

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 14-08.1-08, 14-09-08.1, 14-09-08.2, 14-09-09.29, 14-09-26,
3 27-02-02, and 27-05-03 and subsection 2 of section 50-09-02.1 of the North Dakota Century
4 Code, relating to clerk of court responsibilities regarding child support, salaries of justices of the
5 supreme court, and salaries of district court judges; to provide for a report; to provide a
6 statement of legislative intent; and to provide an exemption.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
9 as may be necessary, are appropriated out of any moneys in the general fund in the state
10 treasury, not otherwise appropriated, and from special funds derived from federal funds and
11 other income, to the judicial branch for the purpose of defraying the expenses of the judicial
12 branch for the biennium beginning July 1, 2021, and ending June 30, 2023, as follows:

13 Subdivision 1.

14 SUPREME COURT

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
17 Salaries and wages	\$11,338,720	(\$102,613)	\$11,236,107
18 Operating expenses	2,705,762	(355,668)	2,350,094
19 Capital assets	0	2,032,000	2,032,000
20 Guardianship monitoring program	283,042	4,112	287,154
21 Total all funds	\$14,327,524	\$1,577,831	\$15,905,355
22 Less estimated income	0	0	0
23 Total general fund	\$14,327,524	\$1,577,831	\$15,905,355
24 <u>Salaries and wages</u>	<u>\$11,338,720</u>	<u>(\$135,814)</u>	<u>\$11,202,906</u>

Sixty-seventh
Legislative Assembly

1	Operating expenses	2,705,762	(355,668)	2,350,094
2	Capital assets	0	2,000,000	2,000,000
3	Guardianship monitoring program	283,042	3,055	286,097
4	Total all funds	\$14,327,524	\$1,511,573	\$15,839,097
5	Less estimated income	0	0	0
6	Total general fund	\$14,327,524	\$1,511,573	\$15,839,097

Subdivision 2.

DISTRICT COURTS

		Adjustments or		
	Base Level	Enhancements	Appropriation	
11	Salaries and wages	\$73,242,268	\$3,911,435	\$77,153,703
12	Operating expenses	20,396,902	755,340	21,152,242
13	Capital assets	0	2,328,000	2,328,000
14	Judges' retirement	280,332	(143,086)	137,246
15	Total all funds	\$93,919,502	\$6,851,689	\$100,771,191
16	Less estimated income	1,659,596	32,314	1,691,910
17	Total general fund	\$92,259,906	\$6,819,375	\$99,079,281
18	Salaries and wages	\$73,242,268	\$2,954,280	\$76,196,548
19	Operating expenses	20,396,902	(909,897)	19,487,005
20	Judges' retirement	280,332	(143,086)	137,246
21	Total all funds	\$93,919,502	\$1,901,297	\$95,820,799
22	Less estimated income	1,659,596	(902,633)	756,963
23	Total general fund	\$92,259,906	\$2,803,930	\$95,063,836

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

		Adjustments or		
	Base Level	Enhancements	Appropriation	
28	Judicial conduct commission and	\$1,250,962	\$69,235	\$1,320,197
29	—disciplinary board			
30	Total all funds	\$1,250,962	\$69,235	\$1,320,197
31	Less estimated income	482,701	19,799	502,500

Sixty-seventh
Legislative Assembly

1	Total general fund	\$768,261	\$49,436	\$817,697
2	Judicial conduct commission and	\$1,250,962	\$66,519	\$1,317,481
3	<u>disciplinary board</u>			
4	Total all funds	\$1,250,962	\$66,519	\$1,317,481
5	Less estimated income	482,701	19,799	502,500
6	Total general fund	\$768,261	\$46,720	\$814,981

7 Subdivision 4.

8 BILL TOTAL

9		Adjustments or		
10	Base Level	Enhancements	Appropriation	
11	Grand total general fund	\$107,355,691	\$8,446,642	\$115,802,333
12	Grand total special funds	2,142,297	52,113	2,194,410
13	Grand total all funds	\$109,497,988	\$8,498,755	\$117,996,743
14	Full-time equivalent positions	363.00	(1.50)	361.50
15	Grand total general fund	\$107,355,691	\$4,362,223	\$111,717,914
16	Grand total special funds	2,142,297	(882,834)	1,259,463
17	Grand total all funds	\$109,497,988	\$3,479,389	\$112,977,377
18	Full-time equivalent positions	363.00	0.00	363.00

