020)	<u>0.067</u>
	0.067
Total treatment court need	<u>1.863</u>

Judicial officers as of December 31, 2021

	NE	NEC	SE	EC	SC	SW	NW	NC	Total
Referees	0.00	0.00	0.00	2.00	2.00	0.00	0.00	1.00	5.00
Judges	6.00	5.00	7.00	9.00	10.00	4.00	6.00	5.00	52.00
Total	6.00	5.00	7.00	11.00	12.00	4.00	6.00	6.00	57.00

**NOTICE OF CONSULTATION
JUDGESHIP REPORT**
East Central Judicial District
Judgeship No. 4 with Chambers in Fargo, ND
(Term Expires December 31, 2022)

The following report regarding criteria concerning disposition of the vacancy in Judgeship No. 4 is submitted pursuant to North Dakota Supreme Court Administrative Rule 7.2, Section 4.

1. **Population**

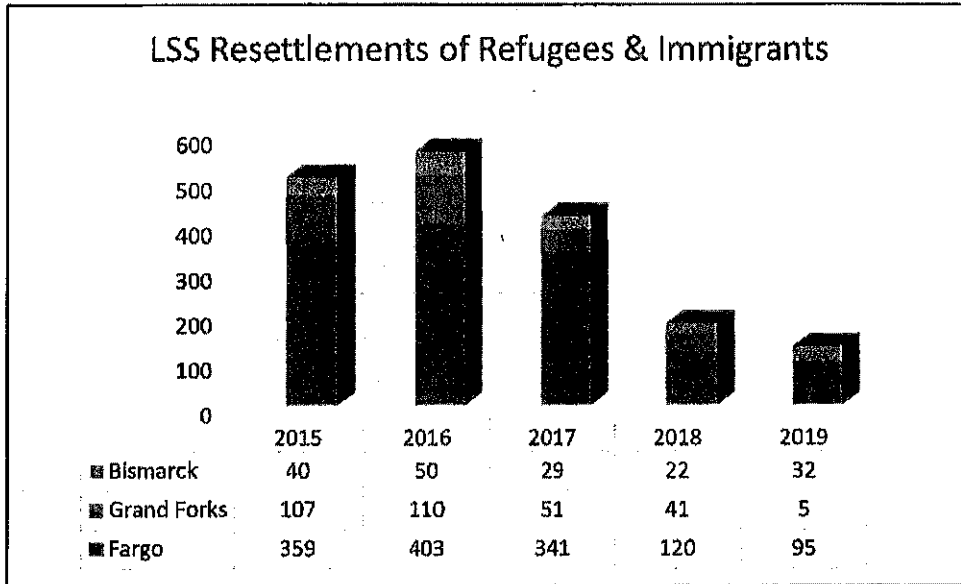
The East Central Judicial District is comprised of Cass, Steele and Traill Counties. The population figures from the 2010 and 2020 US census set forth in the table below¹:

County	Year	
	2010	2020
Cass	149,778	184,525
Steele	1,975	1,798
Traill	8,121	7,997
District Total	159,874	194,320

According to information provided by Lutheran Social Services, in the latest 5 years of available data (ending in September, 2019) they have helped an average of 361 refugees per year resettle in North Dakota. The information shows refugees were from Afghanistan, Angola, Bhutan, Columbia, Democratic Republic of Congo, Eritrea, Ethiopia, Iran, Iraq, Mexico, Rwanda, Somalia, Sudan, Syria and Ukraine. Of the 1,805 refugees resettled in North Dakota, 73 percent are settled in the Fargo metropolitan area.²

¹ reached via <https://www.census.gov/library/visualizations/interactive/2020-population-and-housing-state-data.html>

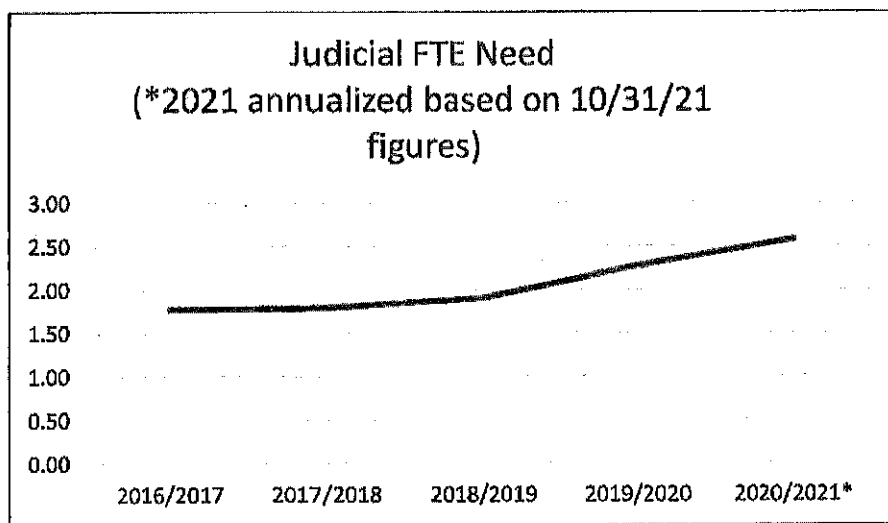
² Arrival Statistics: 1997-2019 accessed via <https://www.lssnd.org/refugee-resettlement>



2. Caseloads and Unusual Case Types

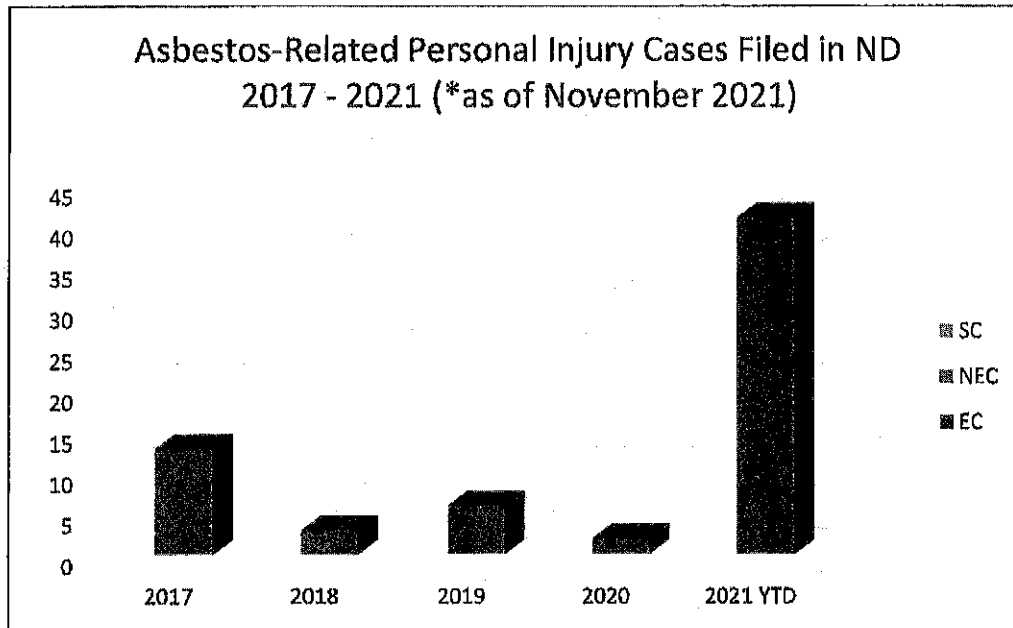
State Court Administration data and the annualized 2021 weighted caseload study shows the East Central Judicial District has a need for 13.78 judicial FTE's. Currently there are 11 judicial FTE's resulting in a shortage of 2.78 judicial FTE's.

The average shortage of judicial FTE's in the East Central Judicial District in 2016/2017 was 1.77, in 2017/2018 was 1.79, in 2018/2019 was 1.90, in 2019/2020 was 2.27 and in 2020/2021 (annualized estimate for 2021) was 2.58. As shown in the chart below, the need for judicial officers has steadily increased with a sharp increase in the last three years.



Source: Weighted Caseload Reports

Cass County is home to corporate offices and has several large law firms in the area. This leads to the filing of more complex civil litigation cases in the district. While previously also filed in other judicial districts, all asbestos-related personal injury cases filed in the state of North Dakota in the last five years have been filed in Cass County with a significant number of new filings received in 2021. These cases consume a large amount of judge time.



Source: Case Index Report

Cass County also has participants in one juvenile and two adult drug courts.

Judgeship No. 4 is chambered in Fargo and is currently responsible for a share of the caseload in Cass, Steele, and Traill Counties.

3. Trends in Population and Caseloads

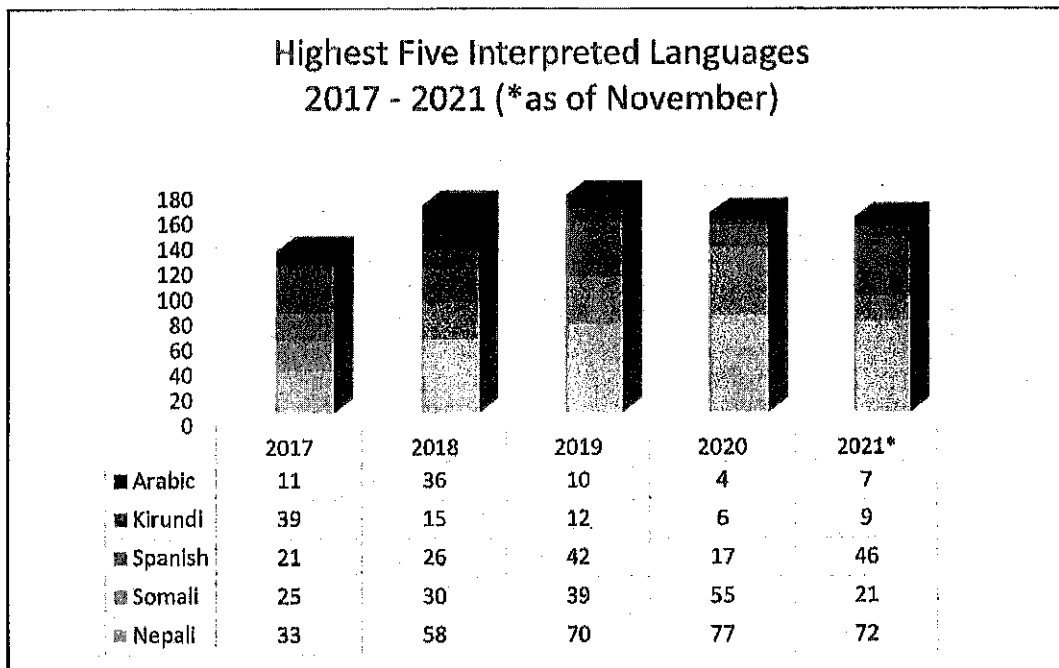
As seen from the chart under criteria 1 above, the population of the district is increasing. While the population of Traill and Steele counties has declined slightly (301 people overall), Cass County is showing an additional population of 34,747 which is an increase of 23.2%.

As previously discussed, Cass County is home to refugees from many countries and other non-English speaking people. This requires that the court use interpreters in many of its hearings which necessitates more time be given to the proceedings. Statistics show that over the last five years interpreters were needed for 28 different languages.

Languages Used – 2017 through November 2021			
Amharic	2	Madi	6
Arabic	68	Mandarin	7
Bosnian	59	Nepali	310
Cambodian	1	Oromo	1
Chinese	3	Portuguese	1
Creole	6	Russian	7
Dinka	3	Somali	170
French	2	Spanish	152
Hindi	2	Sudanese	17
Japanese	2	Swahili	51
Kinyarwanda	7	Tigrinya	6
Kirundi	81	Twi	30
Krahn	2	Vietnamese	18
Kurdish	20		
Liberian	19	TOTAL	1053

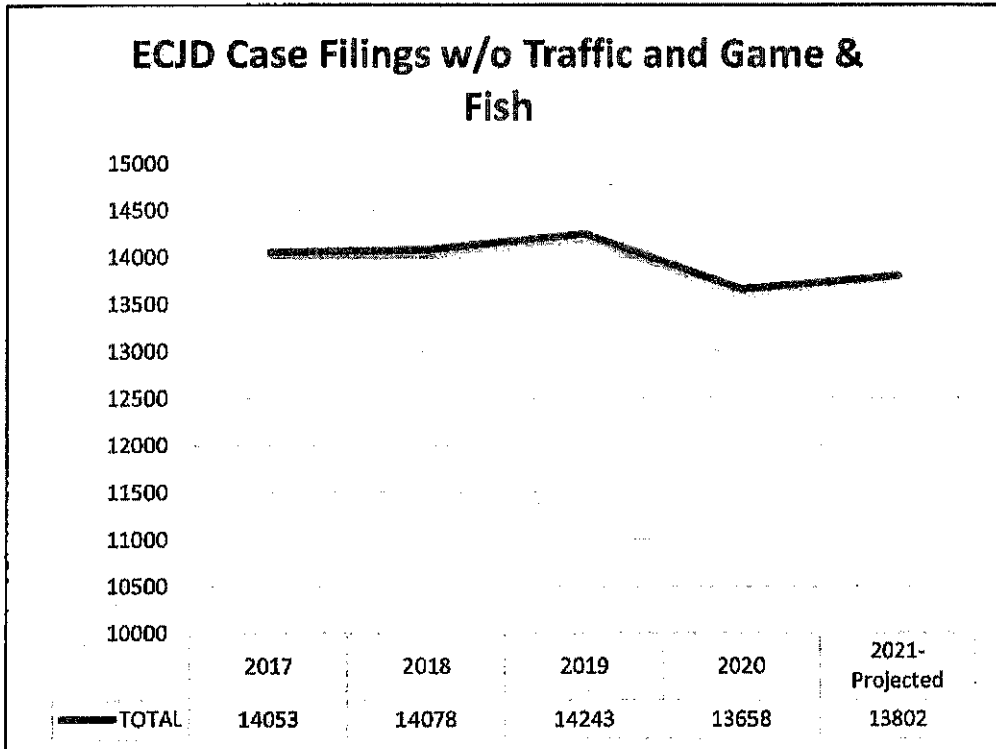
Source: Interpreter Statistics Report

The following chart outlines data for the five languages showing the highest need for interpreters over a five-year span ending in November for 2021.



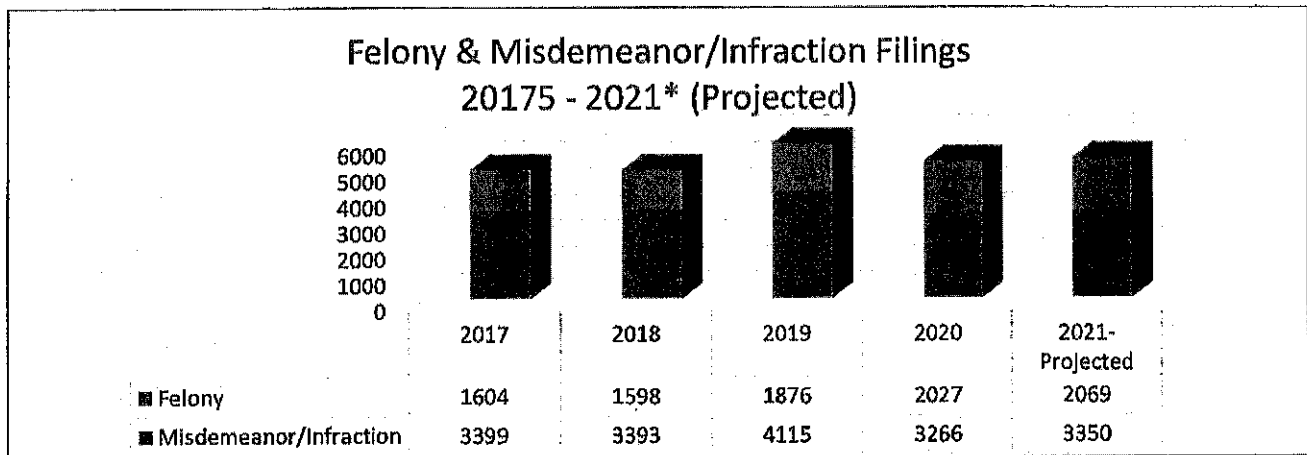
Source: Interpreter Statistics Report

As seen in the following charts, State Court Administration data also shows that overall filings in the district were slightly increasing pre-pandemic. During the Covid pandemic, overall filings fluctuated slightly and are now increasing as courts, agencies, and the public are slowly released from pandemic-era restrictions.



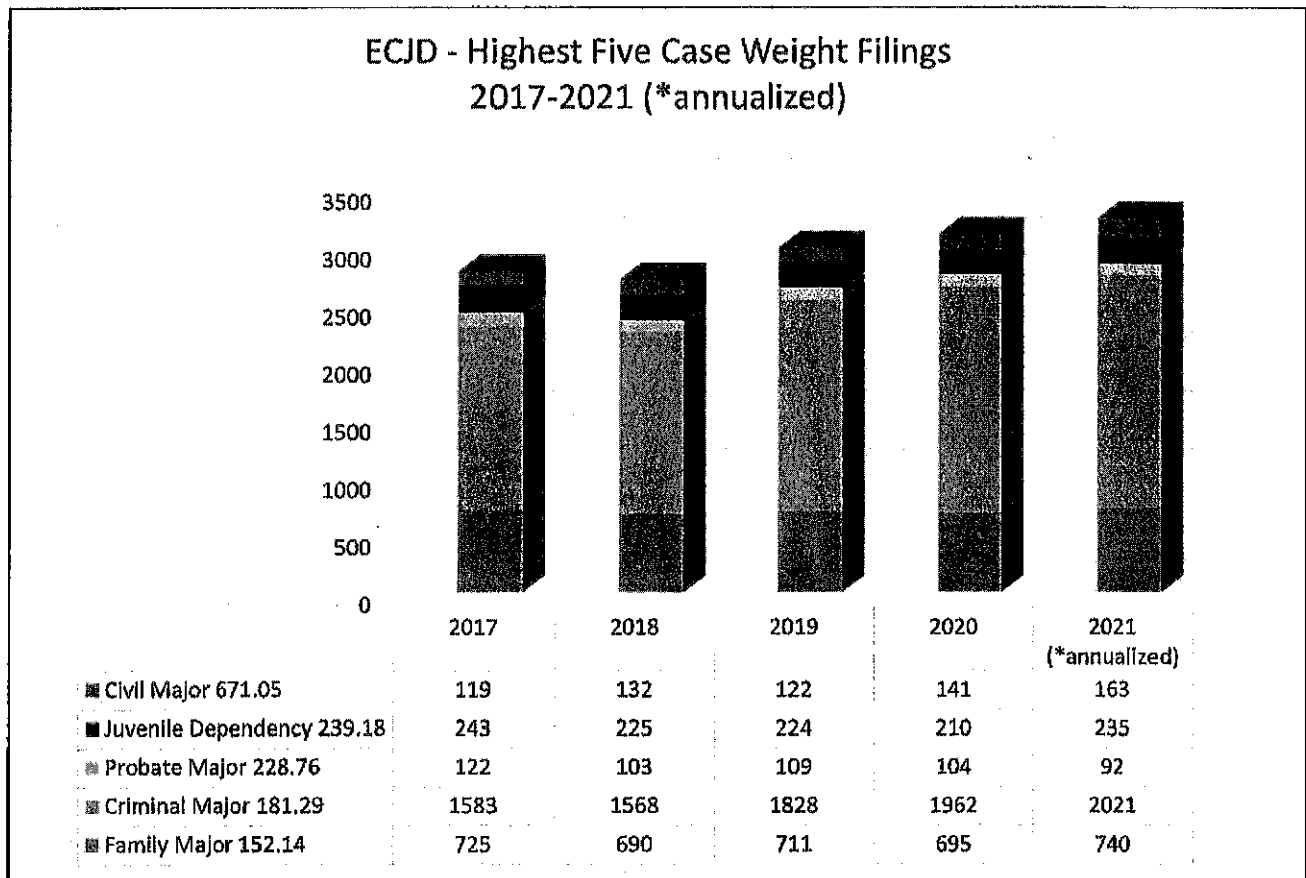
Source: Case Filing Statistics Reports

Some trends are apparent when examining specific case types. Analysis shows misdemeanors and infractions show a spike in 2019 but have otherwise remained consistent. The more complex felony cases are steadily increasing.



Source: Case Filing Statistics Reports

The filings within the five categories of the weighted caseload with the highest case weights are depicted below and are shown to be trending upward with the exception of cases in the 'Major Probate' category which are down slightly.



Source: Weighted Caseload Reports

4. Impact on Travel Requirement

The East Central Judicial District consists of Cass, Steele and Traill Counties. All East Central judges are assigned cases through the district.

5. Age or Possible Retirement of Remaining Judges

There are no immediate plans for retirement of any of the other judges in the East Central Judicial District.

Judges Olson and Irby have reached retirement age. The next judge to reach retirement age is Judge McCullough, who will turn 65 in 2027.

Judgeship #	Name	Birth Year	Year Turn 65	Re-election Year
1	Susan L. Bailey	1963	2028	2026
2	Tristan Van de Streek	1976	2041	2022
3	Steven E. McCullough	1962	2027	2022
4	Steven L. Marquart (retiring)	1954	2019	2022
5	Reid Brady	1973	2038	2026
6	Thomas R. Olson	1952	2017	2026
7	Wade L. Webb	1970	2035	2026
8	John C. Irby	1956	2021	2024
9	Stephannie N. Stiel	1978	2043	2026

Source: North Dakota Supreme Court at <https://www.ndcourts.gov/district-court/district-court-judges>

6. Availability of Facilities

A. Court Facilities

Each county in the district maintains court facilities with security in the courtrooms when requested. Cass County has full-time security at the entrance to the courthouse. They are also able to utilize three courtrooms with access to additional security and segregated travel paths for in-custody appearances. Traill and Steele Counties provide law enforcement screening outside the courtroom on days when court is scheduled. All counties in the district have upgraded their facilities as part of the Court Facilities Improvement Fund.

B. Correctional Facilities

Each of the counties listed below have cities with a correctional facility. Grade one means a correctional facility for confining inmates not more than one year. Grade two means a correctional facility for confining inmates not more than ninety days.³

County	Facility	Classification
Cass	Cass County Jail	Grade 1
Traill	Traill County Jail	Grade 2

Source: personal contact with jail staff

³ NDCC § 12-44.1-06 Jails and Regional Correctional Centers

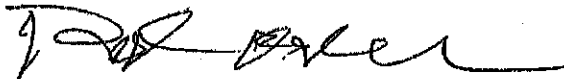
C. Law Enforcement

Each chambered city has adequate law enforcement officials.

8. Conclusion

Elimination of Judgeship No. 4 would have a profound impact on the district. The workload in the district is stable and weighted caseload statistics from the State Court Administrator's office show that the district is consistently short judicial FTE's with the 2021 report showing an anticipated shortage of 2.78 FTE's.

Maintaining Judgeship No. 4 is necessary to provide adequate judicial services to the people of the East Central Judicial District. Eliminating the judgeship would require the remaining 8 judges in the East Central Judicial District to assume an increased caseload and increased travel time in the district. Not only would this hinder services in the local counties, it would also reduce the dispositional rate of cases.



Rodney Olson
Trial Court Administrator
State of North Dakota – Administrative Unit Two

**NOTICE OF CONSULTATION
JUDGESHIP REPORT**
East Central Judicial District
Judgeship No. 6 with Chambers in Fargo, ND
(Term Expires December 31, 2026)

The following report regarding criteria concerning disposition of the vacancy in Judgeship No. 6 is submitted pursuant to North Dakota Supreme Court Administrative Rule 7.2, Section 4.

1. **Population**

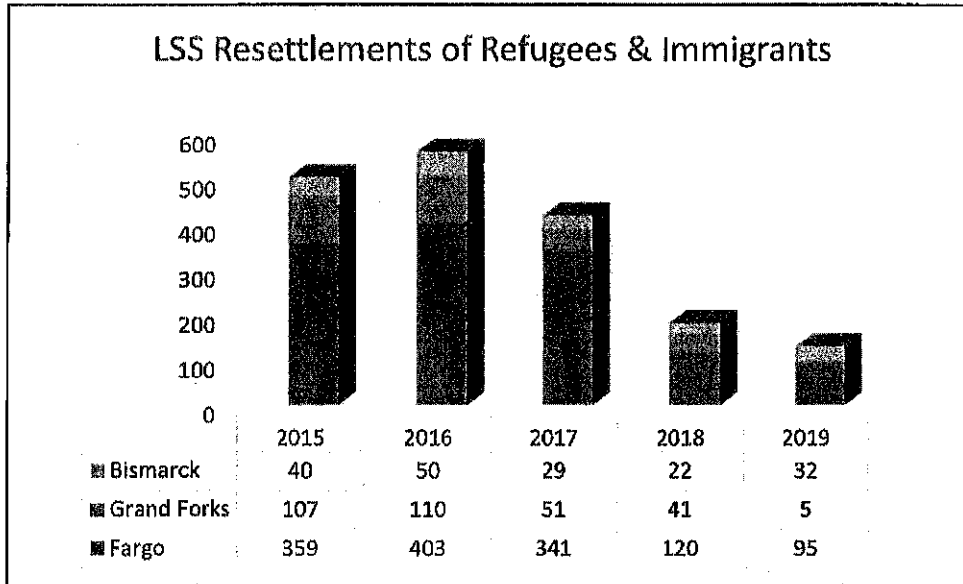
The East Central Judicial District is comprised of Cass, Steele and Traill Counties. The population figures from the 2010 and 2020 US census set forth in the table below¹:

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District Total	159,874	194,320

According to information provided by Lutheran Social Services, in the latest 5 years of available data (ending in September, 2019) they have helped an average of 361 refugees per year resettle in North Dakota. The information shows refugees were from Afghanistan, Angola, Bhutan, Columbia, Democratic Republic of Congo, Eritrea, Ethiopia, Iran, Iraq, Mexico, Rwanda, Somalia, Sudan, Syria and Ukraine. Of the 1,805 refugees resettled in North Dakota, 73 percent are settled in the Fargo metropolitan area.²

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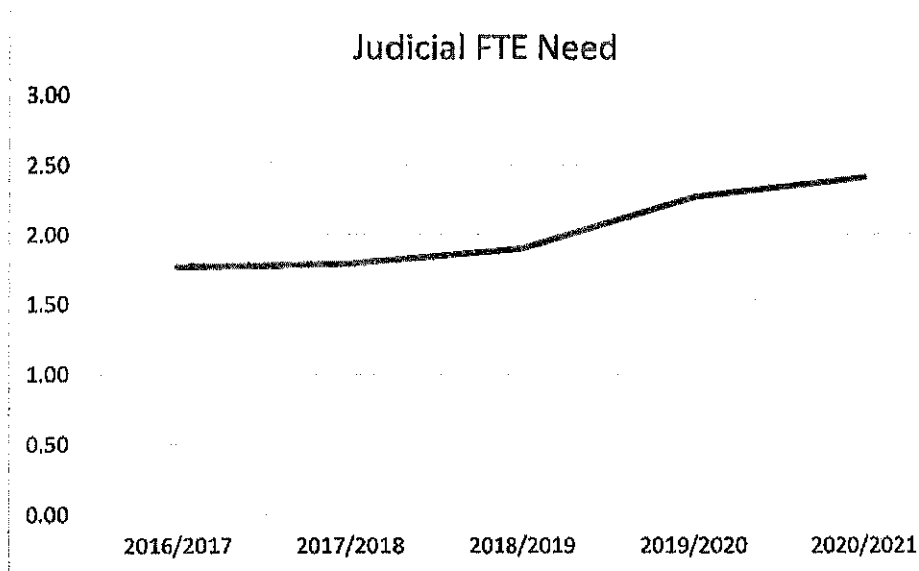
² Arrival Statistics: 1997-2019 accessed via <https://www.lssnd.org/refugee-resettlement>



2. Caseloads and Unusual Case Types

State Court Administration data regarding the weighted caseload study shows the East Central Judicial District has a need for 13.44 judicial FTE's. Currently there are 11 judicial FTE's resulting in a shortage of 2.44 judicial FTE's.

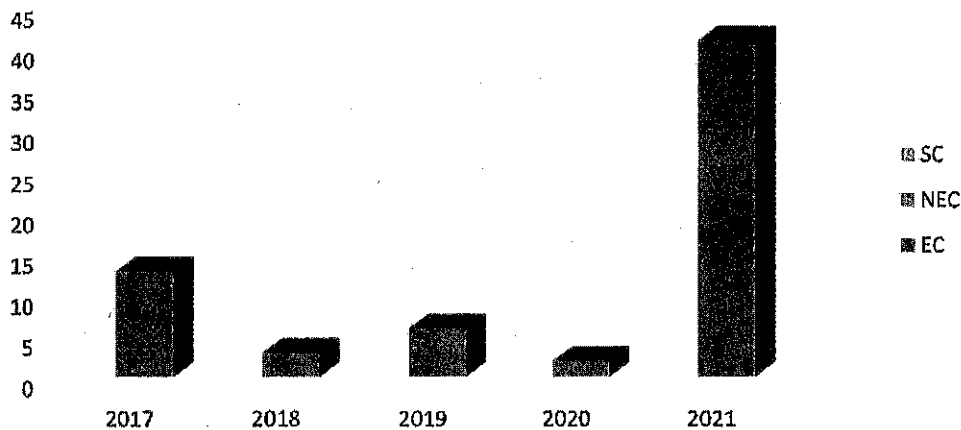
The average shortage of judicial FTE's in the East Central Judicial District in 2016/2017 was 1.77, in 2017/2018 was 1.79, in 2018/2019 was 1.90, in 2019/2020 was 2.27 and in 2020/2021 was 2.41. As shown in the chart below, the need for judicial officers has steadily increased with a sharp increase in the last three years.



Source: Weighted Caseload Reports

Cass County is home to corporate offices and has several large law firms in the area. This leads to the filing of more complex civil litigation cases in the district. While previously also filed in other judicial districts, all asbestos-related personal injury cases filed in the state of North Dakota in the last five years have been filed in Cass County with a significant number of new filings received in 2021. These cases consume a large amount of judge time. There have been no new filings made thus far in 2022.

Asbestos-Related Personal Injury Cases Filed in ND
2017 - 2021



Source: Case Index Report

Cass County also has participants in one juvenile and two adult drug courts.

Judgeship No. 6 is chambered in Fargo and is currently responsible for a share of the caseload in Cass, Steele, and Traill Counties.

3. Trends in Population and Caseloads

As seen from the chart under criteria 1 above, the population of the district is increasing. While the population of Traill and Steele counties has declined slightly (301 people overall), Cass County is showing an additional population of 34,747 which is an increase of 23.2%.

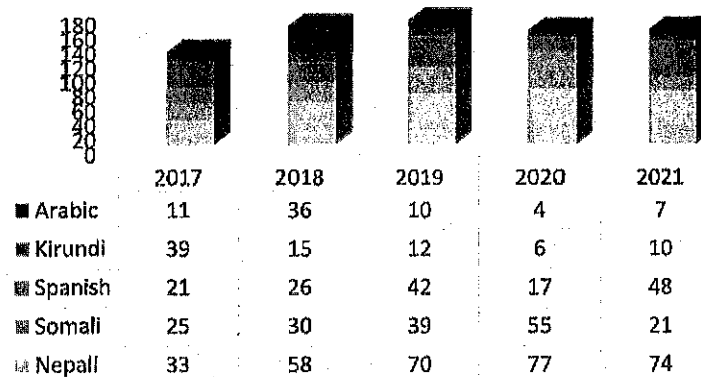
As previously discussed, Cass County is home to refugees from many countries and other non-English speaking people. This requires that the court use interpreters in many of its hearings which necessitates more time be given to the proceedings. Statistics show that over the last five years interpreters were needed for 29 different languages.

Languages Used -- 2017 through 2021			
Amharic	2	Liberian	19
Arabic	68	Madi	6
Bosnian	59	Mandarin	7
Cambodian	1	Nepali	312
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Creole	6	Portuguese	1
Dari	1	Russian	7
Dinka	3	Somali	170
French	4	Spanish	154
Hindi	2	Sudanese	17
Japanese	2	Swahili	55
Kinyarwanda	8	Tigrinya	8
Kirundi	82	Twi	30
Krahn	2	Vietnamese	18
Kurdish	23	TOTAL	1071

Source: Interpreter Statistics Report

The following chart outlines data for the five languages showing the highest need for interpreters over a five-year span ending in 2021.

