

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1002

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch;
2 to amend and reenact sections 27-02-02, 27-05-03, and 27-09.1-14 of the North Dakota
3 Century Code, relating to the salaries of justices of the supreme court, the salaries of district
4 court judges, and compensation of jurors; to provide for transfers; to provide for a report; and to
5 provide an exemption.

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
8 as may be necessary, are appropriated out of any moneys in the general fund in the state
9 treasury, not otherwise appropriated, and from special funds derived from federal funds and
10 other income, to the judicial branch for the purpose of defraying the expenses of the judicial
11 branch, for the biennium beginning July 1, 2023, and ending June 30, 2025, as follows:

12 ~~Subdivision 1.~~

13 SUPREME COURT

| | Adjustments or | | |
|---|---------------------------|-------------------------|--------------------------|
| | Base Level | Enhancements | Appropriation |
| 16 Salaries and wages | \$11,202,906 | \$2,069,071 | \$13,271,977 |
| 17 Operating expenses | 2,350,094 | 846,665 | 3,196,759 |
| 18 Capital assets | 0 | 28,500 | 28,500 |
| 19 Guardianship monitoring program | 286,097 | (286,097) | 0 |
| 20 Total all funds | \$13,839,097 | \$2,658,139 | \$16,497,236 |
| 21 Less estimated income | 0 | 388,000 | 388,000 |
| 22 Total general fund | \$13,839,097 | \$2,270,139 | \$16,109,236 |

23 ~~Subdivision 2.~~

24 DISTRICT COURTS

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| | | | | |
|----|---|-----------------------|---------------------|----------------------|
| 1 | | <u>Adjustments or</u> | | |
| 2 | | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 3 | Salaries and wages | \$76,196,548 | \$12,465,792 | \$88,662,340 |
| 4 | Operating expenses | 20,081,881 | 4,442,738 | 24,524,619 |
| 5 | Capital assets | 0 | 1,125,220 | 1,125,220 |
| 6 | Judges' retirement | 137,246 | 40,094 | 177,340 |
| 7 | Total all funds | \$96,415,675 | \$18,073,844 | \$114,489,519 |
| 8 | Less estimated income | 756,963 | 155,868 | 912,831 |
| 9 | Total general fund | \$95,658,712 | \$17,917,976 | \$113,576,688 |
| 10 | <u>Subdivision 3:</u> | | | |
| 11 | <u>JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD</u> | | | |
| 12 | | <u>Adjustments or</u> | | |
| 13 | | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 14 | Judicial conduct commission and | \$1,317,481 | \$139,596 | \$1,457,077 |
| 15 | —disciplinary board | | | |
| 16 | Total all funds | \$1,317,481 | \$139,596 | \$1,457,077 |
| 17 | Less estimated income | 502,500 | 31,116 | 533,616 |
| 18 | Total general fund | \$814,981 | \$108,480 | \$923,461 |
| 19 | <u>Subdivision 4:</u> | | | |
| 20 | <u>BILL TOTAL</u> | | | |
| 21 | | <u>Adjustments or</u> | | |
| 22 | | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 23 | Grand total general fund | \$110,312,790 | \$20,296,595 | \$130,609,385 |
| 24 | Grand total special funds | 1,259,463 | 574,984 | 1,834,447 |
| 25 | Grand total all funds | \$111,572,253 | \$20,871,579 | \$132,443,832 |
| 26 | Full-time equivalent positions | 362.00 | 21.00 | 383.00 |
| 27 | <u>Subdivision 1.</u> | | | |
| 28 | <u>SUPREME COURT</u> | | | |
| 29 | | <u>Adjustments or</u> | | |
| 30 | | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 31 | Salaries and wages | \$11,202,906 | \$931,799 | \$12,134,705 |

