

Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine

HOUSE BILL NO. 1002
(Appropriations Committee)
(At the request of the Supreme Court)

AN ACT to provide an appropriation for defraying the expenses of the judicial branch; to provide for a legislative council study; and to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court judges.

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 hereby 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 its various divisions, for the biennium beginning July 1, 1999, and ending June 30, 2001, as follows:

Subdivision 1.

SUPREME COURT

Salaries and wages	\$5,079,436
Operating expenses	1,535,514
Equipment	214,513
Judges retirement	<u>276,860</u>
Total general fund appropriation	\$7,106,323

Subdivision 2.

DISTRICT COURTS

Salaries and wages	\$22,526,069
Operating expenses	8,937,038
Equipment	674,603
Judges retirement	814,561
UND - Central legal research	80,000
Alternative dispute resolution	<u>40,000</u>
Total all funds	\$33,072,271
Less estimated income	<u>779,943</u>
Total general fund appropriation	\$32,292,328

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

Judicial conduct commission and disciplinary board	\$511,925
Total all funds	\$511,925
Less estimated income	<u>270,000</u>
Total general fund appropriation	\$241,925

Subdivision 4.

CLERK OF DISTRICT COURT FUNDING

Clerk of district court funding	<u>\$1,000,000</u>
Total general fund appropriation	\$1,000,000
Grand total general fund appropriation	\$40,640,576
Grand total special funds appropriation	\$1,049,943
Grand total all funds appropriation	\$41,690,519

SECTION 2. APPROPRIATION. There are hereby 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, 1999, and ending June 30, 2001.

SECTION 3. TRANSFERS. The director of the office of management and budget and the state treasurer shall make such transfers of funds between line items of appropriation for the judicial branch of government as may be 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 4. LEGISLATIVE COUNCIL STUDY OF UNIFIED COURT SYSTEM. The legislative council shall consider studying, during the 1999-2000 interim, the impacts of court unification on the judicial system and on the effective provision of judicial services to state residents.

SECTION 5. ALLOCATION FOR INDIGENT DEFENSE FUNDS. The supreme court shall develop criteria for the equitable allocation of indigent defense funds contained in the operating expenses line item for district courts. The criteria must be based on number of cases, complexity of cases, the level of efficiency in handling cases, and the historical funding levels in different districts. The supreme court may use any other factors deemed appropriate by the supreme court. The historical funding levels may be used as one factor of many and may not be given consideration in excess of any other factor. The supreme court shall use these criteria in the allocation of indigent defense funds appropriated under this Act.

SECTION 6. CLERK OF COURT UNIFICATION. Notwithstanding the provisions of 1999 House Bill No. 1275, the supreme court shall implement the clerk of court unification effective April 1, 2001.

SECTION 7. AMENDMENT. Section 27-02-02 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

27-02-02. Salaries of judges of supreme court. The annual salary of each judge of the supreme court is ~~seventy-nine~~ eighty-three thousand ~~seven~~ eight hundred ~~seventy-one~~ seven dollars through June 30, ~~1998~~ 2000, and ~~eighty-two~~ eighty-five thousand ~~one~~ four hundred ~~sixty-four~~ eighty-three dollars thereafter. The chief justice of the supreme court is entitled to receive an additional two thousand ~~two~~ three hundred ~~forty~~ sixty-five dollars per annum through June 30, ~~1998~~ 2000, and two thousand ~~three~~ four hundred ~~eighteen~~ twelve dollars per annum thereafter.

SECTION 8. AMENDMENT. Section 27-05-03 of the 1997 Supplement to 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 ~~seventy-three~~ seventy-seven thousand ~~six~~ sixteen hundred ~~forty~~ forty dollars through June 30, ~~1998~~ 2000, and ~~seventy-five~~ seventy-eight thousand ~~eight~~ twenty-four hundred ~~eighty-seven~~ eighty-seven 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 one thousand ~~seven~~ eight hundred ~~forty-three~~ thirty-one dollars per annum, through June 30, ~~1998~~ 2000, and one thousand ~~seven~~ eight hundred ~~ninety-five~~ sixty-eight dollars thereafter.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

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

House Vote: Yeas 59 Nays 35 Absent 4

Senate Vote: Yeas 38 Nays 9 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,

at _____ o'clock _____ M.

Secretary of State