Highest Five Interpreted Languages
2017 - 2021

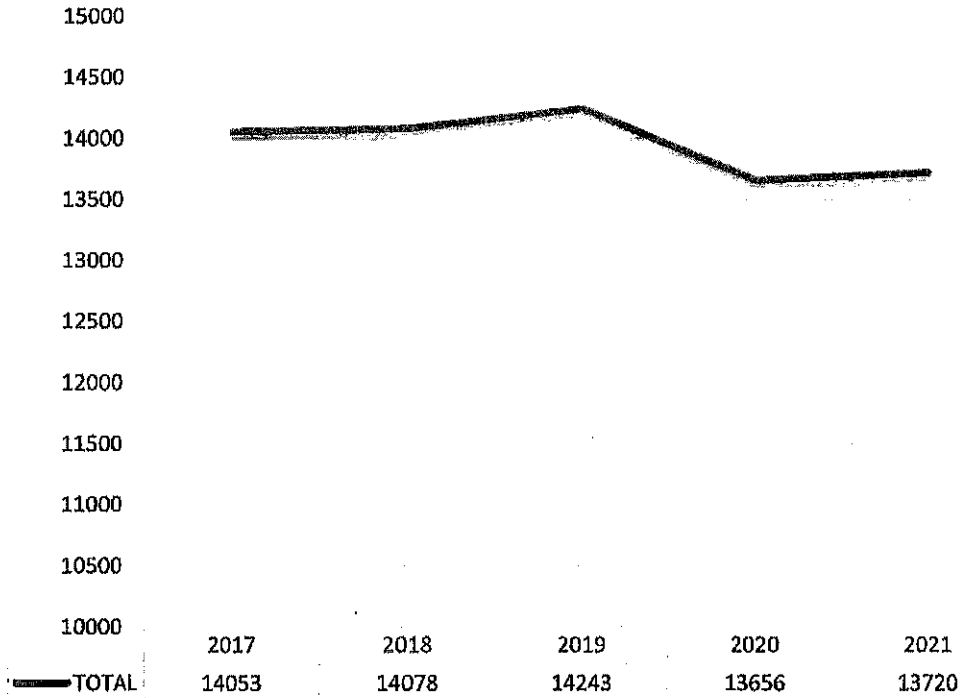


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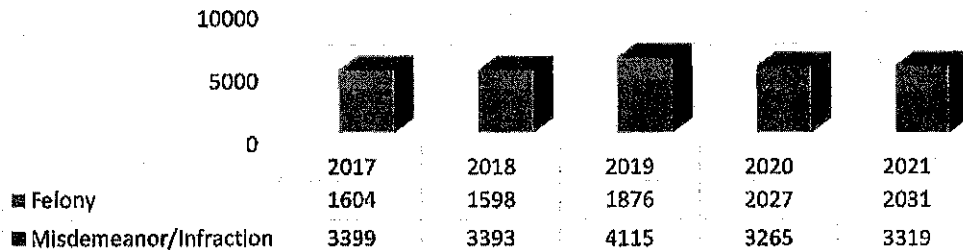
ECJD Case Filings w/o Traffic and Game & Fish



Source: Case Filing Statistics Reports

Some trends are apparent when examining specific case types. Analysis shows misdemeanors and infractions spiked slightly in 2019 but have otherwise remained consistent. The more complex felony cases are steadily increasing.

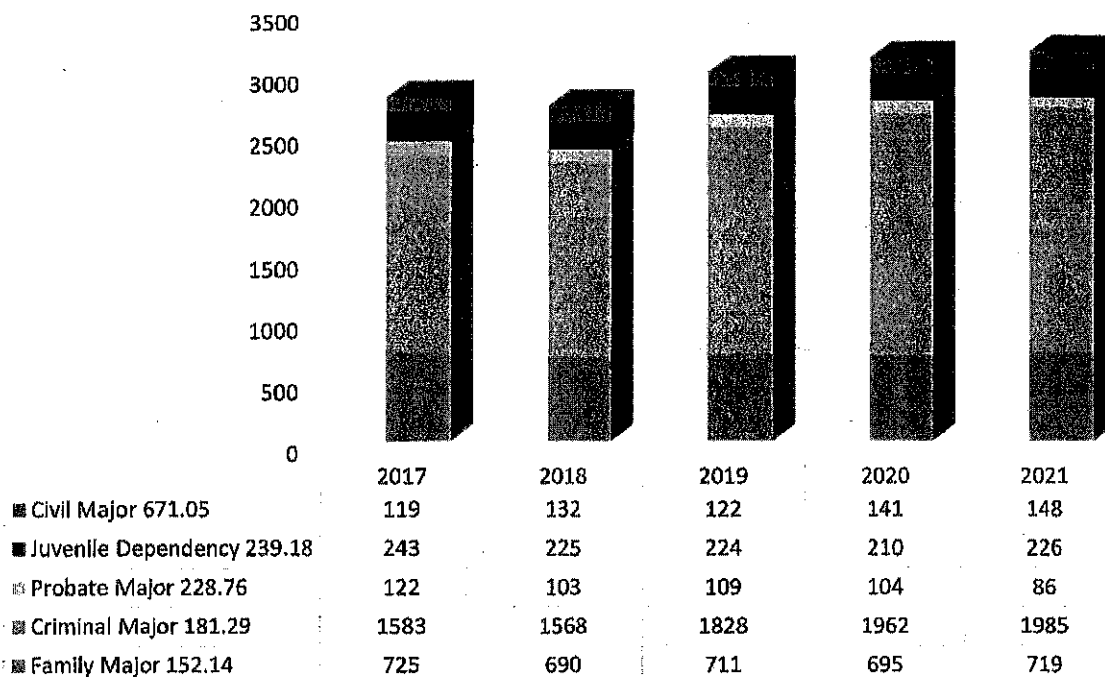
Felony & Misdemeanor/Infraction Filings 2017 - 2021



Source: Case Filing Statistics Reports

The filings within the five categories of the weighted caseload with the highest case weights are depicted below and are shown to be trending upward with the exception of cases in the 'Major Probate' category which are down slightly.

**ECJD - Highest Five Case Weight Filings
2017-2021**



Source: Weighted Caseload Reports

4. Impact on Travel Requirement

The East Central Judicial District consists of Cass, Steele and Traill Counties. All East Central judges are assigned cases through the district.

5. Age or Possible Retirement of Remaining Judges

Judge Marquart has announced his intention to retire on 12/31/22 which is the end of his term. On December 22, 2021, the Court determined that vacancy would be filled by election (see Supreme Court Opinion No. 20210311). There are no immediate plans for retirement of any of the other judges in the East Central Judicial District.

Judge Irby has reached retirement age. The next judge to reach retirement age is Judge McCullough, who will turn 65 in 2027.

Judgeship #	Name	Birth Year	Year Turn 65	Re-election Year
1	Susan L. Bailey	1963	2028	2026
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Source: North Dakota Supreme Court at <https://www.ndcourts.gov/district-court/district-court-judges>

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Each of the counties listed below have cities with a correctional facility. Grade one means a correctional facility for confining inmates not more than one year. Grade two means a correctional facility for confining inmates not more than ninety days.³

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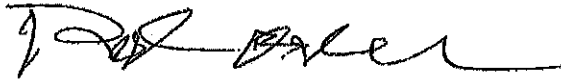
C. Law Enforcement

Each chambered city has adequate law enforcement officials.

8. Conclusion

Elimination of Judgeship No. 6 would have a profound impact on the district. The workload in the district is stable and weighted caseload statistics from the State Court Administrator's office show that the district is consistently short judicial FTE's with the 2021 report showing an anticipated shortage of 2.44 FTE's.

Maintaining Judgeship No. 6 is necessary to provide adequate judicial services to the people of the East Central Judicial District. Eliminating the judgeship would require the remaining 8 judges in the East Central Judicial District to assume an increased caseload and increased travel time in the district. Not only would this hinder services in the local counties, it would also reduce the dispositional rate of cases.



Rodney Olson
Trial Court Administrator
State of North Dakota – Administrative Unit Two

Judicial Branch Travel and Education

<u>Total Budget</u>	<u>2021-23 Biennium</u>	<u>2023-25 Biennium</u>	<u>Increase</u>
Travel (SC)	\$171,787	\$189,900	\$18,113
Travel (DC)	\$1,201,405	\$1,628,100	\$426,695
Professional Development (SC)	\$347,403	\$360,000	\$12,597
Professional Development (DC)	<u>\$178,698</u>	<u>\$374,580</u>	<u>\$195,882</u>
Total Travel and pro development	\$1,899,293	\$2,552,580	\$653,287

<u>Out-of-state budget</u>			
Travel (SC)	\$22,500	\$42,500	\$20,000
Travel (DC)	\$33,000	\$297,500	\$264,500
Professional Development (SC)	\$15,000	\$17,000	\$2,000
Professional Development (DC)	<u>\$22,000</u>	<u>\$119,000</u>	<u>\$97,000</u>
Total out-of state education	\$92,500	\$476,000	\$383,500

<u>Other travel/professional</u>			
Travel (SC)	\$149,287	\$147,400	(\$1,887)
Travel (DC)	\$1,168,405	\$1,330,600	\$162,195
Professional Development (SC)*	\$332,403	\$343,000	\$10,597
Professional Development (DC)	<u>\$156,698</u>	<u>\$255,580</u>	<u>\$98,882</u>
Total out-of state education	\$1,806,793	\$2,076,580	\$269,787

*Other professional development includes:

NCSC dues	\$234,403	\$240,000	\$5,597
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Remaining costs are primarily in-state travel, professional dues and licenses and in-state training and education.

SALARY GRADE	JOB CLASSIFICATION	EXEMPTION	MONTHLY SALARY RANGE		ANNUAL SALARY RANGE	
			MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
7	*Electronic Court Recorder	Non-Exempt	2,923	4,267	35,076	51,204
9	Law Library Assistant	Non-Exempt	3,516	5,157	42,192	61,884
10	Account Technician Administrative Assistant-State Court Administrator Administrative Assistant-Clerk of Supreme Court Administrative Assistant-Central Legal Calendar Control Clerk Deputy Clerk of District Court Deputy Supreme Court Clerk District Court Administrative Assistant Electronic Court Recorder/Transcriptionist Juvenile Court Administrative Assistant	Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt	3,922	5,760	47,064	69,120
11	Court Services Coordinator Executive Administrative Assistant Judicial Assistant Lead Electronic Court Recorder/Transcriptionist Senior Deputy Supreme Court Clerk Technical Support Specialist	Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt	4,226	6,220	50,712	74,640
12	Assistant Law Librarian Citizen Access Paralegal District Court Paralegal Deputy Clerk of District Court Supervisor Executive Judicial Assistant Network Analyst Payroll and Benefits Specialist Technology Coordinator I	Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt	4,531	6,685	54,372	80,220
13	Business Analyst I *Court Reporter *Lead District Court Paralegal Network Analyst II Programmer Analyst I Technology Coordinator II	Exempt Non-Exempt Non-Exempt Non-Exempt Exempt Non-Exempt	4,703	6,949	56,436	83,388
14	Juvenile Court Officer I *Lead Court Reporter Programmer Analyst II Technology Coordinator III	Non-Exempt Non-Exempt Exempt Non-Exempt	5,143	7,628	61,716	91,536
15	Accountant Analyst Business Analyst II Education and Special Projects Coordinator Network Analyst III	Exempt Exempt Non-Exempt Non-Exempt	5,447	8,105	65,364	97,260
16	Business Analyst III Juvenile Court Officer II Program Manager Programmer Analyst III	Exempt Non-Exempt Exempt Exempt	5,753	8,576	69,036	102,912
17	Clerk of District Court I	Exempt	6,060	9,052	72,720	108,624

SALARY GRADE	JOB CLASSIFICATION	EXEMPTION	MONTHLY SALARY RANGE		ANNUAL SALARY RANGE	
			MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
18	Clerk of District Court II Juvenile Court Supervisor Supervisor of Accounting	Exempt Exempt Exempt	6,363	9,527	76,356	114,324
19	Family Law Mediation Program Administrator Guardianship Monitoring Program Manager	Exempt Exempt	6,671	10,002	80,052	120,024
20	Deputy Court Administrator Director of Juvenile Court Services	Exempt Exempt	6,989	10,476	83,868	125,712
21	Chief Deputy Clerk Citizen Access Coordinator Director of Education and Communication Director of Finance Director of Human Resources Director of Technology Staff Attorney-Central Legal Staff Staff Attorney-District Court Staff Attorney-Joint Procedure Committee Staff Attorney-State Court Administrator	Exempt Exempt Exempt Exempt Exempt Exempt Exempt Exempt Exempt Exempt	7,304	10,946	87,648	131,352
22	Supreme Court Law Librarian	Exempt	7,619	11,411	91,428	136,932
	*NON-CLASSIFIED EMPLOYEES Asst State Court Administrator for Trial Courts Clerk of Supreme Court Court Administrator Law Clerks Judicial Referee State Court Administrator					

Non -Exempt - Employees are covered under the Fair Labor Standards Act and are entitled to receive comp time at a rate of one and one-half hours for each hour of overtime work.

Exempt - Employees are not covered by the overtime provision of the Fair Labor Standards Act and are not entitled to receive overtime compensation unless authorized by the supervisor at which time it would be at a rate of one hour for each hour worked over 40 in one week.

***Pay Grade Exception** - A pay grade exception is the assignment of a pay grade that is higher than that determined by the application of the Classification Matrix System. This may be done when a pay grade assigned to a class has not resolved significant problems in the recruiting or retention of qualified individuals for a class. Classes assigned a pay grade exception are subject to periodic review to verify the appropriateness of the assigned pay grade.

Understanding How the Court Uses Weighted Caseload Statistics

Since 1987, the North Dakota court system has utilized a weighted caseload method to determine when and where judges, court staff, and juvenile court staff are needed. Understood in its simplest form, a weighted caseload is a time and frequency study. To determine the base weights, all judges, clerk staff, and juvenile court officers in the state record their daily activities for a designated period of time. This data is then used to assign “weights” to various case types based on the average amount of time that is needed to process each activity in each type of case. The weight is then multiplied by the frequency of cases filed. A full weighted caseload study is conducted periodically to determine if base weights are still accurate.¹ A partial caseload study is conducted to create or adjust a base weight if unique case types are created or substantial changes in process are made.

Each year, the court applies the base weights to case filing statistics from the prior year to determine how many judges or staff are needed and where they should be located. To determine judge or staff need, the number that is reached by multiplying the weighted caseloads and number of cases filed in a year is divided by the amount of judge or staff time currently available.

Historically, when determining the number of judge or staff needed and where they should be located, the court has used a rolling 2-year average to even out the effects of unique events that may cause caseloads to rise or fall substantially during a particular year. In 2021, the court began using a 3-year average to account for events that impact case filings for more than a year or have a disproportionate effect on one or more judicial districts.² Other factors considered in making decisions about the number and location of judges or staff include the long-term trend in case filings in the district and the particular counties where the cases are being filed, the existence of specialized court dockets in the district, the size of the district, the amount of travel required

¹ Full weighted caseload studies were conducted in 1987, 2003 and 2012. A full weighted caseload study was started in 2019 but discontinued due to the pandemic. Instead, the court contracted for a study of factors that impact case weights. The factors studied included self-representation, need for interpreters, number of participants in drug courts, and procedural differences between drug courts and domestic violence court.

² For example, the oil boom from 2009-2015, the Dakota Access Pipeline protests, and the Covid-19 Pandemic

between courthouses, the number of other judges or staff within the district, and the anticipated demographic changes within a geographic region.

In addition to the weighted caseload information, when determining the location for judges or staff, the court may also consider factors such as the perception of need by the judges, administrative staff and the local bar, overall caseload trends within the individual district and relative to other districts, effective assignment of judicial officers and use of current staff, effective use of technology, and the efficiencies of scale in multi-chambered courts.

**JUDICIAL OFFICER WEIGHTED CASELOAD STUDY
 BASED ON AVERAGE OF 2020 and 2021 CASE FILINGS**

Based on Total Judicial Officers as of December 31, 2021

Case Type	Case Weight	Unit 1		Unit 2		Unit 3		Unit 4		ALL
		NE	NEC	SE	EC	SC	SW	NW	NC	
Criminal Major	181.29	576	789	534	1,974	2,004	298	641	803	7,618
Criminal Minor	26.48	2,675	1,922	2,377	3,529	4,053	1,580	2,582	1,786	20,504
Criminal Summary	0.37	9,505	9,293	13,570	14,128	16,636	9,224	11,701	11,080	95,136
Civil Major	671.05	23	35	40	145	81	31	53	42	448
Civil Minor	54.86	675	983	936	1,792	1,388	414	705	797	7,689
Civil Summary	6.65	894	1,508	1,124	2,432	2,510	789	1,297	1,501	12,052
Family Major	152.14	181	260	278	707	541	212	245	412	2,834
Family Minor	53.63	222	263	252	519	478	118	235	301	2,385
Family Summary	46.44	27	63	34	100	77	22	34	37	393
Probate Major	228.76	40	41	85	95	96	30	55	62	503
Probate Minor	32.02	94	161	216	339	233	81	152	139	1,414
Probate Summary	9.93	362	168	439	380	557	297	587	397	3,184
Juvenile Delinquency	106.60	67	117	44	274	156	21	30	29	736
Juvenile Dependency	239.18	118	178	69	218	191	64	92	182	1,111
Juvenile - Other	30.00	33	42	52	91	65	38	40	59	419
Total Filings		15,490	15,819	20,046	26,720	29,063	13,216	18,446	17,624	156,422
Weighted Filings		329,788	413,574	360,564	928,326	834,244	218,220	372,342	430,127	3,887,185
Presiding Judge time at 47.14 min/day		9,664	9,664	9,664	9,664	9,664	9,664	9,664	9,664	77,310
Total workload		339,452	423,238	370,227	937,989	843,908	227,884	382,006	439,791	3,964,494
Judge Year (Minutes) 205 Days		86,100	86,100	86,100	86,100	86,100	86,100	86,100	86,100	
Avg. Non-Case time for all judicial FTEs 54.29 min/day		11,130	11,130	11,130	11,130	11,130	11,130	11,130	11,130	
Adjusted Judge Year (Judge year less non case time)		74,970	74,970	74,970	74,970	74,970	74,970	74,970	74,970	
Travel Adjustment		-10,250	-2,116	-11,070	-2,888	-5,426	-4,979	-4,774	-4,774	
Adjusted min available after travel and non-case		64,720	72,854	63,900	72,082	69,544	69,991	70,196	70,196	
Number of Judges & Refs total		6.00	5.00	7.00	11.00	12.00	4.00	6.00	6.00	57.00
Judge Minutes Available		388,320	364,270	447,300	792,897	834,524	279,962	421,173	421,173	3,949,620
Workload compared to Resources (In minutes)		-48,868	58,968	-77,073	145,092	9,384	-52,079	-39,167	18,617	14,875
Weighted Case Filing Judicial Officer Need		5.24	5.81	5.79	13.01	12.13	3.26	5.44	6.27	56.96
Treatment Court Need		0.133	0.399	0.399	0.399	0.266		0.067	0.200	1.863
Total Judicial Officer Need		5.38	6.21	6.19	13.41	12.40	3.26	5.51	6.47	58.83
Current Total Judges/Referees		6.00	5.00	7.00	11.00	12.00	4.00	6.00	6.00	57.00
2020/2021 Excess (Shortage) of Judicial FTE		0.62	(1.21)	0.81	(2.41)	(0.40)	0.74	0.49	(0.47)	(1.83)
2020/21 Percent Excess (Shortage) of Judicial FTE		10.4%	-24.2%	11.5%	-21.9%	-3.3%	18.6%	8.2%	-7.8%	-3.2%
2019/20 Excess (Shortage) of Judicial FTE		0.58	(1.45)	0.58	(2.27)	(0.51)	0.58	0.00	(2.52)	(3.48)

Total Judicial Officer Need Comparison

Year	NE	NEC	SE	EC	SC	SW	NW	NC	Total
2020/21	5.38	6.21	6.19	13.41	12.40	3.26	5.51	6.47	58.83
2019/20	5.42	6.45	6.42	13.27	12.51	3.42	6.00	6.98	60.47
2018/19	5.57	6.48	6.81	12.91	13.03	3.59	6.60	6.95	61.94
2017/18	5.59	6.39	7.07	12.79	13.60	3.76	6.51	7.22	62.94
2016/17	5.78	6.42	7.03	12.77	14.06	3.92	6.53	7.80	64.31
2015/16	6.27	6.17	7.15	12.28	14.11	4.27	7.42	8.25	65.92
2014/15	6.53	6.27	7.27	11.87	13.31	4.60	8.27	8.20	66.32

Treatment Courts:

Northeast:	
Devils Lake - Juvenile (started in March 2009)	0.133
Northeast Central:	
Grand Forks - adult (started in August 2008)	0.133
Grand Forks - domestic violence (started in August 2018)	0.133
Grand Forks - Juvenile (2000)	0.133
	<u>0.399</u>
Southeast:	
Jamestown/Valley City - Juvenile (started October 2013)	0.133
Jamestown/Valley City - adult (Started August 2019)	0.133
Richland County - adult/DUI (Started in January 2019)	0.133
	<u>0.399</u>
East Central:	
Fargo - adult (started in 2003)	0.133
Fargo - adult (started in December 2007)	0.133
Fargo - Juvenile (2000)	0.133
	<u>0.399</u>
South Central:	
Bismarck - adult (started in 2001)	0.133
Bismarck - Juvenile (2002)	0.133
	<u>0.266</u>
North Central:	
Minot - adult (started in Jan 2009)	0.133
Minot - Juvenile (2007) (Combined with Williston Sept 2020)	0.067
	<u>0.200</u>
Northwest:	
Williston - Juvenile (Combined with Minot Sept 2020)	0.067
	<u>0.067</u>
Total treatment court need	1.863

Judicial officers as of December 31, 2021	NE	NEC	SE	EC	SC	SW	NW	NC	Total
Referees	0.00	0.00	0.00	2.00	2.00	0.00	0.00	1.00	5.00
Judges	6.00	5.00	7.00	9.00	10.00	4.00	6.00	5.00	52.00
Total	6.00	5.00	7.00	11.00	12.00	4.00	6.00	6.00	57.00

2021 Caseload per Judge

<u>Statewide, 52 judges:</u>		Filings	Number of Judges	Cases per Judge	Number of Referees	Referees @ 80%	Judges & Referees	Cases per Judge/Referee
Civil		33,012		635				590
Criminal*		27,022		520				483
Total		60,034	52.0	1,155	5.0	4.0	56.0	1,072
<u>Northeast, 6 judges:</u>		Filings	Number of Judges	Cases per Judge	Number of Referees	Referees @ 80%	Judges & Referees	Cases per Judge/Referee
Civil		2,721		454				454
Criminal*		2,948		491				491
Total		5,669	6.0	945	0.0	0.0	6.0	945
<u>Northeast Central, 5 judges:</u>		Filings	Number of Judges	Cases per Judge	Number of Referees	Referees @ 80%	Judges & Referees	Cases per Judge/Referee
Civil		3,749		750				750
Criminal*		2,897		579				579
Total		6,646	5.0	1,329	0.0	0.0	5.0	1,329
<u>East Central, 9 judges:</u>		Filings	Number of Judges	Cases per Judge	Number of Referees	Referees @ 80%	Judges & Referees	Cases per Judge/Referee
Civil		7,041		782				664
Criminal*		5,817		646				549
Total		12,858	9.0	1,429	2.0	1.6	10.6	1,213
<u>Southeast, 7 judges:</u>		Filings	Number of Judges	Cases per Judge	Number of Referees	Referees @ 80%	Judges & Referees	Cases per Judge/Referee
Civil		3,510		501				501
Criminal*		2,424		346				346
Total		5,934	7.0	848	0.0	0.0	7.0	848
<u>South Central, 10 judges:</u>		Filings	Number of Judges	Cases per Judge	Number of Referees	Referees @ 80%	Judges & Referees	Cases per Judge/Referee
Civil		6,372		637				549
Criminal*		5,951		595				513
Total		12,323	10.0	1,232	2.0	1.6	11.6	1,062
<u>Southwest, 4 judges:</u>		Filings	Number of Judges	Cases per Judge	Number of Referees	Referees @ 80%	Judges & Referees	Cases per Judge/Referee
Civil		2,084		521				521
Criminal*		1,748		437				437
Total		3,832	4.0	958	0.0	0.0	4.0	958
<u>Northwest, 6 judges:</u>		Filings	Number of Judges	Cases per Judge	Number of Referees	Referees @ 80%	Judges & Referees	Cases per Judge/Referee
Civil		3,502		584				584
Criminal*		2,902		484				484
Total		6,404	6.0	1,067	0.0	0.0	6.0	1,067
<u>North Central, 5 judges:</u>		Filings	Number of Judges	Cases per Judge	Number of Referees	Referees @ 80%	Judges & Referees	Cases per Judge/Referee
Civil		4,033		807				695
Criminal*		2,335		467				403
Total		6,368	5.0	1,274	1.0	0.8	5.8	1,098

* Excludes administrative traffic and administrative game and fish cases

JUDICIAL BRANCH IT COST INCREASES

The total Supreme Court and district court IT budget increase is **\$2,392,995** for the biennium.

Supreme Court	2021-23 Biennium	2023-25 Biennium	Increase (Decrease)
Software/supplies	\$377,659	\$547,561	\$169,902
Data processing	117,962	115,841	(2,121)
Communications	62,040	68,490	6,450
Contractual services	248,498	303,852	55,354
Equipment under \$5000	<u>67,110</u>	<u>72,900</u>	<u>5,790</u>
Total Supreme Court	\$873,269	\$1,108,644	\$235,375

District Court	2021-23 Biennium	2023-25 Biennium	Increase (Decrease)
Software/supplies	\$2,712,067	\$4,127,137	\$1,415,070
Data processing	1,927,390	2,027,968	100,578
Communications	509,073	598,931	89,858
Contractual services	1,312,023	1,184,149	(127,874)
Equipment under \$5000	<u>562,450</u>	<u>1,242,438</u>	<u>679,988</u>
Total Supreme Court	\$7,023,003	\$9,180,623	\$2,157,620

A further detailed breakdown of the IT increases referenced above include the following:

- **\$290,000** for the new juvenile case management system annual software licensing and maintenance agreement.
- **\$670,000** for the new Supreme Court docket system annual software licensing, maintenance agreement and technical managed services.
- **\$250,000** for customizations, interfaces and assessments to the new juvenile case management system.
- **\$150,000** for Supreme Court docket system customizations.
- **\$100,000** to purchase application testing software (automated testing of Odyssey and other applications).
- **\$60,000** to purchase Email archive and search software.
- **\$158,400** for courtroom assisted hearing device upgrades per American Disability Act guidelines.
- **\$244,230** in additional costs for computer replacements due to price increases, replacement of some desktops with laptops to allow for remote work and replacement models with higher processing ability needed for digital audio recording.
- **\$158,867** cost increase for audio and visual equipment annual maintenance agreements.



SALLY HOLEWA
STATE COURT ADMINISTRATOR

State of North Dakota
OFFICE OF STATE COURT ADMINISTRATOR

SUPREME COURT
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600 E Boulevard Ave Dept 180
Bismarck, ND 58505-0530
701: (701) 328-4216
Fax: (701) 328-2092

To: House Appropriations – Education and Environment Division

From: Sally Holewa, State Court Administrator *SH*

RE: Weighted Workload Study Reports for Clerk of Court Staff

Date: January 17, 2023

I have enclosed the annual weighted workload study reports for clerk of court staff from 2015 through 2021. For easier reference, I have also enclosed a chart summarizing the staffing needs of the 14 state-employed clerk of court offices.

A couple of tips for understanding the annual reports:

Top Part of the Page

- The top part of the page lists only the 14 state-employed clerk of court offices by county. They are arranged in alphabetical order by judicial district.
- The 3rd column from the right is the number of FTEs currently assigned to each office.
- The 2nd column from the right is the variance between the number of staff we have and the number needed.

Bottom Part of the Page

- The bottom part of the page lists the 39 county-employed clerk of court offices. They are alphabetized by county name.
- Keeping in mind that we don't pay for FTEs in the county-employed clerk's office but instead pay the counties for the hours we have determined are necessary to do the work based on the number and types of cases filed, the shaded column (3rd from the right) lists the number of hours needed as it translates into the equivalency of an FTE. For example, in the 2020/2021 report Adams County shows an FTE need of .41 which is the equivalent of 852.8 hours per year.
- The 2nd column from the right shows the change in need from the last 2-year contract.
- The 7 counties marked with an asterisk are eligible to transfer staff to state employment because they have a staffing need of 1 FTE or higher. The 1st column on the right shows the number of clerk of court staff currently employed in those counties.
- There is no FTE shortage/overage column for clerk-employed counties because under NDCC 27-05.2-02 (6), we are required to provide funds to the county "equal to the amount, based on county employee compensation levels, necessary for the number of full-time employees needed to provide clerk of court services."

Clerk of Court Staff Weighted Caseload Summary 2015 - 2021

FTE (Shortage)/Overage by County and Year

County	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
Cass	(4.24)	(7.07)	(7.73)	(6.65)	(7.54)	(7.76)
Ramsey	0.44	(0.22)	(0.38)	(0.47)	(0.57)	(0.70)
Walsh	(0.30)	(0.15)	(0.14)	(0.06)	0.04	0.10
Rolette	0.16	0.78	1.03	0.94	0.91	0.46
Grand Forks	(3.04)	(3.38)	(3.33)	(2.21)	(2.04)	(1.84)
Ward	(2.88)	(2.23)	(1.58)	(1.25)	(1.09)	(0.17)
Williams	(1.16)	0.34	0.12	(0.31)	0.18	0.86
McKenzie	(0.90)	(0.60)	(1.11)	(1.22)	(0.12)	0.69
Burleigh	(3.89)	(4.36)	(4.19)	(3.44)	(2.48)	(1.94)
Morton	(2.27)	(2.32)	(1.59)	(1.86)	(1.96)	(1.39)
Richland	(0.24)	(0.34)	(0.44)	(0.30)	(0.25)	(0.32)
Stutsman	(0.51)	(0.58)	(0.64)	0.03	0.58	0.22
Barnes	(0.47)	(0.26)	(0.24)	(0.41)	(0.49)	0.05
Stark	(0.83)	(0.41)	(0.21)	0.02	(0.08)	(0.01)

2020/2021 CASE FILINGS / FTE NEEDS BY COUNTY

North Dakota Clerks of Court

District	County	2020 Filings	2020 FTE	2021		AVERAGE FILINGS		2021-23 Actual FTEs	Variance from 2020-21 FTEs	Shortage as % of 2020-21 FTEs
				Filings	2021 FTE	2020 / 2021	FTE Avg on 2020, 2021			
State Operated and Funded:										
East Central	2 Cass	25,241	29.99	24,249	29.53	24,745	29.76	22.00	-7.76	-35%
Northeast	1 Ramsey	4,295	3.64	5,500	3.77	4,898	3.70	3.00	-0.70	-23%
Northeast	1 Walsh	2,571	1.86	2,577	1.93	2,574	1.90	2.00	0.10	5%
Northeast	1 Rolette	1,135	1.58	1,178	1.51	1,157	1.54	2.00	0.46	23%
Northeast Cent	1 Grand Forks	15,435	14.58	16,196	15.10	15,816	14.84	13.00	-1.84	-14%
North Central	4 Ward	14,342	13.67	14,387	12.67	14,365	13.17	13.00	-0.17	-1%
Northwest	4 Williams	9,878	9.48	9,761	8.80	9,820	9.14	10.00	0.86	9%
Northwest	4 McKenzie	7,848	5.33	7,900	5.29	7,874	5.31	6.00	0.69	12%
South Central	3 Burleigh	16,315	18.80	16,482	19.07	16,399	18.94	17.00	-1.94	-11%
South Central	3 Morton	8,669	7.57	8,559	7.21	8,614	7.39	6.00	-1.39	-23%
Southeast	2 Richland	3,014	2.31	3,038	2.34	3,026	2.32	2.00	-0.32	-16%
Southeast	2 Stutsman	6,059	4.37	6,090	4.19	6,075	4.28	4.50	0.22	5%
Southeast	2 Barnes	3,715	2.49	3,806	2.42	3,761	2.45	2.50	0.05	2%
Southwest	3 Stark	8,297	6.22	8,378	5.80	8,338	6.01	6.00	-0.01	0%
Total		126,814	121.88	128,101	119.62	127,458	120.75	109.00	-11.75	-11%

County Operated / State Funded:										
District	County	2020 Filings	2020 FTE	2021 Filings	2021 FTE	Average Filings 2020/21	Average FTE Avg on 2020, 21	2021-23 Actual FTEs	Change from last contract	Election FTEs
Southwest	3 Adams	891	0.42	1,158	0.39	1,025	0.41		-0.07	
Northeast	1 Benson	707	0.56	1,369	0.84	1,038	0.70		-0.02	
Southwest	3 Billings	484	0.18	558	0.20	521	0.19		-0.03	
Northeast	1 Bottineau	1,000	0.74	1,163	0.93	1,082	0.84		-0.15	
Southwest	3 Bowman	921	0.51	1,039	0.58	980	0.54		0.01	
North Central	4 Burke	741	0.49	579	0.41	660	0.45		-0.08	
Northeast	1 Cavalier	451	0.44	529	0.50	490	0.47		-0.08	
Southeast	2 Dickey	915	0.66	902	0.60	909	0.63		-0.12	
Northwest	4 Divide	1,064	0.62	1,072	0.60	1,068	0.61		0.03	
Southwest	3 Dunn*	1,489	1.20	1,590	1.29	1,540	1.24		-0.16	1
Southeast	2 Eddy	583	0.55	638	0.39	611	0.47		-0.09	
South Central	3 Emmons	543	0.43	582	0.46	563	0.45		0.05	
Southeast	2 Foster	724	0.57	969	0.48	847	0.52		-0.06	
Southwest	3 Golden Valley	273	0.17	230	0.20	252	0.19		0.00	
South Central	3 Grant	278	0.21	363	0.26	321	0.23		-0.02	
Southeast	2 Griggs	328	0.30	310	0.31	319	0.31		-0.07	
Southwest	3 Hettinger	508	0.37	691	0.43	600	0.40		0.04	
Southeast	3 Kidder	675	0.34	574	0.34	625	0.34		-0.04	
Southeast	2 Lamoure	977	0.51	1,212	0.51	1,095	0.51		-0.04	
Southeast	3 Logan	251	0.28	274	0.33	263	0.30		0.06	
Northeast	1 McHenry*	1,890	1.26	1,783	1.28	1,837	1.27		0.16	1
Southeast	3 McIntosh	471	0.42	370	0.33	421	0.38		0.07	
South Central	3 McLean*	2,728	2.02	2,430	1.94	2,579	1.98		0.10	2
South Central	3 Mercer*	1,353	1.33	1,354	1.53	1,354	1.43		0.08	1
North Central	4 Mountrail*	2,834	1.83	2,798	1.74	2,816	1.79		-0.26	2
Northeast Cent	1 Nelson	660	0.49	767	0.47	714	0.48		-0.11	
South Central	3 Oliver	303	0.24	421	0.26	362	0.25		-0.02	
Northeast	1 Pembina*	1,107	1.07	1,286	1.26	1,197	1.16		-0.03	1
Northeast	1 Pierce	810	0.63	497	0.51	654	0.57		-0.27	
Southeast	2 Ransom	1,087	0.72	1,185	0.69	1,136	0.70		-0.08	
Northeast	1 Renville	385	0.23	492	0.31	439	0.27		-0.04	
Southeast	2 Sargent	839	0.58	782	0.47	811	0.52		-0.04	
South Central	3 Sheridan	233	0.18	279	0.21	256	0.19		0.00	
South Central	3 Sioux	130	0.18	155	0.18	143	0.18		-0.03	
Southwest	3 Slope	222	0.08	225	0.07	224	0.08		0.00	
East Central	2 Steele	298	0.13	300	0.21	299	0.17		0.02	
Northeast	1 Towner	687	0.64	592	0.55	640	0.59		-0.14	
East Central	2 Traill*	2,583	1.05	2,310	1.18	2,447	1.11		-0.31	1
Southeast	2 Wells	493	0.45	497	0.50	495	0.48		-0.13	
Contract Totals		32,916	23.07	34,325	23.73	33,621	23.40		-1.88	9
Statewide Totals		159,730	144.95	162,426	143.35	161,078	144.15			

* Counties that have option to become state operated/funded.

