

**Sixty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1002  
(Appropriations Committee)

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

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

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

Subdivision 1.

SUPREME COURT

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,202,906	\$931,799	\$12,134,705
Operating expenses	2,350,094	846,665	3,196,759
Capital assets	0	28,500	28,500
New and vacant FTE funding pool	0	8,740,214	8,740,214
Guardianship monitoring program	<u>286,097</u>	<u>(286,097)</u>	<u>0</u>
Total all funds	\$13,839,097	\$10,261,081	\$24,100,178
Less estimated income	<u>0</u>	<u>485,793</u>	<u>485,793</u>
Total general fund	\$13,839,097	\$9,775,288	\$23,614,385

Subdivision 2.

DISTRICT COURTS

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$76,196,548	\$3,082,696	\$79,279,244
Operating expenses	20,081,881	4,442,738	24,524,619
Capital assets	0	1,125,220	1,125,220
Judges' retirement	<u>137,246</u>	<u>40,094</u>	<u>177,340</u>
Total all funds	\$96,415,675	\$8,690,748	\$105,106,423
Less estimated income	<u>756,963</u>	<u>71,427</u>	<u>828,390</u>
Total general fund	\$95,658,712	\$8,619,321	\$104,278,033

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Judicial conduct commission and disciplinary board	<u>\$1,317,481</u>	<u>\$77,532</u>	<u>\$1,395,013</u>

Total all funds	\$1,317,481	\$77,532	\$1,395,013
Less estimated income	<u>502,500</u>	<u>7,472</u>	<u>509,972</u>
Total general fund	\$814,981	\$70,060	\$885,041

Subdivision 4.

BILL TOTAL

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

**SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts reflect one-time funding items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the 2023-25 biennium one-time funding items included in section 1 of this Act:

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

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

**SECTION 3. APPROPRIATION.** There are appropriated any funds received by the supreme court, district courts, and judicial conduct commission and disciplinary board, not otherwise appropriated, pursuant to federal acts and private gifts, grants, and donations for the purpose as designated in the federal acts or private gifts, grants, and donations for the period beginning July 1, 2023, and ending June 30, 2025.

**SECTION 4. EXEMPTION - TRANSFERS.** Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer appropriation authority between line items and subdivisions in section 1 of this Act as requested by the supreme court upon a finding by the court that the nature of the duties of the court and its staff requires the transfers to carry on properly the functions of the judicial branch of government.

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

1. The supreme court may not spend funding from the new and vacant FTE funding pool line item in subdivision 1 of section 1 of this Act, but may transfer funds from this line item to the salaries and wages line items within subdivisions 1 and 2 of this Act, and to the judicial conduction commission and disciplinary board line item within subdivision 3 of this Act, as necessary to provide funding for:
  - a. Filling a new or vacant FTE position from the date of hire through the end of the biennium; or

- b. Salaries and wages if actual salaries and wages savings from vacant positions are less than the estimate used by the sixty-eighth legislative assembly in the development of the appropriation.
2. The supreme court shall report to the budget section regarding the use of funding in the pool, including information on:
  - a. New FTE positions, including the date hired;
  - b. Vacant FTE positions, including the dates the positions are vacated and filled; and
  - c. Additional salaries and wages funding needed due to savings from vacant positions being less than anticipated.
3. If funding in the new and vacant FTE funding pool line item is insufficient to provide the necessary salaries and wages funding for the biennium, the supreme court may request a deficiency appropriation from the sixty-ninth legislative assembly.

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

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

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

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

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

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

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

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

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

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Speaker of the House

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President of the Senate

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Chief Clerk of the House

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Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1002.

House Vote:      Yeas 84              Nays 8              Absent 2

Senate Vote:      Yeas 41              Nays 6              Absent 0

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Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2023.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2023.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2023,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State