

**FIRST ENGROSSMENT  
with Conference Committee Amendments  
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 section 27-02-02, subsection 1 of section 27-05-02.1, and section  
3 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court  
4 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

|    |                        | Adjustments or      |                      |               |
|----|------------------------|---------------------|----------------------|---------------|
|    | <u>Base Level</u>      | <u>Enhancements</u> | <u>Appropriation</u> |               |
| 13 |                        |                     |                      |               |
| 14 |                        |                     |                      |               |
| 15 | Salaries and wages     | \$9,116,651         | \$2,642,404          | \$11,759,055  |
| 16 | Accrued leave payments | 0                   | 531,696              | 531,696       |
| 17 | Operating expenses     | 2,315,118           | 439,136              | 2,754,254     |
| 18 | Capital assets         | 0                   | 15,000               | 15,000        |
| 19 | Judges' retirement     | <u>138,105</u>      | <u>(63,088)</u>      | <u>75,017</u> |
| 20 | Total general fund     | \$11,569,874        | \$3,565,148          | \$15,135,022  |

21 Subdivision 2.

## 22 DISTRICT COURTS

|    |                   | Adjustments or      |                      |
|----|-------------------|---------------------|----------------------|
|    | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 23 |                   |                     |                      |
| 24 |                   |                     |                      |

Sixty-third  
Legislative Assembly

|    |                            |                  |                 |                  |
|----|----------------------------|------------------|-----------------|------------------|
| 1  | Salaries and wages         | \$54,216,144     | \$4,891,521     | \$59,107,665     |
| 2  | Accrued leave payments     | 0                | 2,399,277       | 2,399,277        |
| 3  | Operating expenses         | 16,658,522       | 3,619,319       | 20,277,841       |
| 4  | Capital assets             | 0                | 833,026         | 833,026          |
| 5  | Judges' retirement         | 478,997          | 21,939          | 500,936          |
| 6  | UND central legal research | 80,000           | 0               | 80,000           |
| 7  | Mediation                  | <u>869,664</u>   | <u>219,564</u>  | <u>1,089,228</u> |
| 8  | Total all funds            | \$72,303,327     | \$11,984,646    | \$84,287,973     |
| 9  | Less estimated income      | <u>1,856,775</u> | <u>(48,685)</u> | <u>1,808,090</u> |
| 10 | Total general fund         | \$70,446,552     | \$12,033,331    | \$82,479,883     |

11 Subdivision 3.

12 JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

|    |                                 |                   |                     |                      |
|----|---------------------------------|-------------------|---------------------|----------------------|
| 13 |                                 |                   | Adjustments or      |                      |
| 14 |                                 | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 15 | Judicial conduct commission and | <u>\$889,955</u>  | <u>\$98,632</u>     | <u>\$988,587</u>     |
| 16 | disciplinary board              |                   |                     |                      |
| 17 | Total all funds                 | \$889,955         | \$98,632            | \$988,587            |
| 18 | Less estimated income           | <u>325,499</u>    | <u>42,000</u>       | <u>367,499</u>       |
| 19 | Total general fund              | \$564,456         | \$56,632            | \$621,088            |

20 Subdivision 4.

21 BILL TOTAL

|    |                                |                   |                     |                      |
|----|--------------------------------|-------------------|---------------------|----------------------|
| 22 |                                |                   | Adjustments or      |                      |
| 23 |                                | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 24 | Grand total general fund       | \$82,580,882      | \$15,655,111        | \$98,235,993         |
| 25 | Grand total special funds      | <u>2,182,274</u>  | <u>(6,685)</u>      | <u>2,175,589</u>     |
| 26 | Grand total all funds          | \$84,763,156      | \$15,648,426        | \$100,411,582        |
| 27 | Full-time equivalent positions | 344.00            | 19.00               | 363.00               |

28 **SECTION 2. APPROPRIATION.** There are appropriated any funds received by the  
 29 supreme court, district courts, and judicial conduct commission and disciplinary board, not  
 30 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  
2 biennium beginning July 1, 2013, and ending June 30, 2015.

