

**Sixty-first Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 6, 2009**

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; 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. 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 that agency, for the biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

Subdivision 1.

**SUPREME COURT**

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$7,071,605	\$1,118,391	\$8,189,996
Operating expenses	2,149,185	48,191	2,197,376
Capital assets	96,000	(83,451)	12,549
Judges retirement	<u>122,231</u>	<u>4,790</u>	<u>127,021</u>
Total general fund	\$9,439,021	\$1,087,921	\$10,526,942

Subdivision 2.

**DISTRICT COURTS**

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$42,102,619	\$6,027,542	\$48,130,161
Operating expenses	13,144,681	7,416,641	20,561,322
Capital assets	458,583	1,843,350	2,301,933
Judges retirement	605,749	(72,044)	533,705
UND central legal research	80,000	0	80,000
Alternative dispute resolution	20,000	0	20,000
Mediation	<u>1,076,824</u>	<u>(284,788)</u>	<u>792,036</u>
Total all funds	\$57,488,456	\$14,930,701	\$72,419,157
Less estimated income	<u>1,900,591</u>	<u>(170,130)</u>	<u>1,730,461</u>
Total general fund	\$55,587,865	\$15,100,831	\$70,688,696

Subdivision 3.

**JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD**

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Judicial conduct commission and disciplinary board	\$717,291	\$96,338	\$813,629
Total all funds	<u>\$717,291</u>	<u>\$96,338</u>	<u>\$813,629</u>
Less estimated income	<u>299,049</u>	<u>15,297</u>	<u>314,346</u>
Total general fund	\$418,242	\$81,041	\$499,283

Subdivision 4.

BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$65,445,128	\$16,269,793	\$81,714,921
Grand total special funds	<u>2,199,640</u>	<u>(154,833)</u>	<u>2,044,807</u>
Grand total all funds	\$67,644,768	\$16,114,960	\$83,759,728
Full-time equivalent positions	338.0	4.00	342.0

**SECTION 2. 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, 2009, and ending June 30, 2011.

**SECTION 3. 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 4. 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 ~~thirteen~~ twenty-four thousand ~~five hundred seventy-eight~~ twenty-seven dollars through June 30, ~~2008~~ 2010, and one hundred ~~eighteen~~ thirty thousand ~~one~~ two hundred ~~twenty-one~~ twenty-eight dollars thereafter. The chief justice of the supreme court is entitled to receive an additional three thousand ~~two~~ five hundred sixty-two dollars per annum through June 30, ~~2008~~ 2010, and three thousand ~~three~~ seven hundred ~~ninety-two~~ forty dollars per annum thereafter.

**SECTION 5. 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 one hundred ~~four~~ thirteen thousand ~~seventy-three~~ six hundred ~~forty-eight~~ forty-eight dollars through June 30, ~~2008~~ 2010, and one hundred ~~eight~~ nineteen thousand ~~two~~ three hundred ~~thirty-six~~ thirty 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 three thousand ~~five~~ two hundred ~~eighty-two~~ eighty-two dollars per annum through June 30, ~~2008~~ 2010, and three thousand ~~one~~ four hundred ~~twenty-six~~ forty-seven dollars thereafter.

**SECTION 6. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
Unified case management system replacement project	\$1,375,000	\$7,258,129
Parenting coordinator training	0	52,040
Management reserve fund	0	600,000
Enhanced records management system	115,750	0
Office equipment and furniture	0	288,124

Information technology equipment	<u>0</u>	<u>109,088</u>
Total general fund	\$1,490,750	\$8,307,381

The 2009-11 one-time funding amounts are not a part of the agency's base budget for the 2011-13 biennium. The supreme court shall report to the appropriations committees of the sixty-second legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011.

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President of the Senate

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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 Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2002.

Senate Vote:    Yeas    47        Nays    0        Absent    0

House Vote:    Yeas    89        Nays    1        Absent    4

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2009,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State