

**Sixtieth Legislative Assembly of North Dakota
In Regular Session Commencing Wednesday, January 3, 2007**

HOUSE BILL NO. 1002
(Appropriations Committee)
(At the request of the Supreme Court)

AN ACT to provide an appropriation for defraying the expenses of the judicial branch; and 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.

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		\$6,522,911
Operating expenses		1,924,761
Capital assets		8,000
Judges retirement		134,931
Total general fund - Base level		<u>\$8,590,603</u>

Subdivision 2.

	DISTRICT COURTS	
Salaries and wages		\$36,952,288
Operating expenses		11,222,655
Capital assets		185,500
Judges retirement		706,771
UND central legal research		80,000
Alternative dispute resolution		20,000
Total all funds - Base level		\$49,167,214
Less estimated income - Base level		<u>1,219,957</u>
Total general fund - Base level		\$47,947,257

Subdivision 3.

	JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD	
Judicial conduct commission and disciplinary board		\$607,530
Total all funds - Base level		\$607,530
Less estimated income - Base level		<u>287,521</u>
Total general fund - Base level		\$320,009
Total general fund - Section 1		\$56,857,869
Total other funds - Section 1		\$1,507,478
Total all funds - Section 1		\$58,365,347

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	\$556,341
Operating expenses	224,424
Capital assets	88,000
Judges retirement	<u>(12,700)</u>
Total all funds - Adjustments/enhancements	\$856,065
Total general fund - Adjustments/enhancements	\$856,065

Subdivision 2.

DISTRICT COURTS

Salaries and wages	\$5,196,049
Operating expenses	3,412,776
Capital assets	273,083
Judges retirement	(101,022)
UND central legal research	0
Alternative dispute resolution	0
Mediation	<u>1,076,824</u>
Total all funds - Adjustments/enhancements	\$9,857,710
Less estimated income - Adjustments/enhancements	<u>681,721</u>
Total general fund - Adjustments/enhancements	\$9,175,989

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

Judicial conduct commission and disciplinary board	\$110,424
Total all funds - Adjustments/enhancements	\$110,424
Less estimated income - Adjustments/enhancements	<u>11,835</u>
Total general fund - Adjustments/enhancements	\$98,589
Total general fund - Section 2	\$10,130,643
Total other funds - Section 2	\$693,556
Total all funds - Section 2	\$10,824,199

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, 2007, and ending June 30, 2009, as follows:

Subdivision 1.

SUPREME COURT

Salaries and wages	\$7,079,252
Operating expenses	2,149,185
Capital assets	96,000
Judges retirement	<u>122,231</u>
Total all funds	\$9,446,668
Total general fund appropriation	\$9,446,668

Subdivision 2.

DISTRICT COURTS

Salaries and wages	\$42,148,337
Operating expenses	14,635,431
Capital assets	458,583
Judges retirement	605,749
UND central legal research	80,000
Alternative dispute resolution	20,000
Mediation	<u>1,076,824</u>
Total all funds	\$59,024,924

Less estimated income	1,901,678
Total general fund appropriation	\$57,123,246

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

Judicial conduct commission and disciplinary board	\$717,954
Total all funds	\$717,954
Less estimated income	299,356
Total general fund appropriation	\$418,598
Grand total general fund appropriation	\$66,988,512
Grand total other funds appropriation	\$2,201,034
Grand total all funds appropriation	\$69,189,546

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, 2007, and ending June 30, 2009.

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 justices of supreme court. The annual salary of each justice of the supreme court is one hundred ~~three~~ thirteen thousand ~~eighty-seven~~ five hundred ~~seventy-eight~~ seventy-eight dollars through June 30, ~~2006~~ 2008, and one hundred ~~seven~~ eighteen thousand ~~two~~ one hundred ~~ten~~ twenty-one dollars thereafter. The chief justice of the supreme court is entitled to receive an additional three thousand ~~fifteen~~ two hundred ~~sixty-two~~ sixty-two dollars per annum through June 30, ~~2006~~ 2008, and three thousand ~~one~~ three hundred ~~thirty-six~~ ninety-two 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 ~~ninety-four~~ one hundred ~~four~~ four thousand ~~two~~ two hundred ~~ninety-eight~~ seventy-three dollars through June 30, ~~2006~~ 2008, and ~~ninety-eight~~ one hundred ~~eight~~ eight thousand ~~seventy~~ seventy two hundred ~~thirty-six~~ thirty-six 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 ~~two~~ three thousand ~~seven~~ seven hundred ~~seventy-nine~~ five dollars per annum through June 30, ~~2006~~ 2008, and ~~two~~ three thousand ~~eight~~ one hundred ~~ninety~~ twenty-six dollars thereafter.

SECTION 8. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in section 3 of this Act includes \$1,490,750 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The supreme court shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

Enhanced records management system	\$115,750
Unified case management system	1,375,000
Total	\$1,490,750

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixtieth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1002.

House Vote: Yeas 88 Nays 5 Absent 1

Senate Vote: Yeas 45 Nays 1 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2007.

Approved at _____ M. on _____, 2007.

Governor

Filed in this office this _____ day of _____, 2007,

at _____ o'clock _____ M.

Secretary of State