

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

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, 2013, and ending June 30, 2015.

11 Subdivision 1.

12 SUPREME COURT

	Base Level	Adjustments or Enhancements	Appropriation
13			
14	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
15	<del>Salaries and wages</del> \$9,116,651	<del>\$3,541,308</del>	<del>\$12,657,959</del>
16	<del>Operating expenses</del> 2,315,118	<del>439,136</del>	<del>2,754,254</del>
17	<del>Capital assets</del> 0	<del>15,000</del>	<del>15,000</del>
18	<del>Judges retirement</del> 138,105	<del>(62,719)</del>	<del>75,386</del>
19	<del>Total general fund</del> \$11,569,874	<del>\$3,932,725</del>	<del>\$15,502,599</del>
20	<u>Salaries and wages</u> \$9,116,651	<u>\$1,811,745</u>	<u>\$10,928,396</u>
21	<u>Accrued leave payments</u> 0	<u>531,696</u>	<u>531,696</u>
22	<u>Operating expenses</u> 2,315,118	<u>439,136</u>	<u>2,754,254</u>
23	<u>Capital assets</u> 0	<u>15,000</u>	<u>15,000</u>

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1	Judges' retirement	138,105	(63,809)	74,296
2	Total general fund	\$11,569,874	\$2,733,768	\$14,303,642

Subdivision 2.

DISTRICT COURTS

		Adjustments or		
	Base Level	Enhancements	Appropriation	
7	Salaries and wages	\$54,216,144	\$5,967,754	\$60,183,898
8	Operating expenses	16,658,522	3,503,891	20,162,413
9	Capital assets	0	833,026	833,026
10	Judges retirement	478,997	24,421	503,418
11	UND central legal research	80,000	0	80,000
12	Mediation	869,664	219,564	1,089,228
13	Total all funds	\$72,303,327	\$10,548,656	\$82,851,983
14	Less estimated income	1,856,775	(48,685)	1,808,090
15	Total general fund	\$70,446,552	\$10,597,341	\$81,043,893
16	Salaries and wages	\$54,216,144	\$4,661,897	\$58,878,041
17	Accrued leave payments	0	2,399,277	2,399,277
18	Operating expenses	16,658,522	3,604,415	20,262,937
19	Capital assets	0	833,026	833,026
20	Judges' retirement	478,997	17,094	496,091
21	UND central legal research	80,000	0	80,000
22	Mediation	869,664	219,564	1,089,228
23	Total all funds	\$72,303,327	\$11,735,273	\$84,038,600
24	Less estimated income	1,856,775	(48,685)	1,808,090
25	Total general fund	\$70,446,552	\$11,783,958	\$82,230,510

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

		Adjustments or		
	Base Level	Enhancements	Appropriation	
30	Judicial conduct commission and	\$889,955	\$98,632	\$988,587

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1 disciplinary board

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

5 Subdivision 4.

6 BILL TOTAL

7		Adjustments or		
8		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
9	<del>Grand total general fund</del>	<del>\$82,580,882</del>	<del>\$14,586,698</del>	<del>\$97,167,580</del>
10	<del>Grand total special funds</del>	<del>2,182,274</del>	<del>(6,685)</del>	<del>2,175,589</del>
11	<del>Grand total all funds</del>	<del>\$84,763,156</del>	<del>\$14,580,013</del>	<del>\$99,343,169</del>
12	<del>Full-time equivalent positions</del>	<del>344.00</del>	<del>15.00</del>	<del>359.00</del>
13	<u>Grand total general fund</u>	<u>\$82,580,882</u>	<u>\$14,574,358</u>	<u>\$97,155,240</u>
14	<u>Grand total special funds</u>	<u>2,182,274</u>	<u>(6,685)</u>	<u>2,175,589</u>
15	<u>Grand total all funds</u>	<u>\$84,763,156</u>	<u>\$14,567,673</u>	<u>\$99,330,829</u>
16	<u>Full-time equivalent positions</u>	<u>344.00</u>	<u>19.00</u>	<u>359.00</u>

17 **SECTION 2. APPROPRIATION.** There are appropriated any funds received by the  
 18 supreme court, district courts, and judicial conduct commission and disciplinary board, not  
 19 otherwise appropriated, pursuant to federal acts and private gifts, grants, and donations for the  
 20 purpose as designated in the federal acts or private gifts, grants, and donations for the  
 21 biennium beginning July 1, 2013, and ending June 30, 2015.