2019/2020 CASE FILINGS / FTE NEEDS BY COUNTY

North Dakota Clerks of Court

District	County	2019 Filings	2019 FTE	2020 Filings	2020 FTE	AVERAGE		2019-20 Actual FTEs	Variance from 2019-20 FTEs	Shortage as % of 2019-20 FTEs
						FILINGS 2019 / 2020	FTE Avg on 2019, 2020			
State Operated and Funded:										
East Central	2 Cass	21,408	29.09	25,241	29.99	23,325	29.54	22.00	-7.54	-34%
Northeast	1 Ramsey	4,117	3.51	4,295	3.64	4,206	3.57	3.00	-0.57	-19%
Northeast	1 Walsh	2,703	2.06	2,571	1.86	2,637	1.96	2.00	0.04	2%
Northeast	1 Rolette	1,027	1.61	1,135	1.58	1,081	1.59	2.50	0.91	36%
Northeast Cent	1 Grand Forks	15,455	15.50	15,435	14.58	15,445	15.04	13.00	-2.04	-16%
North Central	4 Ward	13,493	14.50	14,342	13.67	13,918	14.09	13.00	-1.09	-8%
Northwest	4 Williams	9,731	10.17	9,878	9.48	9,805	9.82	10.00	0.18	2%
Northwest	4 McKenzie	8,700	6.92	7,848	5.33	8,274	6.12	6.00	-0.12	-2%
South Central	3 Burleigh	17,513	20.17	16,315	18.80	16,914	19.48	17.00	-2.48	-15%
South Central	3 Morton	9,523	8.34	8,669	7.57	9,096	7.96	6.00	-1.96	-33%
Southeast	2 Richland	2,374	2.19	3,014	2.31	2,694	2.25	2.00	-0.25	-12%
Southeast	2 Stutsman	5,225	4.48	6,059	4.37	5,642	4.42	5.00	0.58	12%
Southeast	2 Barnes	3,101	2.48	3,715	2.49	3,408	2.49	2.00	-0.49	-24%
Southwest	3 Stark	6,358	5.93	8,297	6.22	7,328	6.08	6.00	-0.08	-1%
	Total	120,728	126.94	126,814	121.88	123,771	124.41	109.50	-14.91	-14%
County Operated / State Funded:										
Southwest	3 Adams	1,000	0.47	891	0.42	946	0.45		-0.03	
Northeast	1 Benson	745	0.62	707	0.56	726	0.59		-0.13	
Southwest	3 Billings	505	0.18	484	0.18	495	0.18		-0.05	
Northeast	1 Bottineau	1,259	0.96	1,000	0.74	1,130	0.85		-0.14	
Southwest	3 Bowman	887	0.53	921	0.51	904	0.52		-0.02	
North Central	4 Burke	1,028	0.56	741	0.49	885	0.53		0.00	
Northeast	1 Cavalier	589	0.53	451	0.44	520	0.49		-0.07	
Southeast	2 Dickey	1,030	0.70	915	0.66	973	0.68		-0.07	
Northwest	4 Divide	990	0.54	1,064	0.62	1,027	0.58		0.00	
Southwest	3 Dunn*	2,101	1.44	1,489	1.20	1,795	1.32		-0.09	1
Southeast	2 Eddy	630	0.55	583	0.55	607	0.55		-0.01	
South Central	3 Emmons	716	0.42	543	0.43	630	0.42		0.03	
Southeast	2 Foster	848	0.61	724	0.57	786	0.59		0.00	
Southwest	3 Golden Valley	238	0.19	273	0.17	256	0.18		-0.01	
South Central	3 Grant	300	0.25	278	0.21	289	0.23		-0.02	
Southeast	2 Griggs	296	0.40	328	0.30	312	0.35		-0.02	
Southwest	3 Hettinger	493	0.34	508	0.37	501	0.35		0.00	
Southeast	3 Kidder	572	0.32	675	0.34	624	0.33		-0.05	
Southeast	2 Lamoure	842	0.55	977	0.51	910	0.53		-0.01	
Southeast	3 Logan	225	0.24	251	0.28	238	0.26		0.01	
Northeast	1 McHenry*	1,843	1.19	1,890	1.26	1,867	1.22		0.11	1
Southeast	3 McIntosh	387	0.32	471	0.42	429	0.37		0.06	
South Central	3 McLean*	2,439	1.96	2,728	2.02	2,584	1.99		0.11	2
South Central	3 Mercer*	1,583	1.38	1,353	1.33	1,468	1.36		0.01	1
North Central	4 Mountrail*	3,132	2.07	2,834	1.83	2,983	1.95		-0.10	2
Northeast Cent	1 Nelson	1,016	0.63	660	0.49	838	0.56		-0.03	
South Central	3 Oliver	331	0.25	303	0.24	317	0.25		-0.03	
Northeast	1 Pembina*	1,254	1.23	1,107	1.07	1,181	1.15		-0.04	1
Northeast	1 Pierce	922	0.91	810	0.63	866	0.77		-0.07	
Southeast	2 Ransom	949	0.73	1,087	0.72	1,018	0.73		-0.05	
Northeast	1 Renville	457	0.31	385	0.23	421	0.27		-0.04	
Southeast	2 Sargent	772	0.60	839	0.58	806	0.59		0.02	
South Central	3 Sheridan	283	0.20	233	0.18	258	0.19		0.00	
South Central	3 Sioux	170	0.22	130	0.18	150	0.20		-0.01	
Southwest	3 Slope	268	0.09	222	0.08	245	0.09		0.01	
East Central	2 Steele	172	0.15	298	0.13	235	0.14		-0.01	
Northeast	1 Towner	785	0.70	687	0.64	736	0.67		-0.06	
East Central	2 Traill*	2,041	1.37	2,583	1.05	2,312	1.21		-0.21	1
Southeast	2 Wells	751	0.61	493	0.45	622	0.53		-0.08	
	Contract Totals	34,849	25.34	32,916	23.07	33,883	24.21		-1.08	9
	Statewide Totals	155,577	152.28	159,730	144.95	157,654	148.62			

* Counties that have option to become state operated/funded.

2018/2019 CASE FILINGS / FTE NEEDS BY COUNTY

North Dakota Clerks of Court

District	County	2018 Filings	2018 FTE	2019 Filings	2019 FTE	AVERAGE		2018-19 Actual FTEs	Variance from 2018-19 FTEs	Shortage as % of 2018-19 FTEs
						FILINGS 2018 / 2019	FTE Avg on 2018, 2019			
State Operated and Funded:										
East Central	2 Cass	24,136	28.21	21,408	29.09	22,772	28.65	22.00	-6.65	-30%
Northeast	1 Ramsey	4,453	3.43	4,117	3.51	4,285	3.47	3.00	-0.47	-16%
Northeast	1 Walsh	2,470	2.06	2,703	2.06	2,587	2.06	2.00	-0.06	-3%
Northeast	1 Rolette	896	1.50	1,027	1.61	962	1.56	2.50	0.94	38%
Northeast Centi	1 Grand Forks	15,171	14.92	15,455	15.50	15,313	15.21	13.00	-2.21	-17%
North Central	4 Ward	14,436	14.01	13,493	14.50	13,965	14.25	13.00	-1.25	-10%
Northwest	4 Williams	10,736	10.46	9,731	10.17	10,234	10.31	10.00	-0.31	-3%
Northwest	4 McKenzie	10,803	7.53	8,700	6.92	9,752	7.22	6.00	-1.22	-20%
South Central	3 Burleigh	16,648	20.71	17,513	20.17	17,081	20.44	17.00	-3.44	-20%
South Central	3 Morton	8,434	7.37	9,523	8.34	8,979	7.86	6.00	-1.86	-31%
Southeast	2 Richland	2,882	2.42	2,374	2.19	2,628	2.30	2.00	-0.30	-15%
Southeast	2 Stutsman	5,666	5.47	5,225	4.48	5,446	4.97	5.00	0.03	1%
Southeast	2 Barnes	3,047	2.33	3,101	2.48	3,074	2.41	2.00	-0.41	-20%
Southwest	3 Stark	6,351	6.02	6,358	5.93	6,355	5.98	6.00	0.02	0%
Total		126,129	126.44	120,728	126.94	123,429	126.69	109.50	-17.19	-16%

County Operated / State Funded:										
								Change from last contract	Election FTEs	
Southwest	3 Adams	1,088	0.48	1,000	0.48	1,044	0.48	-0.09		
Northeast	1 Benson	986	0.81	745	0.62	866	0.71	-0.19		
Southwest	3 Billings	999	0.28	505	0.18	752	0.23	-0.08		
Northeast	1 Bottineau	1,400	1.02	1,259	0.96	1,330	0.99	-0.14		
Southwest	3 Bowman	825	0.54	887	0.53	856	0.53	-0.03		
North Central	4 Burke	809	0.48	1,028	0.56	919	0.52	-0.06		
Northeast	1 Cavalier	595	0.57	589	0.53	592	0.55	-0.08		
Southeast	2 Dickey	1,157	0.80	1,030	0.70	1,094	0.75	-0.04		
Northwest	4 Divide	750	0.62	990	0.54	870	0.58	-0.17		
Southwest	3 Dunn*	2,208	1.38	2,101	1.44	2,155	1.41	-0.01	1	
Southeast	2 Eddy	753	0.58	630	0.55	692	0.56	-0.01		
South Central	3 Emmons	685	0.37	716	0.42	701	0.39	0.03		
Southeast	2 Foster	1,305	0.56	848	0.61	1,077	0.59	0.05		
Southwest	3 Golden Valley	222	0.18	238	0.19	230	0.19	-0.08		
South Central	3 Grant	330	0.25	300	0.25	315	0.25	-0.06		
Southeast	2 Griggs	231	0.34	296	0.40	264	0.37	0.07		
Southwest	3 Hettinger	570	0.37	493	0.34	532	0.35	-0.07		
Southeast	3 Kidder	835	0.44	572	0.32	704	0.38	-0.01		
Southeast	2 Lamoure	819	0.54	842	0.55	831	0.55	0.00		
Southeast	3 Logan	291	0.25	225	0.24	258	0.25	-0.11		
Northeast	1 McHenry*	1,756	1.04	1,843	1.19	1,800	1.11	0.17	1	
Southeast	3 McIntosh	369	0.30	387	0.32	378	0.31	-0.01		
South Central	3 McLean*	2,571	1.80	2,439	1.96	2,505	1.88	-0.19	2	
South Central	3 Mercer*	1,422	1.32	1,583	1.38	1,503	1.35	-0.02	1	
North Central	4 Mountrail*	3,522	2.02	3,132	2.07	3,327	2.05	-0.17	2	
Northeast Centi	1 Nelson	673	0.54	1,016	0.63	845	0.58	0.07		
South Central	3 Oliver	485	0.30	331	0.25	408	0.27	-0.08		
Northeast	1 Pembina*	1,431	1.15	1,254	1.23	1,343	1.19	-0.08	1	
Northeast	1 Pierce	869	0.78	922	0.91	896	0.85	-0.07		
Southeast	2 Ransom	1,091	0.83	949	0.73	1,020	0.78	-0.10		
Northeast	1 Renville	441	0.31	457	0.31	449	0.31	0.00		
Southeast	2 Sargent	898	0.54	772	0.60	835	0.57	-0.02		
South Central	3 Sheridan	258	0.18	283	0.20	271	0.19	-0.09		
South Central	3 Sioux	126	0.19	170	0.22	148	0.21	-0.08		
Southwest	3 Slope	178	0.06	268	0.09	223	0.08	-0.04		
East Central	2 Steele	207	0.15	172	0.15	190	0.15	-0.11		
Northeast	1 Towner	936	0.76	785	0.70	861	0.73	0.21		
East Central	2 Traill*	2,203	1.48	2,041	1.37	2,122	1.43	0.08	1	
Southeast	2 Wells	611	0.61	751	0.61	681	0.61	-0.14		
Contract Totals		36,905	25.22	34,849	25.34	35,877	25.28	-1.75	9	
Statewide Totals		163,034	151.66	155,577	152.28	159,306	151.97			

* Counties that have option to become state operated/funded.

2017/2018 CASE FILINGS / FTE NEEDS BY COUNTY
North Dakota Clerks of Court

District	County	2017 Filings	2017 FTE	2018 Filings	2018 FTE	AVERAGE		2018-19 Actual FTEs	Variance from 2018-19 FTEs	Shortage as % of 2018-19 FTEs
						FILINGS 2018 / 2018	FTE Avg on 2018, 2018			
State Operated and Funded:										
East Central	2 Cass	24,792	29.24	24,136	28.21	24,464	28.73	21.00	-7.73	-37%
Northeast	1 Ramsey	3,963	3.33	4,453	3.43	4,208	3.38	3.00	-0.38	-13%
Northeast	1 Walsh	2,350	2.22	2,470	2.06	2,410	2.14	2.00	-0.14	-7%
Northeast	1 Rolette	832	1.43	896	1.50	864	1.47	2.50	1.03	41%
Northeast Cent	1 Grand Forks	15,455	15.73	15,171	14.92	15,313	15.33	12.00	-3.33	-28%
North Central	4 Ward	15,815	15.16	14,436	14.01	15,126	14.58	13.00	-1.58	-12%
Northwest	4 Williams	9,830	9.30	10,736	10.46	10,283	9.88	10.00	0.12	1%
Northwest	4 McKenzie	9,448	6.70	10,803	7.53	10,126	7.11	6.00	-1.11	-19%
South Central	3 Burleigh	16,575	21.67	16,648	20.71	16,612	21.19	17.00	-4.19	-25%
South Central	3 Morton	8,068	7.80	8,434	7.37	8,251	7.59	6.00	-1.59	-26%
Southeast	2 Richland	3,084	2.47	2,882	2.42	2,983	2.44	2.00	-0.44	-22%
Southeast	2 Stutsman	5,878	5.82	5,666	5.47	5,772	5.64	5.00	-0.64	-13%
Southeast	2 Barnes	2,946	2.15	3,047	2.33	2,997	2.24	2.00	-0.24	-12%
Southwest	3 Stark	6,917	6.40	6,351	6.02	6,634	6.21	6.00	-0.21	-4%
Total		125,953	129.43	126,129	126.44	126,041	127.93	107.50	-20.43	-19%

County Operated / State Funded:										
								Change from last contract	Election FTEs	
Southwest	3 Adams	1,029	0.53	1,088	0.48	1,059	0.50	-0.07		
Northeast	1 Benson	912	0.85	986	0.81	949	0.83	-0.07		
Southwest	3 Billings	857	0.26	999	0.28	928	0.27	-0.04		
Northeast	1 Bottineau*	1,378	1.05	1,400	1.02	1,389	1.03	-0.10	1	
Southwest	3 Bowman	873	0.50	825	0.54	849	0.52	-0.04		
North Central	4 Burke	980	0.65	809	0.48	895	0.57	-0.01		
Northeast	1 Cavalier	592	0.67	595	0.57	594	0.62	-0.01		
Southeast	2 Dickey	1,074	0.83	1,157	0.80	1,116	0.81	0.02		
Northwest	4 Divide	997	0.71	750	0.62	874	0.66	-0.09		
Southwest	3 Dunn*	2,613	1.43	2,208	1.38	2,411	1.40	-0.02	1	
Southeast	2 Eddy	665	0.48	753	0.58	709	0.53	-0.04		
South Central	3 Emmons	582	0.34	685	0.37	634	0.36	0.00		
Southeast	2 Foster	557	0.51	1,305	0.56	931	0.54	0.00		
Southwest	3 Golden Valley	373	0.27	222	0.18	298	0.22	-0.05		
South Central	3 Grant	316	0.29	330	0.25	323	0.27	-0.04		
Southeast	2 Griggs	214	0.30	231	0.34	223	0.32	0.02		
Southwest	3 Hettinger	567	0.42	570	0.37	569	0.39	-0.03		
Southeast	3 Kidder	834	0.38	835	0.44	835	0.41	0.02		
Southeast	2 Lamoure	812	0.53	819	0.54	816	0.54	-0.01		
Southeast	3 Logan	511	0.38	291	0.25	401	0.31	-0.05		
Northeast	1 McHenry*	1,843	0.97	1,756	1.04	1,800	1.00	0.06	1	
Southeast	3 McIntosh	457	0.33	369	0.30	413	0.32	0.00		
South Central	3 McLean*	2,791	2.00	2,571	1.80	2,681	1.90	-0.17	2	
South Central	3 Mercer*	1,603	1.37	1,422	1.32	1,513	1.35	-0.02	1	
North Central	4 Mountrail*	4,097	2.20	3,522	2.02	3,810	2.11	-0.11	2	
Northeast Cent	1 Nelson	740	0.48	673	0.54	707	0.51	0.00		
South Central	3 Oliver	431	0.32	485	0.30	458	0.31	-0.04		
Northeast	1 Pembina*	1,419	1.32	1,431	1.15	1,425	1.23	-0.04	1	
Northeast	1 Pierce	759	0.77	869	0.78	814	0.78	-0.14		
Southeast	2 Ransom	954	0.90	1,091	0.83	1,023	0.86	-0.02		
Northeast	1 Renville	539	0.30	441	0.31	490	0.30	-0.01		
Southeast	2 Sargent	779	0.51	898	0.54	839	0.52	-0.07		
South Central	3 Sheridan	351	0.24	258	0.18	305	0.21	-0.07		
South Central	3 Sioux	168	0.30	126	0.19	147	0.25	-0.04		
Southwest	3 Slope	295	0.13	178	0.06	237	0.10	-0.02		
East Central	2 Steele	442	0.26	207	0.15	325	0.21	-0.05		
Northeast	1 Towner	570	0.52	936	0.76	753	0.64	0.12		
East Central	2 Traill*	2,319	1.31	2,203	1.48	2,261	1.39	0.04	1	
Southeast	2 Wells	921	0.67	611	0.61	766	0.64	-0.11		
Contract Totals		38,214	26.28	36,905	25.22	37,560	25.75	-1.28	10	
Statewide Totals		164,167	155.71	163,034	151.66	163,601	153.68			

* Counties that have option to become state operated/funded.

2016/2017 CASE FILINGS / FTE NEEDS BY COUNTY

North Dakota Clerks of Court

District	County	2016 Filings	2016 FTE	2017 Filings	2017 FTE	AVERAGE		2017-19 Actual FTEs	Variance from 2017-19 FTEs	Shortage as % of 2017-19 FTEs
						FILINGS 2016 / 2017	FTE Avg on 2016, 2017			
State Operated and Funded:										
East Central	2 Cass	23,903	26.90	24,792	29.24	24,348	28.07	21.00	-7.07	-34%
Northeast	1 Ramsey	3,509	3.11	3,963	3.33	3,736	3.22	3.00	-0.22	-7%
Northeast	1 Walsh	2,562	2.08	2,350	2.22	2,456	2.15	2.00	-0.15	-7%
Northeast	1 Rolette	1,295	2.01	832	1.43	1,064	1.72	2.50	0.78	31%
Northeast Cent	1 Grand Forks	14,388	15.02	15,455	15.73	14,922	15.38	12.00	-3.38	-28%
North Central	4 Ward	14,522	15.30	15,815	15.16	15,169	15.23	13.00	-2.23	-17%
Northwest	4 Williams	10,148	10.01	9,830	9.30	9,989	9.66	10.00	0.34	3%
Northwest	4 McKenzie	9,260	6.50	9,448	6.70	9,354	6.60	6.00	-0.60	-10%
South Central	3 Burleigh	16,595	21.06	16,575	21.67	16,585	21.36	17.00	-4.36	-26%
South Central	3 Morton	8,204	8.84	8,068	7.80	8,136	8.32	6.00	-2.32	-39%
Southeast	2 Richland	3,134	2.21	3,084	2.47	3,109	2.34	2.00	-0.34	-17%
Southeast	2 Stutsman	5,811	5.35	5,878	5.82	5,845	5.58	5.00	-0.58	-12%
Southeast	2 Barnes	2,850	2.37	2,946	2.15	2,898	2.26	2.00	-0.26	-13%
Southwest	3 Stark	6,604	6.42	6,917	6.40	6,761	6.41	6.00	-0.41	-7%
Total		122,785	127.17	125,953	129.43	124,369	128.30	107.50	-20.80	-19%
County Operated / State Funded:										
Southwest	3 Adams	1,339	0.60	1,029	0.53	1,184	0.57		-0.05	
Northeast	1 Benson	911	0.95	912	0.85	912	0.90		-0.19	
Southwest	3 Billings	1,228	0.36	857	0.26	1,043	0.31		-0.24	
Northeast	1 Bottineau*	1,714	1.21	1,378	1.05	1,546	1.13		-0.22	1
Southwest	3 Bowman	863	0.61	873	0.50	868	0.56		-0.06	
North Central	4 Burke	840	0.51	980	0.65	910	0.58		-0.08	
Northeast	1 Cavalier	532	0.60	592	0.67	562	0.63		-0.03	
Southeast	2 Dickey	1,159	0.75	1,074	0.83	1,117	0.79		-0.06	
Northwest	4 Divide	1,039	0.79	997	0.71	1,018	0.75		-0.48	
Southwest	3 Dunn*	2,270	1.40	2,613	1.43	2,442	1.42		-0.63	1
Southeast	2 Eddy	1,077	0.65	665	0.48	871	0.57		0.15	
South Central	3 Emmons	628	0.39	582	0.34	605	0.36		-0.07	
Southeast	2 Foster	665	0.56	557	0.51	611	0.54		-0.18	
Southwest	3 Golden Valley	354	0.27	373	0.27	364	0.27		-0.10	
South Central	3 Grant	316	0.33	316	0.29	316	0.31		-0.10	
Southeast	2 Griggs	278	0.30	214	0.30	246	0.30		-0.04	
Southwest	3 Hettinger	486	0.42	567	0.42	527	0.42		-0.08	
Southeast	3 Kidder	657	0.41	834	0.38	746	0.39		-0.11	
Southeast	2 Lamoure	745	0.58	812	0.53	779	0.55		-0.04	
Southeast	3 Logan	509	0.35	511	0.38	510	0.36		0.10	
Northeast	1 McHenry	1,455	0.90	1,843	0.97	1,649	0.94		-0.31	
Southeast	3 McIntosh	480	0.31	457	0.33	469	0.32		-0.08	
South Central	3 McLean*	3,348	2.14	2,791	2.00	3,070	2.07		-0.41	2
South Central	3 Mercer*	1,370	1.38	1,603	1.37	1,487	1.37		-0.16	1
North Central	4 Mountrail*	3,925	2.23	4,097	2.20	4,011	2.22		-0.82	2
Northeast Cent	1 Nelson	643	0.53	740	0.48	692	0.51		-0.17	
South Central	3 Oliver	580	0.38	431	0.32	506	0.35		0.00	
Northeast	1 Pembina*	1,394	1.22	1,419	1.32	1,407	1.27		-0.08	1
Northeast	1 Pierce	1,026	1.07	759	0.77	893	0.92		-0.12	
Southeast	2 Ransom	1,009	0.86	954	0.90	982	0.88		-0.19	
Northeast	1 Renville	423	0.32	539	0.30	481	0.31		-0.08	
Southeast	2 Sargent	985	0.66	779	0.51	882	0.59		-0.18	
South Central	3 Sheridan	783	0.33	351	0.24	567	0.28		-0.06	
South Central	3 Sioux	234	0.27	168	0.30	201	0.29		0.05	
Southwest	3 Slope	387	0.11	295	0.13	341	0.12		-0.14	
East Central	2 Steele	345	0.25	442	0.26	394	0.26		-0.08	
Northeast	1 Towner	597	0.52	570	0.52	584	0.52		0.16	
East Central	2 Traill*	2,211	1.39	2,319	1.31	2,265	1.35		-0.11	1
Southeast	2 Wells	1,419	0.83	921	0.67	1,170	0.75		0.01	
Contract Totals		40,224	27.73	38,214	26.28	39,219	27.00		-5.31	9
Statewide Totals		163,009	154.90	164,167	155.71	163,588	155.30			

* Counties that have option to become state operated/funded.

2015/2016 CASE FILINGS / FTE NEEDS BY COUNTY
North Dakota Clerks of Court

District	County	2015 Filings	2015 FTE	2016 Filings	2016 FTE	AVERAGE		2015-17 Actual FTES	2017-19 Proposed Changes	2017-19 FTEs	Variance from 2017-19 FTEs	Shortage as % of 2017-19 FTEs
						FILINGS 2015 / 2016	FTE Avg on 2015, 2016					
State Funded												
East Central	2 Cass	23,949	25.58	23,903	26.90	23,926	26.24	24.00	-2.00	22.00	-4.24	-19%
Northeast	1 Ramsey	5,148	3.77	3,509	3.11	4,329	3.44	4.00	-1.00	3.00	-0.44	-15%
Northeast	1 Walsh	3,029	2.52	2,562	2.08	2,796	2.30	3.00	-1.00	2.00	-0.30	-15%
Northeast	1 Rolette	2,228	2.67	1,295	2.01	1,762	2.34	2.50		2.50	0.16	6%
Northeast Cent	1 Grand Forks	14,922	15.05	14,388	15.02	14,655	15.04	14.00	-2.00	12.00	-3.04	-25%
North Central	4 Ward	16,274	16.47	14,522	15.30	15,398	15.88	12.00	1.00	13.00	-2.88	-22%
Northwest	4 Williams	12,462	12.31	10,148	10.01	11,305	11.16	8.00	2.00	10.00	-1.16	-12%
Northwest	4 McKenzie	11,365	7.30	9,260	6.50	10,313	6.90	6.00		6.00	-0.90	-15%
South Central	3 Burleigh	18,782	20.73	16,595	21.06	17,689	20.89	15.00	2.00	17.00	-3.89	-23%
South Central	3 Morton	8,430	7.70	8,204	8.84	8,317	8.27	5.00	1.00	6.00	-2.27	-38%
Southeast	2 Richland	3,053	2.28	3,134	2.21	3,094	2.24	4.00	-2.00	2.00	-0.24	-12%
Southeast	2 Stutsman	6,252	5.66	5,811	5.35	6,032	5.51	5.00		5.00	-0.51	-10%
Southeast	2 Barnes	3,310	2.58	2,850	2.37	3,080	2.47	3.00	-1.00	2.00	-0.47	-24%
Southwest	3 Stark	8,163	7.24	6,604	6.42	7,384	6.83	6.00		6.00	-0.83	-14%
Total		137,367	131.85	122,785	127.17	130,076	129.51	111.50	-3.00	108.50	-21.01	-19%
County Operated / State Funded												
Southwest	3 Adams	1,674	0.60	1,339	0.60	1,507	0.60				Change from last contract	Election FTEs
Northeast	1 Benson	1,127	1.05	911	0.95	1,019	1.00				-0.02	1
Southwest	3 Billings	1,496	0.44	1,228	0.36	1,362	0.40				-0.15	
Northeast	1 Bottineau	1,845	1.38	1,714	1.21	1,780	1.30				-0.05	1
Southwest	3 Bowman	1,097	0.56	863	0.61	980	0.59				-0.03	
North Central	4 Burke	1,234	0.63	840	0.51	1,037	0.57				-0.09	
Northeast	1 Cavaller	900	0.69	532	0.60	716	0.65				-0.01	
Southeast	2 Dickey	1,495	0.75	1,159	0.75	1,327	0.75				-0.10	
Northwest	4 Divide	1,787	1.16	1,039	0.79	1,413	0.98				-0.25	
Southwest	3 Dunn	4,131	2.13	2,270	1.40	3,201	1.77				-0.28	2
Southeast	2 Eddy	781	0.45	1,077	0.65	929	0.55				0.13	
South Central	3 Emmons	686	0.45	628	0.39	657	0.42				-0.01	
Southeast	2 Foster	935	0.74	665	0.56	800	0.65				-0.07	
Southwest	3 Golden Valley	581	0.42	354	0.27	468	0.34				-0.03	
South Central	3 Grant	416	0.47	316	0.33	366	0.40				-0.01	
Southeast	2 Griggs	385	0.30	278	0.30	332	0.30				-0.04	
Southwest	3 Hettinger	636	0.58	486	0.42	561	0.50				0.00	
Southeast	3 Kidder	1,197	0.48	657	0.41	927	0.44				-0.06	
Southeast	2 Lamoure	996	0.60	745	0.58	871	0.59				0.00	
Southeast	3 Logan	407	0.26	509	0.35	458	0.30				0.04	
Northeast	1 McHenry	1,629	1.19	1,455	0.90	1,542	1.04				-0.21	1
Southeast	3 McIntosh	551	0.37	480	0.31	516	0.34				-0.06	
South Central	3 McLean	3,502	2.39	3,348	2.14	3,425	2.27				-0.21	2
South Central	3 Mercer	1,687	1.46	1,370	1.38	1,529	1.42				-0.11	1
North Central	4 Mountrail	4,942	3.19	3,925	2.23	4,434	2.71				-0.33	3
Northeast Cent	1 Nelson	1,226	0.62	643	0.53	935	0.58				-0.10	
South Central	3 Oliver	589	0.36	580	0.38	585	0.37				0.02	
Northeast	1 Pembina	1,664	1.36	1,394	1.22	1,529	1.29				-0.06	1
Northeast	1 Pierce	1,494	1.13	1,026	1.07	1,260	1.10				0.06	1
Southeast	2 Ransom	1,274	1.09	1,009	0.86	1,142	0.98				-0.09	
Northeast	1 Renville	487	0.41	423	0.32	455	0.36				-0.03	
Southeast	2 Sargent	1,174	0.72	985	0.66	1,080	0.69				-0.08	
South Central	3 Sheridan	638	0.39	783	0.33	711	0.36				0.02	
South Central	3 Sioux	185	0.30	234	0.27	210	0.29				0.05	
Southwest	3 Slope	1,139	0.26	387	0.11	763	0.19				-0.07	
East Central	2 Steele	462	0.31	345	0.25	404	0.28				-0.06	
Northeast	1 Towner	573	0.44	597	0.52	585	0.48				0.12	
East Central	2 Traill	2,505	1.46	2,211	1.39	2,358	1.43				-0.03	1
Southeast	2 Wells	1,014	0.71	1,419	0.83	1,217	0.77				0.03	
Contract Totals		50,541	32.35	40,224	27.73	45,383	30.04				-2.27	14
Statewide Totals		187,908	164.20	163,009	154.90	175,459	159.55					

HB 1002 – Judicial Branch Budget: FTE Requests

Considerations:

- **Constitutional right to a speedy trial** – ND has a similar number of judges now as we did 30 years ago, but the caseload has grown and cases are taking longer to resolve.
- **Financial consequences for counties** if capacity within the judicial branch doesn't match caseload. When the wait for trial is longer, defendants remain incarcerated longer. The average length of stay in Cass County jail has doubled in the last few years from 9 to 18 days (cost is \$110+ / day). Bed space is already at a premium.
- **Consequences for children in need of protection** if there's a gap between capacity and caseload (interim testimony.) With full dockets, ND too often exceeds statute & rule time limits for certain juvenile cases, so these cases aren't resolved as quickly as they should be.
- **Business consequences** if civil litigation / contract disputes take longer to resolve.
- **Adding capacity might help alleviate some of the salary concerns.** Several judges who advocated for significant salary increases also testified about having heavy caseloads and inadequate staff assistance. If we do not increase judicial officer wages by 35%, providing more capacity through additional judges, staff attorneys and clerks could be a positive factor.

