

**Sixty-third Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 8, 2013**

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 section 27-02-02, subsection 1 of section 27-05-02.1, and section 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court judges and disposition of vacant judgeships.

**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, 2013, and ending June 30, 2015.

Subdivision 1.

SUPREME COURT

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$9,116,651	\$2,642,404	\$11,759,055
Accrued leave payments	0	531,696	531,696
Operating expenses	2,315,118	439,136	2,754,254
Capital assets	0	15,000	15,000
Judges' retirement	<u>138,105</u>	<u>(63,088)</u>	<u>75,017</u>
Total general fund	\$11,569,874	\$3,565,148	\$15,135,022

Subdivision 2.

DISTRICT COURTS

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$54,216,144	\$4,891,521	\$59,107,665
Accrued leave payments	0	2,399,277	2,399,277
Operating expenses	16,658,522	3,619,319	20,277,841
Capital assets	0	833,026	833,026
Judges' retirement	478,997	21,939	500,936
UND central legal research	80,000	0	80,000
Mediation	<u>869,664</u>	<u>219,564</u>	<u>1,089,228</u>
Total all funds	\$72,303,327	\$11,984,646	\$84,287,973
Less estimated income	<u>1,856,775</u>	<u>(48,685)</u>	<u>1,808,090</u>
Total general fund	\$70,446,552	\$12,033,331	\$82,479,883

## 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	<u>\$889,955</u>	<u>\$98,632</u>	<u>\$988,587</u>
Total all funds	\$889,955	\$98,632	\$988,587
Less estimated income	<u>325,499</u>	<u>42,000</u>	<u>367,499</u>
Total general fund	\$564,456	\$56,632	\$621,088

## Subdivision 4.

## BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$82,580,882	\$15,655,111	\$98,235,993
Grand total special funds	<u>2,182,274</u>	<u>(6,685)</u>	<u>2,175,589</u>
Grand total all funds	\$84,763,156	\$15,648,426	\$100,411,582
Full-time equivalent positions	344.00	19.00	363.00

**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 biennium beginning July 1, 2013, and ending June 30, 2015.

**SECTION 3. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
Studies on work assessment and racial and ethnic bias in the courts	\$200,000	\$0
Office equipment and furniture	185,000	331,470
Information technology equipment	516,480	516,556
Juvenile case management system replacement study	0	90,000
Disaster recovery planning	0	95,000
Criminal justice information sharing publisher project	<u>0</u>	<u>139,850</u>
Total general fund	\$901,480	\$1,172,876

The 2013-15 one-time funding amounts are not a part of the entity's base budget for the 2015-17 biennium. The supreme court shall report to the appropriations committees of the sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2013, and ending June 30, 2015.

**SECTION 4. TRANSFERS.** The director of the office of management and budget and the state treasurer shall make such transfer 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 5. DISTRICT JUDGES.** The appropriation provided in subdivision 2 of section 1 of this Act provides for two additional district court judges in the northwest judicial district and one additional district court judge in the east central judicial district to be assigned pursuant to section 10 of article VI of the Constitution of North Dakota, and to be assigned to chambers by the supreme court. Within thirty days after the effective date of this Act, the judgeship vacancies created by this section must be filled in accordance with section 13 of article VI of the Constitution of North Dakota. In accordance with sections 9 and 13 of article VI of the Constitution of North Dakota, each judge appointed to fill a vacancy created by this section continues in the office until the next general election immediately following two years of service after the appointment. The individual then elected holds office for the remainder of the term and until a successor is elected and duly qualified.

**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 ~~thirty-four~~thirty-four~~thirty-three~~ thousand ~~one hundred thirty-five~~one hundred thirty-four~~six~~ hundred ~~eighty-five~~eighty-five dollars through June 30, ~~2012~~2014, and one hundred ~~thirty-eight~~thirty-eight~~fourty-seven~~ thousand ~~one~~one~~hundred~~ ~~fifty-nine~~hundred ~~ninety-six~~ninety-six dollars thereafter. The chief justice of the supreme court is entitled to receive an additional ~~three~~three~~four~~ thousand ~~eight~~eight~~one~~ hundred ~~fifty-two~~twenty-seven dollars per annum through June 30, ~~2012~~2014, and ~~three~~three~~four~~ thousand ~~nine~~two hundred ~~sixty-eight~~sixty-eight~~fifty~~ dollars per annum thereafter.

**SECTION 7. AMENDMENT.** Subsection 1 of section 27-05-02.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding section 44-02-03, when a vacancy occurs in the office of district court judge, the supreme court shall determine, within ninety days of receiving notice of the vacancy from the governor and in consultation with the judges and attorneys in the affected judicial district, whether that office is necessary for effective judicial administration or whether the district judgeship may be transferred to another location to fulfill a need for judicial services. The supreme court may, consistent with that determination, order that:
  - a. The vacancy be filled in the manner provided pursuant to chapter 27-25;~~or~~
  - b. The vacant office be transferred to a judicial district in which an additional judge is necessary for effective judicial administration, and that the vacancy be filled in the manner provided pursuant to chapter 27-25 with respect to that judicial district;~~or~~
  - c. The vacant office be abolished with or without transfer of a district judgeship as provided in subsection 3.

**SECTION 8. 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 ~~twenty-two~~twenty-two~~thirty-one~~ thousand ~~nine~~nine~~six~~ hundred ~~tensixty-one~~sixty-one dollars through June 30, ~~2012~~2014, and one hundred ~~twenty-six~~twenty-six~~thirty-five~~ thousand ~~five~~five~~six~~ hundred ~~ninety-seven~~hundred ~~eleven~~eleven 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~~five~~eight~~ hundred ~~fifty-three~~thirty-three dollars per annum through June 30, ~~2012~~2014, and three thousand ~~six~~six hundred ~~fifty-seven~~hundred ~~nine~~seventeen dollars thereafter.

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

Senate Vote:    Yeas 46            Nays 0            Absent 1

House Vote:    Yeas 87            Nays 4            Absent 3

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

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2013,

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

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