3 **SECTION 3. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**  
4 **SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time

5 funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and  
6 the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

| 7  | <u>One-Time Funding Description</u>  | <u>2011-13</u> | <u>2013-15</u> |
|----|--------------------------------------|----------------|----------------|
| 8  | Studies on work assessment and       | \$200,000      | \$0            |
| 9  | racial and ethnic bias in the courts |                |                |
| 10 | Office equipment and furniture       | 185,000        | 331,470        |
| 11 | Information technology equipment     | 516,480        | 516,556        |
| 12 | Juvenile case management system      | 0              | 90,000         |
| 13 | replacement study                    |                |                |
| 14 | Disaster recovery planning           | 0              | 95,000         |
| 15 | Criminal justice information sharing | <u>0</u>       | <u>139,850</u> |
| 16 | publisher project                    |                |                |
| 17 | Total general fund                   | \$901,480      | \$1,172,876    |

18 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the  
19 2015-17 biennium. The supreme court shall report to the appropriations committees of the  
20 sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning  
21 July 1, 2013, and ending June 30, 2015.

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

27 **SECTION 5. DISTRICT JUDGES.** The appropriation provided in subdivision 2 of section 1  
28 of this Act provides for two additional district court judges in the northwest judicial district and  
29 one additional district court judge in the east central judicial district to be assigned pursuant to  
30 section 10 of article VI of the Constitution of North Dakota, and to be assigned to chambers by  
31 the supreme court. Within thirty days after the effective date of this Act, the judgeship vacancies

1 created by this section must be filled in accordance with section 13 of article VI of the  
2 Constitution of North Dakota. In accordance with sections 9 and 13 of article VI of the  
3 Constitution of North Dakota, each judge appointed to fill a vacancy created by this section  
4 continues in the office until the next general election immediately following two years of service  
5 after the appointment. The individual then elected holds office for the remainder of the term and  
6 until a successor is elected and duly qualified.

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

9 **27-02-02. Salaries of justices of supreme court.**

10 The annual salary of each justice of the supreme court is one hundred ~~thirty-four~~forty-three  
11 thousand ~~one hundred thirty-five~~six hundred eighty-five dollars through June 30, ~~2012~~2014, and  
12 one hundred ~~thirty-eight~~forty-seven thousand ~~one~~nine hundred ~~fifty-nine~~ninety-six dollars  
13 thereafter. The chief justice of the supreme court is entitled to receive an additional ~~three~~four  
14 thousand ~~eight~~one hundred ~~fifty-two~~twenty-seven dollars per annum through June 30,  
15 ~~2012~~2014, and ~~three~~four thousand ~~nine~~two hundred ~~sixty-eight~~fifty dollars per annum thereafter.

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

- 18 1. Notwithstanding section 44-02-03, when a vacancy occurs in the office of district court  
19 judge, the supreme court shall determine, within ninety days of receiving notice of the  
20 vacancy from the governor and in consultation with the judges and attorneys in the  
21 affected judicial district, whether that office is necessary for effective judicial  
22 administration or whether the district judgeship may be transferred to another location  
23 to fulfill a need for judicial services. The supreme court may, consistent with that  
24 determination, order that:
- 25 a. The vacancy be filled in the manner provided pursuant to chapter 27-25; ~~or~~
  - 26 b. The vacant office be transferred to a judicial district in which an additional judge  
27 is necessary for effective judicial administration, and that the vacancy be filled in  
28 the manner provided pursuant to chapter 27-25 with respect to that judicial  
29 district; or
  - 30 c. The vacant office be abolished with or without transfer of a district judgeship as  
31 provided in subsection 3.

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

3       **27-05-03. Salaries and expenses of district judges.**

4       The annual salary of each district judge is one hundred ~~twenty-two~~thirty-one thousand  
5 ~~ninesix hundred tensixty-one~~ dollars through June 30, ~~2012~~2014, and one hundred  
6 ~~twenty-six~~thirty-five thousand ~~fivesix~~ hundred ~~ninety-seven~~eleven dollars thereafter. Each  
7 district judge is entitled to travel expenses, including mileage and subsistence while engaged in  
8 the discharge of official duties outside the city in which the judge's chambers are located. The  
9 salary and expenses are payable monthly in the manner provided by law. A presiding judge of a  
10 judicial district is entitled to receive an additional three thousand ~~five~~eight hundred ~~fifty~~three  
11 dollars per annum through June 30, ~~2012~~2014, and three thousand ~~six hundred fifty-seven~~nine  
12 ~~hundred seventeen~~ dollars thereafter.