

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1002

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 provide for a legislative council study; and to amend and reenact sections 27-02-02,
3 27-05-01, subdivision c of subsection 3 of section 27-05-02.1, and section 27-05-03 of the
4 North Dakota Century Code, relating to salaries of supreme and district court judges and the
5 number of district court judges.

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
8 funds as may be necessary, are hereby appropriated out of any moneys in the general fund in
9 the state treasury, not otherwise appropriated, and from special funds derived from federal
10 funds and other income, to the judicial branch for the purpose of defraying the expenses of its
11 various divisions, for the biennium beginning July 1, 1999, and ending June 30, 2001, as
12 follows:

13 Subdivision 1.

SUPREME COURT

15	Salaries and wages	\$5,079,436
16	Operating expenses	1,535,514
17	Equipment	214,513
18	Judges retirement	<u>276,860</u>
19	Total general fund appropriation	\$7,106,323

20 Subdivision 2.

DISTRICT COURTS

22	Salaries and wages	\$22,526,069
23	Operating expenses	8,937,038
24	Equipment	674,603

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1	Judges retirement	814,561
2	UND - Central legal research	80,000
3	Alternative dispute resolution	<u>40,000</u>
4	Total all funds	\$33,072,271
5	Less estimated income	<u>779,943</u>
6	Total general fund appropriation	\$32,292,328

7 Subdivision 3.

8 JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

9	Judicial conduct commission and disciplinary board	<u>\$511,925</u>
10	Total all funds	\$511,925
11	Less estimated income	<u>270,000</u>
12	Total general fund appropriation	\$241,925

13 Subdivision 4.

14 CLERK OF DISTRICT COURT FUNDING

15	Clerk of district court funding	<u>\$399,601</u>
16	Total general fund appropriation	\$399,601
17	Grand total general fund appropriation	\$40,040,177
18	Grand total special funds appropriation	\$1,049,943
19	Grand total all funds appropriation	\$41,090,120

20 **SECTION 2. APPROPRIATION.** There are hereby appropriated any funds received by
21 the supreme court, district courts, and judicial conduct commission and disciplinary board, not
22 otherwise appropriated, pursuant to federal acts and private gifts, grants, and donations for the
23 purpose as designated in the federal acts or private gifts, grants, and donations for the period
24 beginning July 1, 1999, and ending June 30, 2001.

25 **SECTION 3. TRANSFERS.** The director of the office of management and budget and
26 the state treasurer shall make such transfers of funds between line items of appropriation for
27 the judicial branch of government as may be requested by the supreme court upon a finding by
28 the court that the nature of the duties of the court and its staff requires the transfers to carry on
29 properly the functions of the judicial branch of government.

30 **SECTION 4. LEGISLATIVE COUNCIL STUDY OF UNIFIED COURT SYSTEM.** The
31 legislative council shall consider studying, during the 1999-2000 interim, the impacts of court

1 unification on the judicial system and on the effective provision of judicial services to state
2 residents.

3 **SECTION 5. ALLOCATION FOR INDIGENT DEFENSE FUNDS.** The supreme court
4 shall develop criteria for the equitable allocation of indigent defense funds contained in the
5 operating expenses line item for district courts. The criteria must be based on number of
6 cases, complexity of cases, the level of efficiency in handling cases, and the historical funding
7 levels in different districts. The supreme court may use any other factors deemed appropriate
8 by the supreme court. The historical funding levels may be used as one factor of many and
9 may not be given consideration in excess of any other factor. The supreme court shall use
10 these criteria in the allocation of indigent defense funds appropriated under this Act.

11 **SECTION 6. AMENDMENT.** Section 27-02-02 of the 1997 Supplement to the North
12 Dakota Century Code is amended and reenacted as follows:

13 **27-02-02. Salaries of judges of supreme court.** The annual salary of each judge of
14 the supreme court is ~~seventy-nine~~ eighty-three thousand ~~seven~~ eight hundred ~~seventy-one~~
15 seven dollars through June 30, ~~4998~~ 2000, and ~~eighty-two~~ eighty-five thousand ~~one~~ four
16 hundred ~~sixty-four~~ eighty-three dollars thereafter. The chief justice of the supreme court is
17 entitled to receive an additional two thousand ~~two~~ three hundred ~~fifty~~ sixty-five dollars per
18 annum through June 30, ~~4998~~ 2000, and two thousand ~~three~~ four hundred ~~eighteen~~ twelve
19 dollars per annum thereafter.

20 **SECTION 7. AMENDMENT.** Section 27-05-01 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **27-05-01. Judicial districts - Number of judges.**

- 23 1. The judicial districts in this state are as designated by rule of the supreme court.
24 The number of judges in each of the judicial districts is as follows:
- 25 a. The northwest judicial district shall have five judges.
 - 26 b. The northeast judicial district shall have three judges.
 - 27 c. The northeast central judicial district shall have four judges.
 - 28 d. The east central judicial district shall have four judges.
 - 29 e. The southeast judicial district shall have three judges.
 - 30 f. The south central judicial district shall have five judges.
 - 31 g. The southwest judicial district shall have three judges.

1 2. Each judicial district has that number of additional judges as designated by rule of
2 the supreme court pursuant to subsection 3 of section 27-05-00.1. The supreme
3 court shall reduce the number of district judges pursuant to section 27-05-02.1 to
4 forty-two before January 2, ~~2004~~ 2003.

5 **SECTION 8. AMENDMENT.** Subdivision c of subsection 3 of section 27-05-02.1 of the
6 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7 c. From July 1, 1999, until December 31, ~~2000~~ 2002, if on July 1, 1999, the
8 number of district court judges is more than forty-two.

9 **SECTION 9. AMENDMENT.** Section 27-05-03 of the 1997 Supplement to the North
10 Dakota Century Code is amended and reenacted as follows:

11 **27-05-03. Salaries and expenses of district judges.** The annual salary of each
12 district judge is ~~seventy-three~~ seventy-seven thousand ~~six~~ three hundred ~~sixteen~~ forty dollars
13 through June 30, ~~1998~~ 2000, and ~~seventy-five~~ seventy-eight thousand eight hundred
14 ~~twenty-four~~ eighty-seven dollars thereafter. Each district judge is entitled to travel expenses
15 including mileage and subsistence while engaged in the discharge of official duties outside the
16 city in which the judge's chambers are located. The salary and expenses are payable monthly
17 in the manner provided by law. A presiding judge of a judicial district is entitled to receive an
18 additional one thousand ~~seven~~ eight hundred ~~forty-three~~ thirty-one dollars per annum, through
19 June 30, ~~1998~~ 2000, and one thousand ~~seven~~ eight hundred ~~ninety-five~~ sixty-eight dollars
20 thereafter.