

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

| | <u>Base Level</u> | <u>Adjustments or Enhancements</u> | <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 | 70,000 | 238,159 | 308,159 |
| 21 Total general fund | \$13,282,519 | \$2,944,298 | \$16,226,817 |
| 22 <u>Salaries and wages</u> | <u>\$9,851,552</u> | <u>\$1,593,693</u> | <u>\$11,445,245</u> |
| 23 <u>Accrued leave payments</u> | <u>531,696</u> | <u>(531,696)</u> | <u>0</u> |
| 24 <u>Operating expenses</u> | <u>2,754,254</u> | <u>253,745</u> | <u>3,007,999</u> |

Sixty-fourth
Legislative Assembly

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|---|---------------------------------|--------------|-------------|--------------|
| 1 | Judges retirement | 75,017 | 4,571 | 79,588 |
| 2 | Guardianship monitoring program | 70,000 | 234,542 | 304,452 |
| 3 | Total general fund | \$13,282,519 | \$1,554,855 | \$14,837,374 |

4 Subdivision 2.

5 DISTRICT COURTS

| 6 | | Adjustments or | | |
|----|----------------------------|-------------------------|-------------------------|--------------------------|
| 7 | | Base Level | Enhancements | Appropriation |
| 8 | Salaries and wages | \$61,177,621 | \$13,033,703 | \$74,211,324 |
| 9 | Accrued leave payments | 2,399,277 | (2,399,277) | 0 |
| 10 | Operating expenses | 20,847,479 | 3,801,950 | 24,649,429 |
| 11 | Capital assets | 0 | 3,476,500 | 3,476,500 |
| 12 | Judges retirement | 500,936 | (26,169) | 474,767 |
| 13 | UND central legal research | 800,000 | 0 | 80,000 |
| 14 | Total all funds | \$85,005,313 | \$17,886,707 | \$102,892,020 |
| 15 | Less estimated income | 1,808,090 | 114,060 | 1,922,150 |
| 16 | Total general fund | \$83,197,223 | \$17,772,647 | \$100,969,870 |
| 17 | Salaries and wages | \$61,177,621 | \$10,851,454 | \$72,029,075 |
| 18 | Accrued leave payments | 2,399,277 | (2,399,277) | 0 |
| 19 | Operating expenses | 20,847,479 | 2,852,512 | 23,699,991 |
| 20 | Capital assets | 0 | 1,748,460 | 1,748,460 |
| 21 | Judges retirement | 500,936 | (92,287) | 408,649 |
| 22 | UND central legal research | 80,000 | 0 | 80,000 |
| 23 | Total all funds | \$85,005,313 | \$12,960,862 | \$97,966,175 |
| 24 | Less estimated income | 1,808,090 | 114,060 | 1,922,150 |
| 25 | Total general fund | \$83,197,223 | \$12,846,802 | \$96,044,025 |

26 Subdivision 3.

27 JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

| 28 | | Adjustments or | | |
|----|---------------------------------|------------------------|----------------------|------------------------|
| 29 | | Base Level | Enhancements | Appropriation |
| 30 | Judicial conduct commission and | \$1,020,874 | \$124,091 | \$1,144,965 |
| 31 | disciplinary board | | | |

Sixty-fourth
Legislative Assembly

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|---|--|------------------------|----------------------|------------------------|
| 1 | Total all funds | \$1,020,874 | \$124,091 | \$1,144,965 |
| 2 | Less estimated income | 367,499 | 77,157 | 444,656 |
| 3 | Total general fund | \$653,375 | \$46,934 | \$700,309 |
| 4 | <u>Judicial conduct commission and</u> | <u>\$1,020,874</u> | <u>\$109,625</u> | <u>\$1,130,499</u> |
| 5 | <u>disciplinary board</u> | | | |
| 6 | <u>Total all funds</u> | <u>\$1,020,874</u> | <u>\$109,625</u> | <u>\$1,130,499</u> |
| 7 | <u>Less estimated income</u> | <u>367,499</u> | <u>77,157</u> | <u>444,656</u> |
| 8 | <u>Total general fund</u> | <u>\$653,375</u> | <u>\$32,468</u> | <u>\$685,843</u> |

