

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

SENATE BILL NO. 2002
(Appropriations Committee)
(At the request of the Supreme Court)

AN ACT to provide an appropriation for defraying the expenses of the judicial branch; to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court judges; to provide an exemption to section 54-44.1-11 relating to unexpended appropriations; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Subdivision 1.

SUPREME COURT

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

Subdivision 2.

DISTRICT COURTS

Salaries and wages	\$33,913,180
Operating expenses	14,032,376
Capital assets	74,500
Judges retirement	826,944
UND-central legal research	80,000
Alternative dispute resolution	<u>20,000</u>
Total all funds - Base level	\$48,947,000
Less estimated income - Base level	<u>1,762,735</u>
Total general fund - Base level	\$47,184,265

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

Judicial conduct commission and disciplinary board	\$538,643
Total all funds - Base level	\$538,643
Less estimated income - Base level	<u>280,801</u>
Total general fund - Base level	\$257,842
Total general fund - Section 1	\$55,087,369
Total other funds - Section 1	\$2,043,536
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

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

Subdivision 2.

DISTRICT COURTS

Salaries and wages	\$2,781,752
Operating expenses	(3,337,596)
Capital assets	111,000
Indigent defense - July 1, 2005 - December 31, 2005	2,769,101
Indigent defense - January 1, 2006 - June 30, 2007	6,723,674
Judges retirement	(127,041)
UND-central legal research	0
Alternative dispute resolution	<u>0</u>
Total all funds - Adjustments/enhancements	\$8,920,890
Less estimated income - Adjustments/enhancements	<u>471,182</u>
Total general fund - Adjustments/enhancements	\$8,449,708

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

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

SECTION 3. 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 its various divisions, for the biennium beginning July 1, 2005, and ending June 30, 2007, as follows:

Subdivision 1.

SUPREME COURT

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

Subdivision 2.

DISTRICT COURTS

Salaries and wages	\$36,694,932
Operating expenses	10,694,780
Capital assets	185,500
Indigent defense - July 1, 2005 - December 31, 2005	2,769,101
Indigent defense - January 1, 2006 - June 30, 2007	6,723,674

Judges retirement	699,903
UND-central legal research	80,000
Alternative dispute resolution	<u>20,000</u>
Total all funds	\$57,867,890
Less estimated income	<u>2,233,917</u>
Total general fund appropriation	\$55,633,973

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

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

SECTION 4. 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, 2005, and ending June 30, 2007.

SECTION 5. TRANSFERS. The director of the office of management and budget and the state treasurer shall make such transfers of funds between line items of appropriation for the judicial branch of government as may be 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 6. AMENDMENT. Section 27-02-02 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 7. 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 ~~eighty-four~~ ninety-three thousand ~~seven hundred sixty-five~~ three hundred ninety-one dollars through June 30, ~~2002~~ 2006, and ~~ninety~~ ninety-seven thousand ~~six hundred seventy-one~~ one hundred twenty-seven 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 ~~one~~ two thousand ~~nine~~ seven hundred ~~eighty-nine~~ fifty-two dollars per annum, through June 30, ~~2002~~ 2006, and two thousand ~~six~~ eight hundred ~~seventy-two~~ sixty-two dollars thereafter.

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

SECTION 9. APPROPRIATION - TRANSFER. In addition to the \$250,078 of unexpended general fund moneys that the supreme court and district courts are allowed to carry over from the 2003-05 biennium pursuant to section 8 of this Act, there is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$365,593, or so much of the sum as may be necessary, and \$200,000 from the indigent defense administration fund, to the district courts for the purpose of establishing and defraying the expenses of the commission on legal counsel for indigents, for the biennium beginning July 1, 2005, and ending June 30, 2007. Any moneys not expended by the district courts for this purpose by December 31, 2005, are available to the commission on legal counsel for indigents and the appropriation must be transferred to the commission on January 1, 2006.

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2002 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 46 Nays 0 Absent 1

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 84 Nays 8 Absent 2

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2005.

Approved at _____ M. on _____, 2005.

Governor

Filed in this office this _____ day of _____, 2005,

at ___ o'clock _____ M.

Secretary of State