Request versus Proposal:

FTE REQUESTS	FTE PROPOSAL
4 judges	3 judges
6 attorneys	4 attorneys
11 clerks	11 clerks
1 assistant court administrator	1 assistant court administrator
2 court improvement staff (<i>been temps for 12 years</i>)	2 court improvement staff
Total request - 24	Total proposal – 21

Judges:

Request: 4 judges: 2 in EC (Fargo area), 1 in NE Central (GF area), and 1 in SC (Burleigh/Morton area).

Proposal: authorize 3

- 2 in EC (Fargo area) -> study indicates they need 2.41 more judges (22% shortage in case load capacity). That would give them 13 total.
- 1 in NEC (GF area) -> study indicates they need 1.21 more judges (24% shortage in case load capacity). That would give NEC 6 total.
- 0 in SC (Burleigh/Morton) -> study indicates they need 0.40 more judges (3.3% shortage in capacity). They currently have 12.
- The other most under-judged district is North Central (Minot area) at 0.47 judges short (7.8% gap) but they didn't ask for a judge.

Background:

- OVERALL, the study indicates that ND has a 3.2% gap between judges and case load – representing 1.83 FTEs.
- Some districts are slightly over capacity with their judges where others like Cass County (EC) have a major shortfall in judge capacity (2.41) – so the AVERAGE between the over-capacity and under-capacity districts is 1.83. However, a district with excess capacity can't easily pick up some of the work from the districts that are under capacity because they are hundreds of miles apart.
- EC (Cass) – high concentration of ND's population but also a large number of corporate entities – so lots of complex litigation. Also, all asbestos litigation – which is very complex with hundreds of parties / thousands of filings – goes through EC.
- For each new judge, we have to add one staff attorney position.

Staff Attorneys

Request: 6 new staff attorneys. 4 would be assigned to work with the 4 new judgeships in lieu of a court reporter. Of the remaining 2, one would be assigned to NC (Minot area) and NW (Divide, Williams & McKensie).

Proposal: 4

- We would remove one staff attorney, if we approve only 3 judges (3 staff attorneys assigned to 3 judges).
- Of the remaining 2 requested, I would prioritize adding 1 staff attorney for NC (Minot) since there is a bigger capacity issue with their judges (they need ½ a judge). A staff attorney would be able to provide more assistance for NC's 6 existing judges.

Deputy Clerks:

Request: 11

Proposal: 11

- Currently have 109 state-employed clerks in 14 counties. Workload shows ND has a need for 11.75 more (gap of 11% in capacity).

Related legislation / caveat:

- SB 2277 would require at least 1 clerk of court or deputy to be located in each county - converting county employees who contracts with the state.
- If SB 2277 passes the Senate, we can re-evaluate the clerk staffing level in HB 1002 - because bringing them over would add some capacity overall. (Some individuals would go from a part-time contract employee to full-time state employee.)
- Remaining 39 counties employ the equivalent of 23.4 FTEs (based on the work) employed by the county / contracted by the state. Some of these contracted clerks work as combination of clerk & recorder. Some clerks are elected, some recorders are elected.
- Of these 39 counties, 7 counties are already eligible to have their clerks become state employees because they've crossed the 1.0 threshold. (Current law).

HB 1002 – Judicial Branch Budget: Request for Raises

Considerations: Candidate diversity. Open judgeships are not attracting as many candidates or candidates from the private sector as in the past. A higher salary would help ensure high-quality judges with diverse professional backgrounds.

Agency request compared to 3 other options:

Title	Count*	Base Salary	Agency Requested							
			FY 2024		FY 2025		FY 2024		FY 2025	
			20%	15%	6%	4%	10%	4%	8%	4%
District Court Judges	44	155,219	186,263	214,202	164,532	171,113	170,741	177,571	167,637	174,342
Presiding Judges	8	159,629	191,555	220,288	169,207	175,975	175,592	182,616	172,399	179,295
Referees	5	124,175	149,010	171,362	131,626	136,891	136,593	142,056	134,109	139,473
Supreme Court Justices	4	169,162	202,994	233,444	179,312	186,484	186,078	193,521	182,695	190,003
Chief Justice	1	173,946	208,735	240,045	184,383	191,758	191,341	198,994	187,862	195,376
			\$6.9m - total				\$3m - total		\$2.5m - total	

**does not include new FTE positions we decide upon*

A 35% raise might feel too high for many legislators, especially when most other state employees will not get a raise that high and we have recruitment and retention problems in most areas of state government. However, the governor has proposed an equity bump for employees in the executive branch – in addition to the regular salary raise that all public employees will get (such as 6%/4%). Equity bumps may vary by agency and by individual, but it appears that OMB has included 2% of payroll as an estimate for agencies that identified an equity need but did not provide OMB with detail to support that need. Some areas like higher ed suggested higher amounts like 3.7%.

Since the judicial branch is not part of the governor’s 2023 equity bump package and because the judicial branch has not received an equity bump in recent memory, it is reasonable to propose a salary raise of 8%/4% or 10%/4% for judicial officers.

Equity adjustments for non-judicial officers

Considerations:

- Staff attorneys, IT professionals and other key positions were not considered when requesting the need for significant '23-25 salary increases. (They would get what all public employees get).
- These roles have never received an equity adjustment in recent memory and are not included in the governor's proposal giving an equity adjustment to executive branch employees this year. The judiciary branch is losing staff attorneys, IT professionals and others to other areas of state govt.
- I asked Sally Holewa and Don Wolf what this would look like if the judiciary branch had an equity adjustment package similar to the executive branch for these high-need areas with significant salary gaps.

Proposal: \$339,090 for equity adjustments and associated fringe increases for about 37 specific roles

**Judicial Branch - Budget No. 180
House Bill No. 1002
Base Level Funding Changes**

	Executive Budget Recommendation				House Version				House 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
2023-25 Biennium Base Level	362.00	\$110,312,790	\$1,259,463	\$111,572,253	362.00	\$110,312,790	\$1,259,463	\$111,572,253	0.00	\$0	\$0	\$0
2023-25 Ongoing Funding Changes												
Base payroll changes		\$467,705	\$3,270	\$470,975				\$0		(\$467,705)	(\$3,270)	(\$470,975)
Salary increase		11,406,275	28,166	11,434,441				0		(11,406,275)	(28,166)	(11,434,441)
Health insurance increase		1,992,426	20,088	2,012,514				0		(1,992,426)	(20,088)	(2,012,514)
Adds new FTE positions	22.00	5,760,954		5,760,954				0	(22.00)	(5,760,954)		(5,760,954)
Converts federally funded court improvement program temporary positions to FTE positions	2.00		63,662	63,662				0	(2.00)		(63,662)	(63,662)
Adds funding for retirement leave payouts		369,922	7,166	377,088				0		(369,922)	(7,166)	(377,088)
Increases funding for judges retirement		40,094		40,094				0		(40,094)		(40,094)
Adds funding for temporary youth coordinator positions		495,000		495,000				0		(495,000)		(495,000)
Adds funding for drug court and veterans' court coordinators and aides		189,582		189,582				0		(189,582)		(189,582)
Adds funding for increased jury compensation rates		960,000		960,000				0		(960,000)		(960,000)
Adds funding for jury costs, including bailiff pay, postage, and jury fees		245,900		245,900				0		(245,900)		(245,900)
Adds funding for increased IT costs		2,392,995		2,392,995				0		(2,392,995)		(2,392,995)
Adds funding for the Supreme Court Law Library		125,500		125,500				0		(125,500)		(125,500)
Adds funding for the rural attorney recruitment program		36,000		36,000				0		(36,000)		(36,000)
Adds funding for travel and professional development		653,287		653,287				0		(653,287)		(653,287)
Adds funding for the family mediation program		282,800		282,800				0		(282,800)		(282,800)
Adds funding for office equipment and furniture		178,880		178,880				0		(178,880)		(178,880)
Removes funding for youth cultural achievement programs		(252,000)		(252,000)				0		252,000		252,000
Adds funding for youth restorative justice		144,476		144,476				0		(144,476)		(144,476)
Adjusts funding for other juvenile court services and program costs		7,298		7,298				0		(7,298)		(7,298)
Adjusts funding for other base budget adjustments		253,739	50,778	304,517				0		(253,739)	(50,778)	(304,517)
Adjusts funding to consolidate line items, including the removal of the guardianship monitoring line item				0				0				0
Total ongoing funding changes	24.00	\$25,750,833	\$173,130	\$25,923,963	0.00	\$0	\$0	\$0	(24.00)	(\$25,750,833)	(\$173,130)	(\$25,923,963)
One-Time Funding Items												
Adds funding for Supreme Court equipment, including a microfiche machine and copy		\$28,500		\$28,500				\$0		(\$28,500)		(\$28,500)

Adds funding for district courts equipment, including copy machines, courtroom video systems, and blades and disk drives	1,125,220	1,125,220			0				(1,125,220)	(1,125,220)		
Adds funding for a federal Department of Justice grant to reduce delays in criminal case processing		\$388,000	388,000		0				(388,000)	(388,000)		
Total one-time funding changes	0.00	\$1,153,720	\$388,000	\$1,541,720	0.00	\$0	\$0	\$0	0.00	(\$1,153,720)	(\$388,000)	(\$1,541,720)
Total Changes to Base Level Funding	24.00	\$26,904,553	\$561,130	\$27,465,683	0.00	\$0	\$0	\$0	(24.00)	(\$26,904,553)	(\$561,130)	(\$27,465,683)
2023-25 Total Funding	386.00	\$137,217,343	\$1,820,593	\$139,037,936	362.00	\$110,312,790	\$1,259,463	\$111,572,253	(24.00)	(\$26,904,553)	(\$561,130)	(\$27,465,683)
<i>Federal funds included in other funds</i>			\$1,280,129				\$756,963				(\$523,166)	
<i>Total ongoing changes as a percentage of base level</i>	6.6%	23.3%	13.7%	23.2%	0.0%	0.0%	0.0%	0.0%				
<i>Total changes as a percentage of base level</i>	6.6%	24.4%	44.6%	24.6%	0.0%	0.0%	0.0%	0.0%				

Other Sections in Judicial Branch - Budget No. 180

	<u>Executive Budget Recommendation</u>	<u>House Version</u>
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, 2023, and ending June 30, 2025.	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, 2023, and ending June 30, 2025.
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 20 percent on July 1, 2023, and by 15 percent on July 1, 2024. Supreme Court justices' annual salaries would be increased from the current level of \$169,162 to \$202,994 effective July 1, 2023, and \$233,444 effective July 1, 2024. The Chief Justice of the Supreme Court would be entitled to receive an additional \$5,741 per annum effective July 1, 2023, and an additional \$6,601 per annum effective July 1, 2024, an increase from the current additional amount for the Chief Justice of \$4,784 per annum.	
District court judges' salaries	Section 6 would provide the statutory changes to increase district court judges' salaries by 20 percent on July 1, 2023, and by 15 percent on July 1, 2024. District court judges' annual salaries would be increased from the current level of \$155,219 to \$186,263 effective July 1, 2023, and \$214,202 effective July 1, 2024. A presiding judge of a judicial district would be entitled to receive an additional \$5,292 per annum effective July 1, 2023, and an additional \$6,086 per annum effective July 1, 2024, an increase from the current additional amount for presiding judges of \$4,410 per annum.	
Juror compensation	Section 7 would provide the statutory changes to increase jury compensation by 100 percent, from \$50 per day to \$100. Compensation for a juror in attendance for 4 hours or less on the 1 st day would increase from \$25 to \$50.	

Prepared by the Legislative Council staff
for House Appropriations - E&E Division
January 24, 2023

HOUSE BILL NO. 1002
LISTING OF PROPOSED CHANGES TO BILL

Department - Judicial Branch

Proposed funding changes:

Description	FTE	General Fund	Special Funds	Total
1 Provide for 21 of the 24 requested new FTE positions, including 2 new judges in the East Central District and 1 new judge in the Northeast Central District		\$4,368,198	\$63,662	\$4,431,860
2 Provide for 10% and 4% salary increases for judges, justices, and referees, including 3 new district court judges (amount is approximate)		3,100,000		3,100,000
3 Provide salary equity funding for other judicial branch employees		339,090		339,090
4				-
5				-
Total proposed funding changes		<u>\$7,807,288</u>	<u>\$63,662</u>	<u>\$7,870,950</u>

Other proposed changes:

- 1
- 2
- 3
- 4

Prepared by the Legislative Council staff
for House Appropriations - E&E Division
February 2, 2023

HOUSE BILL NO. 1002
LISTING OF PROPOSED CHANGES TO BILL

Department - Judicial Branch

Proposed funding changes:

Description	FTE	General Fund	Special Funds	Total
1 Add funding for base payroll changes, annual 4% compensation increases, and increased health insurance premiums		\$7,313,128	\$65,378	\$7,378,506
2 Add funding for 21 of the 24 requested new FTE positions, including 2 new judges in the East Central District and 1 new judge in the Northeast Central District		4,368,198	63,662	4,431,860
3 Provide for 8% and 4% salary increases for judges, justices, and referees, including 3 new district court judges (amount is in addition to the annual 4% increases)		1,013,875		1,013,875
4 Provide salary equity funding for other judicial branch employees		339,090		339,090
Total proposed funding changes		\$13,034,291	\$129,040	\$13,163,331

Judicial Branch - Budget No. 180
House Bill No. 1002
Base Level Funding Changes

	Executive Budget Recommendation				House Version				House 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
2023-25 Biennium Base Level	362.00	\$110,312,790	\$1,259,463	\$111,572,253	362.00	\$110,312,790	\$1,259,463	\$111,572,253	0.00	\$0	\$0	\$0
2023-25 Ongoing Funding Changes												
Base payroll changes		\$467,705	\$3,270	\$470,975		\$467,705	\$3,270	\$470,975				\$0
Salary increase		11,406,275	28,166	11,434,441		4,807,164	41,558	4,848,722		(\$6,599,111)	\$13,392	(6,585,719)
Health insurance increase		1,992,426	20,088	2,012,514		2,038,259	20,550	2,058,809		45,833	462	46,295
Adds new FTE positions	22.00	5,760,954		5,760,954				0	(22.00)	(5,760,954)		(5,760,954)
Converts federally funded court improvement program temporary positions to FTE positions	2.00		63,662	63,662				0	(2.00)		(63,662)	(63,662)
Adds funding for retirement leave payouts		369,922	7,166	377,088				0		(369,922)	(7,166)	(377,088)
Increases funding for judges retirement		40,094		40,094				0		(40,094)		(40,094)
Adds funding for temporary youth coordinator positions		495,000		495,000				0		(495,000)		(495,000)
Adds funding for drug court and veterans' court coordinators and aides		189,582		189,582				0		(189,582)		(189,582)
Adds funding for increased jury compensation rates		960,000		960,000				0		(960,000)		(960,000)
Adds funding for jury costs, including bailiff pay, postage, and jury fees		245,900		245,900				0		(245,900)		(245,900)
Adds funding for increased IT costs		2,392,995		2,392,995				0		(2,392,995)		(2,392,995)
Adds funding for the Supreme Court Law Library		125,500		125,500				0		(125,500)		(125,500)
Adds funding for the rural attorney recruitment program		36,000		36,000				0		(36,000)		(36,000)
Adds funding for travel and professional development		653,287		653,287				0		(653,287)		(653,287)
Adds funding for the family mediation program		282,800		282,800				0		(282,800)		(282,800)
Adds funding for office equipment and furniture		178,880		178,880				0		(178,880)		(178,880)
Removes funding for youth cultural achievement programs		(252,000)		(252,000)				0		252,000		252,000
Adds funding for youth restorative justice		144,476		144,476				0		(144,476)		(144,476)
Adjusts funding for other juvenile court services and program costs		7,298		7,298				0		(7,298)		(7,298)
Adjusts funding for other base budget adjustments		253,739	50,778	304,517				0		(253,739)	(50,778)	(304,517)
Adjusts funding to consolidate line items, including the removal of the guardianship monitoring line item				0				0				0
Total ongoing funding changes	24.00	\$25,750,833	\$173,130	\$25,923,963	0.00	\$7,313,128	\$65,378	\$7,378,506	(24.00)	(\$18,437,705)	(\$107,752)	(\$18,545,457)
One-Time Funding Items												
Adds funding for Supreme Court equipment, including a microfiche machine and copy machines		\$28,500		\$28,500				\$0		(\$28,500)		(\$28,500)
Adds funding for district courts equipment, including copy machines, courtroom video systems, and blades and disk drives		1,125,220		1,125,220				0		(1,125,220)		(1,125,220)

Adds funding for a federal Department of Justice grant to reduce delays in criminal case processing		\$388,000	388,000		0			(388,000)	(388,000)
Total one-time funding changes	0.00	\$1,153,720	\$388,000	\$1,541,720	0.00	\$0	\$0	\$0	0.00 (\$1,153,720) (\$388,000) (\$1,541,720)
Total Changes to Base Level Funding	24.00	\$26,904,553	\$561,130	\$27,465,683	0.00	\$7,313,128	\$65,378	\$7,378,506	(24.00) (\$19,591,425) (\$495,752) (\$20,087,177)
2023-25 Total Funding	386.00	\$137,217,343	\$1,820,593	\$139,037,936	362.00	\$117,625,918	\$1,324,841	\$118,950,759	(24.00) (\$19,591,425) (\$495,752) (\$20,087,177)
<i>Federal funds included in other funds</i>			\$1,280,129				\$787,953		(\$492,176)
<i>Total ongoing changes as a percentage of base level</i>	6.6%	23.3%	13.7%	23.2%	0.0%	6.6%	5.2%	6.6%	
<i>Total changes as a percentage of base level</i>	6.6%	24.4%	44.6%	24.6%	0.0%	6.6%	5.2%	6.6%	

Other Sections in Judicial Branch - Budget No. 180

Executive Budget Recommendation

House 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, 2023, and ending June 30, 2025.	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, 2023, and ending June 30, 2025.
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 20 percent on July 1, 2023, and by 15 percent on July 1, 2024. Supreme Court justices' annual salaries would be increased from the current level of \$169,162 to \$202,994 effective July 1, 2023, and \$233,444 effective July 1, 2024. The Chief Justice of the Supreme Court would be entitled to receive an additional \$5,741 per annum effective July 1, 2023, and an additional \$6,601 per annum effective July 1, 2024, an increase from the current additional amount for the Chief Justice of \$4,784 per annum.	
District court judges' salaries	Section 6 would provide the statutory changes to increase district court judges' salaries by 20 percent on July 1, 2023, and by 15 percent on July 1, 2024. District court judges' annual salaries would be increased from the current level of \$155,219 to \$186,263 effective July 1, 2023, and \$214,202 effective July 1, 2024. A presiding judge of a judicial district would be entitled to receive an additional \$5,292 per annum effective July 1, 2023, and an additional \$6,086 per annum effective July 1, 2024, an increase from the current additional amount for presiding judges of \$4,410 per annum.	
Juror compensation	Section 7 would provide the statutory changes to increase jury compensation by 100 percent, from \$50 per day to \$100. Compensation for a juror in attendance for 4 hours or less on the 1 st day would increase from \$25 to \$50.	

23.0231.01001
Title.

Prepared by the Legislative Council staff for
the House Appropriations - Education and
Environment Division Committee
February 3, 2023

Fiscal No. 1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1002

Page 1, line 1, after the semicolon insert "to amend and reenact sections 27-02-02, 27-05-03, and 27-09.1-14 of the North Dakota Century Code, relating to the salaries of justices of the supreme court, the salaries of district court judges, and compensation of jurors;"

Page 1, remove lines 10 through 24

Page 2, replace lines 1 through 22 with:

"SUPREME COURT

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,202,906	\$2,069,071	\$13,271,977
Operating expenses	2,350,094	846,665	3,196,759
Capital assets	0	28,500	28,500
Guardianship monitoring program	<u>286,097</u>	<u>(286,097)</u>	<u>0</u>
Total all funds	\$13,839,097	\$2,658,139	\$16,497,236
Less estimated income	<u>0</u>	<u>388,000</u>	<u>388,000</u>
Total general fund	\$13,839,097	\$2,270,139	\$16,109,236

Subdivision 2.

DISTRICT COURTS

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$76,196,548	\$12,465,792	\$88,662,340
Operating expenses	20,081,881	4,442,738	24,524,619
Capital assets	0	1,125,220	1,125,220
Judges' retirement	<u>137,246</u>	<u>40,094</u>	<u>177,340</u>
Total all funds	\$96,415,675	\$18,073,844	\$114,489,519
Less estimated income	<u>756,963</u>	<u>155,868</u>	<u>912,831</u>
Total general fund	\$95,658,712	\$17,917,976	\$113,576,688

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Judicial conduct commission and disciplinary board	<u>\$1,317,481</u>	<u>\$139,596</u>	<u>\$1,457,077</u>
Total all funds	\$1,317,481	\$139,596	\$1,457,077
Less estimated income	<u>502,500</u>	<u>31,116</u>	<u>533,616</u>
Total general fund	\$814,981	\$108,480	\$923,461

Subdivision 4.

BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$110,312,790	\$20,296,595	\$130,609,385
Grand total special funds	<u>1,259,463</u>	<u>574,984</u>	<u>1,834,447</u>
Grand total all funds	\$111,572,253	\$20,871,579	\$132,443,832
Full-time equivalent positions	362.00	21.00	383.00"

Page 2, line 23, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY"

Page 2, line 24, after "biennium" insert "and the 2023-25 biennium one-time funding items included in section 1 of this Act"

Page 2, replace line 27 with:

"Information technology equipment	157,600	1,153,720
Federal department of justice grant	0	388,000"

Page 2, replace lines 29 through 31 with:

"Total all funds	\$4,177,600	\$1,541,720
Less estimated income	<u>2,177,600</u>	<u>388,000</u>
Total general fund	\$2,000,000	\$1,153,720

The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The supreme court shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025."

Page 3, after line 10, insert:

"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 sixty-five thousand eight hundred forty-five dollars through June 30, 2022, and one hundred sixty-nine thousand one hundred sixty-two~~ one hundred eighty-two thousand six hundred ninety-five dollars through June 30, 2024, and one hundred ninety thousand three dollars thereafter. The chief justice of the supreme court is entitled to receive an additional ~~four thousand six hundred ninety dollars per annum through June 30, 2022, and four thousand seven hundred eighty-four~~ five thousand one hundred sixty-seven dollars per annum through June 30, 2024, and five thousand three hundred seventy-four 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 fifty-two thousand one hundred seventy-five dollars through June 30, 2022, and one hundred fifty-five thousand two hundred nineteen~~ one hundred sixty-seven thousand six hundred

thirty-seven dollars through June 30, 2024, and one hundred seventy-four thousand three hundred forty-two 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 three hundred twenty four dollars per annum through June 30, 2022, and four thousand four hundred ten~~ four thousand seven hundred sixty-three dollars per annum through June 30, 2024, and four thousand nine hundred fifty-four dollars thereafter.

SECTION 7. AMENDMENT. Section 27-09.1-14 of the North Dakota Century Code is amended and reenacted as follows:

27-09.1-14. Mileage and compensation of jurors.

A juror must be paid mileage at the rate provided for state employees in section 54-06-09. A juror must be compensated at the rate of fiftyone hundred dollars for each day of required attendance at sessions of the district court unless the juror is in attendance for four hours or less on the first day, in which case compensation for the first day is twenty five fifty dollars. A juror must be compensated at the rate of ten dollars for each day of required attendance at sessions of a coroner's inquest. The mileage and compensation of jurors must be paid by the state for jurors at sessions of the district court. Jurors at coroner's inquests must be paid by the county."

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	\$13,839,097	\$2,658,139	\$16,497,236
Less estimated income	0	388,000	388,000
General fund	\$13,839,097	\$2,270,139	\$16,109,236
FTE	43.50	1.00	44.50
District Courts			
Total all funds	\$96,415,675	\$18,073,844	\$114,489,519
Less estimated income	756,963	155,868	912,831
General fund	\$95,658,712	\$17,917,976	\$113,576,688
FTE	314.00	20.00	334.00
Judicial Conduct Commission			
Total all funds	\$1,317,481	\$139,596	\$1,457,077
Less estimated income	502,500	31,116	533,616
General fund	\$814,981	\$108,480	\$923,461
FTE	4.50	0.00	4.50
Bill total			
Total all funds	\$111,572,253	\$20,871,579	\$132,443,832
Less estimated income	1,259,463	574,984	1,834,447
General fund	\$110,312,790	\$20,296,595	\$130,609,385
FTE	362.00	21.00	383.00

House Bill No. 1002 - Supreme Court - House Action

	Base Budget	House Changes	House Version
Salaries and wages	\$11,202,906	\$2,069,071	\$13,271,977
Operating expenses	2,350,094	846,665	3,196,759
Capital assets		28,500	28,500
Guardianship monitoring program	286,097	(286,097)	
Total all funds	\$13,839,097	\$2,658,139	\$16,497,236
Less estimated income	0	388,000	388,000
General fund	\$13,839,097	\$2,270,139	\$16,109,236
FTE	43.50	1.00	44.50

Department 181 - Supreme Court - Detail of House Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Increases ⁴	Adds Funding for Salary Equity ³	Adds Assistant State Court Administrator FTE Position ⁴	Adds Funding for Retirement Leave Payouts ³	Adds Funding for Operating Expenses ³
Salaries and wages	\$192,047	\$954,589	\$125,760	\$369,734	\$84,586	
Operating expenses						\$514,923
Capital assets						
Guardianship monitoring program						
Total all funds	\$192,047	\$954,589	\$125,760	\$369,734	\$84,586	\$514,923
Less estimated income	0	0	0	0	0	0
General fund	\$192,047	\$954,589	\$125,760	\$369,734	\$84,586	\$514,923
FTE	0.00	0.00	0.00	1.00	0.00	0.00

	Adjusts Funding to Consolidate Line Items ²	Adds One-Time Funding for Equipment ³	Adds One-Time Funding from Federal Funds ³	Total House Changes
Salaries and wages	\$249,355		\$93,000	\$2,069,071
Operating expenses	36,742		295,000	846,665
Capital assets		\$28,500		28,500
Guardianship monitoring program	(286,097)			(286,097)
Total all funds	\$0	\$28,500	\$388,000	\$2,658,139
Less estimated income	0	0	388,000	388,000
General fund	\$0	\$28,500	\$0	\$2,270,139
FTE	0.00	0.00	0.00	1.00

¹ Funding is adjusted for base payroll changes, including the cost to continue 2021-23 biennium salaries and wages.

² The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

<u>General Fund</u>	
Salary increase	\$626,385
Health insurance increase	242,061
Total	\$868,446

In addition, \$86,143 from the general fund is added to provide Supreme Court justices with a total salary increase of 8 percent on July 1, 2023.

³ Funding of \$125,760 from the general fund is added for Supreme Court employee salary equity.

⁴ Funding of \$369,734 is added from the general fund for 1 new FTE state court administrator position.

⁵ Funding of \$84,586 from the general fund is added for the anticipated payout of accrued leave to retiring employees.

⁶ Operating funding is increased as follows:

	<u>General Fund</u>
Increased IT costs	\$235,375
Supreme Court Law Library	125,500
Rural attorney recruitment program	36,000
Travel and professional development	30,710
Office equipment and furniture	13,300
Other base budget adjustments	<u>74,038</u>
Total	\$514,923

⁷ Funding is adjusted among the Supreme Court line items to consolidate the guardianship monitoring line item into the salary and wages and operating expenses line items.

⁸ One-time funding of \$28,500 from the general fund is added for equipment, including a microfiche machine and copy machines.

⁹ One-time funding of \$388,000 from a federal Department of Justice grant, including \$93,000 for salaries and wages and \$295,000 for operating expenses, is added to reduce delays in criminal case processing.

House Bill No. 1002 - District Courts - House Action

	Base Budget	House Changes	House Version
Salaries and wages	\$76,196,548	\$12,465,792	\$88,662,340
Operating expenses	20,081,881	4,442,738	24,524,619
Capital assets		1,125,220	1,125,220
Judges' retirement	<u>137,246</u>	<u>40,094</u>	<u>177,340</u>
Total all funds	\$96,415,675	\$18,073,844	\$114,489,519
Less estimated income	<u>756,963</u>	<u>155,868</u>	<u>912,831</u>
General fund	\$95,658,712	\$17,917,976	\$113,576,688
FTE	314.00	20.00	334.00

Department 182 - District Courts - Detail of House Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Increases ²	Adds Funding for Salary Equity ³	Adds FTE Positions ⁴	Adds Funding for Retirement Leave Payouts ⁵	Increases Funding for Judges' Retirement ⁶
Salaries and wages	\$269,412	\$6,869,708	\$213,330	\$4,062,666	\$273,694	
Operating expenses						
Capital assets						
Judges' retirement						\$40,094
Total all funds	\$269,412	\$6,869,708	\$213,330	\$4,062,666	\$273,694	\$40,094
Less estimated income	<u>0</u>	<u>30,990</u>	<u>0</u>	<u>63,662</u>	<u>0</u>	<u>0</u>
General fund	\$269,412	\$6,838,718	\$213,330	\$3,999,004	\$273,694	\$40,094
FTE	0.00	0.00	0.00	20.00	0.00	0.00

	Adds Funding for Drug Court and Veterans' Court ⁷	Adds Funding for Bailiffs ⁸	Adjusts Funding for Juvenile Services and Programs ⁹	Adjusts Operating Funding ¹⁰	Adds One-Time Funding for Equipment ¹¹	Total House Changes
Salaries and wages	\$189,582	\$92,400	\$495,000			\$12,465,792
Operating expenses			(100,226)	\$4,542,964		4,442,738
Capital assets					\$1,125,220	1,125,220
Judges' retirement						40,094
Total all funds	\$189,582	\$92,400	\$394,774	\$4,542,964	\$1,125,220	\$18,073,844
Less estimated income	0	0	0	61,216	0	155,868
General fund	\$189,582	\$92,400	\$394,774	\$4,481,748	\$1,125,220	\$17,917,976
FTE	0.00	0.00	0.00	0.00	0.00	20.00

¹ Funding is adjusted for base payroll changes, including cost to continue 2021-23 biennium salaries and wages.

² The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

	<u>General Fund</u>	<u>Federal Funds</u>	<u>Total</u>
Salary increase	\$4,146,503	\$20,465	\$4,166,968
Health insurance increase	<u>1,764,483</u>	<u>10,525</u>	<u>1,775,008</u>
Total	\$5,910,986	\$30,990	\$5,941,976

In addition, \$927,732 from the general fund is added to provide district court judges and referees with a total salary increase of 8 percent on July 1, 2023.

³ Funding of \$213,330 from the general fund is added for district court employee salary equity.

