

**FIRST ENGROSSMENT  
with House Amendments**

Fifty-ninth  
Legislative Assembly  
of North Dakota

**ENGROSSED SENATE BILL NO. 2002**

Introduced by

Appropriations Committee

(At the request of the Supreme Court)

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 and 27-05-03 of the North Dakota Century Code,  
3 relating to salaries of supreme and district court judges; to provide an exemption to section  
4 54-44.1-11 relating to unexpended appropriations; and to declare an emergency.

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

6 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this  
7 section represent the base level funding component appropriated to the judicial branch in  
8 section 3 of this Act as follows:

9 Subdivision 1.

10 SUPREME COURT

11 Salaries and wages	\$5,847,592
12 Operating expenses	1,665,382
13 Judges retirement	<u>132,288</u>
14 Total general fund - Base level	\$7,645,262

15 Subdivision 2.

16 DISTRICT COURTS

17 Salaries and wages	\$33,913,180
18 Operating expenses	14,032,376
19 Capital assets	74,500
20 Judges retirement	826,944
21 UND-central legal research	80,000
22 Alternative dispute resolution	<u>20,000</u>
23 Total all funds - Base level	\$48,947,000

1	Less estimated income - Base level	<u>1,762,735</u>
2	Total general fund - Base level	\$47,184,265
3	Subdivision 3.	
4	JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD	
5	Judicial conduct commission and disciplinary board	<u>\$538,643</u>
6	Total all funds - Base level	\$538,643
7	Less estimated income - Base level	<u>280,801</u>
8	Total general fund - Base level	\$257,842
9	Total general fund - Section 1	\$55,087,369
10	Total other funds - Section 1	\$2,043,536
11	Total all funds - Section 1	\$57,130,905

**SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The

amounts identified in this section represent the funding adjustments or enhancements to the base funding level for the judicial branch which are included in the appropriation in section 3 of this Act as follows:

### Subdivision 1.

SUPREME COURT

18	Salaries and wages	\$562,858
19	Operating expenses	261,879
20	Capital assets	8,000
21	Judges retirement	<u>1,327</u>
22	Total all funds - Adjustments/enhancements	\$834,064
23	Less estimated income - Adjustments/enhancements	<u>2,500</u>
24	Total general fund - Adjustments/enhancements	\$831,564

### Subdivision 2.

## DISTRICT COURTS

27	Salaries and wages	\$2,781,752
28	Operating expenses	(3,337,596)
29	Capital assets	111,000
30	Indigent defense - July 1, 2005 - December 31, 2005	2,769,101
31	Indigent defense - January 1, 2006 - June 30, 2007	6,723,674

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1	Judges retirement	(127,041)
2	UND-central legal research	0
3	Alternative dispute resolution	<u>0</u>
4	Total all funds - Adjustments/enhancements	\$8,920,890
5	Less estimated income - Adjustments/enhancements	<u>471,182</u>
6	Total general fund - Adjustments/enhancements	\$8,449,708

7 Subdivision 3.

8 JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

9	Judicial conduct commission and disciplinary board	<u>\$64,757</u>
10	Total all funds - Adjustments/enhancements	\$64,757
11	Less estimated income - Adjustments/enhancements	<u>4,799</u>
12	Total general fund - Adjustments/enhancements	\$59,958
13	Total general fund - Section 2	\$9,341,230
14	Total other funds - Section 2	\$478,481
15	Total all funds - Section 2	\$9,819,711

16 **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the  
17 funds as may be necessary, are appropriated out of any moneys in the general fund in the state  
18 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
19 other income, to the judicial branch for the purpose of defraying the expenses of its various  
20 divisions, for the biennium beginning July 1, 2005, and ending June 30, 2007, as follows:

21 Subdivision 1.

22 SUPREME COURT

23	Salaries and wages	\$6,410,450
24	Operating expenses	1,927,261
25	Capital assets	8,000
26	Judges retirement	<u>133,615</u>
27	Total all funds	\$8,479,326
28	Less estimated income	<u>2,500</u>
29	Total general fund appropriation	\$8,476,826

30 Subdivision 2.

31 DISTRICT COURTS

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1	Salaries and wages	\$36,694,932
2	Operating expenses	10,694,780
3	Capital assets	185,500
4	Indigent defense - July 1, 2005 - December 31, 2005	2,769,101
5	Indigent defense - January 1, 2006 - June 30, 2007	6,723,674
6	Judges retirement	699,903
7	UND-central legal research	80,000
8	Alternative dispute resolution	<u>20,000</u>
9	Total all funds	\$57,867,890
10	Less estimated income	<u>2,233,917</u>
11	Total general fund appropriation	\$55,633,973