9 Subdivision 4.

10 BILL TOTAL

| 11 | | Adjustments or | | |
|----|---|-------------------------|-------------------------|--------------------------|
| 12 | | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 13 | Grand total general fund | \$97,133,117 | \$20,763,879 | \$117,896,996 |
| 14 | Grand total special funds | 2,175,589 | 191,217 | 2,366,806 |
| 15 | Grand total all funds | \$99,308,706 | \$20,955,096 | \$120,263,802 |
| 16 | Full-time equivalent positions | 363.00 | 28.00 | 391.00 |
| 17 | <u>Grand total general fund</u> | <u>\$97,133,117</u> | <u>\$14,434,125</u> | <u>\$111,567,242</u> |
| 18 | <u>Grand total special funds</u> | <u>2,175,589</u> | <u>191,217</u> | <u>2,366,806</u> |
| 19 | <u>Grand total all funds</u> | <u>\$99,308,706</u> | <u>\$14,625,342</u> | <u>\$113,934,048</u> |
| 20 | <u>Full-time equivalent positions</u> | <u>363.00</u> | <u>28.00</u> | <u>391.00</u> |

21 **SECTION 2. APPROPRIATION.** There are appropriated any funds received by the
 22 supreme court, district courts, and judicial conduct commission and disciplinary board, not
 23 otherwise appropriated, pursuant to federal acts and private gifts, grants, and donations for the
 24 purpose as designated in the federal acts or private gifts, grants, and donations for the period
 25 beginning July 1, 2015, and ending June 30, 2017.

26 **SECTION 3. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
 27 **SIXTY-FIFTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
 28 items approved by the sixty-third legislative assembly for the 2013-15 biennium and the
 29 2015-17 one time funding items included in the appropriation in section 1 of this Act:

| 30 | <u>One-Time Funding Description</u> | <u>2013-15</u> | <u>2015-17</u> |
|----|---|----------------------|----------------------|
| 31 | Office equipment and furniture | \$331,470 | \$361,000 |

Sixty-fourth
Legislative Assembly

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|----|---|-------------|-------------|
| 1 | Information technology equipment | 516,556 | 1,023,000 |
| 2 | Juvenile case management system | 90,000 | 0 |
| 3 | —replacement study | | |
| 4 | Disaster recovery planning | 95,000 | 0 |
| 5 | Criminal justice information sharing | 139,850 | 0 |
| 6 | —publisher project | | |
| 7 | Disaster recovery project | 0 | 2,171,672 |
| 8 | Juvenile case management system replacement | 0 | 1,782,410 |
| 9 | Criminal case eFile initiation | 0 | 99,000 |
| 10 | Facility space expansion | 0 | 1,107,227 |
| 11 | Total general fund | \$1,172,876 | \$6,544,309 |
| 12 | Office equipment and furniture | \$331,470 | \$0 |
| 13 | Information technology equipment | 516,556 | 924,460 |
| 14 | Juvenile case management system | 90,000 | 0 |
| 15 | —replacement study | | |
| 16 | Disaster recovery planning | 95,000 | 0 |
| 17 | Criminal justice information sharing | 139,850 | 0 |
| 18 | —publisher project | | |
| 19 | Disaster recovery project | 0 | 2,171,672 |
| 20 | Criminal case eFile initiation | 0 | 99,000 |
| 21 | Total general fund | \$1,172,876 | \$3,195,132 |

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

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

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

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

15 **27-02-02. Salaries of justices of supreme court.**

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

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

25 **27-05-03. Salaries and expenses of district judges.**

26 The annual salary of each district judge is one hundred ~~thirty-one~~forty-two~~thirty-nine~~
27 thousand ~~six~~three hundred ~~sixty-one~~ninety-two~~seventy-nine~~ dollars through June 30, 2014~~2016~~,
28 and one hundred ~~thirty-five~~forty-nine~~forty-three~~ thousand ~~six~~five~~eight~~ hundred ~~eleven~~sixty-nine
29 dollars thereafter. Each district judge is entitled to travel expenses, including mileage and
30 subsistence while engaged in the discharge of official duties outside the city in which the judge's
31 chambers are located. The salary and expenses are payable monthly in the manner provided by

Sixty-fourth
Legislative Assembly

- 1 law. A presiding judge of a judicial district is entitled to receive an additional ~~three~~four thousand
- 2 ~~eight~~one ~~hundred~~ ~~three~~thirteenthirty-five dollars per annum through June 30, 2014~~2016~~, and
- 3 ~~three~~four thousand ~~nine~~threeone hundred ~~seventeen~~nineteenfifty-six dollars thereafter.