

HOUSE BILL NO. 1002

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 to provide for the establishment of additional district court judgeships; and to amend and
3 reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries
4 of supreme and district court judges.

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
7 as may be necessary, are appropriated out of any moneys in the general fund in the state
8 treasury, not otherwise appropriated, and from special funds derived from federal funds and
9 other income, to the judicial branch for the purpose of defraying the expenses of that agency,
10 for the biennium beginning July 1, 2015, and ending June 30, 2017.

11 Subdivision 1.

	12 SUPREME COURT		
		13 Adjustments or	
	14 <u>Base Level</u>	14 <u>Enhancements</u>	14 <u>Appropriation</u>
15 Salaries and wages	\$9,851,552	\$1,843,847	\$11,695,399
16 Accrued leave payments	531,696	(531,696)	0
17 Operating expenses	2,754,254	394,345	3,148,599
18 Capital assets	0	992,727	992,727
19 Judges retirement	75,017	6,916	81,933
20 Guardianship monitoring program	<u>70,000</u>	<u>238,159</u>	<u>308,159</u>
21 Total general fund	\$13,282,519	\$2,944,298	\$16,226,817

22 Subdivision 2.

23 DISTRICT COURTS

Sixty-fourth
Legislative Assembly

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
1				
2				
3	Salaries and wages	\$61,177,621	\$13,033,703	\$74,211,324
4	Accrued leave payments	2,399,277	(2,399,277)	0
5	Operating expenses	20,847,479	3,801,950	24,649,429
6	Capital assets	0	3,476,500	3,476,500
7	Judges retirement	500,936	(26,169)	474,767
8	UND central legal research	<u>800,000</u>	<u>0</u>	<u>80,000</u>
9	Total all funds	\$85,005,313	\$17,886,707	\$102,892,020
10	Less estimated income	<u>1,808,090</u>	<u>114,060</u>	<u>1,922,150</u>
11	Total general fund	\$83,197,223	\$17,772,647	\$100,969,870

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
14				
15				
16	Judicial conduct commission and	<u>\$1,020,874</u>	<u>\$124,091</u>	<u>\$1,144,965</u>
17	disciplinary board			
18	Total all funds	\$1,020,874	\$124,091	\$1,144,965
19	Less estimated income	<u>367,499</u>	<u>77,157</u>	<u>444,656</u>
20	Total general fund	\$653,375	\$46,934	\$700,309

Subdivision 4.

BILL TOTAL

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
23				
24				
25	Grand total general fund	\$97,133,117	\$20,763,879	\$117,896,996
26	Grand total special funds	<u>2,175,589</u>	<u>191,217</u>	<u>2,366,806</u>
27	Grand total all funds	\$99,308,706	\$20,955,096	\$120,263,802
28	Full-time equivalent positions	363.00	28.00	391.00

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

1 purpose as designated in the federal acts or private gifts, grants, and donations for the period
2 beginning July 1, 2015, and ending June 30, 2017.

3 **SECTION 3. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
4 **SIXTY-FIFTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
5 items approved by the sixty-third legislative assembly for the 2013-15 biennium and the
6 2015-17 one time funding items included in the appropriation in section 1 of this Act:

7	<u>One-Time Funding Description</u>	<u>2013-15</u>	<u>2015-17</u>
8	Office equipment and furniture	\$331,470	\$361,000
9	Information technology equipment	516,556	1,023,000
10	Juvenile case management system	90,000	0
11	replacement study		
12	Disaster recovery planning	95,000	0
13	Criminal justice information sharing	139,850	0
14	publisher project		
15	Disaster recovery project	0	2,171,672
16	Juvenile case management system replacement	0	1,782,410
17	Criminal case eFile initiation	0	99,000
18	Facility space expansion	<u>0</u>	<u>1,107,227</u>
19	Total general fund	\$1,172,876	\$6,544,309

20 The 2015-17 one-time funding amounts are not a part of the entity's base budget for the
21 2017-19 biennium. The supreme court shall report to the appropriations committees of the
22 sixty-fifth legislative assembly on the use of this one-time funding for the biennium beginning
23 July 1, 2015, and ending June 30, 2017.

24 **SECTION 4. TRANSFERS.** The director of the office of management and budget and the
25 state treasurer shall make such transfer of funds between line items of appropriation for the
26 judicial branch of government as may be requested by the supreme court upon a finding by the
27 court that the nature of the duties of the court and its staff requires the transfers to carry on
28 properly the functions of the judicial branch of government.

29 **SECTION 5. DISTRICT JUDGES.** The appropriation provided in subdivision 2 of section 1
30 of this Act provides for two additional district court judges in the south central judicial district,
31 one additional district court judge in the southwest judicial district, and one additional district

1 court judge in the northwest judicial district to be assigned pursuant to section 10 of article VI of
2 the Constitution of North Dakota, and to be assigned to chambers by the supreme court. Within
3 thirty days after the effective date of this Act, the judgeship vacancies created by this section
4 must be filled in accordance with section 13 of article VI of the Constitution of North Dakota. In
5 accordance with section 9 and 13 of article VI of the Constitution of North Dakota, each judge
6 appointed to fill a vacancy created by this section continues in office until the next general
7 election immediately following two years of service after the appointment. The individual then
8 elected holds office for the remainder of the term and until a successor is elected and duly
9 qualified.

10 **SECTION 6. AMENDMENT.** Section 27-02-02 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **27-02-02. Salaries of justices of supreme court.**

13 The annual salary of each justice of the supreme court is one hundred ~~forty-three~~fifty-five
14 thousand ~~six~~three hundred ~~eighty-five~~ninety-six dollars through June 30, ~~2014~~2016, and one
15 hundred ~~forty-seven~~sixty-three thousand ~~nine~~one hundred ~~ninety-six~~sixty-six dollars thereafter.
16 The chief justice of the supreme court is entitled to receive an additional four thousand ~~one~~four
17 hundred ~~twenty-seven~~sixty-two dollars per annum through June 30, ~~2014~~2016, and four
18 thousand ~~two~~six hundred ~~fifty~~eighty-five dollars per annum thereafter.

19 **SECTION 7. AMENDMENT.** Section 27-05-03 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **27-05-03. Salaries and expenses of district judges.**

22 The annual salary of each district judge is one hundred ~~thirty-one~~forty-two thousand
23 ~~six~~three hundred ~~sixty-one~~ninety-two dollars through June 30, ~~2014~~2016, and one hundred
24 ~~thirty-five~~forty-nine thousand ~~six~~five hundred eleven dollars thereafter. Each district judge is
25 entitled to travel expenses, including mileage and subsistence while engaged in the discharge
26 of official duties outside the city in which the judge's chambers are located. The salary and
27 expenses are payable monthly in the manner provided by law. A presiding judge of a judicial
28 district is entitled to receive an additional ~~three~~four thousand ~~eight~~one hundred ~~three~~thirteen
29 dollars per annum through June 30, ~~2014~~2016, and ~~three~~four thousand ~~nine~~three hundred
30 ~~seventeen~~nineteen dollars thereafter.