

**FIRST ENGROSSMENT  
with House Amendments**

Sixty-first  
Legislative Assembly  
of North Dakota

**ENGROSSED SENATE BILL NO. 2002**

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 and to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code,  
3 relating to salaries of supreme and district court judges.

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

5 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the  
6 funds as may be necessary, are appropriated out of any moneys in the general fund in the state  
7 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
8 other income, to the judicial branch for the purpose of defraying the expenses of that agency,  
9 for the biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

10 Subdivision 1.

| 11 SUPREME COURT      |                   |                     |                      |
|-----------------------|-------------------|---------------------|----------------------|
| 12 Adjustments or     |                   |                     |                      |
| 13                    | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 14 Salaries and wages | \$7,071,605       | \$1,118,391         | \$8,189,996          |
| 15 Operating expenses | 2,149,185         | 48,191              | 2,197,376            |
| 16 Capital assets     | 96,000            | (83,451)            | 12,549               |
| 17 Judges retirement  | <u>122,231</u>    | <u>4,790</u>        | <u>127,021</u>       |
| 18 Total general fund | \$9,439,021       | \$1,087,921         | \$10,526,942         |

19 Subdivision 2.

| 20 DISTRICT COURTS    |                   |                     |                      |
|-----------------------|-------------------|---------------------|----------------------|
| 21 Adjustments or     |                   |                     |                      |
| 22                    | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 23 Salaries and wages | \$42,102,619      | \$6,027,542         | \$48,130,161         |
| 24 Operating expenses | 13,144,681        | 7,416,641           | 20,561,322           |

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|   |                                |                  |                  |                  |
|---|--------------------------------|------------------|------------------|------------------|
| 1 | Capital assets                 | 458,583          | 1,843,350        | 2,301,933        |
| 2 | Judges retirement              | 605,749          | (72,044)         | 533,705          |
| 3 | UND central legal research     | 80,000           | 0                | 80,000           |
| 4 | Alternative dispute resolution | 20,000           | 0                | 20,000           |
| 5 | Mediation                      | <u>1,076,824</u> | <u>(284,788)</u> | <u>792,036</u>   |
| 6 | Total all funds                | \$57,488,456     | \$14,930,701     | \$72,419,157     |
| 7 | Less estimated income          | <u>1,900,591</u> | <u>(170,130)</u> | <u>1,730,461</u> |
| 8 | Total general fund             | \$55,587,865     | \$15,100,831     | \$70,688,696     |

9 Subdivision 3.

10 JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

|    |                                 |                             |                             |                             |
|----|---------------------------------|-----------------------------|-----------------------------|-----------------------------|
| 11 |                                 | Adjustments or              |                             |                             |
| 12 |                                 | <u>Base Level</u>           | <u>Enhancements</u>         | <u>Appropriation</u>        |
| 13 | Judicial conduct commission and | \$717,291                   | \$96,338                    | \$813,629                   |
| 14 | disciplinary board              | <u>                    </u> | <u>                    </u> | <u>                    </u> |
| 15 | Total all funds                 | \$717,291                   | \$96,338                    | \$813,629                   |
| 16 | Less estimated income           | <u>299,049</u>              | <u>15,297</u>               | <u>314,346</u>              |
| 17 | Total general fund              | \$418,242                   | \$81,041                    | \$499,283                   |

18 Subdivision 4.

19 BILL TOTAL

|    |                                |                   |                     |                      |
|----|--------------------------------|-------------------|---------------------|----------------------|
| 20 |                                | Adjustments or    |                     |                      |
| 21 |                                | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 22 | Grand total general fund       | \$65,445,128      | \$16,269,793        | \$81,714,921         |
| 23 | Grand total special funds      | <u>2,199,640</u>  | <u>(154,833)</u>    | <u>2,044,807</u>     |
| 24 | Grand total all funds          | \$67,644,768      | \$16,114,960        | \$83,759,728         |
| 25 | Full-time equivalent positions | 338.0             | 4.00                | 342.0                |

26 **SECTION 2. APPROPRIATION.** There are appropriated any funds received by the  
 27 supreme court, district courts, and judicial conduct commission and disciplinary board, not  
 28 otherwise appropriated, pursuant to federal acts and private gifts, grants, and donations for the  
 29 purpose as designated in the federal acts or private gifts, grants, and donations for the period  
 30 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 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 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 | \$1,375,000    | \$7,258,129    |

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|   |                                    |             |                |
|---|------------------------------------|-------------|----------------|
| 1 | project                            |             |                |
| 2 | Parenting coordinator training     | 0           | 52,040         |
| 3 | Management reserve fund            | 0           | 600,000        |
| 4 | Enhanced records management system | 115,750     | 0              |
| 5 | Office equipment and furniture     | 0           | 288,124        |
| 6 | Information technology equipment   | <u>0</u>    | <u>109,088</u> |
| 7 | Total general fund                 | \$1,490,750 | \$8,307,381    |

8 The 2009-11 one-time funding amounts are not a part of the agency's base budget for the  
9 2011-13 biennium. The supreme court shall report to the appropriations committees of the  
10 sixty-second legislative assembly on the use of this one-time funding for the biennium  
11 beginning July 1, 2009, and ending June 30, 2011.