⁴ The following FTE positions and related funding are added:

	<u>FTE Positions</u>	<u>General Fund</u>	<u>Federal Funds</u>	<u>Total</u>
District judge	3.00	\$1,314,348	\$0	\$1,314,348
Staff attorney	4.00	1,014,328	0	1,014,328
Clerk of court	11.00	1,670,328	0	1,670,328
Court improvement program conversion from temporary positions	<u>2.00</u>	<u>0</u>	<u>63,662</u>	<u>63,662</u>
Total	20.00	\$3,999,004	\$63,662	\$4,062,666

⁵ Funding of \$273,694 from the general fund is added for the anticipated payout of accrued leave to retiring employees.

⁶ Funding of \$40,094 from the general fund is added for judges' retirement.

⁷ Funding of \$189,582 from the general fund is added to the salaries and wages line item for drug court and veterans' court coordinators and aides.

⁸ Funding of \$92,400 from the general fund is added for temporary bailiff salaries and wages.

⁹ Funding for youth programming is adjusted as follows:

	<u>General Fund</u>
Adds temporary youth coordinator positions	\$495,000
Removes funding for youth cultural achievement programs	(252,000)
Adds funding for youth restorative justice	144,476
Adjusts funding for other juvenile court services and program costs	<u>7,298</u>
Total	\$394,774

¹⁰ Operating funding is adjusted as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Increased jury compensation rates	\$960,000	\$0	\$960,000
Jury costs	153,500	0	153,500
IT costs	2,157,620	0	2,157,620
Travel and professional development	622,577	0	622,577
Family mediation program	282,800	0	282,800
Office equipment and furniture	165,580	0	165,580
Various operating adjustments	<u>139,671</u>	<u>61,216</u>	<u>200,887</u>
Total	\$4,481,748	\$61,216	\$4,542,964

¹¹ One-time funding of \$1,125,220 from the general fund is added for equipment, including copy machines, courtroom video systems, and server equipment.

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

	<u>Base Budget</u>	<u>House Changes</u>	<u>House Version</u>
Judicial Conduct Commission	\$1,317,481	\$139,596	\$1,457,077
Total all funds	\$1,317,481	\$139,596	\$1,457,077
Less estimated income	<u>502,500</u>	<u>31,116</u>	<u>533,616</u>
General fund	\$814,981	\$108,480	\$923,461
FTE	4.50	0.00	4.50

Department 183 - Judicial Conduct Commission - Detail of House Changes

	<u>Adjusts Funding for Base Payroll Changes¹</u>	<u>Adds Funding for Salary and Benefit Increases²</u>	<u>Adds Funding for Retirement Leave Payouts³</u>	<u>Adds Funding for Other Base Budget Adjustments⁴</u>	<u>Total House Changes</u>
Judicial Conduct Commission	\$9,516	\$81,680	\$18,808	\$29,592	\$139,596
Total all funds	\$9,516	\$81,680	\$18,808	\$29,592	\$139,596
Less estimated income	<u>3,270</u>	<u>31,118</u>	<u>7,166</u>	<u>(10,438)</u>	<u>31,116</u>
General fund	\$6,246	\$50,562	\$11,642	\$40,030	\$108,480
FTE	0.00	0.00	0.00	0.00	0.00

¹ Funding is adjusted for base payroll changes, including the cost to continue 2021-23 biennium salaries and wages.

² The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Salary increase	\$34,276	\$21,093	\$55,369
Health insurance increase	<u>16,286</u>	<u>10,025</u>	<u>26,311</u>
Total	\$50,562	\$31,118	\$81,680

³ Funding of \$18,808, including \$11,642 from the general fund and \$7,166 from other funds, is added for the anticipated payout of accrued leave to retiring employees.

⁴ Funding is adjusted for other base budget changes, including an increase in professional fees and services.

Calculation of ND District Judge Actual Salary vs. Inflation Adjusted Salary (2016-2023)

<u>Month</u>	<u>Year</u>	<u>Statutory Authority</u>	<u>Raise per Statute</u>	<u>Actual District Judge Salary</u>	<u>Rate of Inflation</u>	<u>Adjusted District Judge Salary</u>
July	2016	2015 N.D. Laws ch.2, §7		\$143,869	-0.16%	\$143,869
August	2016				0.09%	
September	2016				0.24%	
October	2016				0.12%	
November	2016				-0.16%	
December	2016				0.03%	
January	2017				0.58%	
February	2017				0.31%	
March	2017				0.08%	
April	2017				0.30%	
May	2017				0.09%	
June	2017				<u>0.09%</u>	
Annual Rate of Inflation:					1.61%	
July	2017		0.00%	\$143,869	-0.07%	\$146,185
August	2017				0.30%	
September	2017				0.53%	
October	2017				-0.06%	
November	2017				0.02%	
December	2017				-0.06%	
January	2018				0.54%	
February	2018				0.45%	
March	2018				0.23%	
April	2018				0.40%	
May	2018				0.42%	
June	2018				<u>0.16%</u>	
Annual Rate of Inflation:					2.86%	
July	2018		0.00%	\$143,869	0.01%	\$150,366
August	2018				0.06%	
September	2018				0.12%	
October	2018				0.18%	

Calculation of ND District Judge Actual Salary vs. Inflation Adjusted Salary (2016-2023)

November	2018					-0.33%	
December	2018					-0.32%	
January	2019					0.19%	
February	2019					0.42%	
March	2019					0.56%	
April	2019					0.53%	
May	2019					0.21%	
June	2019					<u>0.02%</u>	
Annual Rate of Inflation:						1.65%	
July	2019	2019 N.D. Laws ch. 2, § 14	1.67%	\$146,269		0.17%	\$152,847
August	2019					-0.01%	
September	2019					0.08%	
October	2019					0.23%	
November	2019					-0.05%	
December	2019					-0.09%	
January	2020					0.39%	
February	2020					0.27%	
March	2020					-0.22%	
April	2020					-0.67%	
May	2020					0.00%	
June	2020					<u>0.55%</u>	
Annual Rate of Inflation:						0.65%	
July	2020	2019 N.D. Laws ch. 2, § 14.	2.50%	\$149,926		0.51%	\$153,844
August	2020					0.32%	
September	2020					0.14%	
October	2020					0.04%	
November	2020					-0.06%	
December	2020					0.09%	
January	2021					0.43%	
February	2021					0.55%	
March	2021					0.71%	
April	2021					0.82%	

Calculation of ND District Judge Actual Salary vs. Inflation Adjusted Salary (2016-2023)

May	2021				0.80%	
June	2021				<u>0.93%</u>	
					Annual Rate of Inflation:	5.28%
July	2021	2021 N.D. Laws ch. 30, § 11	1.50%	\$152,176	0.48%	\$161,967
August	2021				0.21%	
September	2021				0.27%	
October	2021				0.83%	
November	2021				0.49%	
December	2021				0.31%	
January	2022				0.84%	
February	2022				0.91%	
March	2022				1.34%	
April	2022				0.56%	
May	2022				1.10%	
June	2022				<u>1.37%</u>	
					Annual Rate of Inflation:	8.71%
July	2022	2021 N.D. Laws ch. 30, § 11	2.50%	\$155,219	-0.01%	\$176,074
August	2022				-0.04%	
September	2022				0.22%	
October	2022				0.41%	
November	2022				-0.10%	
December	2022				-0.31%	
January	2023				0.00%	
February	2023				0.00%	
March	2023				0.00%	
April	2023				0.00%	
May	2023				0.00%	
June	2023				<u>0.00%</u>	
					Annual Rate of Inflation:	0.17%
Percent increase needed to						
catchup:			13.63%	\$176,373		\$176,373

House Bill 1002
Senate Appropriations Committee
Government Operation Division

Testimony Presented by the Honorable
Steven E. McCullough, Judge of the
East Central Judicial District Court
March 7, 2023

Good Morning, Chairman Wanzek and members of the Committee. For the record, my name is Steven E. McCullough and I am a District Court Judge for the East Central Judicial District (Steele, Traill and Cass Counties) of the State of North Dakota. I offer this testimony in favor of House Bill 1002, the judicial branch appropriations bill, specifically as to judicial compensation.

House Bill 1002, as originally introduced, would have increased the salaries of judges and justices by 20% and 15% in the next biennium. For various reasons, these amounts were recommended by the North Dakota Judges' Association, and supported by the North Dakota Supreme Court, Governor Burgum, and various Bar Associations and major newspapers throughout the State. I fully support this request. My testimony, however, is not intended to cover all of the reasons justifying such an increase. Instead, I will limit my testimony to only that part of the amended HB 1002 which the House referred to as "equity" raises.

The House amended HB 1002 to include 8% and 4% raises in the next biennium. The House used a base 4% and 4% raise (which it anticipated for all state employees), and then added a 4% increase in the first year of the next biennium for "equity". This additional 4% "equity" figure was intended to be similar to "equity" raises requested by the Governor for executive branch compensation.

The Governor's proposed "equity" raise is an increase in executive branch budgets which will allow the Governor discretion to target larger raises to specific positions. The specific positions or salaries to be targeted by the Governor are not set by statute. Thus, not every executive branch employee will get an equal share of the "equity" percentage. Of the total percentage for "equity" raises (whether that be 4% or some other figure) most executive branch

employees will receive nothing. However, a few will receive considerably larger raises. The Governor will have discretion to offer larger “equity” raises to targeted positions, so long as the cumulative increase in compensation remains within the overall budget provided by the legislature. This recognizes there are some positions (such as IT) in which similarly-situated persons in the private sector can and do earn much more than their state-employed compatriots. The “equity” raise is thus available to attract or retain private sector employees for those targeted positions.

The goal of executive “equity” raises is the same goal behind the House’s judicial “equity” raises: to address compensation inequality between public and private sector and, thus, to attract and retain more highly qualified private sector candidates/attorneys to public sector positions/judgeships. The structure of executive branch employee and judicial officer compensation is inherently different, however. Due to that difference, the House’s 4% “equity” raise proposal is unlikely to achieve the goal of attracting private attorneys to judicial positions.

Unlike the executive branch, salaries for judges and justices are written into statute. The House’s “equity” raise will, by statute, have to be split equally among all the judges and justices. Unlike judges and justices, a targeted executive branch employee who receives an “equity” raise does not have their salary written into statute. There is simply no mechanism to allow additional compensation only for specific, targeted judgeships (nor, in my opinion, should there ever be). Unlike the Governor, the Chief Justice (as head of the Judicial Branch) has no discretion to increase the compensation of a specific judge or justice. The two branches are simply too different to directly apply the Governor’s “equity” concept to judicial salaries.

The House’s recommendation for an additional 4% “equity” raise recognizes that private attorney interest in serving in the judiciary has waned in recent years and that something needs to be done to rectify this situation. In 2017-18, no raises were provided to judges and justices. Since 2016, judicial salaries have significantly decreased in real dollars. In real dollars judges’ and justices’ salaries will have lost over \$21,000 to inflation by 2023. Because judicial compensation has effectively lessened over time, it is harder to attract judicial candidates from the private sector. This short chart shows how a district judge’s salary has fared in relation to inflation since judges and justices received no raises in 2017-18:

<u>Year</u>	<u>% Raise</u>	<u>Actual Salary</u>	<u>Rate of Inflation</u>	<u>Inflation Adjusted Salary</u>
2016		\$143,869		\$143,869
2017	0.00%	\$143,869	1.61%	\$146,185
2018	0.00%	\$143,869	2.86%	\$150,366
2019	1.67%	\$146,269	1.65%	\$152,847
2020	2.50%	\$149,926	0.65%	\$153,844
2021	1.50%	\$152,176	5.28%	\$161,967
2022	2.00%	\$155,219	8.71%	\$176,074
2023	13.63%	\$176,373	0.17%	\$176,373

Thus, in order to fully catch up a district judge’s salary to what a judge had been making since the judicial officer raises in 2016, an additional **13.63%** raise would be required in 2023, on top of the 4% and 4% (or whatever) raises state employees will be given in this session. This loss of earning power to inflation is a large factor in the recent trend of lessened interest from private attorneys for judicial positions. Most private attorneys make significantly more than their similarly experienced judicial brethren and when they see this gap is widening they are even less likely to seek judicial positions.

On this point, I can offer my personal experience. I first sought a judicial appointment in 2002. Twenty-two candidates applied for the position. I was first elected in 2004. In 2004, there were two open judgeship elections in the East Central Judicial District. For those two positions, 12 attorneys ran for election. In contrast, in the last few years only three to four lawyers have applied for appointed judge positions. During the same period, only two lawyers, or sometimes even a single lawyer, have run for open judge seats (ones with no incumbent). When I took the bench in 2004, I took a roughly one-third pay cut moving from private practice to the judgeship. Late last year I was discussing compensation with an attorney from my old law firm, and who is the same age and has same number of years in practice as me. Now that attorney makes not one-third more than me but twice as much. I believe these two data points directly correlate. As the gap in earning between a private attorney and a judge increases, fewer qualified private attorneys are seeking to join the bench. If the goal is to attract and retain highly qualified private attorneys to judicial positions, the 4% “equity” raise proposed by the House is simply insufficient.

Before concluding, I need to point out several features of the table above. In several recent sessions, a maximum dollar amount cap was set on the raise that any individual could receive. Thus, the raises for judges and justices in several of the years in the above table are actually less, by percentage, than those received by state employees. Justices, who have higher salaries than judges, lost slightly more to inflation than did judges. For purposes of simplification, and to use the most conservative numbers, I have chosen the percentage of raises given the judges rather than the justices in my comparisons to inflation.

Further, the State operates on a fiscal year and not a calendar year. The yearly rates of inflation listed above are from July 1 to June 30 (to be as accurate as possible). The monthly rates of inflation used to calculate the yearly rates are taken directly from the United States Bureau of Labor Statistics at https://inflationdata.com/Inflation/Inflation_Rate/Monthly_Inflation.aspx.

Finally, the rates of inflation for the last six months of the fiscal year ending in June, 2023, are not yet known. To be conservative my calculations assume no inflation for those months. However, since 2016, the average monthly rate of inflation has been .27%. If this figure had been used, a 15.4% (instead of a 13.63%) raise would be needed to catch up to inflation. I have attached a longer spreadsheet which includes the specific calculations and monthly rates of inflation so that you can see how the figures in the chart were calculated.

I agree with the House that it is desirable to attract both government and private attorneys to the bench. I also agree that an “equity” or inflationary catch-up raise is necessary to increase the attractiveness of judge and justice positions to similarly situated private lawyers, and that the loss of earning power since 2016 has resulted in fewer qualified private attorneys seeking judicial positions. However, to fully catch up to the adjusted-for-inflation earning power of judges and justices from 2016, the 4% equity raise in the House is simply not sufficient. An additional raise of between at least 13.63% and 15.4% in the first year of the next biennium (over and above the 4% and 4% “standard” raise) is more in line with what is needed to address the “equity” concerns and help attract qualified private attorneys to judicial positions.

Thank you for considering my testimony. Again, I recommend a Do Pass on HB 1002 as it was originally submitted.



House Bill 1002
Senate Appropriations Committee

Testimony Presented by Sally Holewa
State Court Administrator
March 7, 2023

For the record, my name is Sally Holewa. I am the State Court Administrator. I will be providing an overview of the major changes in the Judicial Branch appropriation request. Our director of finance will be following me to provide the line item details.

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 2023-2025 biennium was **\$139,037,936**, or an increase of \$27,465,683 (24.6%) from our 2021-2023 base budget. The increase primarily consists of increased salary and benefit costs, including an increase in judge salaries, a request for new judgeships, and a request for additional FTEs. We have also had a substantial increase in IT costs that are reflected in our appropriation request. In addition, we have included a request to raise juror's daily compensation and the fees we pay for mediation in parenting responsibility (custody) and parenting time disputes (visitation).

By eliminating some of the FTEs and providing for a lower increase in judicial salaries than we had requested, the House reduced our appropriation request to **\$132,443,832**. We are not asking the Senate to reconsider those FTE requests that the House cut, but we are renewing our request for

funding judicial officer salary increases at the rate we had originally requested.

Salary and Wages

Personnel costs make-up the largest share (81%) of the court's budget. Not surprisingly then, the majority of the increase we are asking for this biennium comes in this area. This includes funding for the state employee salary and benefit increases (\$4,534,197), the health insurance increase (\$2,012,514) and salary increases for judicial officers of 20% in year one of the biennium and 15% in the second year (\$6,900,244).

We are also requesting 19 new FTEs and to convert 2 full-time temporary positions to regular FTEs at a total cost of \$4,432,400.

In addition to our full-time regular employees, we employ many part-time temporary employees who are paid on an hourly basis. Our appropriation request includes funding to raise the hourly rate we pay for these positions and to add several youth coordinator positions as new part-time temporary employees.

Judicial Officer Raises

In addition to the 4% and 4% increase the House approved for state employees, they also approved an additional 4% increase for judicial officers in year one of the 2023-2025 biennium. However, we would still like to see an increase of 20% and 15%. I have attached a chart showing what the judicial salaries would be under both options.

There are other people here today who will be testifying about the need to increase judicial salaries, so I will keep my remarks on this subject short. Our judicial salaries have not been competitive with the private sector for quite some time. That is not a new situation but it is a growing concern as the disparity continues to widen. However, it is not just the private sector disparity that is a problem. Judicial officer salaries now lag behind salaries for public sector attorneys and salaries for many non-attorney public sector employees. We believe the low salaries are a major factor in the declining applications we are seeing for new and vacant judgeships.

We currently have 52 district court judges. The current salary for a district court judge is \$155,219. Every district has a presiding judge who is paid slightly higher to handle administrative duties in addition to their duties as a judge. The current salary for a presiding judge is \$159,629.

There are 5 supreme court justices. The current salary for a supreme court justice is \$169,162. The Chief Justice has a higher salary because he is the administrative head of the judicial branch in addition to his adjudicative duties. The current salary for the Chief Justice is \$173,946.

We currently have 5 referees serving in 3 judicial districts. District court referees are appointed by the presiding judge of a district to assist the judges in managing their caseloads. By court policy, they are paid 80% of the salary of a district court judge. The current salary for a district court referee is \$124,175.

Although your first reaction to the raises we are requesting might be that they are overly-generous, I think when you hear from the others who are going to testify on this issue you will see that we are asking for an amount that will fairly compensate our current judicial officers and increase interest in vacant judicial positions.

New FTEs

Judges (3): We are requesting three new judges. Two of the new judgeships would be chambered in Fargo and one in Grand Forks. We use a weighted workload assessment to determine how many judges are needed. This formula determines the amount of work required based on number and types of cases filed using a two-year average. For more than 15 years, our workload studies have consistently shown a shortage in the East Central judicial district. For the past 7 years, the Northeast Central Judicial District has consistently been short by more than one judge.

For each new judge, we have to add one staff position. The staff positions which are required to support each new judgeship are included below in the section on staff attorneys.

Staff attorneys (4): We are requesting four new staff attorneys. Three of those staff attorneys would be assigned to work with the three new judgeships in lieu of a court reporter.

The remaining staff attorney would be assigned to work with the judges in the North Central Judicial District, which consists of Burke, Mountrail and Ward counties.

Although the title is the same, the staff attorneys assigned to individual judges have a distinctly different function than the staff attorneys assigned to work within a district. Staff attorneys assigned to work with an individual judge serve in a capacity that is more similar to a junior attorney in a law firm than a traditional law clerk. They review cases for sufficiency of the pleadings. They do preliminary legal research when the pleadings raise an unusual issue and assist the judge with legal research and drafting after motions and trials. Because they are hired in lieu of a court reporter, they attend all sessions of court with their assigned judge and run the recording system to capture the court record.

Staff attorneys assigned to work within a district assist judges with legal research and drafting on specific cases when asked to do so. Depending on the district, they assist anywhere from 5 to 11 judges. They differ from a short-term law clerk only in that they are required to have a minimum of two years of experience and they are expected to continue in the position beyond the one to two years that a traditional law clerk serves.

Deputy clerks of court (11): Deputy clerks are the frontline workers for the court system. They maintain court records, assist in the courtroom, handle collections and payments, monitor compliance with conditions in cases that are not supervised by probation, and provide assistance by telephone, email and in person. Because of the extensive lay-offs we had to do in 2016, our state-employed clerk of court offices have been significantly understaffed based on what our weighted caseload studies indicate we need. We are requesting 11 new deputy clerk positions. Seven of these positions would be

for Cass County. Two would be placed in Burleigh County, and one each in Grand Forks and Morton County.

Assistant state court administrator (1): We are asking to have the position of assistant state court administrator restored. The assistant state court administrator serves as the primary contact for trial court services and the juvenile court. This position also serves as the acting state court administrator when necessary. This is not a new position to the court. Between 1979 and 2003, we had two assistant state court administrators and a juvenile court coordinator. Due to budget cuts over the years, by 2004 we were reduced to a single assistant court administrator. In 2016, we had to eliminate the remaining assistant state court administrator position as part of the reduction-in-force required by the sudden plummet in state revenues. The court system is not a small entity that can be easily managed by a single administrator. This position is necessary to ensure the smooth operation of the court system. As things stand now, if I were incapacitated, disabled or left the organization, there is no one who is authorized to step up and handle the administrative side of the court system.

Convert full-time temporary staff to full-time FTEs

Court Improvement Program Staff (2): The Court Improvement Program is funded through federal grants for the purpose of monitoring and improving the case management of children in need of protection or services. These have been temporary staff positions for the past 12 years. We would like to make these full-time FTEs to accurately reflect the nature of the positions. The cost to convert the positions is **\$63,662** for the biennium and will continue to be covered by federal grants.

Temporary employees

Youth Coordinator positions: We are requesting funding to add 9 part-time, temporary youth coordinator positions. This is a new initiative to replace the youth cultural achievement programs that we have previously used as those programs are no longer viable due to budget reductions and staff turnover. This proposal was presented to the Children's Cabinet and received its approval. Two of these positions would be assigned to the East Central Judicial District and one position would be assigned to each of the other 7 districts. Youth coordinators would serve as mentors to high-risk youth and involve them in positive substitute behaviors and community activities. They would assist with drug testing and curfew compliance. The cost to add these position is **\$495,000**.

Drug court and Veterans court coordinators and case aides: Our budget includes funding to increase the hourly wage for the drug court coordinators from \$17/hour to \$20/hour and case aides who manage the drug court and veterans court caseloads from \$15/hour to \$17/hour. We have a total of 8 coordinators (one coordinator for each of the 6 juvenile drug courts, one coordinator for the Richland County adult drug court and one coordinator for the veterans' treatment court). Statewide we have 17 case aides. Raising the wages will make us more competitive with other jobs in the community. The total cost of the raises is **\$189,582**.

Our appropriation request includes funding in a few other areas that I specifically want to call to your attention.

Jury Fees and Juror Compensation

The number of jury trials fluctuates each year, but because of the nature of the trials we are seeing, there is a need to increase the number of individuals called for jury service. The budget includes **\$245,900** to cover the cost needed to fund the resulting increase in mileage reimbursement, juror fees, amenities, parking reimbursement and bailiff costs.

The budget also includes **\$960,000** to increase the daily compensation rate for jurors.

The current rate of daily compensation is \$25 for the first half-day of service and \$50 for first full-day of service and each subsequent day of service. The \$25 rate was set in 1977. In 2009, the rate was adjusted to \$50 for each full-day of service.

North Dakota has traditionally been a leader in juror payment and jury trial improvements. Every year, more than 8,000 North Dakota citizens report for jury service. Costs associated with jury service include loss of income, daycare or care for dependent adults, meals and gas. Particularly for those who are self-employed, work multiple jobs, require child care or have employers who do not cover their wages while serving on jury duty, those costs can be substantial.

In six of our judicial districts, we ask jurors to complete a survey regarding their experience. Sixty-percent of those who respond to the survey indicate that jury service created a financial hardship for them. When asked what amount would be fair compensation for their service the two most common

responses are \$100/day and minimum wage per hour. We know that there are a number of jurors whose employer pays their wages while they are serving on jury duty in exchange for the juror turning over the compensation they receive from us. Raising the compensation rate would reduce business losses and more properly recognize the sacrifice they are making to support the justice system in North Dakota.

Mediation fees

Since 2007, the Court has had a mandatory mediation program for families involved in parenting time (visitation) or parenting responsibility (custody) disputes. The program provides up to 6 hours of mediation services at no cost to the parties. Since its inception, mediation has been used in 7,128 disputes. The program has an average combined full and partial settlement rate of 70% and has shortened the time from filing to disposition by an average of 117 days. Because the program allows parties to reach their own agreement and teaches them new methods of resolving disagreements, it has been shown to reduce the number of post-judgment motions by 64%. The program has consistently had a satisfaction rate of 87% from the individuals who have used it. We are requesting an increase of **\$282,800** to allow us to increase the mediator's hourly fees from \$170 to \$220. The current fee of \$170 has not been raised since it was set in 2007. The increased hourly compensation would allow us to remain competitive with the private sector and help us to retain experienced mediators in the program. Outside of our program, mediators charge from \$300 to \$500 per hour for family case mediation services.

IT Costs

In addition to the normal increases associated with data processing, software licensing and equipment, we will have new IT costs in the coming biennium. These are the software licensing, maintenance costs, and customization fees related to the new juvenile case management system and the new supreme court case management system that we are in the process of implementing. The juvenile case management system we are replacing was purchased in 1998 and had minimal annual software licensing and maintenance costs. The new system is expected to be fully implemented in May 2023. The on-going cost for that system will be **\$290,000**.

The supreme court case management system we are replacing was custom-built in 1993 and had no licensing fees and only minimal, as-needed maintenance fees associated with it. The new system is being paid for by funds provide to North Dakota under the American Rescue Plan Act (ARPA) and is expected to be fully implemented by December 2024. The biennial costs for that system will be **\$670,000** for annual licensing, maintenance agreements and software system customizations. We expect the customization costs will be significantly reduced as time goes by and the system matures.

Capital Assets

With 54 locations and more than 100 courtrooms statewide, we have equipment that regularly needs to be replaced. Our appropriation request includes funds to replace a number of copiers, audio and video systems for courtrooms, and similar equipment that are used on a daily basis. There is one item, though, that I specifically want to bring to your attention because it

is the single largest item in our capital assets request and probably the most important one. That is the **\$675,420** lease payment for the blade servers and disk drives. This equipment holds all of our court records and is vital to our operation. We used to buy these items and replace them every few years but last biennium we followed NDIT's lead and switched to leasing. Leasing allows us access to upgrades as they are released and allows for more predictable budgeting and better pricing.

Travel and Professional Development

We are requesting an additional **\$653,287** for travel and professional development. The increase is primarily due to the increases in in-state mileage and lodging reimbursement rates. The increase would also allow us to restore in-state and out-of-state training to pre-pandemic levels.

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, depending on the preference of the committee chair.

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

Judicial Officer Salary Options

Title	Current Salary	House 2023 (8%)	House 2024 (4%)	Proposed 2023 (20%)	Proposed 2024 (15%)
District Judge	\$155,219	\$167,637	\$174,342	\$186,263	\$214,202
Presiding Judge	\$159,629	\$172,400	\$179,296	\$191,555	\$220,288
Justice	\$169,162	\$182,695	\$190,003	\$202,994	\$233,444
Chief Justice	\$173,946	\$187,862	\$195,377	\$208,735	\$240,045
Referee	\$124,175	\$134,110	\$139,474	\$149,010	\$171,362

North Dakota Courts by the Numbers

Supreme Court

5 – Number of Justices on the Supreme Court

10 years – Length of Term

4 - Number of Justices initially reaching the bench through gubernatorial appointment

346 – Number of new Supreme Court cases filed in 2021

District Courts

52 – Number of District Court Judges

6 years– Length of Term

33 – 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

159,127 new district court cases filed in 2021

Municipal Courts

87 – Number of Municipal Courts

63– Number of Municipal Court Judges

4 years– Length of Term

55 – Number of Municipal Court Clerks

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

72 – 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

10 – Number of Juvenile Court Offices

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

9,514 – Number of new juvenile cases filed in 2021

Finances

305 – Number of FTEs excluding judicial officers

.07 % - Percent of General Fund dollars appropriated to the Judicial Branch for the 2021-2023 biennium

75.7% - Percent of Judicial Branch Budget Spent on Salaries & Wages

\$26.9 Million – Average amount of money collected by the district courts during a biennium

Specialized Court Dockets

6 - Number of juvenile drug courts

72 – Number of new cases referred to juvenile drug court in 2021

6 – Number of adult drug courts

1 – Number of veterans treatment courts

1 – Number of domestic violence courts

72 – Number of referrals to domestic violence court in 2021

459 – Number of cases supervised by DV court in its first two years of operation

Court Services

Self-Help Center

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

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

1,752 - Number of direct requests made to the Self-Help Center in 2021

13,438 - Number of direct requests received by the Self-Help Center since its inception in July 2015

Family Mediation Program

817 - Number of cases sent to family mediation program in 2021

70% - Percentage of cases fully or mostly resolved through the family mediation program in 2021

Expedited Family Mediation Program

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

64% - Percentage of cases resolved through the expedited mediation program

Guardianship Monitoring Program

355 - Average number of new guardianship cases filed each year

45 - Number of cases referred to the monitoring program in 2021

6 - Number of cases referred to Adult Protective Services as a result of a review by the Guardianship monitoring program

300 - Average number of individuals participating in training provided through the guardianship monitoring program each biennium

3,273 - Number of guardianship cases that were active in 2021

Judicial Conduct Commission & Attorney Disciplinary Board

34 – Number of new judicial conduct complaints filed in 2021

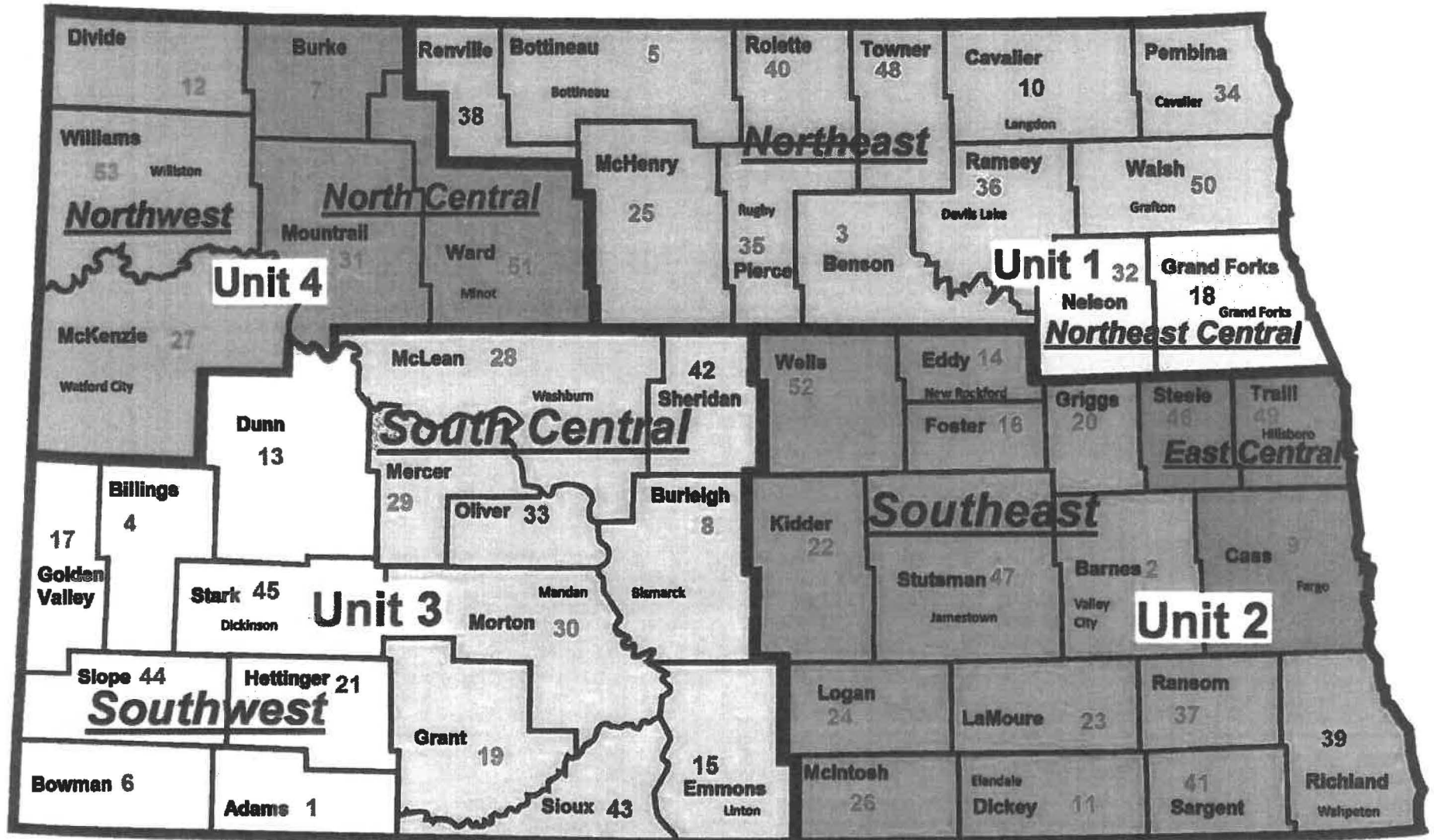
133 – Number of new attorney conduct complaints filed in 2021

State Board of Law Examiners

3,070 – Number of law licenses issued in 2021

1,585 - Number of North Dakota licensed attorneys who actually reside in North Dakota

North Dakota Administrative Units & Judicial Districts





North Dakota Courts Juvenile Court

Juvenile Court is a division of the district court designed to address the unique needs of children and families that come before the court in delinquency or child in need of protection or services cases.

