

Sixty-fourth  
Legislative Assembly  
of North Dakota

## ENGROSSED 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

	Base Level	Adjustments or Enhancements	Appropriation
13			
14	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
15	<del>Salaries and wages</del> \$9,851,552	<del>\$1,593,693</del>	<del>\$11,445,245</del>
16	<del>Accrued leave payments</del> 531,696	<del>(531,696)</del>	<del>0</del>
17	<del>Operating expenses</del> 2,754,254	<del>253,745</del>	<del>3,007,999</del>
18	<del>Judges retirement</del> 75,017	<del>4,571</del>	<del>79,588</del>
19	<del>Guardianship monitoring program</del> 70,000	<del>234,542</del>	<del>304,452</del>
20	<del>Total general fund</del> \$13,282,519	<del>\$1,554,855</del>	<del>\$14,837,374</del>
21	<u>Salaries and wages</u> \$9,851,552	<u>\$1,557,557</u>	<u>\$11,409,109</u>
22	<u>Accrued leave payments</u> 531,696	<u>(531,696)</u>	<u>0</u>
23	<u>Operating expenses</u> 2,754,254	<u>390,745</u>	<u>3,144,999</u>
24	<u>Capital assets</u> 0	<u>970,227</u>	<u>970,227</u>

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1	Judges retirement	75,017	4,571	79,588
2	Guardianship monitoring program	70,000	233,789	303,789
3	Total general fund	\$13,282,519	\$2,625,193	\$15,907,712

Subdivision 2.

DISTRICT COURTS

		Adjustments or		
	Base Level	Enhancements	Appropriation	
8	<del>Salaries and wages</del>	<del>\$61,177,621</del>	<del>\$10,851,454</del>	<del>\$72,029,075</del>
9	<del>Accrued leave payments</del>	<del>2,399,277</del>	<del>(2,399,277)</del>	<del>0</del>
10	<del>Operating expenses</del>	<del>20,847,479</del>	<del>2,852,512</del>	<del>23,699,991</del>
11	<del>Capital assets</del>	<del>0</del>	<del>1,748,460</del>	<del>1,748,460</del>
12	<del>Judges retirement</del>	<del>500,936</del>	<del>(92,287)</del>	<del>408,649</del>
13	<del>UND central legal research</del>	<del>80,000</del>	<del>0</del>	<del>80,000</del>
14	<del>Total all funds</del>	<del>\$85,005,313</del>	<del>\$12,960,862</del>	<del>\$97,966,175</del>
15	<del>Less estimated income</del>	<del>1,808,090</del>	<del>114,060</del>	<del>1,922,150</del>
16	<del>Total general fund</del>	<del>\$83,197,223</del>	<del>\$12,846,802</del>	<del>\$96,044,025</del>
17	Salaries and wages	\$61,177,621	\$11,167,914	\$72,345,535
18	Accrued leave payments	2,399,277	(2,399,277)	0
19	Operating expenses	20,847,479	2,815,008	23,662,487
20	Capital assets	0	1,968,460	1,968,460
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	\$13,459,818	\$98,465,131
24	Less estimated income	1,808,090	114,060	1,922,150
25	Total general fund	\$83,197,223	\$13,345,758	\$96,542,981

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

		Adjustments or		
	Base Level	Enhancements	Appropriation	
30	<del>Judicial conduct commission and</del>	<del>\$1,020,874</del>	<del>\$109,625</del>	<del>\$1,130,499</del>
31	<del>disciplinary board</del>			

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1	<del>Total all funds</del>	<del>\$1,020,874</del>	<del>\$109,625</del>	<del>\$1,130,499</del>
2	<del>Less estimated income</del>	<del>367,499</del>	<del>77,157</del>	<del>444,656</del>
3	<del>Total general fund</del>	<del>\$653,375</del>	<del>\$32,468</del>	<del>\$685,843</del>
4	<u>Judicial conduct commission and</u>	<u>\$1,020,874</u>	<u>\$106,613</u>	<u>\$1,127,487</u>
5	<u>disciplinary board</u>			
6	<u>Total all funds</u>	<u>\$1,020,874</u>	<u>\$106,613</u>	<u>\$1,127,487</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>\$29,456</u>	<u>\$682,831</u>