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| | | | | |
|----|---|--------------|----------------|---------------|
| 1 | Operating expenses | 2,350,094 | 846,665 | 3,196,759 |
| 2 | Capital assets | 0 | 28,500 | 28,500 |
| 3 | New and vacant FTE funding pool | 0 | 8,740,214 | 8,740,214 |
| 4 | Guardianship monitoring program | 286,097 | (286,097) | 0 |
| 5 | Total all funds | \$13,839,097 | \$10,261,081 | \$24,100,178 |
| 6 | Less estimated income | 0 | 485,793 | 485,793 |
| 7 | Total general fund | \$13,839,097 | \$9,775,288 | \$23,614,385 |
| 8 | <u>Subdivision 2.</u> | | | |
| 9 | <u>DISTRICT COURTS</u> | | | |
| 10 | | | Adjustments or | |
| 11 | | Base Level | Enhancements | Appropriation |
| 12 | Salaries and wages | \$76,196,548 | \$3,082,696 | \$79,279,244 |
| 13 | Operating expenses | 20,081,881 | 4,442,738 | 24,524,619 |
| 14 | Capital assets | 0 | 1,125,220 | 1,125,220 |
| 15 | Judges' retirement | 137,246 | 40,094 | 177,340 |
| 16 | Total all funds | \$96,415,675 | \$8,690,748 | \$105,106,423 |
| 17 | Less estimated income | 756,963 | 71,427 | 828,390 |
| 18 | Total general fund | \$95,658,712 | \$8,619,321 | \$104,278,033 |
| 19 | <u>Subdivision 3.</u> | | | |
| 20 | <u>JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD</u> | | | |
| 21 | | | Adjustments or | |
| 22 | | Base Level | Enhancements | Appropriation |
| 23 | Judicial conduct commission and | \$1,317,481 | \$77,532 | \$1,395,013 |
| 24 | <u>disciplinary board</u> | | | |
| 25 | Total all funds | \$1,317,481 | \$77,532 | \$1,395,013 |
| 26 | Less estimated income | 502,500 | 7,472 | 509,972 |
| 27 | Total general fund | \$814,981 | \$70,060 | \$885,041 |
| 28 | <u>Subdivision 4.</u> | | | |
| 29 | <u>BILL TOTAL</u> | | | |
| 30 | | | Adjustments or | |
| 31 | | Base Level | Enhancements | Appropriation |

| | | | | |
|---|---------------------------------------|----------------------|---------------------|----------------------|
| 1 | <u>Grand total general fund</u> | <u>\$110,312,790</u> | <u>\$18,464,669</u> | <u>\$128,777,459</u> |
| 2 | <u>Grand total special funds</u> | <u>1,259,463</u> | <u>564,692</u> | <u>1,824,155</u> |
| 3 | <u>Grand total all funds</u> | <u>\$111,572,253</u> | <u>\$19,029,361</u> | <u>\$130,601,614</u> |
| 4 | <u>Full-time equivalent positions</u> | <u>362.00</u> | <u>21.00</u> | <u>383.00</u> |

5 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

6 **SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts reflect one-time funding
7 items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the
8 2023-25 biennium one-time funding items included in section 1 of this Act:

| 9 | <u>One-Time Funding Description</u> | <u>2021-23</u> | <u>2023-25</u> |
|----|-------------------------------------|------------------|----------------|
| 10 | Juvenile case management system | \$2,000,000 | \$0 |
| 11 | Information technology equipment | 157,600 | 1,153,720 |
| 12 | Federal department of justice grant | 0 | 388,000 |
| 13 | Docket management system | <u>2,020,000</u> | <u>0</u> |
| 14 | Total all funds | \$4,177,600 | \$1,541,720 |
| 15 | Less estimated income | <u>2,177,600</u> | <u>388,000</u> |
| 16 | Total general fund | \$2,000,000 | \$1,153,720 |

17 The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget
18 for the 2025-27 biennium. The supreme court shall report to the appropriations committees of
19 the sixty-ninth legislative assembly on the use of this one-time funding for the biennium
20 beginning July 1, 2023, and ending June 30, 2025.

21 **SECTION 3. 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, 2023, and ending June 30, 2025.

26 **SECTION 4. EXEMPTION - TRANSFERS.** Notwithstanding section 54-16-04, the director
27 of the office of management and budget shall transfer appropriation authority between line items
28 and subdivisions in section 1 of this Act as requested by the supreme court upon a finding by
29 the 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.