The mission of the North Dakota Juvenile Court is to promote public safety, hold juvenile offenders accountable, and increase the capacity of juveniles to contribute productively to their community. The court empowers victims, encourages community participation, and supports parental responsibility.

10

Juvenile court offices in North Dakota

4

Juvenile court offices staffed by a single person

34

Number of juvenile court officers in North Dakota

904

Confirmed cases of child abuse and neglect referred to Juvenile Court from human service zones in 2021

9,514

New juvenile cases filed in 2021



North Dakota Courts

Specialized Court Dockets

"Specialized Court Docket" is an umbrella term for a therapeutic approach to handling designated cases. Specialized court dockets in North Dakota include juvenile and adult drug courts, the Richland County adult treatment court, domestic violence court and veterans' treatment court. In these courts, the assigned judge oversees a therapeutic program comprised of interdisciplinary teams, enhanced judicial involvement, court-supervised treatment programs, and other components designed to achieve effective alternatives to traditional case dispositions.

6

Juvenile Drug Courts

6

Adult Drug Courts

72

**New cases referred to Juvenile
Drug Court in 2021**

1

Domestic Violence Treatment Court

1

Veterans Treatment Court

459

**Cases supervised by the Domestic
Violence Treatment Court in its first
two years of operation**



North Dakota Judicial Programs and Services Family Mediation Program

The Family Mediation Program is a statewide mandatory mediation program resolving disputed parental rights and responsibilities matters, including grandparent visitation. Mediation minimizes family conflicts, encourages shared decision making and supports healthy co-parenting relationships.

Successful mediation significantly shortens the time to reach resolution of a case and reduces the number of post-judgment motions related to parenting time.

In addition to our traditional mediation program, the court offers an expedited mediation program designed to resolve emerging conflicts within 7 days of the request for expedited mediation.

817

Number of cases sent to the Family Mediation Program in 2021

196

Requests for the Expedited Mediation Program since June 2020

70%

Cases fully/mostly resolved through the Family Mediation Program in 2021

64%

Cases resolved through the Expedited Mediation Program

7,128

Cases accepted into the program since its inception in 2008.



North Dakota Judicial Programs and Services Guardianship Monitoring Program

The mission of the monitoring program is to help the Courts mitigate the risk of financial or other abuse of protected persons.

This program provides financial and wellbeing reviews for adults under guardianship or conservatorship. Cases are randomly selected for review, and District Court judges may refer cases to the program. The program manager performs the financial evaluations, and social workers perform the wellbeing reviews.

In addition to reviewing cases, the Program Monitor educates family and professional guardians, responds to questions from concerned individuals and works closely with Adult Protective Services.

355

**Average number of new
guardianship cases filed each year**

3,273

**Current number of active
guardianship cases**

45

**Number of cases judges referred
to the program in 2021**

6

**Number of cases referred to Adult
Protective Services as a result of a
review by the program in 2021**



North Dakota Judicial Programs and Services

Legal Self Help Center

The North Dakota Legal Self Help Center is a neutral resource designed to assist self-represented litigants with access to the North Dakota State Court System. The purpose of the Center is to provide civil process information to the thousands of people in the state who are involved in a civil legal issue but not represented by a lawyer. The Center does *NOT* provide legal advice or representation to patrons.

Center staff also provide direct support to self-represented litigants by phone, email and in-person. Center staff answer questions about civil court processes, procedures and legal terms, and provide contact information for other agencies that may be able to assist with a problem. Self-represented litigants are directed to state laws, rules, and regulations available on the Center website that may be relevant to a legal issue.

13,438

**Number of direct requests to the
Self Help Center since its inception
in 2015**

2

**Number of staff employed at the
Self Help Center**

718

**Forms and guides available through
the Self Help Center**

1,752

**Number of direct requests to the
Self Help Center in 2021**



Greater Grand Forks County Bar Association

124 S. Fourth St.
Grand Forks, ND 58206

Email: gfcountrybar@gmail.com
Social Media: <http://www.facebook.com/gfcountrybar/>

Board Members

Diane Schull, President
Jacqui Bergstrom, Vice President
_____, Secretary-Treasurer
Justine Hesselbart, Member at Large
Skyler Johnson, Past President

March 5, 2023

Appropriations Committee

RE: **HB 1002**

Dear Members of the Government Operations Division of the Senate Appropriations Committee:

My name is Diane Schull. I am the president of the Greater Grand Forks County Bar Association. Our organization consists of attorneys who live in and practice in Grand Forks County, North Dakota.

I am writing to you regarding the budget for the judicial branch for upcoming biennium. Specifically, I am writing to urge you to support an increase in judicial salaries. North Dakota's judicial pay is ranked 43rd in the nation and is far below comparable positions in state government. North Dakota judges are also asked to handle substantially more work with less support and with less pay than judges in other comparable states.

While judicial salaries generally increase by a percentage each year, these incremental pay increases are not keeping pace with inflation. These factors have created a situation where judicial recruitment and retention is at risk. The state will have difficulty in filling judicial positions when joining the bench is considered to be a hardship rather than a career goal. The most qualified and competent attorneys in the state will be dissuaded from becoming a judge if the financial trade-off is too high when compared to their earning potential in private practice. I have personally had conversations with attorneys whom I believe would make great judges and am aware that they, although may be interested in becoming a judge, are not willing to take a salary cut in order to do so.

Therefore, on behalf of the Greater Grand Forks County Bar Association, I urge you to support a pay increase for the judges and justices of the state of North Dakota. By doing so, you will recognize the great work already being done by the state's judiciary branch and will encourage recruitment and retention of judges into the future. This will help to guaranty that the citizens of

the state will have access to the most competent, fair, and qualified judges when they need their day in court.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Diane L. Schull". The signature is written in a cursive style and is positioned above a horizontal line.

Diane L. Schull
President, Greater Grand Forks County Bar Association

Cass County Bar Association

President: Adam Justinger
Vice President: Ryan Hestback
Secretary/Treasurer: Stephanie Arniel

PO Box 1214
Fargo, ND 58103
ndccba01@gmail.com

March 6, 2023

Members of the Government Operations Division of Senate Appropriations

Re: HB 1002

Dear Members of the Government Operations Division of Senate Appropriations,

My name is Adam Justinger. I am the president of the Cass County Bar Association. Our organization consists of attorneys who live in and practice in Cass County, North Dakota. I am writing to you in regards to the budget for the judicial branch for the upcoming biennium. Specifically, I am writing to urge you to support an increase in judicial salaries. North Dakota's judicial pay is ranked 43rd in the nation and is far below comparable positions in state government. North Dakota judges are also asked to handle substantially more work with less support and with less pay than judges in other comparable states.

While judicial salaries generally increase by a percentage each year, these incremental pay increases are not keeping pace with inflation. These factors have created a situation where judicial recruitment and retention is at risk. The state will have difficulty in filling judicial positions when joining the bench is considered to be a hardship rather than a career goal. The most qualified and competent attorneys in the state will be dissuaded from becoming a judge if the financial trade-off is too high when compared to their earning potential in private practice.

Therefore, on behalf of the Cass County Bar Association, I urge you to support a pay increase for the judges and justices of the state of North Dakota. By doing so, you will recognize the great work already being done by the state's judiciary branch and will encourage recruitment and retention of judges into the future. This will help to guaranty that the citizens of the state will have access to the most competent, fair, and qualified judges when they need their day in court.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Justinger', with a stylized flourish at the end.

Digitally signed by Adam
Justinger
Date: 2023.03.06 08:56:30
-06'00'

Adam Justinger
President, Cass County Bar Association

House Bill 1002
Senate Appropriations
 Don Wolf, Director of Finance
 March 7, 2023

Mr. Chairman and members of the Committee, good afternoon. 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	2021-23 Biennium Appropriation	One-time Funding Adjustment	2021-23 Biennium Base
Supreme Court	\$13,839,097	0	\$13,839,097
District Court	98,573,275	(2,157,600)	\$96,415,675
JCC/DB	<u>1,317,481</u>	<u>0</u>	<u>\$1,317,481</u>
Total base budget	\$113,729,853	(\$2,157,600)	\$111,572,253

Funding	2021-23 Biennium Appropriation	One-time Funding Adjustment	2021-23 Biennium Base
General Fund	\$112,312,790	(\$2,000,000)	\$110,312,790
Federal funds	914,563	(157,600)	\$756,963
Special funds	<u>502,500</u>	<u>0</u>	<u>\$502,500</u>
Total	\$113,729,853	(\$2,157,600)	\$111,572,253

The total **2021-23 biennium appropriation** for the Judicial Branch is **\$113,729,853**. The appropriation includes funding for the Supreme Court, district courts and the Judicial Conduct Commission and Disciplinary Board (JCC/DB).

The 2021-23 biennium appropriation included **one-time funding** of **\$2,000,000** from the general fund to replace the Juvenile Case Management System and **\$157,600** from the state fiscal recovery fund for installation of Wi-Fi access points in courtrooms. Total expenditures to date for the JCMS project is \$368,148 and it is projected to be completed within budget by May 2023. The Wi-Fi access points installation project has been completed for a cost of \$70,749. The total 2021-23 biennium **base budget** (net of the one-time funding) is **\$111,572,253**.

During the 2021 special session (SB 2345) the Legislative Assembly appropriated **\$2,020,000** of one-time funding from the state fiscal recovery fund to replace the

Supreme Court docket management system. Although Thomson Reuters has only billed us for \$50,000 as of January 31, 2023, it is anticipated that the project will be completed within budget by June 2024.

The 2023-25 biennium budget request (Governor’s recommendation) is **\$139,037,936** and includes 24 new full-time equivalent (FTE) positions for a total of 386.0 authorized FTEs. Engrossed House Bill No. 1002 includes a total appropriation of **\$132,443,832** and authorizes 21.0 new FTEs.

A comparison of budget versions:

Subdivision	2021-23 Biennium Base	2023-25 Biennium Request	Engrossed House Bill 1002
Supreme Court	\$13,839,097	\$16,932,782	\$16,497,236
District Court	96,415,675	120,630,111	\$114,489,519
JCC/DB	1,317,481	1,475,043	\$1,457,077
Total	\$111,572,253	\$139,037,936	\$132,443,832

Funding	2021-23 Biennium Base	2023-25 Biennium Request	Engrossed House Bill 1002
General Fund	\$110,312,790	\$137,217,343	\$130,609,385
Federal funds	756,963	1,280,129	\$1,300,831
Special funds	502,500	540,464	\$533,616
Total	\$111,572,253	\$139,037,936	\$132,443,832

FTEs	2021-23 Biennium Base	2023-25 Biennium Request	Engrossed House Bill 1002
Total	362.0	386.0	383.0

2023-25 biennium Judicial Branch budget request (Governor’s Recommendation) – Overview:

- The executive budget recommendation added **\$6,546,711** for proposed employee salary (6%/4%) and health insurance increases and included **\$377,088** for retiree leave payouts.
- The budget proposal included **\$6,447,844** for a 20% and 15% annual salary increase for justices and judges and **\$452,400** to increase judicial referee salaries to 80% of the proposed judge salary pursuant to State Court Policy 160.

- Information technology operating costs increased by **\$2,392,995** primarily for the following:
 - ❖ **\$290,000** for the new juvenile case management system annual software licensing and maintenance agreement.
 - ❖ **\$670,000** for the new Supreme Court docket system annual software licensing, maintenance agreement and technical managed services.
 - ❖ **\$150,000** for Supreme Court docket system customizations.
 - ❖ **\$100,000** to purchase application testing software (automated testing of Odyssey and other applications).
 - ❖ **\$60,000** to purchase Email archive and search software.
 - ❖ **\$158,400** for courtroom assisted hearing device upgrades.
 - ❖ **\$244,230** in additional costs for computer replacements due to price increases, replacement of some desktops with laptops to allow for remote work and replacement models with higher processing ability needed for digital audio recording.
 - ❖ **\$158,867** cost increase for audio and visual equipment annual maintenance agreements.
- There is an increase in the travel and professional development budget of **\$653,287** primarily to allow for increases in in-state mileage and lodging rates and to restore the out-of-state training and education budget to pre-pandemic levels.

Supreme Court Budget

Supreme Court	2021-23 Biennium Base	2023-25 Biennium Request	Engrossed House Bill 1002
Salaries and wages	\$11,452,261	\$13,707,523	\$13,271,977
Operating	2,386,836	3,196,759	\$3,196,759
Capital assets	0	28,500	\$28,500
Total	\$13,839,097	\$16,932,782	\$16,497,236

Funding	2021-23 Biennium Base	2023-25 Biennium Request	Engrossed House Bill 1002
General Fund	\$13,839,097	\$16,544,782	\$16,109,236
Federal funds	0	388,000	\$388,000
Special funds	0	0	\$0
Total	\$13,839,097	\$16,932,782	\$16,497,236

The total Supreme Court budget request is **\$16,932,782** and includes 1 new FTE position, an assistant state trial court administrator, for a total of **44.5 FTEs**. Highlights of the Supreme Court budget changes include the following:

- **Department of Justice grant (one-time)** – In 2022 the Court System was awarded a \$998,302 grant from the federal Department of Justice for a 3-year study and implementation project to reduce delay in criminal case processing. The 2023-25 biennium budget request for the final year of the grant is **\$388,000**. The budget includes \$93,000 for a temporary grant coordinator position and \$295,000 for research and consultation fees.
- **Supreme Court Law Library costs** – The Law Library budget request includes **\$125,500** for anticipated increases in subscription rates, an increase in the number of users for Westlaw patron access contracts and to purchase Thomson Reuters North Dakota and Federal Rules sets and Bloomberg e-research.
- **Rural attorney recruitment program (NDCC Section 27-02.2-05)** – The 2021 Legislative Assembly approved the rural attorney recruitment program. An attorney agreeing to practice in rural counties or municipalities is eligible to receive an incentive payment of \$45,000 to be paid in five equal annual installments. The county or municipality served by the attorney is to provide 35% of the incentive, the ND State Bar Foundation is to pay 15% and the Supreme Court is responsible for the balance. No more than four attorneys may participate in the program at any one time. The Supreme Court share of incentive payments is **\$36,000**.
- **Equipment over \$5,000 (one-time)** – The Supreme Court capital asset request of **\$28,500** includes funding to replace a copy machine (\$15,000), color printer/copier (\$7,500) and a microfiche machine (\$6,000) for the law library.

House changes to Supreme Court budget request

- *Approved **\$868,446** for a 4% and 4% annual employee salary and health insurance increase.*
- *Approved **\$86,143** to provide the Supreme Court justices with an additional salary increase of 4% on July 1, 2023 (total increase of 8% and 4%).*
- *Added **\$125,760** for employee salary equity adjustments.*

District Court Budget

District Court	2021-23 Biennium Base	2023-25 Biennium Request	Engrossed House Bill 1002
Salaries and wages	\$76,196,548	\$94,802,932	\$88,662,340
Operating	\$20,081,881	\$24,524,619	\$24,524,619
Capital assets	\$0	\$1,125,220	\$1,125,220
Judges' retirement	\$137,246	\$177,340	\$177,340
Total	\$96,415,675	\$120,630,111	\$114,489,519

Funding	2021-23 Biennium Base	2023-25 Biennium Request	Engrossed House Bill 1002
General Fund	\$95,658,712	\$119,737,982	\$113,576,688
Federal funds	756,963	892,129	\$912,831
Special funds	0	0	\$0
Total	\$96,415,675	\$120,630,111	\$114,489,519

The district court budget request includes funding for a total of **337 FTEs**, including 23 new FTE positions:

- ❖ 1 FTE judge and 1 FTE staff attorney in the NECJD;
- ❖ 2 FTE judges and 2 FTE staff attorneys in the ECJD;
- ❖ 1 FTE judge and 1 FTE staff attorney in the SCJD**
- ❖ 1 FTE deputy clerk in Grand Forks County;
- ❖ 7 FTE deputy clerks in Cass County;
- ❖ 3 FTE deputy clerks in Burleigh/Morton County;
- ❖ 1 FTE staff attorney in the NCJD;

- ❖ 1 FTE staff attorney in the NWJD**;
- ❖ 2 FTE Court Improvement Program positions (this request is to convert 2 long-time federally funded temporary positions to FTEs).

Other proposed changes to the district court budget include the following:

- **Drug court coordinators and case aides** –The treatment court budget request adds **\$189,582** for temporary salaries in order to increase the hourly rate paid for juvenile drug and treatment court program coordinators from \$17 to \$20 and case aides from \$15 to \$17.
- **Family mediation program** – The family mediation program budget request includes an additional **\$282,800** to increase the rate paid to mediators from \$170 to \$220 per hour. Mediators are allowed to bill for up to six hours for each case or up to two and one-half hours for expedited mediation cases.
- **Juvenile court services** – The juvenile court services budget includes **\$495,000** to add temporary youth coordinators to provide youth cultural achievement activities with minority youth, assist with monitoring the intensive supervised probation caseload and mentor youth activities. The increase in temporary salaries is partially offset with a \$252,000 savings by not contracting with providers for youth cultural achievement programs. The budget request adds \$151,774 for restorative justice and other juvenile court program costs. The total juvenile court services budget request is \$1,550,832 or an increase of **\$394,774** as compared to the current budget.
- **Jury costs** – Due to increases in costs associated with jury trials over the last several years the budget includes an increase of **\$245,900** for bailiffs, postage, jury fees and amenities.
- **Jury compensation rate** – Pursuant to North Dakota Century code Section 27-09.1-14 a juror is compensated at the rate of \$25 for the first day if the juror is in attendance for four hours or less, and \$50 if the juror is in attendance for more than four hours; and \$50 for each subsequent day of required attendance. The proposed budget includes **\$960,000** in order to double the daily compensation rate

to \$100 and the rate for the first day when in attendance for less than four hours to \$50.

- **IT equipment over \$5,000 (one-time)** – The budget request for IT equipment over \$5,000 is **\$976,420** which includes funding for blade and disk drive lease payments (\$675,420), replacement of 16 QSC interactive courtroom camera and video systems (\$256,000) and to upgrade 3 courtroom sound and video display systems (\$45,000).
- **Equipment over \$5,000 - (one-time)** – The office equipment and furniture over \$5,000 budget request of **\$148,800** includes funding for replacement copy machines (\$65,500), a folding machine (\$10,000), judge chamber/staff office furniture (\$30,000), desk and workstation systems (\$34,800) and a composite wall divider (\$8,500).
- **Judges' Retirement (NDCC Chapter 27-17 Old Retirement System)** – There are two remaining participants within the old judges' retirement system. The budget request is \$177,340 or an increase of **\$40,094** as compared to the current appropriation. The average age of the remaining recipients is 90.

House changes to District Court budget request

- *Approved **\$5,941,976** for a 4% and 4% annual employee salary and health insurance increase.*
- *Approved **\$927,732** to provide the district court judges and referees with an additional salary increase of 4% on July 1, 2023 (total increase of 8% and 4%).*
- *Added **\$213,330** for employee salary equity adjustments.*
- *Approved **20 new FTEs** of the 23 requested for the district court. The House version does not include the judge and staff attorney for the South Central Judicial District and the staff attorney for the Northwest Judicial District. ***

Judicial Conduct Commission and Disciplinary Board Budget

JCC/DB	2021-23 Biennium Base	2023-25 Biennium Request	Engrossed House Bill 1002
Salaries and wages	\$1,074,180	\$1,202,150	\$1,184,184
Operating	<u>\$243,301</u>	<u>\$272,893</u>	<u>\$272,893</u>
Total	\$1,317,481	\$1,475,043	\$1,457,077

Funding	2021-23 Biennium Base	2023-25 Biennium Request	Engrossed House Bill 1002
General Fund	\$814,981	\$934,579	\$923,461
Federal funds	0	0	\$0
Special funds	<u>502,500</u>	<u>540,464</u>	<u>\$533,616</u>
Total	\$1,317,481	\$1,475,043	\$1,457,077

The Judicial Conduct Commission and Disciplinary Board (JCC/DB) is responsible for investigating complaints against North Dakota judges and attorneys. The budget request of **\$1,475,043** includes funding for **4.5 FTEs**, the same as the current appropriation. No capital assets are being requested.

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.

House changes to JCC/DB budget request

- *Approved **\$81,680** for a 4% and 4% annual employee salary and health insurance increase.*

Additional Sections within Engrossed House Bill No. 1002

- **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 properly carry on the functions of the court system.

- **Section 5** - Amendment to provide for the salaries of the Supreme Court justices.
- **Section 6** – Amendment to provide for the salaries of the District Court judges.
- **Section 7** – Amendment to increase the jury compensation rate.

Related Legislation

- **SB 2267** – Increases the number of attorneys that may participate in the rural attorney recruitment program from 4 to 8.
- **SB 2345** – Establishes a task force on guardianship monitoring to address accountability and protection of those under guardianship and appropriates \$290,000 and 1 FTE to the Supreme Court to staff the task force.

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

House Bill 1002**Testimony of Tony J. Weiler****Senate Appropriations-Government Operations Division****March 7, 2023**

Senator Wanzek and Members of the Government Operations Division 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 over 3,000 licensed North Dakota lawyers. On behalf of SBAND President Jennifer Albaugh and our Board of Governors, I present this testimony in support of HB1002, 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. While SBAND is not an arm of the Court, we work very closely with the Board of Law Examiners, are involved in our disciplinary system, and work with the Court on many joint committees. 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.

Our Court System is efficient and works hard to provide a forum for our member and their clients to settle disputes, and deal with a variety of legal issues. We support the Court's request of increased salaries, new judgeships, the increase in support staff, as well as a long overdue raise in the family law mediator fee. The family mediator program has been very successful, but the fee is well below the market rate.

It is vital to fund the Judicial Branch to the maximum extent possible. The State Bar Association encourages a Do Pass.

Tony Weiler

tony@sband.org

701-220-5846

House Bill 1002
Senate Appropriations Committee
Government Operations Division
Kara J. Erickson, Disciplinary Counsel
March 7, 2023

Good morning, Chairman Wanzek and members of the committee, my name is Kara Erickson. My office, the Office of Disciplinary Counsel, handles the administrative and prosecutorial roles for matters that are before the Judicial Conduct Commission and the Disciplinary Board of the Supreme Court. More simply stated, we handle both lawyer and judicial discipline for ethical violations. Both the Judicial Conduct Commission and Disciplinary Board fall under the authority of the Supreme Court; however, because one of the functions of our office is to discipline members of the judiciary, including the Justices of the Supreme Court, our office is held at arms' length from the Supreme Court. Sally Holewa and Don Wolf have done a wonderful job going over the appropriations requests from the Court, but they asked me to specifically touch on my office's portion of that request.

As a bit of background about our functioning, because my office is held at arms' length, the Court's rules established an Operations Committee to handle overseeing my office. The Committee has four members, with two additional ex-officio members. The members of the Operations Committee are appointed to oversee the budget requests and the operational aspects of my office. The four members of the Operations Committee consist of a lay member, a member

House Bill 1002
Senate Appropriations Committee
Government Operations Division
Kara J. Erickson, Disciplinary Counsel
March 7, 2023

appointed by the Court from nominations from the Disciplinary Board, a member appointed by the Court from a nomination from the State Bar Association's Board of Governors, and one member appointed by the Court from a list of nominations from the Judicial Conduct Commission. The ex-officio members who attend the Operations Committee meetings are the State Court Administrator, Sally Holewa, and the State Bar Association's Executive Director, Tony Weiler.

Both our office and its Operations Committee agreed that after several years of making budget cuts, that we need to add some of those funds back into our budget for the upcoming biennium. In developing our budget for the upcoming biennium, we referred back to the budget figures for our office's 2017-2019 biennium for a more accurate comparison of where figures were before those cuts occurred. In some places, we were able to maintain the cuts, while in others we needed to account for increased expenses and the changes in the types of cases being seen by our office.

The Office of Disciplinary Counsel also supports the requested increases for the judges and justices. We have been very fortunate in North Dakota to have had exceptional lawyer candidates who have become members of the bench. As a result, we have very few meritorious ethical issues with our judges; however, any

House Bill 1002
Senate Appropriations Committee
Government Operations Division
Kara J. Erickson, Disciplinary Counsel
March 7, 2023

decline that is experienced in the quality of the members of the bench, will likely impact the number of complaints with merit that are handled by our office.

Accordingly, our office supports the increases that are being requested to ensure the ethical integrity of North Dakota's bench remains impeccable.

I would be happy to try to answer any questions the Committee may have at this time that are more specifically related to the Judicial Conduct Commission and the Disciplinary Board's portion of the budget included within House Bill 1002. I would urge the Committee to recommend a "do pass" of House Bill 1002 with the requested increases for the judges and justices. Thank you for your consideration.

House Bill 1002
Government Operations Division of the Senate Appropriations Committee

Testimony Presented by Cynthia M Feland
District Court Judge
South Central Judicial District Court
March 7, 2023

Good Morning, Chairman Wanzek and members of the Committee. For the record, my name is Cynthia M Feland. I am a District Court Judge in the South Central Judicial District and submit this testimony in favor of House Bill 1002, the judicial branch appropriations bill. While joining in the comments of my colleagues, I specifically want to address the question of why judges and justices should receive higher rates of raises in HB 1002 than similar rates given to other state employees.

Judges and justices hold unique positions in government which are recognized in our Constitution and our statutes. These differences, and these authorities, deal directly with how judges and justices are compensated and justify legislating higher rates of raises for judges and justices than for regular state employees.

Unlike state employees and other elected officials, our Constitution only refers to the compensation of judges and justices. Sections 7 and 9 of Article VI of the North Dakota Constitution require compensation of judges and justices be “provided” or “fixed” by law. The citizens of North Dakota have neither “provided” not “fixed” compensation for any other classification of public employee or official. Thus, judges and justices find themselves in a unique position in North Dakota of having Constitutional provisions which directly affect the manner in which judges and justices, as compared to regular state employees, are compensated.

As you know, in Sections 27-02-02 and 27-05-03, the legislature specifies what the salaries of all judges and justices will be for a two-year period. Any judge or justice can receive neither more nor less than this amount. Further, the salary of any individual judge or justice will remain at this amount unless and until the legislature amends these statutes in a future session. There are no similar statutory provisions for the compensation of state employee. According to the OMB website, a regular state employee’s pay falls within ten classifications (numbered 101 to 110). A state employee usually has the ability to advance to a higher level of classification over time. For example, a Highway Patrol Officer I starts with a pay grade classification of 105. That HP Officer I may then advance to a HP Officer II with a pay grade level of 106. That HP

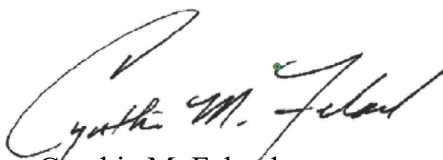
Officer may also then advance to an HP Sergeant with a pay grade level of 107. Finally, that HP Officer might advance to an HP Regional Commander with a pay grade level of 108. The difference between the minimum salary for a pay grade 105 and the maximum salary for a pay grade 108 is presently over \$100,000. Unlike the regular state employee, the judge or justice has no ability to advance in grade (and subsequently increase in salary). For a judge or justice, the increase in pay is only that which is given to them by subsequent legislatures.

More importantly, within each pay grade classification level, there is a minimum salary level and a maximum salary level. Within each pay grade classification, the maximum salary is roughly 56% higher than the minimum salary. Chapters 4-07-02 to -04 of the North Dakota Administrative Code, set forth how actual salary amounts within each pay grade classification can change. Therefore, during their tenure, a state employee may receive additional raises in pay over and above the legislative increases (such as the currently under consideration 4% and 4% increases). Again using our HP Officer as an example, the official State of North Dakota website regarding Highway Patrol Trooper salary and benefits states that after six months a Trooper's base salary increases and that "troopers receive up to nine annual raises based upon merit"

Judges and justices are not entitled to any such increases in compensation. A brand new judge earns the same amount as one who has been on the bench for 20 years. There is no higher pay grade. There is no chance for increased compensation within a pay grade. For any individual judge or justice, the only chance for increased compensation is that amount of raise provided by the legislature. Plainly put, judges and justices are already treated differently than the average state employee when it comes to increases in compensation. This is the reason that judges and justices should not be tied to the percentage increases given to state employees.

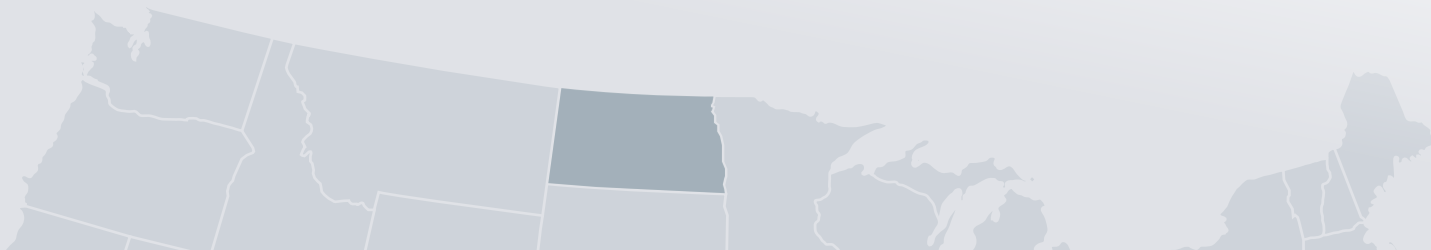
I respectfully ask that you support the compensation increases set forth in the original version of HB 1002 and not limit judicial compensation increases to those given to state employees. I urge you to adopt a Do Pass recommendation on this legislation.

Respectfully Submitted:



Cynthia M. Feland
District Judge
South Central Judicial District

NORTH DAKOTA'S JUDGES DESERVE A RAISE



North Dakota's Judges are Paid Less than Peer States

Historically, North Dakota pays its judges less than most judiciaries nationally and less than some of its peer states¹.

North Dakota judges and justices are paid the 43rd and 45th lowest salaries, respectively in the nation².

North Dakota does not have specialized courts, leaving judges with heavier workloads and less support staff than peer states. Of other states that pay less, all reduce the workload by creating specialty courts.



Judicial Salaries are Far Below Other North Dakota Officials

Members of the North Dakota judiciary are paid significantly below others in North Dakota government who have similar education, experience, and job requirements³.

334th | 307th | 244th

The compensation rankings of a district court judge, a district court presiding judge, and a supreme court justice, respectively, in comparison to compensation of other state employees.



North Dakota's Judges Do More with Less

North Dakota judges are doing substantially more work with less support *and* for less pay.

District courts handle everything from a \$10 traffic ticket, to multi-million dollar lawsuits, including:

- infractions to murders,
- protection orders to contentious divorce cases,
- modest, small-claims matters to complex, multi-party commercial litigation and class action lawsuits.

BUDGET ALLOCATED

0.67%

Only two-thirds of one percent (.67%) of North Dakota's 2021-2023 budget is **allocated** for the judicial branch of government.

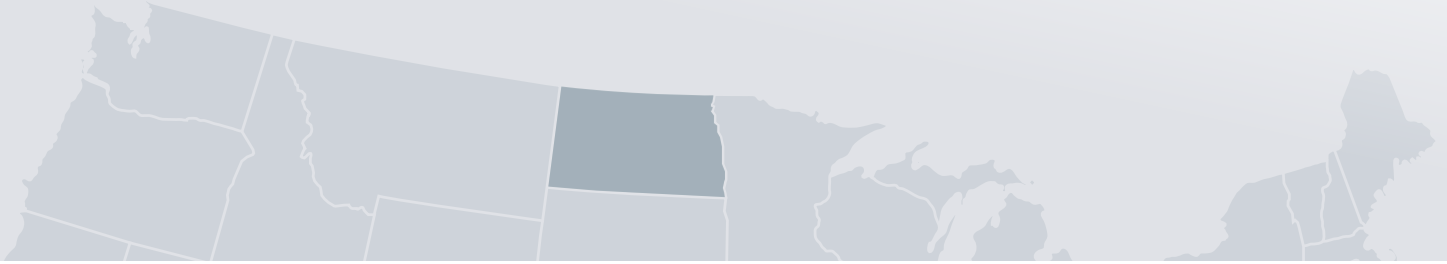
VS.