19 SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO

20 SIXTY-EIGHTH LEGISLATIVE ASSEMBLY. The following amounts reflect one-time funding
21 items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the
22 2021-23 biennium one-time funding items included in section 1 of this Act:

23	One-Time Funding Description	2019-21	2021-23
24	Docket management system	\$0	\$2,000,000
25	Juvenile case management system	0	2,000,000
26	Zoom remote video equipment	0	360,000
27	Wi-fi access points	0	157,600
28	Copy machines	82,500	0
29	Audio and visual equipment	64,852	0
30	Law library remodel	970,000	0
31	Total all funds	\$1,117,352	\$4,517,600

1	Total all funds	\$1,117,352	\$2,000,000
2	Less estimated income	970,000	0
3	Total general fund	\$147,352	\$4,517,600
4	Total general fund	\$147,352	\$2,000,000

5 The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget
6 for the 2023-25 biennium. The supreme court shall report to the appropriations committees of
7 the sixty-eighth legislative assembly on the use of this one-time funding for the biennium
8 beginning July 1, 2021, and ending June 30, 2023.

9 **SECTION 3. APPROPRIATION.** There are appropriated any funds received by the supreme
10 court, district courts, and judicial conduct commission and disciplinary board, not otherwise
11 appropriated, pursuant to federal acts and private gifts, grants, and donations for the purpose
12 as designated in the federal acts or private gifts, grants, and donations for the period beginning
13 July 1, 2021, and ending June 30, 2023.

14 **SECTION 4. EXEMPTION - TRANSFERS.** Notwithstanding section 54-16-04, the director
15 of the office of management and budget shall transfer appropriation authority between line items
16 in section 1 of this Act as requested by the supreme court upon a finding by the court that the
17 nature of the duties of the court and its staff requires the transfers to carry on properly the
18 functions of the judicial branch of government.

19 **SECTION 5. AMENDMENT.** Section 14-08.1-08 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **14-08.1-08. Certification of records.**

22 ~~The clerk of court and any~~An authorized agent of the child support agency, in any
23 circumstance or proceeding requiring proof of the contents of the official records of the state
24 regarding any information maintained in the state case registry of the automated data
25 processing system established under section 50-09-02.1, may certify the content of those
26 records. A certification provided under this section is prima facie evidence of the contents of
27 those records.

28 **SECTION 6. AMENDMENT.** Section 14-09-08.1 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **14-09-08.1. Support payments - Payment to state disbursement unit - Transfer of**
2 **proceedings for enforcement of decree - Procedures upon failure to pay.**

- 3 1. In any action in which a court orders that payments for child support be made, the
4 court shall provide in its order that the payments be paid to the state disbursement unit
5 for remittance to the obligee.
- 6 2. a. Each party subject to the order shall immediately inform the state disbursement
7 unit of the party's:
- 8 (1) Social security number;
- 9 (2) Residential and mailing addresses and any change of address;
- 10 (3) Telephone number;
- 11 (4) Motor vehicle operator's license number;
- 12 (5) Employer's name, address, and telephone number;
- 13 (6) Electronic mail address; and
- 14 (7) Change of any other condition which may affect the proper administration of
15 this chapter.
- 16 b. Each order for payment of child support must notify each party of the
17 requirements in subdivision a and require the party to provide the information
18 within ten days from the date of the order or ten days after any change in the
19 information.
- 20 c. In any subsequent child support enforcement or modification action between the
21 parties, upon sufficient showing that diligent effort has been made to ascertain
22 the location of a party, the court shall deem due process requirements for notice
23 and service to have been met, with respect to the noticed party, by delivery of
24 written notice to the most recent residential or employer address provided by the
25 noticed party pursuant to this subsection.
- 26 d. The requirements of this subsection continue in effect until all child support
27 obligations have been satisfied with respect to each child subject to the order.
- 28 3. Whenever there is failure to make the payments as required, the clerk of court may,
29 and upon request of the obligee or child support agency shall, send notice of the
30 arrears by first-class mail, with affidavit of service, to the person required to make the
31 payments, or request a district judge of the judicial district to issue a citation for

1 contempt of court against the person who has failed to make the payments. The
2 citation may be served on that person by first-class mail with affidavit of service to the
3 person's last-known address.