22 **SECTION 3. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

23 **SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time  
 24 funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and  
 25 the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

26	<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
27	Studies on work assessment and	\$200,000	\$0
28	racial and ethnic bias in the courts		
29	Office equipment and furniture	185,000	331,470
30	Information technology equipment	516,480	516,556
31	Juvenile case management system	0	90,000

1	replacement study		
2	Disaster recovery planning	0	95,000
3	Criminal justice information sharing	<u>0</u>	<u>139,850</u>
4	publisher project		
5	Total general fund	\$901,480	\$1,172,876

6 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the  
7 2015-17 biennium. The supreme court shall report to the appropriations committees of the  
8 sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning  
9 July 1, 2013, and ending June 30, 2015.

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

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

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

28 **27-02-02. Salaries of justices of supreme court.**

29 The annual salary of each justice of the supreme court is one hundred ~~thirty-~~  
30 ~~four~~forty-three~~forty-two~~ thousand one hundred ~~thirty-five~~six hundred eighty-five~~three hundred~~  
31 four dollars through June 30, ~~2012~~2014, and one hundred ~~thirty-eight~~forty-nine~~forty-six~~

1 thousand one ~~four~~five hundred fifty-nine ~~thirty-three~~seventy-three dollars thereafter. The chief  
2 justice of the supreme court is entitled to receive an additional ~~three~~four thousand eight ~~one~~  
3 ~~hundred~~ ~~fifty-two~~twenty-seveneighty-seven dollars per annum through June 30, 20122014, and  
4 ~~three~~four thousand nine ~~two~~ hundred sixty-eight ~~ninety-two~~nine dollars per annum thereafter.

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

7 1. Notwithstanding section 44-02-03, when a vacancy occurs in the office of district court  
8 judge, the supreme court shall determine, within ninety days of receiving notice of the  
9 vacancy from the governor and in consultation with the judges and attorneys in the  
10 affected judicial district, whether that office is necessary for effective judicial  
11 administration or whether the district judgeship may be transferred to another location  
12 to fulfill a need for judicial services. The supreme court may, consistent with that  
13 determination, order that:

- 14 a. The vacancy be filled in the manner provided pursuant to chapter 27-25; ~~or~~  
15 b. The vacant office be transferred to a judicial district in which an additional judge  
16 is necessary for effective judicial administration, and that the vacancy be filled in  
17 the manner provided pursuant to chapter 27-25 with respect to that judicial  
18 district; or

19 c. The vacant office be abolished with or without transfer of a district judgeship as  
20 provided in subsection 3.

21 **SECTION 8. AMENDMENT.** Section 27-05-03 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **27-05-03. Salaries and expenses of district judges.**

24 The annual salary of each district judge is one hundred twenty-two ~~thirty-one~~thirty thousand  
25 nine ~~six~~three hundred ten ~~sixty-one~~ninety-five dollars through June 30, 20122014, and one  
26 hundred twenty-six ~~thirty-six~~thirty-four thousand five ~~nine~~three hundred  
27 ninety-seven ~~twenty-seven~~seven dollars thereafter. Each district judge is entitled to travel  
28 expenses, including mileage and subsistence while engaged in the discharge of official duties  
29 outside the city in which the judge's chambers are located. The salary and expenses are  
30 payable monthly in the manner provided by law. A presiding judge of a judicial district is entitled  
31 to receive an additional three thousand five ~~eight~~seven hundred fifty ~~three~~sixty-six dollars per

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- 1 | annum through June 30, 20122014, and three thousand six hundred fifty-seven ~~nine hundred~~
- 2 | ~~fifty-five~~ eight hundred seventy-nine dollars thereafter.