

Sixty-fourth
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 the establishment of additional district court judgeships; and to amend and
3 reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries
4 of supreme and district court judges.

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 that agency,
10 for the biennium beginning July 1, 2015, and ending June 30, 2017.

11 Subdivision 1.

12 SUPREME COURT

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
13				
14				
15	Salaries and wages	\$9,851,552	\$1,593,693	\$11,445,245
16	Accrued leave payments	531,696	(531,696)	0
17	Operating expenses	2,754,254	253,745	3,007,999
18	Judges retirement	75,017	4,571	79,588
19	Guardianship monitoring program	<u>70,000</u>	<u>234,542</u>	<u>304,452</u>
20	Total general fund	\$13,282,519	\$1,554,855	\$14,837,374

21 Subdivision 2.

22 DISTRICT COURTS

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
23			
24			

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1	Salaries and wages	\$61,177,621	\$10,851,454	\$72,029,075
2	Accrued leave payments	2,399,277	(2,399,277)	0
3	Operating expenses	20,847,479	2,852,512	23,699,991
4	Capital assets	0	1,748,460	1,748,460
5	Judges retirement	500,936	(92,287)	408,649
6	UND central legal research	<u>80,000</u>	<u>0</u>	<u>80,000</u>
7	Total all funds	\$85,005,313	\$12,960,862	\$97,966,175
8	Less estimated income	<u>1,808,090</u>	<u>114,060</u>	<u>1,922,150</u>
9	Total general fund	\$83,197,223	\$12,846,802	\$96,044,025

10 Subdivision 3.

11 JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

12			Adjustments or	
13		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
14	Judicial conduct commission and	<u>\$1,020,874</u>	<u>\$109,625</u>	<u>\$1,130,499</u>
15	disciplinary board			
16	Total all funds	\$1,020,874	\$109,625	\$1,130,499
17	Less estimated income	<u>367,499</u>	<u>77,157</u>	<u>444,656</u>
18	Total general fund	\$653,375	\$32,468	\$685,843

19 Subdivision 4.

20 BILL TOTAL

21			Adjustments or	
22		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
23	Grand total general fund	\$97,133,117	\$14,434,125	\$111,567,242
24	Grand total special funds	<u>2,175,589</u>	<u>191,217</u>	<u>2,366,806</u>
25	Grand total all funds	\$99,308,706	\$14,625,342	\$113,934,048
26	Full-time equivalent positions	363.00	28.00	391.00

27 **SECTION 2. APPROPRIATION.** There are appropriated any funds received by the
 28 supreme court, district courts, and judicial conduct commission and disciplinary board, not
 29 otherwise appropriated, pursuant to federal acts and private gifts, grants, and donations for the
 30 purpose as designated in the federal acts or private gifts, grants, and donations for the period
 31 beginning July 1, 2015, and ending June 30, 2017.

1 **SECTION 3. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

2 **SIXTY-FIFTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
3 items approved by the sixty-third legislative assembly for the 2013-15 biennium and the
4 2015-17 one time funding items included in the appropriation in section 1 of this Act:

5 <u>One-Time Funding Description</u>	<u>2013-15</u>	<u>2015-17</u>
6 Office equipment and furniture	\$331,470	\$0
7 Information technology equipment	516,556	924,460
8 Juvenile case management system	90,000	0
9 replacement study		
10 Disaster recovery planning	95,000	0
11 Criminal justice information sharing	139,850	0
12 publisher project		
13 Disaster recovery project	0	2,171,672
14 Criminal case eFile initiation	<u>0</u>	<u>99,000</u>
15 Total general fund	\$1,172,876	\$3,195,132

16 The 2015-17 one-time funding amounts are not a part of the entity's base budget for the
17 2017-19 biennium. The supreme court shall report to the appropriations committees of the
18 sixty-fifth legislative assembly on the use of this one-time funding for the biennium beginning
19 July 1, 2015, and ending June 30, 2017.

20 **SECTION 4. TRANSFERS.** The director of the office of management and budget and the
21 state treasurer shall make such transfer of funds between line items of appropriation for the
22 judicial branch of government as may be requested by the supreme court upon a finding by the
23 court that the nature of the duties of the court and its staff requires the transfers to carry on
24 properly the functions of the judicial branch of government.

25 **SECTION 5. DISTRICT JUDGES.** The appropriation provided in subdivision 2 of section 1
26 of this Act provides for two additional district court judges in the south central judicial district,
27 one additional district court judge in the southwest judicial district, and one additional district
28 court judge in the northwest judicial district to be assigned pursuant to section 10 of article VI of
29 the Constitution of North Dakota, and to be assigned to chambers by the supreme court. Within
30 thirty days after the effective date of this Act, the judgeship vacancies created by this section
31 must be filled in accordance with section 13 of article VI of the Constitution of North Dakota. In

1 accordance with section 9 and 13 of article VI of the Constitution of North Dakota, each judge
2 appointed to fill a vacancy created by this section continues in office until the next general
3 election immediately following two years of service after the appointment. The individual then
4 elected holds office for the remainder of the term and until a successor is elected and duly
5 qualified.

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

8 **27-02-02. Salaries of justices of supreme court.**

9 The annual salary of each justice of the supreme court is one hundred ~~forty-three~~fifty-two
10 thousand ~~six~~four hundred ~~eighty-five~~thirty-six dollars through June 30, ~~2014~~2016, and one
11 hundred ~~forty-seven~~fifty-seven thousand ~~nine-hundred-ninety-six~~ dollars thereafter. The chief
12 justice of the supreme court is entitled to receive an additional four thousand ~~one~~three hundred
13 ~~twenty-seven~~seventy-seven dollars per annum through June 30, ~~2014~~2016, and four thousand
14 ~~two~~five hundred ~~fifty~~eight dollars per annum thereafter.

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

17 **27-05-03. Salaries and expenses of district judges.**

18 The annual salary of each district judge is one hundred ~~thirty-one~~thirty-nine thousand six
19 hundred ~~sixty-one~~seventy-nine dollars through June 30, ~~2014~~2016, and one hundred ~~thirty-~~
20 ~~five~~forty-three thousand ~~six~~eight hundred ~~eleven~~sixty-nine dollars thereafter. Each district judge
21 is entitled to travel expenses, including mileage and subsistence while engaged in the
22 discharge of official duties outside the city in which the judge's chambers are located. The
23 salary and expenses are payable monthly in the manner provided by law. A presiding judge of a
24 judicial district is entitled to receive an additional ~~three~~four thousand ~~eight-hundred~~ ~~three~~thirty-
25 five dollars per annum through June 30, ~~2014~~2016, and ~~three~~four thousand ~~nine~~one hundred
26 ~~seventeen~~fifty-six dollars thereafter.