4 4. The court of its own motion or on motion of the child support agency or the state's
5 attorney of the county of venue, the county of the recipient's residence, or the county
6 of the obligor's residence may cause a ~~certified copy of any~~ support order in the action
7 to be transcribed and filed with the clerk of the district court of any county in this state
8 in which the obligee or the obligor may reside from time to time. Thereafter, this
9 section applies as if the support order were issued by the district court of the county to
10 which the support order is transcribed. No fee may be charged for transcribing or filing
11 a ~~certified copy of any~~ support order under this section.

12 **SECTION 7. AMENDMENT.** Section 14-09-08.2 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **14-09-08.2. Support for children after majority - Retroactive application.**

- 15 1. A judgment or order requiring the payment of child support until the child attains
16 majority continues as to the child until the end of the month during which the child is
17 graduated from high school or attains the age of nineteen years, whichever occurs
18 first, if:
- 19 a. The child is enrolled and attending high school and is eighteen years of age ~~prior-~~
20 ~~to~~before the date the child is expected to be graduated; and
 - 21 b. The child resides with the person to whom the duty of support is owed.
- 22 2. A judgment or order may require payment of child support after majority under
23 substantially the circumstances described in subsection 1.
- 24 3. The person to whom the duty of support is owed under either subsection 1 or 2 may
25 file an affidavit with the district court and provide a copy to the child support agency
26 stating that the requirements of subsection 1 are met, the school in which the child is
27 enrolled, and the anticipated date of the child's graduation. Upon filing of the affidavit,
28 the child support resumes pursuant to subsection 1 or pursuant to the terms of a
29 judgment or order described in subsection 2. A fee may not be charged for filing such
30 an affidavit.

- 1 4. The ~~clerk of court~~child support agency shall serve the affidavit by first-class mail upon
2 the person owing the duty of support. If at any time thereafter the person owing the
3 duty of support files a motion with the court, supported by that person's affidavit that
4 the child is no longer enrolled in or attending high school or is no longer residing with
5 the person to whom the duty of support is owed, the court shall determine if the child is
6 enrolled in and attending high school and residing with the person to whom the duty of
7 support is owed and shall enter an order accordingly.
- 8 5. This section applies to child support orders concerning children described in
9 subsection 1 or 2, regardless of the date of entry of the order.
- 10 6. This section does not preclude the entry of an order for child support which continues
11 after the child reaches age eighteen, if the parties agree, or if the court determines the
12 support to be appropriate.
- 13 7. For purposes of this section:
- 14 a. A child is treated as being in school during summer vacation if the child was
15 enrolled in and attending school and did not graduate from high school at the end
16 of the school period immediately preceding the summer vacation; and
- 17 b. A child who is currently enrolled in school is not considered to have graduated,
18 even if all required coursework and examinations have been completed, until the
19 ceremony is held by the school to commemorate the child's graduation.

20 **SECTION 8. AMENDMENT.** Section 14-09-09.29 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **14-09-09.29. Coordination of income withholding activities and child support case**
23 **management.**

24 The child support agency ~~shall assume responsibility~~is responsible for administration of
25 income withholding, managing accrual and termination dates and payment ledger adjustments
26 on the automated system established under section 50-09-02.1, and the receipt and
27 disbursement of child support payments. This section also applies to an order that does not
28 require the payment of child support but requires the payment of spousal support, if the court
29 orders the spousal support be paid through the state disbursement unit or be enforced through
30 income withholding.