BUDGET SPENT

0.1%

North Dakota **spends one tenth of one percent (.1%)** of its total budget on judicial salaries.

SUPPORT FOR NORTH DAKOTA'S JUDICIAL BRANCH



Judicial Salaries are Losing Against Inflation

North Dakota judicial salaries have only slightly exceeded the rate of inflation. Judicial salaries lagged behind real-dollar increases realized by practicing lawyers.

JUDGES HAVE LOST \$14,000

In 2017 and 2018 North Dakota judges received zero dollars for raises. That biennium, judges lost nearly \$6,500 due to inflation. From 2017 to the middle of 2022, North Dakota judges have lost more than \$14,000 due to inflation.

Small raises and caps have put judges further behind the inflation curve. If caps continue, judges will simply fail to even keep up with inflation, and arguably not even receive an actual increase in pay.



Judicial Recruitment and Retention are at Risk

North Dakota's judicial compensation is inadequate to attract highly qualified individuals from a diversity of life and professional experiences to serve in the judiciary.

Experienced attorneys who become judges must learn new skills and law with less support staff, creating more work for less money. This approach creates a less appealing position than peer states that have developed multiple levels of courts, and may account for the decline in judicial applications.

Among the peer states, North Dakota has the shortest terms for district court judges at 6 years, and no retention practice other than general elections. Judicial compensation fails to adequately compensate for these levels of uncertainty.

NORTH DAKOTA MUST INCREASE JUDICIAL PAY TO ATTRACT AND RETAIN HIGHLY-QUALIFIED JUDGES.

2021-23 Budget	Amount	%
Total State Budget	\$16.94 Billion	
Judiciary Budget	\$113,729,853	0.67
Judicial Salaries	\$17,738,869	0.1

Annual Salary	District Court Judge	Presiding Judge	Supreme Court Justices	Chief Justice
July 1, 2022	\$155,219	\$159,629	\$169,162	\$173,946
20% Year 1 Increase	\$31,044	\$31,926	\$33,832	\$34,789
July 1, 2023	\$186,263	\$191,555	\$202,994	\$208,735
15% Year 2 Increase	\$27,939	\$28,733	\$30,450	\$31,310
July 1, 2024	\$214,202	\$220,288	\$233,444	\$240,045
Total Cost of Increase as Compared to 2022 Salary				\$6,447,778

¹The term "peer states" as used here means the 10 smallest population states in the country.

²Survey of Judicial Salaries, National Center for State Courts, Vol. 48 No. 1 (Jan 1, 2023); https://www.ncsc.org/_data/assets/pdf_file/0023/87710/JSS-Jan-2023.pdf

³According to salary information obtained from the Office of Management and Budget.

State of North Dakota

Barbara L. Whelan

District Court Judge
Northeast Judicial District

CHAMBERS

Walsh County Courthouse
600 Cooper Avenue – 2nd Floor
Grafton, North Dakota 58237
Telephone: 352-1311

Tammy Henriksen
Certified Court Recorder

Good Afternoon Chairman Wanzek, Senators Dwyer, Erbele, Roers and Vedaa.

My name is Barbara Whelan, and I serve as a District Court Judge from the Northeast Judicial District, which covers 11 counties in the upper northeast corner of the state. I am chambered in Grafton, which is Walsh County.

I have been a lawyer since 1990 when I was admitted to the Maryland Bar. I returned to North Dakota in 1993 after being admitted to the North Dakota Bar, and I have practiced law in North Dakota since that time. I started out in private practice and doing part-time State's Attorney work. I became a full time State's Attorney in 1998, and served as an elected State's Attorney in both Pembina and Walsh Counties until 2017. Essentially, I am a trial lawyer at heart.

In October 2017 I was appointed to the bench by Governor Burgum. I stood for election in 2020, and should I choose to remain on the bench will be on the ballot again in 2024.

While I am accustomed to the election process, managing an election across 11 counties is significantly more expensive than running an election in a single county. Although unopposed in 2020, there is no guarantee my campaign in 2024 will be unopposed, making it necessary for me and my husband to plan for the financial burden imposed by a contested election across a broad geographic area.

When I was appointed to the bench by Governor Burgum, I was honored and eager to start this new phase of my career. I was shocked, however, at the solitary nature of being a District Court Judge. As a State's Attorney, I had a full-time Assistant State's Attorney, a paralegal, and a legal secretary at my disposal. When I became Judge, I was assigned one staff person – a Court Recorder with no formal legal training. My Court Recorder spends her time in the courtroom with me, does the calendaring/scheduling, and prepares transcripts. She cannot do research nor draft legal documents for me. I share one staff attorney with four other District Court Judges, and my reliance on the staff attorney is mainly for complex civil cases. Essentially, I am on my own for legal research and writing opinions.

When I became a judge, I expected to work hard and to work long hours. Still, I was overwhelmed by the need to research and study so many different areas of the law, requiring knowledge in probate cases, collection cases, malpractice cases, eviction matters, divorce, primary residential responsibility for children, to name but a few. While I love my job and the challenges it presents, I had no idea what I was getting into! Recently, when discussing the challenges of being a District Court Judge with a much-respected colleague, she advised me she would not recommend mid-level attorneys to pursue judgeship as a career path. While acknowledging the rewards of public service, she recognizes the compensation is simply insufficient for the long hours which Judges are required to work.

I regret not having a recording from our Judge's meetings when the issue of judicial compensation is discussed so that you could hear, with your own ears, the tenor of the conversations. I have been surprised by the conservative and sometimes apologetic nature of my colleagues when deciding whether to seek a raise. I have heard Judges say: "The farming economy isn't that great, we can't ask for a raise." "The Governor has asked us to cut the budget, and we can't cut anything else and still provide judicial services, so we can't ask for a raise." "We are so shorthanded and need more Judges, so we should focus our attention on getting more Judges, rather than seeking a raise for ourselves." These are not the statements of entitled lawyers thinking they are worth more than others. These are statements of dedicated public servants who are committed to providing a fair judicial system to our citizens, and who are sensitive to the fiscal conditions present in our State.

Let's be frank: compensation is a difficult subject to discuss. It is even more difficult when the raises seem so large by comparison. The Justices and Judges understand at first glance the requested raises might appear unreasonable and out of line with other salary increases sought across State government. But closer inspection reveals the Judge's requests are not excessive after considering the numerous factors which the testimony will address today. We respectfully ask you to keep in mind that if the increases we seek were to be approved, it would cost North Dakota citizens less than \$6.5 million over the next biennium, or less than one-tenth of one percent (0.1%) of the entire State budget.

I can assure you, Chairman Wanzek and Senators, the decision to seek a significant equity raise during this budget cycle was not lightly made. My colleagues on the bench, and our Supreme Court Justices, are hard-working, humble and dedicated professionals who are at the top of our judicial system. They have significant educations, significant experiences, and they shoulder tremendous responsibility over the lives of the people who appear in their courtrooms. They sacrifice personal relationships. They are recipients of threats from unhappy litigants. They are subjected to news reports that often misrepresent what has occurred, and yet they must remain silent. Their spouses and children must also make personal sacrifices to ensure the Judge maintains his/her ethical obligations. These are part and parcel of serving as a Supreme Court Justice and a District Court Judge, and in my 30 years of practicing law in North Dakota, I have never once heard a Judge complain about the responsibilities and burdens.

I respectfully invite you to consider that Justices and Judges are logical, careful thinkers who need research and evidence to support decisions they make. In this instance, North Dakota's Judicial Officers have logical and well-supported reasons to justify their request for a 20% equity raise for 2023, and an additional 15% equity raise for 2024. This begins with the fact that North Dakota Judges have not requested an equity raise in many years.

The following represents the compensation status of District Court Judges during the time I have been on the bench:

Annual Salary in 2017:	\$143,870
Annual Salary in 2018:	\$143,870, no cost of living or other raise
Annual Salary in 2019:	\$146,269, 1.67% raise (\$200/month cap, not applied to other state employees)
Annual Salary in 2020:	\$149,926, 2.5% raise
Annual Salary in 2021:	\$152,175, 1.5% raise
Annual Salary in 2022:	\$155,231, 2.0% raise

As indicated on the handout supporting the increase, compensation has fallen unacceptably behind for North Dakota Justices and Judges.

North Dakota judicial salaries have fallen behind what peer states are paying their judicial officers. In those peer states paying less, there are specialty courts where the Judges focus on a particular area of the law, rather than the courts of general jurisdiction in North Dakota where Judges are required to be well-versed in all areas of law. The most recent information available to us shows North Dakota ranks 43rd and 45th lowest in the nation. I do not have the time to go through these statistics in detail, but I am certain the Judge's Association would provide that specific study to this Committee if requested.

North Dakota judicial salaries are not in line with salaries being paid to other North Dakota officials and employees. According to our research, there are 243 persons on North Dakota's state payroll who earn more than the Chief Justice of our Supreme Court. The Chief Justice is the administrative head of the state's unified judicial system, a co-equal branch of government. In addition to judicial responsibilities on the court of last resort, the Chief Justice is responsible for administering an annual budget of roughly \$114 million, and supervising more than 360 full-time employees. Sadly, the Chief Justice's compensation is significantly less than many state employees with less formal education. The same type of comparison can be made regarding the remaining Justices on the Supreme Court, whose salary ranks behind 306 other North Dakota officials and

employees. And there are 333 North Dakota officials and employees whose salary is greater than a District Court Judge.*


North Dakota judicial salaries have resulted in our Justices and Judges losing the battle of inflation. Judge McCullough is going to provide more detailed information to you on that topic, but in short it is clear judicial salaries have not kept up with inflation.

North Dakota judicial salaries have placed the recruitment and retention of qualified Justices and Judges at risk. This is a very real and present concern for the entire judiciary. To maintain the high standards expected by North Dakota's citizens, it is essential to have Judges from both the public sector and the private sector. In reality, it is not unusual for even mid-level attorneys seeking a Judge's ruling on a dispute to be paid more than the Judge making the ruling! We must offer salaries that attract the best of the legal field without requiring a candidate to suffer a significant pay cut in order to serve on the bench.

These are the reasons I appear today to advocate for a significant increase in judicial salaries as set forth in the budget request by the Judicial Branch. My colleagues on the bench deserve compensation commensurate with the amount of work they do, the depth and breadth of the knowledge and experience they hold, the enormous responsibility they carry on their shoulders, and the professional and personal burdens that come with being an elected District Court Judge.

Thank you for your attention, and I would be happy to try to answer any questions you may have.

Respectfully submitted,



Barbara L. Whelan
District Court Judge
Northeast Judicial District

* Comparisons to other officials and employees is not intended to devalue the expertise, education, knowledge and experience those persons bring to their service to the citizens of North Dakota. The comparisons are made simply to show the judiciary has fallen far behind, and it is time to take a serious look at the compensation of our Justices and Judges.

Good morning, Chairman Wanzek and members of the Government Operations Division of Senate Appropriations. My name is Zack Pelham.

I'm here today to testify in support of HB 1002, the judicial branch's budget. Specifically, I'm here to urge your support of an increase in judicial salaries.

I've been in private practice for many years and am an active member of the state bar. Currently, I'm the managing member of the Pearce Durick law firm in Bismarck. My practice focuses on insurance defense, oil and gas law, product liability defense, employment and labor law, and general business representation. I am a past president of the State Bar Association, past president of the Big Muddy Bar Association, past president of the North Dakota Defense Lawyers Association, and current Chair of the Commission on Legal Counsel for Indigents. I am here today, however, in my individual capacity as a private practice attorney.

Current judicial compensation is inadequate to attract highly qualified individuals from private practice. When I first starting practicing law in 2004, judicial vacancies used to routinely have 10 or more candidates, many from private practice. That is no longer the case. The vast majority of recent judicial applicants are individuals moving from one government position to another or candidates with limited legal experience. To be clear, these are good people. I worked with some of them when I was an assistant attorney general before moving into private practice in 2007. The reason we have few applicants, and almost no applicants from private practice, for state judicial vacancies is in large part because of current judicial compensation. I can tell you that is not a problem for federal judicial vacancies—of which I have applied for. I can tell you with certainty that a successful, mid-career private practitioner in North Dakota, who is typically at the height of their earning capacity, simply cannot take a significant pay cut in becoming a state court judge. For me, with a wife and four children, I am here to tell you the numbers do not add up—I have done the math.

We are fortunate in North Dakota to have a great bench from a diversity of life and professional experiences. However, as our current judges retire and judicial salaries continue to lag behind real-dollar increases realized by private practitioners, judicial recruitment and the quality of our bench is at serious risk. Having a broad based judiciary, made up of professionals from public *and* private practice is imperative for a healthy judicial system in North Dakota.

As such, I urge you to support the judiciary's request for a \$6.4 million dollar increase to its biannual budget to provide our judges and justices with increased compensation.

Thank you, Chairman Wanzek. I'd be happy to answer any questions from the committee.

House Bill 1002

Senate Appropriations

Jon J. Jensen, Chief Justice

March 7, 2023

Mr. Chairman and members of the Committee, good afternoon. For the record my name is Jon Jensen and I am the Chief Justice of the North Dakota Supreme Court. Our State Court Administrator, Sally Holewa, and our Director of Finance, Don Wolf, will be providing you with detailed information about the judicial branch budget. I have previously had the privilege of appearing before a joint session of the legislature to express some of the priorities within the judicial branch budget. Your time is valuable, I will not repeat those comments, but I will remain available to answer any questions you may have regarding any of my prior comments or the proposed budget.

The budget proposal includes **\$6,447,844** for a 20% and 15% annual salary increase for justices and judges. There are two topics I would like to address that I have not previously discussed. Comparisons to other states and other North Dakota State employees.

First, when making a comparison to compensation paid to judicial officers in other states, it is important to compare the differences in support provided in those other states. Support for judicial officers is an increased cost not reflected in a comparison limited to judicial salaries. North Dakota judicial compensation ranks near the bottom, 45th, when compared to other states. In addition, the support provided to judicial officers is far less than provided in other states. For example,

we can compare the support provided in three other states: Wyoming and Idaho, which are similar in size, and Minnesota, which is a neighboring state.

Wyoming provides judges with three support staff per Judge while in North Dakota our trial judges have no staff dedicated to working exclusively with judges. Wyoming allocates approximately 3% of the state's total budget on the Judicial Branch while North Dakota spends .67%. Minnesota provides two support staff per Judge and spends approximately 10% of the state's total budget on the Judicial Branch. Idaho provides two support staff per Judge and the state spends approximately 1% of the state's total budget on the Judicial Branch. In summary, when we compare the cost of judicial positions in North Dakota to other states, I urge you to consider not only salaries, but the total cost. In doing so, it is clear the cost in other states is significantly greater.

I would also like to address concern expressed about providing increases to judicial salaries that, as a percentage, are higher than the increases to other State employees. Higher percentages for judges are appropriate because an increase to judicial salaries are limited general salary increases specifically authorized by statute, an increase also provided in a similar manner to all State employees. The general salary increase is the only way a judicial officer can realize a pay increase. In contrast, other State employees have the following additional options:

Internal equity adjustment – This adjustment allows an increase to existing employee compensation to lift an experienced employee up to market rate. It is a tool to make sure new hires at market rate are not paid more than existing employees.

Performance evaluation increase – Based on an employee’s performance evaluation, an employee can get a pay increase, not to exceed 5%.

Reclassification – An employee’s compensation can be increased based on change of duties.

Promotion – Upon promotion, the employee is entitled to an increase that is at least the minimum of the new salary range.

Temporary increase – Under special circumstances that exceed 30 days, an employee may receive a temporary increase until the special circumstance has resolved.

Performance bonus – A one-time payment for extraordinary work, limited to once per fiscal year, and not to exceed \$1,500.

Retention bonus – An employee in a position that has been identified by the agency as eligible for a retention bonus, may be entitled to a retention bonus if they are anticipating leaving State employment.

Recruitment bonus – A potential employee in the private sector may be paid a recruitment bonus to enter State employment that has been identified by the agency as eligible for a recruitment bonus.

Referral bonus – A current employee may receive a referral bonus for referring someone who is subsequently hired into a position that has been identified by the Human Resources department as hard to fill.

While on its face a general salary increase to judicial salaries in a percentage amount greater than the general salary increase afforded to other State employees may not seem equitable, it is equitable when we consider that the general salary increase is the only increase available to judges. In contrast, as noted in these remarks, there are multiple ways other State employees can increase their compensation between sessions.

I will remain available to answer any questions, but will yield the podium to Ms. Holewa and Mr. Wolf.

23.0231.02000

FIRST ENGROSSMENT

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1002

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch;
2 to amend and reenact sections 27-02-02, 27-05-03, and 27-09.1-14 of the North Dakota
3 Century Code, relating to the salaries of justices of the supreme court, the salaries of district
4 court judges, and compensation of jurors; to provide for transfers; and to provide an exemption.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
7 as may be necessary, are appropriated out of any moneys in the general fund in the state
8 treasury, not otherwise appropriated, and from special funds derived from federal funds and
9 other income, to the judicial branch for the purpose of defraying the expenses of the judicial
10 branch, for the biennium beginning July 1, 2023, and ending June 30, 2025, as follows:

11 Subdivision 1.

12 SUPREME COURT

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
14 Salaries and wages	\$11,202,906	\$2,069,071	\$13,271,977
15 Operating expenses	2,350,094	846,665	3,196,759
16 Capital assets	0	28,500	28,500
17 Guardianship monitoring program	<u>286,097</u>	<u>(286,097)</u>	<u>0</u>
18 Total all funds	\$13,839,097	\$2,658,139	\$16,497,236
19 Less estimated income	<u>0</u>	<u>388,000</u>	<u>388,000</u>
20 Total general fund	\$13,839,097	\$2,270,139	\$16,109,236

21 Subdivision 2.

22 DISTRICT COURTS

Sixty-eighth
Legislative Assembly

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
1				
2				
3	Salaries and wages	\$76,196,548	\$12,465,792	\$88,662,340
4	Operating expenses	20,081,881	4,442,738	24,524,619
5	Capital assets	0	1,125,220	1,125,220
6	Judges' retirement	<u>137,246</u>	<u>40,094</u>	<u>177,340</u>
7	Total all funds	\$96,415,675	\$18,073,844	\$114,489,519
8	Less estimated income	<u>756,963</u>	<u>155,868</u>	<u>912,831</u>
9	Total general fund	\$95,658,712	\$17,917,976	\$113,576,688

10 Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
12				
13				
14	Judicial conduct commission and	<u>\$1,317,481</u>	<u>\$139,596</u>	<u>\$1,457,077</u>
15	disciplinary board			
16	Total all funds	\$1,317,481	\$139,596	\$1,457,077
17	Less estimated income	<u>502,500</u>	<u>31,116</u>	<u>533,616</u>
18	Total general fund	\$814,981	\$108,480	\$923,461

19 Subdivision 4.

20 BILL TOTAL

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
21				
22				
23	Grand total general fund	\$110,312,790	\$20,296,595	\$130,609,385
24	Grand total special funds	<u>1,259,463</u>	<u>574,984</u>	<u>1,834,447</u>
25	Grand total all funds	\$111,572,253	\$20,871,579	\$132,443,832
26	Full-time equivalent positions	362.00	21.00	383.00

27 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

28 **SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts reflect one-time funding
 29 items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the
 30 2023-25 biennium one-time funding items included in section 1 of this Act:

Sixty-eighth
Legislative Assembly

	<u>2021-23</u>	<u>2023-25</u>
1 <u>One-Time Funding Description</u>		
2 Juvenile case management system	\$2,000,000	\$0
3 Information technology equipment	157,600	1,153,720
4 Federal department of justice grant	0	388,000
5 Docket management system	<u>2,020,000</u>	<u>0</u>
6 Total all funds	\$4,177,600	\$1,541,720
7 Less estimated income	<u>2,177,600</u>	<u>388,000</u>
8 Total general fund	\$2,000,000	\$1,153,720

9 The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget
10 for the 2025-27 biennium. The supreme court shall report to the appropriations committees of
11 the sixty-ninth legislative assembly on the use of this one-time funding for the biennium
12 beginning July 1, 2023, and ending June 30, 2025.

13 **SECTION 3. APPROPRIATION.** There are appropriated any funds received by the
14 supreme court, district courts, and judicial conduct commission and disciplinary board, not
15 otherwise appropriated, pursuant to federal acts and private gifts, grants, and donations for the
16 purpose as designated in the federal acts or private gifts, grants, and donations for the period
17 beginning July 1, 2023, and ending June 30, 2025.

18 **SECTION 4. EXEMPTION - TRANSFERS.** Notwithstanding section 54-16-04, the director
19 of the office of management and budget shall transfer appropriation authority between line items
20 in section 1 of this Act as requested by the supreme court upon a finding by the court that the
21 nature of the duties of the court and its staff requires the transfers to carry on properly the
22 functions of the judicial branch of government.

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

25 **27-02-02. Salaries of justices of supreme court.**

26 The annual salary of each justice of the supreme court is ~~one hundred sixty-five thousand~~
27 ~~eight hundred forty-five dollars through June 30, 2022, and one hundred sixty-nine thousand~~
28 ~~one hundred sixty-two~~ one hundred eighty-two thousand six hundred ninety-five dollars through
29 June 30, 2024, and one hundred ninety thousand three dollars thereafter. The chief justice of
30 the supreme court is entitled to receive an additional ~~four thousand six hundred ninety dollars~~
31 ~~per annum through June 30, 2022, and four thousand seven hundred eighty-four~~ five thousand

1 one hundred sixty-seven dollars per annum through June 30, 2024, and five thousand three
2 hundred seventy-four dollars per annum thereafter.

3 **SECTION 6. AMENDMENT.** Section 27-05-03 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **27-05-03. Salaries and expenses of district judges.**

6 The annual salary of each district judge is ~~one hundred fifty-two thousand one hundred-~~
7 ~~seventy-five dollars through June 30, 2022, and one hundred fifty-five thousand two hundred-~~
8 ~~nineteen~~ one hundred sixty-seven thousand six hundred thirty-seven dollars through June 30,
9 2024, and one hundred seventy-four thousand three hundred forty-two dollars thereafter. Each
10 district judge is entitled to travel expenses, including mileage and subsistence while engaged in
11 the discharge of official duties outside the city in which the judge's chambers are located. The
12 salary and expenses are payable monthly in the manner provided by law. A presiding judge of a
13 judicial district is entitled to receive an additional ~~four thousand three hundred twenty-four-~~
14 ~~dollars per annum through June 30, 2022, and four thousand four hundred ten~~ four thousand
15 seven hundred sixty-three dollars per annum through June 30, 2024, and four thousand nine
16 hundred fifty-four dollars thereafter.

17 **SECTION 7. AMENDMENT.** Section 27-09.1-14 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **27-09.1-14. Mileage and compensation of jurors.**

20 A juror must be paid mileage at the rate provided for state employees in section 54-06-09. A
21 juror must be compensated at the rate of ~~five~~ one hundred dollars for each day of required
22 attendance at sessions of the district court unless the juror is in attendance for four hours or
23 less on the first day, in which case compensation for the first day is ~~twenty-five~~ fifty dollars. A
24 juror must be compensated at the rate of ten dollars for each day of required attendance at
25 sessions of a coroner's inquest. The mileage and compensation of jurors must be paid by the
26 state for jurors at sessions of the district court. Jurors at coroner's inquests must be paid by the
27 county.

**Department 180 - Judicial Branch
House Bill No. 1002**

First Chamber Comparison to Base Level

	General Fund	Other Funds	Total
2023-25 First Chamber Version	\$130,609,385	\$1,834,447	\$132,443,832
2023-25 Base Level	110,312,790	1,259,463	111,572,253
Increase (Decrease)	\$20,296,595	\$574,984	\$20,871,579

First Chamber Changes

A summary of the first chamber's changes to the agency's base level appropriations and the executive budget is attached as an appendix.

Selected Bill Sections Included in the First Chamber 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, 2023, and ending June 30, 2025.

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.

Supreme Court justices' salaries - Section 5 provides the statutory changes to increase Supreme Court justices' salaries by 8 percent on July 1, 2023, and by 4 percent on July 1, 2024. Supreme Court justices' annual salaries would be increased from the current level of \$169,162 to \$182,695 effective July 1, 2023, and \$190,003 effective July 1, 2024. The Chief Justice of the Supreme Court is entitled to receive an additional \$5,167 per annum effective July 1, 2023, and an additional \$5,374 per annum effective July 1, 2024, an increase from the current additional amount for the Chief Justice of \$4,784 per annum.

District judges' salaries - Section 6 provides the statutory changes to increase district court judges' salaries by 8 percent on July 1, 2023, and by 4 percent on July 1, 2024. District court judges' annual salaries would be increased from the current level of \$155,219 to \$167,637 effective July 1, 2023, and \$174,342 effective July 1, 2024. A presiding judge of a judicial district is entitled to receive an additional \$4,763 per annum effective July 1, 2023, and an additional \$4,954 per annum effective July 1, 2024, an increase from the current additional amount for presiding judges of \$4,410 per annum.

Juror compensation - Section 7 provides the statutory changes to increase jury compensation by 100 percent, from \$50 per day to \$100. Compensation for a juror in attendance for 4 hours or less on the 1st day would increase from \$25 to \$50.

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. 1138 - Provides for a mental health court pilot program in the Southeast Judicial District.

House Bill No. 1213 - Provides for the state to reimburse costs to a defendant charge with a crime of violence that is determined to be justifiable self-defense.

House Bill No. 1289 - Provides for the court to waive unpaid fines and fees upon completion of a drug court program.

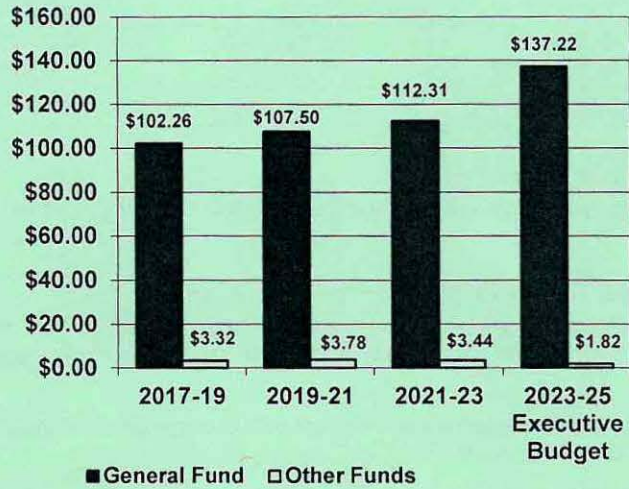
Senate Bill No. 2267 - Expands the rural attorney recruitment program from 4 to 8 attorneys.

Senate Bill No. 2345 - Provides an appropriation for a guardianship monitoring task force established by the Supreme Court.

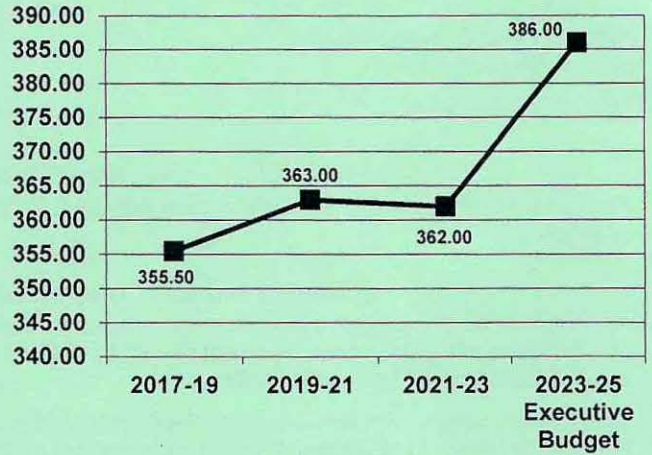
Historical Appropriations Information

Agency Appropriations and FTE Positions

Agency Funding (Millions)



FTE Positions



Ongoing General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
Ongoing general fund appropriations	\$101,591,134	\$102,257,770	\$107,355,691	\$110,312,790	\$136,063,623
Increase (decrease) from previous biennium	N/A	\$666,636	\$5,097,921	\$2,957,099	\$25,750,833
Percentage increase (decrease) from previous biennium	N/A	0.7%	5.0%	2.8%	23.3%
Cumulative percentage increase (decrease) from 2015-17 biennium	N/A	0.7%	5.7%	8.6%	33.9%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2017-19 Biennium

1. Removed 32 FTE positions (\$2,801,754)
2. Increased funding for operating expenses, including information technology (IT) 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, IT, and other operating expenses (\$757,971)
3. Added funding for drug court in the Southeast Judicial District \$125,240

2021-23 Biennium

1. Reduced funding for juvenile intensive in-home services (\$200,000)
2. Added funding for a veterans' treatment court \$145,247
3. Added funding to lease IT equipment \$912,008

2023-25 Biennium (Executive Budget Recommendation)

1. Adds funding for 22 new FTE positions \$5,760,954
2. Adds funding for increased IT costs \$2,392,995
3. Adds funding to increase jury compensation rates by 100 percent \$960,000

One-Time General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
One-time general fund appropriations	\$3,662,530	\$0	\$147,352	\$2,000,000	\$1,153,720

Major One-Time General Fund Appropriations

2017-19 Biennium

None \$0

2019-21 Biennium

Added funding for copy machines and audio and video equipment \$147,357

2021-23 Biennium

Added funding for a juvenile case management system \$2,000,000

2023-25 Biennium (Executive Budget Recommendation)

1. Adds funding for district court equipment, including copy machines, video systems, and other IT equipment \$1,125,220
2. Adds funding for Supreme Court equipment, including a microfiche machine and copy machines \$28,500

Judicial Branch - Budget No. 180
House Bill No. 1002
Base Level Funding Changes

	Executive Budget Recommendation				House Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2023-25 Biennium Base Level	362.00	\$110,312,790	\$1,259,463	\$111,572,253	362.00	\$110,312,790	\$1,259,463	\$111,572,253
2023-25 Ongoing Funding Changes								
Base payroll changes		\$467,705	\$3,270	\$470,975		\$467,705	\$3,270	\$470,975
Salary increase		11,406,275	28,166	11,434,441		5,821,039	41,558	5,862,597
Health insurance increase		1,992,426	20,088	2,012,514		2,022,830	20,550	2,043,380
Adds funding for salary equity				0		339,090		339,090
Adds new FTE positions	22.00	5,760,954		5,760,954	19.00	4,368,738		4,368,738
Converts federally funded court improvement program temporary positions to FTE positions	2.00		63,662	63,662	2.00		63,662	63,662
Adds funding for retirement leave payouts		369,922	7,166	377,088		369,922	7,166	377,088
Increases funding for judges retirement		40,094		40,094		40,094		40,094
Adds funding for temporary youth coordinator positions		495,000		495,000		495,000		495,000
Adds funding for drug court and veterans' court coordinators and aides		189,582		189,582		189,582		189,582
Adds funding for increased jury compensation rates		960,000		960,000		960,000		960,000
Adds funding for jury costs, including bailiff pay, postage, and jury fees		245,900		245,900		245,900		245,900
Adds funding for increased IT costs		2,392,995		2,392,995		2,392,995		2,392,995
Adds funding for the Supreme Court Law Library		125,500		125,500		125,500		125,500
Adds funding for the rural attorney recruitment program		36,000		36,000		36,000		36,000
Adds funding for travel and professional development		653,287		653,287		653,287		653,287
Adds funding for the family mediation program		282,800		282,800		282,800		282,800
Adds funding for office equipment and furniture		178,880		178,880		178,880		178,880
Removes funding for youth cultural achievement programs		(252,000)		(252,000)		(252,000)		(252,000)
Adds funding for youth restorative justice		144,476		144,476		144,476		144,476
Adjusts funding for other juvenile court services and program costs		7,298		7,298		7,298		7,298
Adjusts funding for other base budget		253,739	50,778	304,517		253,739	50,778	304,517
Adjusts funding to consolidate line items, including the removal of the guardianship monitoring line item				0				0
Total ongoing funding changes	24.00	\$25,750,833	\$173,130	\$25,923,963	21.00	\$19,142,875	\$186,984	\$19,329,859
One-Time Funding Items								
Adds funding for Supreme Court equipment, including a microfiche machine and copy machines		\$28,500		\$28,500		\$28,500		\$28,500

Adds funding for district courts equipment, including copy machines, courtroom video systems, and server equipment		1,125,220		1,125,220		1,125,220		1,125,220
Adds funding for a federal Department of Justice grant to reduce delays in criminal case processing			\$388,000	388,000		\$388,000		388,000
Total one-time funding changes	0.00	\$1,153,720	\$388,000	\$1,541,720	0.00	\$1,153,720	\$388,000	\$1,541,720
Total Changes to Base Level Funding	24.00	\$26,904,553	\$561,130	\$27,465,683	21.00	\$20,296,595	\$574,984	\$20,871,579
2023-25 Total Funding	386.00	\$137,217,343	\$1,820,593	\$139,037,936	383.00	\$130,609,385	\$1,834,447	\$132,443,832
<i>Federal funds included in other funds</i>			<i>\$1,280,129</i>				<i>\$1,300,831</i>	
<i>Total ongoing changes as a percentage of base level</i>	6.6%	23.3%	13.7%	23.2%	5.8%	17.4%	14.8%	17.3%
<i>Total changes as a percentage of base level</i>	6.6%	24.4%	44.6%	24.6%	5.8%	18.4%	45.7%	18.7%

Other Sections in Judicial Branch - Budget No. 180

	<u>Executive Budget Recommendation</u>	<u>House Version</u>
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, 2023, and ending June 30, 2025.	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, 2023, and ending June 30, 2025.
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 20 percent on July 1, 2023, and by 15 percent on July 1, 2024. Supreme Court justices' annual salaries would be increased from the current level of \$169,162 to \$202,994 effective July 1, 2023, and \$233,444 effective July 1, 2024. The Chief Justice of the Supreme Court would be entitled to receive an additional \$5,741 per annum effective July 1, 2023, and an additional \$6,601 per annum effective July 1, 2024, an increase from the current additional amount for the Chief Justice of \$4,784 per annum.	Section 5 provides the statutory changes to increase Supreme Court justices' salaries by 8 percent on July 1, 2023, and by 4 percent on July 1, 2024. Supreme Court justices' annual salaries would be increased from the current level of \$169,162 to \$182,695 effective July 1, 2023, and \$190,003 effective July 1, 2024. The Chief Justice of the Supreme Court is entitled to receive an additional \$5,167 per annum effective July 1, 2023, and an additional \$5,374 per annum effective July 1, 2024, an increase from the current additional amount for the Chief Justice of \$4,784 per annum.
District court judges' salaries	Section 6 would provide the statutory changes to increase district court judges' salaries by 20 percent on July 1, 2023, and by 15 percent on July 1, 2024. District court judges' annual salaries would be increased from the current level of \$155,219 to \$186,263 effective July 1, 2023, and \$214,202 effective July 1, 2024. A presiding judge of a judicial district would be entitled to receive an additional \$5,292 per annum effective July 1, 2023, and an additional \$6,086 per annum effective July 1, 2024, an increase from the current additional amount for presiding judges of \$4,410 per annum.	Section 6 provides the statutory changes to increase district court judges' salaries by 8 percent on July 1, 2023, and by 4 percent on July 1, 2024. District court judges' annual salaries would be increased from the current level of \$155,219 to \$167,637 effective July 1, 2023, and \$174,342 effective July 1, 2024. A presiding judge of a judicial district is entitled to receive an additional \$4,763 per annum effective July 1, 2023, and an additional \$4,954 per annum effective July 1, 2024, an increase from the current additional amount for presiding judges of \$4,410 per annum.
Juror compensation	Section 7 would provide the statutory changes to increase jury compensation by 100 percent, from \$50 per day to \$100. Compensation for a juror in attendance for 4 hours or less on the 1 st day would increase from \$25 to \$50.	Section 7 provides the statutory changes to increase jury compensation by 100 percent, from \$50 per day to \$100. Compensation for a juror in attendance for 4 hours or less on the 1 st day would increase from \$25 to \$50.