31 **SECTION 5. NEW AND VACANT FTE FUNDING POOL - BUDGET SECTION REPORT.**

- 1 1. The supreme court may not spend funding from the new and vacant FTE funding pool
2 line item in subdivision 1 of section 1 of this Act, but may transfer funds from this line
3 item to the salaries and wages line items within subdivisions 1 and 2 of this Act, and to
4 the judicial conduct commission and disciplinary board line item within subdivision 3
5 of this Act, as necessary to provide funding for:
 - 6 a. Filling a new or vacant FTE position from the date of hire through the end of the
7 biennium; or
 - 8 b. Salaries and wages if actual salaries and wages savings from vacant positions
9 are less than the estimate used by the sixty-eighth legislative assembly in the
10 development of the appropriation.
- 11 2. The supreme court shall report to the budget section regarding the use of funding in
12 the pool, including information on:
 - 13 a. New FTE positions, including the date hired;
 - 14 b. Vacant FTE positions, including the dates the positions are vacated and filled;
15 and
 - 16 c. Additional salaries and wages funding needed due to savings from vacant
17 positions being less than anticipated.
- 18 3. If funding in the new and vacant FTE funding pool line item is insufficient to provide
19 the necessary salaries and wages funding for the biennium, the supreme court may
20 request a deficiency appropriation from the sixty-ninth legislative assembly.

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

23 **27-02-02. Salaries of justices of supreme court.**

24 The annual salary of each justice of the supreme court is ~~one hundred sixty-five thousand~~
25 ~~eight hundred forty-five dollars through June 30, 2022, and one hundred sixty-nine thousand~~
26 ~~one hundred sixty-two~~ one hundred eighty-two thousand six hundred ninety-five dollars through
27 June 30, 2024, and one hundred ninety thousand three one hundred seventy-nine thousand
28 three hundred twelve dollars through June 30, 2024, and one hundred eighty-six thousand four
29 hundred eighty-four dollars thereafter. The chief justice of the supreme court is entitled to
30 receive an additional ~~four thousand six hundred ninety dollars per annum through June 30,~~
31 ~~2022, and four thousand seven hundred eighty-four~~ five thousand one hundred sixty-seven

1 ~~dollars per annum through June 30, 2024, and five thousand three hundred seventy-four~~
2 ~~thousand seventy-one dollars per annum through June 30, 2024, and five thousand two~~
3 ~~hundred seventy-four~~ dollars per annum thereafter.

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

6 **27-05-03. Salaries and expenses of district judges.**

7 The annual salary of each district judge is ~~one hundred fifty-two thousand one hundred~~
8 ~~seventy-five dollars through June 30, 2022, and one hundred fifty-five thousand two hundred~~
9 ~~nineteen~~ ~~one hundred sixty-seven thousand six hundred thirty-seven dollars through June 30,~~
10 ~~2024, and one hundred seventy-four thousand three hundred forty-two~~ ~~one hundred sixty-four~~
11 ~~thousand five hundred thirty-two dollars through June 30, 2024, and one hundred seventy-one~~
12 ~~thousand one hundred thirteen~~ dollars thereafter. Each district judge is entitled to travel
13 expenses, including mileage and subsistence while engaged in the discharge of official duties
14 outside the city in which the judge's chambers are located. The salary and expenses are
15 payable monthly in the manner provided by law. A presiding judge of a judicial district is entitled
16 to receive an additional ~~four thousand three hundred twenty-four dollars per annum through~~
17 ~~June 30, 2022, and four thousand four hundred ten~~ ~~four thousand seven hundred sixty-three~~
18 ~~dollars per annum through June 30, 2024, and four thousand nine hundred fifty-four~~
19 ~~four~~ ~~thousand six hundred seventy-five dollars per annum through June 30, 2024, and four thousand~~
20 ~~eight hundred sixty-two~~ dollars thereafter.

21 **SECTION 8. AMENDMENT.** Section 27-09.1-14 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **27-09.1-14. Mileage and compensation of jurors.**

24 A juror must be paid mileage at the rate provided for state employees in section 54-06-09. A
25 juror must be compensated at the rate of ~~fifty~~ one hundred dollars for each day of required
26 attendance at sessions of the district court unless the juror is in attendance for four hours or
27 less on the first day, in which case compensation for the first day is ~~twenty-five~~ fifty dollars. A
28 juror must be compensated at the rate of ten dollars for each day of required attendance at
29 sessions of a coroner's inquest. The mileage and compensation of jurors must be paid by the
30 state for jurors at sessions of the district court. Jurors at coroner's inquests must be paid by the
31 county.