1 **SECTION 9. AMENDMENT.** Section 14-09-26 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **14-09-26. Modification of existing child support orders.**

- 4 1. A child support order issued under any provision of this code and in effect on
5 October 1, 1998, is deemed to require payment to the state disbursement unit after
6 September 30, 1998.
- 7 2. A child support order issued under any provision of this code after September 30,
8 1998, must require payment to the state disbursement unit.
- 9 3. ~~A payment of child support received by a clerk of court after September 30, 1998, is~~
10 ~~deemed to be a payment to the state disbursement unit. A clerk of court receiving such~~
11 ~~child support payment after September 30, 1998, shall promptly remit or transfer that~~
12 ~~payment to the state disbursement unit.~~

13 **SECTION 10. AMENDMENT.** Section 27-02-02 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **27-02-02. Salaries of justices of supreme court.**

16 The annual salary of each justice of the supreme court is ~~one hundred fifty-nine thousand~~
17 ~~four hundred nine dollars through June 30, 2020~~one hundred sixty-six thousand six hundred
18 sixty-two one hundred sixty-five thousand eight hundred forty-five dollars through June 20, 2022,
19 and one hundred sixty-three thousand three hundred ninety-four ~~one hundred sixty-nine~~
20 thousand nine hundred ninety-five one hundred sixty-nine thousand one hundred sixty-two
21 dollars thereafter. The chief justice of the supreme court is entitled to receive an additional four-
22 ~~thousand five hundred eight dollars per annum through June 30, 2020~~four thousand seven
23 hundred thirteen four thousand six hundred ninety dollars per annum through June 30, 2022,
24 and four thousand six hundred twenty-one ~~four thousand eight hundred seven~~four thousand
25 seven hundred eighty-four dollars per annum thereafter.

26 **SECTION 11. AMENDMENT.** Section 27-05-03 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **27-05-03. Salaries and expenses of district judges.**

29 The annual salary of each district judge is ~~one hundred forty-six thousand two hundred~~
30 ~~sixty-nine dollars through June 30, 2020~~one hundred fifty-two thousand nine hundred
31 twenty-five one hundred fifty-two thousand one hundred seventy-five dollars through June 30,

1 ~~2022, and one hundred forty nine thousand nine hundred twenty six~~one hundred fifty five
2 ~~thousand nine hundred eighty four~~one hundred fifty five thousand two hundred nineteen dollars
3 thereafter. Each district judge is entitled to travel expenses, including mileage and subsistence
4 while engaged in the discharge of official duties outside the city in which the judge's chambers
5 are located. The salary and expenses are payable monthly in the manner provided by law. A
6 presiding judge of a judicial district is entitled to receive an additional ~~four thousand one~~
7 ~~hundred fifty six dollars per annum through June 30, 2020~~four thousand three hundred
8 ~~forty five~~four thousand three hundred twenty four dollars per annum through June 30, 2022,
9 and ~~four thousand two hundred sixty~~four thousand four hundred thirty twofour thousand four
10 hundred ten dollars thereafter.

11 **SECTION 12. AMENDMENT.** Subsection 2 of section 50-09-02.1 of the North Dakota
12 Century Code is amended and reenacted as follows:

13 2. The state agency shall establish a statewide automated data processing system
14 designed to conform to requirements imposed by or under title IV-D. ~~The state agency~~
15 ~~must make that system available for the use of clerks of court in carrying out their~~
16 ~~duties under section 14-09-08.1.~~ The official records of the state regarding all child
17 support amounts owed, collected, and distributed must be maintained in that system.
18 Notwithstanding section 14-08.1-05, any record of a child support obligation that is
19 currently being enforced in another jurisdiction and not by a child support agency, that
20 is owed by an obligor who is deceased, or that is owed to a deceased obligee for
21 whom disbursement of any collections could not occur under section 14-09-25, may
22 be removed indefinitely from the statewide automated data processing system until a
23 request is received from a party to the child support case to restore those records.

24 **SECTION 13. LEGISLATIVE INTENT - INFORMATION TECHNOLOGY PROJECTS.** It is
25 the intent of the sixty-seventh legislative assembly that the judicial branch pursue the use of
26 federal funds from the coronavirus relief fund to defray the cost of remote video equipment and
27 district court wi-fi access points.