**Judicial Branch - Budget No. 180
House Bill No. 1002
Base Level Funding Changes**

	Executive Budget Recommendation				House Version				House 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
2023-25 Biennium Base Level	362.00	\$110,312,790	\$1,259,463	\$111,572,253	362.00	\$110,312,790	\$1,259,463	\$111,572,253	0.00	\$0	\$0	\$0
2023-25 Ongoing Funding Changes												
Base payroll changes		\$467,705	\$3,270	\$470,975		\$467,705	\$3,270	\$470,975				\$0
Salary increase		11,406,275	28,166	11,434,441		5,821,039	41,558	5,862,597		(\$5,585,236)	\$13,392	(5,571,844)
Health insurance increase		1,992,426	20,088	2,012,514		2,022,830	20,550	2,043,380		30,404	462	30,866
Adds funding for salary equity				0		339,090		339,090		339,090		339,090
Adds new FTE positions	22.00	5,760,954		5,760,954	19.00	4,368,738		4,368,738	(3.00)	(1,392,216)		(1,392,216)
Converts federally funded court improvement program temporary positions to FTE positions	2.00		63,662	63,662	2.00		63,662	63,662				0
Adds funding for retirement leave payouts		369,922	7,166	377,088		369,922	7,166	377,088				0
Increases funding for judges retirement		40,094		40,094		40,094		40,094				0
Adds funding for temporary youth coordinator positions		495,000		495,000		495,000		495,000				0
Adds funding for drug court and veterans' court coordinators and aides		189,582		189,582		189,582		189,582				0
Adds funding for increased jury compensation rates		960,000		960,000		960,000		960,000				0
Adds funding for jury costs, including bailiff pay, postage, and jury fees		245,900		245,900		245,900		245,900				0
Adds funding for increased IT costs		2,392,995		2,392,995		2,392,995		2,392,995				0
Adds funding for the Supreme Court Law Library		125,500		125,500		125,500		125,500				0
Adds funding for the rural attorney recruitment program		36,000		36,000		36,000		36,000				0
Adds funding for travel and professional development		653,287		653,287		653,287		653,287				0
Adds funding for the family mediation program		282,800		282,800		282,800		282,800				0
Adds funding for office equipment and furniture		178,880		178,880		178,880		178,880				0
Removes funding for youth cultural achievement programs		(252,000)		(252,000)		(252,000)		(252,000)				0
Adds funding for youth restorative justice		144,476		144,476		144,476		144,476				0
Adjusts funding for other juvenile court services and program costs		7,298		7,298		7,298		7,298				0
Adjusts funding for other base budget adjustments		253,739	50,778	304,517		253,739	50,778	304,517				0
Adjusts funding to consolidate line items, including the removal of the guardianship monitoring line item				0				0				0
Total ongoing funding changes	24.00	\$25,750,833	\$173,130	\$25,923,963	21.00	\$19,142,875	\$186,984	\$19,329,859	(3.00)	(\$6,607,958)	\$13,854	(\$6,594,104)
One-Time Funding Items												
Adds funding for Supreme Court equipment, including a microfiche machine and copy machines		\$28,500		\$28,500		\$28,500		\$28,500				\$0

Adds funding for district courts equipment, including copy machines, courtroom video systems, and server equipment	1,125,220		1,125,220		1,125,220		1,125,220				0	
Adds funding for a federal Department of Justice grant to reduce delays in criminal case processing		\$388,000	388,000		\$388,000		388,000				0	
Total one-time funding changes	0.00	\$1,153,720	\$388,000	\$1,541,720	0.00	\$1,153,720	\$388,000	\$1,541,720	0.00	\$0	\$0	\$0
Total Changes to Base Level Funding	24.00	\$26,904,553	\$561,130	\$27,465,683	21.00	\$20,296,595	\$574,984	\$20,871,579	(3.00)	(\$6,607,958)	\$13,854	(\$6,594,104)
2023-25 Total Funding	386.00	\$137,217,343	\$1,820,593	\$139,037,936	383.00	\$130,609,385	\$1,834,447	\$132,443,832	(3.00)	(\$6,607,958)	\$13,854	(\$6,594,104)
<i>Federal funds included in other funds</i>			\$1,280,129				\$1,300,831				\$20,702	
<i>Total ongoing changes as a percentage of base level</i>	6.6%	23.3%	13.7%	23.2%	5.8%	17.4%	14.8%	17.3%				
<i>Total changes as a percentage of base level</i>	6.6%	24.4%	44.6%	24.6%	5.8%	18.4%	45.7%	18.7%				

Other Sections in Judicial Branch - Budget No. 180

	<u>Executive Budget Recommendation</u>	<u>House Version</u>
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, 2023, and ending June 30, 2025.	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, 2023, and ending June 30, 2025.
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 20 percent on July 1, 2023, and by 15 percent on July 1, 2024. Supreme Court justices' annual salaries would be increased from the current level of \$169,162 to \$202,994 effective July 1, 2023, and \$233,444 effective July 1, 2024. The Chief Justice of the Supreme Court would be entitled to receive an additional \$5,741 per annum effective July 1, 2023, and an additional \$6,601 per annum effective July 1, 2024, an increase from the current additional amount for the Chief Justice of \$4,784 per annum.	Section 5 provides the statutory changes to increase Supreme Court justices' salaries by 8 percent on July 1, 2023, and by 4 percent on July 1, 2024. Supreme Court justices' annual salaries would be increased from the current level of \$169,162 to \$182,695 effective July 1, 2023, and \$190,003 effective July 1, 2024. The Chief Justice of the Supreme Court is entitled to receive an additional \$5,167 per annum effective July 1, 2023, and an additional \$5,374 per annum effective July 1, 2024, an increase from the current additional amount for the Chief Justice of \$4,784 per annum.
District court judges' salaries	Section 6 would provide the statutory changes to increase district court judges' salaries by 20 percent on July 1, 2023, and by 15 percent on July 1, 2024. District court judges' annual salaries would be increased from the current level of \$155,219 to \$186,263 effective July 1, 2023, and \$214,202 effective July 1, 2024. A presiding judge of a judicial district would be entitled to receive an additional \$5,292 per annum effective July 1, 2023, and an additional \$6,086 per annum effective July 1, 2024, an increase from the current additional amount for presiding judges of \$4,410 per annum.	Section 6 provides the statutory changes to increase district court judges' salaries by 8 percent on July 1, 2023, and by 4 percent on July 1, 2024. District court judges' annual salaries would be increased from the current level of \$155,219 to \$167,637 effective July 1, 2023, and \$174,342 effective July 1, 2024. A presiding judge of a judicial district is entitled to receive an additional \$4,763 per annum effective July 1, 2023, and an additional \$4,954 per annum effective July 1, 2024, an increase from the current additional amount for presiding judges of \$4,410 per annum.
Juror compensation	Section 7 would provide the statutory changes to increase jury compensation by 100 percent, from \$50 per day to \$100. Compensation for a juror in attendance for 4 hours or less on the 1 st day would increase from \$25 to \$50.	Section 7 provides the statutory changes to increase jury compensation by 100 percent, from \$50 per day to \$100. Compensation for a juror in attendance for 4 hours or less on the 1 st day would increase from \$25 to \$50.

23.0231.02002
Title.

Prepared by the Legislative Council staff for
the Senate Appropriations - Government
Operations Division Committee
March 27, 2023

Fiscal No. 2

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1002

Page 1, line 4, after the second semicolon insert "to provide for a report;"

Page 1, remove lines 11 through 23

Page 2, replace lines 1 through 26 with:

"Subdivision 1.

SUPREME COURT

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,202,906	\$931,799	\$12,134,705
Operating expenses	2,350,094	846,665	3,196,759
Capital assets	0	28,500	28,500
New and vacant FTE funding pool	0	8,740,214	8,740,214
Guardianship monitoring program	<u>286,097</u>	<u>(286,097)</u>	<u>0</u>
Total all funds	\$13,839,097	\$10,261,081	\$24,100,178
Less estimated income	<u>0</u>	485,793	<u>485,793</u>
Total general fund	\$13,839,097	\$9,775,288	\$23,614,385

Subdivision 2.

DISTRICT COURTS

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$76,196,548	\$3,082,696	\$79,279,244
Operating expenses	20,081,881	4,442,738	24,524,619
Capital assets	0	1,125,220	1,125,220
Judges' retirement	<u>137,246</u>	<u>40,094</u>	<u>177,340</u>
Total all funds	\$96,415,675	\$8,690,748	\$105,106,423
Less estimated income	<u>756,963</u>	<u>71,427</u>	<u>828,390</u>
Total general fund	\$95,658,712	\$8,619,321	\$104,278,033

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Judicial conduct commission and disciplinary board	<u>\$1,317,481</u>	<u>\$77,532</u>	<u>\$1,395,013</u>
Total all funds	\$1,317,481	\$77,532	\$1,395,013
Less estimated income	<u>502,500</u>	<u>7,472</u>	<u>509,972</u>
Total general fund	\$814,981	\$70,060	\$885,041

Subdivision 4.

BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$110,312,790	\$18,464,669	\$128,777,459
Grand total special funds	<u>1,259,463</u>	<u>564,692</u>	<u>1,824,155</u>
Grand total all funds	\$111,572,253	\$19,029,361	\$130,601,614
Full-time equivalent positions	362.00	21.00	383.00"

Page 3, line 19, after "items" insert "and subdivisions"

Page 3, after line 22, insert:

"SECTION 5. NEW AND VACANT FTE FUNDING POOL - BUDGET SECTION REPORT.

1. The supreme court may not spend funding from the new and vacant FTE funding pool line item in subdivision 1 of section 1 of this Act, but may transfer funds from this line item to the salaries and wages line items within subdivisions 1 and 2 of this Act, and to the judicial conduction commission and disciplinary board line item within subdivision 3 of this Act, as necessary to provide funding for:
 - a. Filling a new or vacant FTE position from the date of hire through the end of the biennium; or
 - b. Salaries and wages if actual salaries and wages savings from vacant positions are less than the estimate used by the sixty-eighth legislative assembly in the development of the appropriation.
2. The supreme court shall report to the budget section regarding the use of funding in the pool, including information on:
 - a. New FTE positions, including the date hired;
 - b. Vacant FTE positions, including the dates the positions are vacated and filled; and
 - c. Additional salaries and wages funding needed due to savings from vacant positions being less than anticipated.
3. If funding in the new and vacant FTE funding pool line item is insufficient to provide the necessary salaries and wages funding for the biennium, the supreme court may request a deficiency appropriation from the sixty-ninth legislative assembly."

Page 3, line 28, remove "one hundred eighty-two thousand six hundred ninety-five dollars through"

Page 3, line 29, replace "June 30, 2024, and one hundred ninety thousand three" with "one hundred seventy-nine thousand three hundred twelve dollars through June 30, 2024, and one hundred eighty-six thousand four hundred eighty-four"

Page 3, line 31, remove "five thousand"

Page 4, remove line 1

Page 4, line 2, replace "hundred seventy-four" with "five thousand seventy-one dollars per annum through June 30, 2024, and five thousand two hundred seventy-four"

Page 4, line 8, remove "one hundred sixty-seven thousand six hundred thirty-seven dollars through June 30,"

Page 4, line 9, replace "2024, and one hundred seventy-four thousand three hundred forty-two" with "one hundred sixty-four thousand five hundred thirty-two dollars through June 30, 2024, and one hundred seventy-one thousand one hundred thirteen"

Page 4, line 14, remove "four thousand"

Page 4, remove line 15

Page 4, line 16, replace "hundred fifty-four" with "four thousand six hundred seventy-five dollars per annum through June 30, 2024, and four thousand eight hundred sixty-two"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1002 - Summary of Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Supreme Court				
Total all funds	\$13,839,097	\$16,497,236	\$7,602,942	\$24,100,178
Less estimated income	0	388,000	97,793	485,793
General fund	\$13,839,097	\$16,109,236	\$7,505,149	\$23,614,385
FTE	43.50	44.50	0.00	44.50
District Courts				
Total all funds	\$96,415,675	\$114,489,519	(\$9,383,096)	\$105,106,423
Less estimated income	756,963	912,831	(84,441)	828,390
General fund	\$95,658,712	\$113,576,688	(\$9,298,655)	\$104,278,033
FTE	314.00	334.00	0.00	334.00
Judicial Conduct Commission				
Total all funds	\$1,317,481	\$1,457,077	(\$62,064)	\$1,395,013
Less estimated income	502,500	533,616	(23,644)	509,972
General fund	\$814,981	\$923,461	(\$38,420)	\$885,041
FTE	4.50	4.50	0.00	4.50
Bill total				
Total all funds	\$111,572,253	\$132,443,832	(\$1,842,218)	\$130,601,614
Less estimated income	1,259,463	1,834,447	(10,292)	1,824,155
General fund	\$110,312,790	\$130,609,385	(\$1,831,926)	\$128,777,459
FTE	362.00	383.00	0.00	383.00

House Bill No. 1002 - Supreme Court - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$11,202,906	\$13,271,977	(\$1,137,272)	\$12,134,705
Operating expenses	2,350,094	3,196,759		3,196,759
Capital assets		28,500		28,500
Guardianship monitoring program	286,097			
New and vacant FTE funding pool			8,740,214	8,740,214
Total all funds	\$13,839,097	\$16,497,236	\$7,602,942	\$24,100,178
Less estimated income	0	388,000	97,793	485,793
General fund	\$13,839,097	\$16,109,236	\$7,505,149	\$23,614,385
FTE	43.50	44.50	0.00	44.50

Department 181 - Supreme Court - Detail of Senate Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Removes Salary Funding for Funding Pool ²	Adds Funding for a Salary Funding Pool ³	Total Senate Changes
Salaries and wages	\$120,453	(\$1,257,725)		(\$1,137,272)
Operating expenses				
Capital assets				
Guardianship monitoring program				
New and vacant FTE funding pool			\$8,740,214	8,740,214
Total all funds	\$120,453	(\$1,257,725)	\$8,740,214	\$7,602,942
Less estimated income	0	0	97,793	97,793
General fund	\$120,453	(\$1,257,725)	\$8,642,421	\$7,505,149
FTE	0.00	0.00	0.00	0.00

¹ Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, for all judicial branch employees, including Supreme Court justices and district court judges, and for adjustments to health insurance premium rates as follows:

	General Fund
Salary increase	\$125,896
Health insurance adjustment	(5,443)
Total	\$120,453

The House provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024. The House also provided salary adjustments of 8 percent on July 1, 2023, and 4 percent on July 1, 2024, for Supreme Court justices and district court judges.

² Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Chief Justice of the Supreme Court for a transfer from the new and vacant FTE funding pool.

	General Fund
New FTE positions	(\$369,734)
Vacant FTE positions	(887,991)
Total	(\$1,257,725)

³ Funding is added for a salary funding pool for filling new and vacant FTE positions.

House Bill No. 1002 - District Courts - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$76,196,548	\$88,662,340	(\$9,383,096)	\$79,279,244
Operating expenses	20,081,881	24,524,619		24,524,619
Capital assets		1,125,220		1,125,220
Judges' retirement	137,246	177,340		177,340
Total all funds	\$96,415,675	\$114,489,519	(\$9,383,096)	\$105,106,423
Less estimated income	756,963	912,831	(84,441)	828,390
General fund	\$95,658,712	\$113,576,688	(\$9,298,655)	\$104,278,033
FTE	314.00	334.00	0.00	334.00

Department 182 - District Courts - Detail of Senate Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Removes Salary Funding for Funding Pool ²	Total Senate Changes
Salaries and wages	\$498,767	(\$9,881,863)	(\$9,383,096)
Operating expenses			
Capital assets			
Judges' retirement			
Total all funds	\$498,767	(\$9,881,863)	(\$9,383,096)
Less estimated income	6,583	(91,024)	(84,441)
General fund	\$492,184	(\$9,790,839)	(\$9,298,655)
FTE	0.00	0.00	0.00

¹ Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates as follows:

	General Fund	Other Funds	Total
Salary increase	\$532,208	\$6,820	\$539,028
Health insurance adjustment	(40,024)	(237)	(40,261)
Total	\$492,184	\$6,583	\$498,767

The House provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024. The House also provided salary adjustments of 8 percent on July 1, 2023, and 4 percent on July 1, 2024, for Supreme Court justices and district court judges.

² Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Chief Justice of the Supreme Court for a transfer from the new and vacant FTE funding pool.

	General Fund	Other Funds	Total
New FTE positions	(\$3,999,004)	(\$63,662)	(\$4,062,666)
Vacant FTE positions	(5,791,835)	(27,362)	(5,819,197)
Total	(\$9,790,839)	(\$91,024)	(\$9,881,863)

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

	Base Budget	House Version	Senate Changes	Senate Version
Judicial Conduct Commission	\$1,317,481	\$1,457,077	(\$62,064)	\$1,395,013
Total all funds	\$1,317,481	\$1,457,077	(\$62,064)	\$1,395,013
Less estimated income	502,500	533,616	(23,644)	509,972
General fund	\$814,981	\$923,461	(\$38,420)	\$885,041
FTE	4.50	4.50	0.00	4.50

Department 183 - Judicial Conduct Commission - Detail of Senate Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Removes Salary Funding for Funding Pool ²	Total Senate Changes
Judicial Conduct Commission	\$17,966	(\$80,030)	(\$62,064)
Total all funds	\$17,966	(\$80,030)	(\$62,064)
Less estimated income	6,848	(30,492)	(23,644)
General fund	\$11,118	(\$49,538)	(\$38,420)
FTE	0.00	0.00	0.00

¹ Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Salary increase	\$11,484	\$7,073	\$18,557
Health insurance adjustment	(366)	(225)	(591)
Total	\$11,118	\$6,848	\$17,966

The House provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

² Funding for estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Chief Justice of the Supreme Court for a transfer from the new and vacant FTE funding pool.

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Vacant FTE positions	(\$49,538)	(\$30,492)	(\$80,030)

House Bill No. 1002 - Other Changes - Senate Action

This amendment also:

- Provides the statutory changes to increase district court judges' and Supreme Court justices' salaries by 6 percent on July 1, 2023, and by 4 percent on July 1, 2024.
- Provides requirements for a new and vacant FTE funding pool, including a reporting requirement.

23.0231.02002
Title.

Prepared by the Legislative Council staff for
the Senate Appropriations - Government
Operations Division Committee
March 27, 2023

Fiscal No. 2

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1002

Page 1, line 4, after the second semicolon insert "to provide for a report;"

Page 1, remove lines 11 through 23

Page 2, replace lines 1 through 26 with:

"Subdivision 1.

SUPREME COURT

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,202,906	\$931,799	\$12,134,705
Operating expenses	2,350,094	846,665	3,196,759
Capital assets	0	28,500	28,500
New and vacant FTE funding pool	0	8,740,214	8,740,214
Guardianship monitoring program	<u>286,097</u>	<u>(286,097)</u>	<u>0</u>
Total all funds	\$13,839,097	\$10,261,081	\$24,100,178
Less estimated income	<u>0</u>	485,793	<u>485,793</u>
Total general fund	\$13,839,097	\$9,775,288	\$23,614,385

Subdivision 2.

DISTRICT COURTS

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$76,196,548	\$3,082,696	\$79,279,244
Operating expenses	20,081,881	4,442,738	24,524,619
Capital assets	0	1,125,220	1,125,220
Judges' retirement	<u>137,246</u>	<u>40,094</u>	<u>177,340</u>
Total all funds	\$96,415,675	\$8,690,748	\$105,106,423
Less estimated income	<u>756,963</u>	<u>71,427</u>	<u>828,390</u>
Total general fund	\$95,658,712	\$8,619,321	\$104,278,033

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Judicial conduct commission and disciplinary board	<u>\$1,317,481</u>	<u>\$77,532</u>	<u>\$1,395,013</u>
Total all funds	\$1,317,481	\$77,532	\$1,395,013
Less estimated income	<u>502,500</u>	<u>7,472</u>	<u>509,972</u>
Total general fund	\$814,981	\$70,060	\$885,041

Subdivision 4.

BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$110,312,790	\$18,464,669	\$128,777,459
Grand total special funds	<u>1,259,463</u>	<u>564,692</u>	<u>1,824,155</u>
Grand total all funds	\$111,572,253	\$19,029,361	\$130,601,614
Full-time equivalent positions	362.00	21.00	383.00"

Page 3, line 19, after "items" insert "and subdivisions"

Page 3, after line 22, insert:

"SECTION 5. NEW AND VACANT FTE FUNDING POOL - BUDGET SECTION REPORT.

1. The supreme court may not spend funding from the new and vacant FTE funding pool line item in subdivision 1 of section 1 of this Act, but may transfer funds from this line item to the salaries and wages line items within subdivisions 1 and 2 of this Act, and to the judicial conduct commission and disciplinary board line item within subdivision 3 of this Act, as necessary to provide funding for:
 - a. Filling a new or vacant FTE position from the date of hire through the end of the biennium; or
 - b. Salaries and wages if actual salaries and wages savings from vacant positions are less than the estimate used by the sixty-eighth legislative assembly in the development of the appropriation.
2. The supreme court shall report to the budget section regarding the use of funding in the pool, including information on:
 - a. New FTE positions, including the date hired;
 - b. Vacant FTE positions, including the dates the positions are vacated and filled; and
 - c. Additional salaries and wages funding needed due to savings from vacant positions being less than anticipated.
3. If funding in the new and vacant FTE funding pool line item is insufficient to provide the necessary salaries and wages funding for the biennium, the supreme court may request a deficiency appropriation from the sixty-ninth legislative assembly."

Page 3, line 28, remove "one hundred eighty-two thousand six hundred ninety-five dollars through"

Page 3, line 29, replace "June 30, 2024, and one hundred ninety thousand three" with "one hundred seventy-nine thousand three hundred twelve dollars through June 30, 2024, and one hundred eighty-six thousand four hundred eighty-four"

Page 3, line 31, remove "five thousand"

Page 4, remove line 1

Page 4, line 2, replace "hundred seventy-four" with "five thousand seventy-one dollars per annum through June 30, 2024, and five thousand two hundred seventy-four"

Page 4, line 8, remove "one hundred sixty-seven thousand six hundred thirty-seven dollars through June 30,"

Page 4, line 9, replace "2024, and one hundred seventy-four thousand three hundred forty-two" with "one hundred sixty-four thousand five hundred thirty-two dollars through June 30, 2024, and one hundred seventy-one thousand one hundred thirteen"

Page 4, line 14, remove "four thousand"

Page 4, remove line 15

Page 4, line 16, replace "hundred fifty-four" with "four thousand six hundred seventy-five dollars per annum through June 30, 2024, and four thousand eight hundred sixty-two"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1002 - Summary of Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Supreme Court				
Total all funds	\$13,839,097	\$16,497,236	\$7,602,942	\$24,100,178
Less estimated income	0	388,000	97,793	485,793
General fund	\$13,839,097	\$16,109,236	\$7,505,149	\$23,614,385
FTE	43.50	44.50	0.00	44.50
District Courts				
Total all funds	\$96,415,675	\$114,489,519	(\$9,383,096)	\$105,106,423
Less estimated income	756,963	912,831	(84,441)	828,390
General fund	\$95,658,712	\$113,576,688	(\$9,298,655)	\$104,278,033
FTE	314.00	334.00	0.00	334.00
Judicial Conduct Commission				
Total all funds	\$1,317,481	\$1,457,077	(\$62,064)	\$1,395,013
Less estimated income	502,500	533,616	(23,644)	509,972
General fund	\$814,981	\$923,461	(\$38,420)	\$885,041
FTE	4.50	4.50	0.00	4.50
Bill total				
Total all funds	\$111,572,253	\$132,443,832	(\$1,842,218)	\$130,601,614
Less estimated income	1,259,463	1,834,447	(10,292)	1,824,155
General fund	\$110,312,790	\$130,609,385	(\$1,831,926)	\$128,777,459
FTE	362.00	383.00	0.00	383.00

House Bill No. 1002 - Supreme Court - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$11,202,906	\$13,271,977	(\$1,137,272)	\$12,134,705
Operating expenses	2,350,094	3,196,759		3,196,759
Capital assets		28,500		28,500
Guardianship monitoring program	286,097			
New and vacant FTE funding pool			8,740,214	8,740,214
Total all funds	\$13,839,097	\$16,497,236	\$7,602,942	\$24,100,178
Less estimated income	0	388,000	97,793	485,793
General fund	\$13,839,097	\$16,109,236	\$7,505,149	\$23,614,385
FTE	43.50	44.50	0.00	44.50

Department 181 - Supreme Court - Detail of Senate Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Removes Salary Funding for Funding Pool ²	Adds Funding for a Salary Funding Pool ³	Total Senate Changes
Salaries and wages	\$120,453	(\$1,257,725)		(\$1,137,272)
Operating expenses				
Capital assets				
Guardianship monitoring program				
New and vacant FTE funding pool			\$8,740,214	8,740,214
Total all funds	\$120,453	(\$1,257,725)	\$8,740,214	\$7,602,942
Less estimated income	0	0	97,793	97,793
General fund	\$120,453	(\$1,257,725)	\$8,642,421	\$7,505,149
FTE	0.00	0.00	0.00	0.00

¹ Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, for all judicial branch employees, including Supreme Court justices and district court judges, and for adjustments to health insurance premium rates as follows:

	<u>General Fund</u>
Salary increase	\$125,896
Health insurance adjustment	(5,443)
Total	\$120,453

The House provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024. The House also provided salary adjustments of 8 percent on July 1, 2023, and 4 percent on July 1, 2024, for Supreme Court justices and district court judges.

² Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Chief Justice of the Supreme Court for a transfer from the new and vacant FTE funding pool.

	<u>General Fund</u>
New FTE positions	(\$369,734)
Vacant FTE positions	(887,991)
Total	(\$1,257,725)

³ Funding is added for a salary funding pool for filling new and vacant FTE positions.

House Bill No. 1002 - District Courts - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$76,196,548	\$88,662,340	(\$9,383,096)	\$79,279,244
Operating expenses	20,081,881	24,524,619		24,524,619
Capital assets		1,125,220		1,125,220
Judges' retirement	137,246	177,340		177,340
Total all funds	\$96,415,675	\$114,489,519	(\$9,383,096)	\$105,106,423
Less estimated income	756,963	912,831	(84,441)	828,390
General fund	\$95,658,712	\$113,576,688	(\$9,298,655)	\$104,278,033
FTE	314.00	334.00	0.00	334.00

Department 182 - District Courts - Detail of Senate Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Removes Salary Funding for Funding Pool ²	Total Senate Changes
Salaries and wages	\$498,767	(\$9,881,863)	(\$9,383,096)
Operating expenses			
Capital assets			
Judges' retirement			
Total all funds	\$498,767	(\$9,881,863)	(\$9,383,096)
Less estimated income	6,583	(91,024)	(84,441)
General fund	\$492,184	(\$9,790,839)	(\$9,298,655)
FTE	0.00	0.00	0.00

¹ Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates as follows:

	General Fund	Other Funds	Total
Salary increase	\$532,208	\$6,820	\$539,028
Health insurance adjustment	(40,024)	(237)	(40,261)
Total	\$492,184	\$6,583	\$498,767

The House provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024. The House also provided salary adjustments of 8 percent on July 1, 2023, and 4 percent on July 1, 2024, for Supreme Court justices and district court judges.

² Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Chief Justice of the Supreme Court for a transfer from the new and vacant FTE funding pool.

	General Fund	Other Funds	Total
New FTE positions	(\$3,999,004)	(\$63,662)	(\$4,062,666)
Vacant FTE positions	(5,791,835)	(27,362)	(5,819,197)
Total	(\$9,790,839)	(\$91,024)	(\$9,881,863)

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

	Base Budget	House Version	Senate Changes	Senate Version
Judicial Conduct Commission	\$1,317,481	\$1,457,077	(\$62,064)	\$1,395,013
Total all funds	\$1,317,481	\$1,457,077	(\$62,064)	\$1,395,013
Less estimated income	502,500	533,616	(23,644)	509,972
General fund	\$814,981	\$923,461	(\$38,420)	\$885,041
FTE	4.50	4.50	0.00	4.50

Department 183 - Judicial Conduct Commission - Detail of Senate Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Removes Salary Funding for Funding Pool ²	Total Senate Changes
Judicial Conduct Commission	\$17,966	(\$80,030)	(\$62,064)
Total all funds	\$17,966	(\$80,030)	(\$62,064)
Less estimated income	6,848	(30,492)	(23,644)
General fund	\$11,118	(\$49,538)	(\$38,420)
FTE	0.00	0.00	0.00

¹ Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Salary increase	\$11,484	\$7,073	\$18,557
Health insurance adjustment	(366)	(225)	(591)
Total	\$11,118	\$6,848	\$17,966

The House provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

² Funding for estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Chief Justice of the Supreme Court for a transfer from the new and vacant FTE funding pool.

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Vacant FTE positions	(\$49,538)	(\$30,492)	(\$80,030)

House Bill No. 1002 - Other Changes - Senate Action

This amendment also:

- Provides the statutory changes to increase district court judges' and Supreme Court justices' salaries by 6 percent on July 1, 2023, and by 4 percent on July 1, 2024.
- Provides requirements for a new and vacant FTE funding pool, including a reporting requirement.