9 Subdivision 4.

10 BILL TOTAL

11		Adjustments or		
12		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
13	<del>Grand total general fund</del>	<del>\$97,133,117</del>	<del>\$14,434,125</del>	<del>\$111,567,242</del>
14	<del>Grand total special funds</del>	<del>2,175,589</del>	<del>191,217</del>	<del>2,366,806</del>
15	<del>Grand total all funds</del>	<del>\$99,308,706</del>	<del>\$14,625,342</del>	<del>\$113,934,048</del>
16	<del>Full-time equivalent positions</del>	<del>363.00</del>	<del>28.00</del>	<del>391.00</del>
17	<u>Grand total general fund</u>	<u>\$97,133,117</u>	<u>\$16,000,407</u>	<u>\$113,133,524</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>\$16,191,624</u>	<u>\$115,500,330</u>
20	<u>Full-time equivalent positions</u>	<u>363.00</u>	<u>30.00</u>	<u>393.00</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	<del>Office equipment and furniture</del>	<del>\$331,470</del>	<del>\$0</del>

1	<u>Office equipment and furniture</u>	<u>\$331,470</u>	<u>\$220,000</u>
2	Information technology equipment	516,556	924,460
3	Juvenile case management system	90,000	0
4	replacement study		
5	Disaster recovery planning	95,000	0
6	Criminal justice information sharing	139,850	0
7	publisher project		
8	<del>Disaster recovery project</del>	<del>0</del>	<del>2,171,672</del>
9	<u>Disaster recovery project</u>	<u>0</u>	<u>2,000,000</u>
10	<u>Facility space expansion</u>	<u>0</u>	<u>1,107,227</u>
11	Criminal case eFile initiation	0	99,000
12	<del>Total general fund</del>	<del>\$1,172,876</del>	<del>\$3,195,132</del>
13	<u>Total general fund</u>	<u>\$1,172,876</u>	<u>\$4,350,687</u>

14 The 2015-17 one-time funding amounts are not a part of the entity's base budget for the  
 15 2017-19 biennium. The supreme court shall report to the appropriations committees of the  
 16 sixty-fifth legislative assembly on the use of this one-time funding for the biennium beginning  
 17 July 1, 2015, and ending June 30, 2017.

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

23 **SECTION 5. DISTRICT JUDGES.** The appropriation provided in subdivision 2 of section 1  
 24 of this Act provides for two additional district court judges in the south central judicial district,  
 25 one additional district court judge in the southwest judicial district, and ~~one~~two additional district  
 26 court ~~judge~~judges in the northwest judicial district to be assigned pursuant to section 10 of  
 27 article VI of the Constitution of North Dakota, and to be assigned to chambers by the supreme  
 28 court. Within thirty days after the effective date of this Act, the judgeship vacancies created by  
 29 this section must be filled in accordance with section 13 of article VI of the Constitution of North  
 30 Dakota. In accordance with section 9 and 13 of article VI of the Constitution of North Dakota,  
 31 each judge appointed to fill a vacancy created by this section continues in office until the next

1 general election immediately following two years of service after the appointment. The individual  
2 then elected holds office for the remainder of the term and until a successor is elected and duly  
3 qualified.

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

6 **27-02-02. Salaries of justices of supreme court.**

7 The annual salary of each justice of the supreme court is one hundred ~~forty-three~~fifty-two  
8 thousand ~~six~~four hundred ~~eighty-five~~thirty-six dollars through June 30, ~~2014~~2016, and one  
9 hundred ~~forty-seven~~fifty-seven thousand ~~nine-hundred-ninety-six~~ dollars thereafter. The chief  
10 justice of the supreme court is entitled to receive an additional four thousand ~~one~~three hundred  
11 ~~twenty-seven~~seventy-seven dollars per annum through June 30, ~~2014~~2016, and four thousand  
12 ~~two~~five hundred ~~fifty~~eight dollars per annum thereafter.

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

15 **27-05-03. Salaries and expenses of district judges.**

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