

**Judicial Branch
Senate Bill No. 2002**

	FTE Positions	General Fund	Other Funds	Total
2001-03 executive budget (Governor Schafer) (bill as introduced)	343.00	\$54,705,850	\$2,217,821	\$56,923,671
2001-03 legislative appropriations	336.00	53,753,509	2,217,821	55,971,330
Legislative increase (decrease) to executive budget	(7.00)	(\$952,341)	\$0	(\$952,341)
Legislative increase (decrease) to 1999-2001 appropriations	(15.00)	\$13,112,933	\$1,167,878	\$14,280,811
2001-03 Governor Hoeven's recommendation	343.00	\$54,705,850	\$2,217,821	\$56,923,671
Legislative increase (decrease) to Governor Hoeven's recommendation	(7.00)	(\$952,341)	\$0	(\$952,341)

GOVERNOR HOEVEN'S RECOMMENDATIONS

The Hoeven recommendation did not change the Schafer recommendation.

SUMMARY OF LEGISLATIVE CHANGES TO THE EXECUTIVE BUDGET (SCHAFER) AND MAJOR FUNDING ITEMS

Salaries and Wages

The legislative action affecting the recommended appropriation for the judicial branch is in accordance with legislative salary and fringe benefits guidelines as contained in House Bill No. 1015. Please refer to **Other Sections in Bill** section for information on salaries of Supreme Court justices and district court judges.

	Major Items FTE Positions	General Fund	Other Funds	Total
The legislative action:				
Supreme Court changes:				
Reduced funding to reflect the change from the requested salary increases for justices of 11% for the first year of the biennium and 2% for the second year of the biennium to salary increases of approximately 8% for the first year and 7% for the second year		(\$1,985)		(\$1,985)
Reduced operating expenses to reflect the postponement of an enhanced data records management project until the 2003-05 biennium		(61,733)		(61,733)
District Court changes:				
Reduced funding to reflect the change from the requested salary increases for judges of 11% for the first year of the biennium and 2% for the second year of the biennium to salary increases of approximately 8% for each year of the biennium		(87,386)		(87,386)

Reduced operating expenses to reflect the postponement of an enhanced data records management project until the 2003-05 biennium		(212,264)		(212,264)
Clerk of district court changes:				
Decreased funding for collection and enforcement of restitution and removed 7 FTE restitution-related positions added in the agency budget request	(7.00)	(588,973)		(588,973)
Total	<u>(7.00)</u>	<u>(\$952,341)</u>	<u>\$0</u>	<u>(\$952,341)</u>

FTE Changes

The 2001-03 biennium appropriation includes funding for 336 FTE positions, a decrease of 15 FTE positions from the 1999-2001 biennium authorized level of 351 FTE positions. The Legislative Assembly did not change the agency request to add four FTE positions in the district courts and to eliminate 12 FTE positions, including two positions in the district courts and 10 positions in the clerk of district courts. In addition, the Legislative Assembly removed seven FTE positions in the clerk of district courts relating to the collection of restitution.

District Court Judgeships

The Legislative Assembly provided funding for 42 district court judgeships. In accordance with North Dakota Century Code (NDCC) Section 27-05-01, the number of district court judges was to be reduced to 42 before January 2, 2001.

Indigent Defense Funding

The Legislative Assembly provided funding of \$4,055,670, of which \$3,830,670 is from the general fund, for indigent defense costs. This represents an increase of \$646,187, of which \$421,187 is from the general fund and \$225,000 is from special funds, from the 1999-2001 appropriation of \$3,409,483.

Clerk of District Court Funding

The Legislative Assembly provided funding of \$10,904,353, of which \$10,154,353 is from the general fund, for the clerk of district court unification. This represents an increase of \$9,904,353, of which \$9,154,353 is from the general fund and \$750,000 is from special funds, from the 1999-2001 appropriation of \$1,000,000.

Other Sections in Bill

1999-2001 biennium carryover - Section 4 allows the judicial branch to carry over \$350,000 from their 1999-2001 biennium general fund appropriation to the 2001-03 biennium to consolidate and integrate the East Central judicial district's case management system with the unified court information system used by the other six judicial districts.

Records management - Section 5 encourages the judicial branch to explore opportunities to use electronic management system services provided by the Information Technology Department for enhanced records management and data storage.

Restitution collection and enforcement - Section 6 provides that county and state offices performing restitution collection and enforcement activities as of April 1, 2001, continue to perform those duties until June 30, 2003.

Study of clerk of district court - Section 7 provides for a Legislative Council study of the implementation of the clerk of district court unification including the responsibility for the collection and enforcement of restitution.

Judicial salaries - Sections 8 and 9 provide for the salaries of Supreme Court justices and district court judges for the 2001-03 biennium as follows:

	Current Salary	Effective July 1, 2001	Effective July 1, 2002
Supreme Court			
Chief Justice	\$87,895	\$94,858	\$102,021
Justices	\$85,483	\$92,289	\$99,122
District court			
Presiding judges	\$80,755	\$86,754	\$93,343
Judges	\$78,887	\$84,765	\$90,671

Related Legislation

Indigent defense - Senate Bill No. 2081 establishes an application fee of \$25 for indigent defense and provides a continuing appropriation for all moneys collected.

Juror pay - Senate Bill No. 2383 amends NDCC Section 27-09.1-14 to increase compensation for district court jurors from \$25 to \$50 for each day subsequent to the first day of the jury duty. The compensation for jurors for the first day of service of \$25 remains unchanged.