12 Subdivision 3.

13 JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

14	Judicial conduct commission and disciplinary board	<u>\$603,400</u>
15	Total all funds	\$603,400
16	Less estimated income	<u>285,600</u>
17	Total general fund appropriation	\$317,800
18	Grand total general fund appropriation - S.B. 2002	\$64,794,192
19	Grand total other funds appropriation - S.B. 2002	\$2,722,017
20	Grand total all funds appropriation - S.B. 2002	\$67,516,209

21 **SECTION 4. APPROPRIATION.** There are appropriated any funds received by the  
22 supreme court, district courts, and judicial conduct commission and disciplinary board, not  
23 otherwise appropriated, pursuant to federal acts and private gifts, grants, and donations for the  
24 purpose as designated in the federal acts or private gifts, grants, and donations for the period  
25 beginning July 1, 2005, and ending June 30, 2007.

26 **SECTION 5. TRANSFERS.** The director of the office of management and budget and  
27 the state treasurer shall make such transfers of funds between line items of appropriation for  
28 the judicial branch of government as may be requested by the supreme court upon a finding by  
29 the court that the nature of the duties of the court and its staff requires the transfers to carry on  
30 properly the functions of the judicial branch of government.

1           **SECTION 6. AMENDMENT.** Section 27-02-02 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **27-02-02. Salaries of ~~judges~~ justices of supreme court.** The annual salary of each  
4 ~~judge~~ justice of the supreme court is ~~ninety-two~~ one hundred two thousand two hundred  
5 ~~eighty-nine~~ ninety-six dollars through June 30, ~~2002~~ 2006, and ~~ninety-nine~~ one hundred six  
6 thousand one hundred ~~twenty-two~~ eighty dollars thereafter. The chief justice of the supreme  
7 court is entitled to receive an additional two thousand ~~five~~ nine hundred ~~sixty-nine~~ eighty-six  
8 dollars per annum through June 30, ~~2002~~ 2006, and ~~two~~ three thousand ~~eight~~ one hundred  
9 ~~ninety-nine~~ five dollars per annum thereafter.

10          **SECTION 7. AMENDMENT.** Section 27-05-03 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12          **27-05-03. Salaries and expenses of district judges.** The annual salary of each  
13 district judge is ~~eighty-four~~ ninety-three thousand ~~seven hundred sixty-five~~ three hundred  
14 ninety-one dollars through June 30, ~~2002~~ 2006, and ~~ninety~~ ninety-seven thousand ~~six hundred~~  
15 ~~seventy-one~~ one hundred twenty-seven dollars thereafter. Each district judge is entitled to  
16 travel expenses including mileage and subsistence while engaged in the discharge of official  
17 duties outside the city in which the judge's chambers are located. The salary and expenses are  
18 payable monthly in the manner provided by law. A presiding judge of a judicial district is  
19 entitled to receive an additional ~~one~~ two thousand ~~nine~~ seven hundred ~~eighty-nine~~ fifty-two  
20 dollars per annum, through June 30, ~~2002~~ 2006, and two thousand ~~six~~ eight hundred  
21 ~~seventy-two~~ sixty-two dollars thereafter.

22          **SECTION 8. EXEMPTION.** The amount appropriated for the supreme court and the  
23 district courts, as contained in subdivisions 1 and 2 of section 1 of chapter 2 of the 2003  
24 Session Laws, is not subject to the provisions of section 54-44.1-11 for an amount of up to  
25 \$250,078. Any available funds are to be used for the purpose of establishing and defraying the  
26 expenses of the commission on legal counsel for indigents established by 2005 Senate Bill No.  
27 2027 during the biennium beginning July 1, 2005, and ending June 30, 2007.

28          **SECTION 9. APPROPRIATION - TRANSFER.** In addition to the \$250,078 of  
29 unexpended general fund moneys that the supreme court and district courts are allowed to  
30 carry over from the 2003-05 biennium pursuant to section 8 of this Act, there is appropriated  
31 out of any moneys in the general fund in the state treasury, not otherwise appropriated, the

1 sum of \$365,593, or so much of the sum as may be necessary, and \$200,000 from the indigent  
2 defense administration fund, to the district courts for the purpose of establishing and defraying  
3 the expenses of the commission on legal counsel for indigents, for the biennium beginning  
4 July 1, 2005, and ending June 30, 2007. Any moneys not expended by the district courts for  
5 this purpose by December 31, 2005, are available to the commission on legal counsel for  
6 indigents and the appropriation must be transferred to the commission on January 1, 2006.

7 **SECTION 10. EMERGENCY.** Section 8 of this Act is declared to be an emergency  
8 measure.