

**Judicial Branch
Budget No. 180
House Bill Nos. 1002, 1014**

	FTE Positions	General Fund	Other Funds	Total
2007-09 executive budget (bills as introduced)	343.00	\$67,267,338	\$2,201,034	\$69,468,372
2007-09 legislative appropriations	338.00	66,935,878¹	2,199,640	69,135,518
Legislative increase (decrease) to executive budget	(5.00)	(\$331,460)	(\$1,394)	(\$332,854)
Legislative increase (decrease) to 2005-07 appropriations	6.00	\$10,078,009	\$689,662	\$10,767,671

¹This amount includes \$1,490,750 of one-time funding. Excluding this amount, the agency's ongoing general fund appropriation is \$65,445,128.

SUMMARY OF LEGISLATIVE CHANGES TO THE EXECUTIVE BUDGET 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 Senate Bill No. 2189.

	Major Items			
	FTE Positions	General Fund	Other Funds	Total
The legislative action:				
Reduced funding recommended in the executive budget relating to retiree health credit contributions		(\$52,634)	(\$1,394)	(\$54,028)
Supreme Court changes:				
Reduced funding for judicial branch proposed salary increases for Supreme Court justices from a 6 percent increase effective July 1, 2007, and a 7 percent increase effective July 1, 2008, to a \$2,000 increase plus a 4 percent increase July 1, 2007, and a 4 percent increase effective July 1, 2008		(23,660)		(23,660)
District court changes:				
Reduced funding for judicial branch proposed salary increases for district court judges from a 6 percent increase effective July 1, 2007, and a 7 percent increase effective July 1, 2008, to a \$2,000 increase plus a 4 percent increase July 1, 2007, and a 4 percent increase effective July 1, 2008		(157,096)		(157,096)
Removed 5 of the 6 FTE positions added for the mediation pilot project and provided for contract mediators to be used for this project rather than adding employees	(5.00)			0
Reduced funding for judges' retirement due to the death of a qualifying judge		(98,070)		(98,070)

Judicial Conduct Commission changes:

The Legislative Assembly did not change the appropriation for the Judicial Conduct Commission

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Total	(5.00)	(\$331,460)	(\$1,394)	(\$332,854)
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FTE Changes

The 2007-09 legislative appropriation includes funding for 338 FTE positions, an increase of 6 FTE positions from the 2005-07 biennium authorized level of 332 FTE positions. The Legislative Assembly removed 5 FTE positions included in the executive recommendation for the mediation pilot project and provided that contract mediators are to be used rather than adding employees. The Legislative Assembly did not change the executive budget recommendation to add a .5 FTE director of finance position, .5 FTE referee for district courts, 1 FTE law clerk in the Northwest District, 1 FTE juvenile officer in the South Central District, 2 FTE Rolette County clerks (opting to be state-employed pursuant to North Dakota Century Code (NDCC) Chapter 27-05.2), and 1 FTE mediation pilot project program coordinator position.

One-Time Funding

In Section 8 of House Bill No. 1002, the Legislative Assembly identified one-time funding to the district courts of \$1,490,750 from the general fund for an enhanced records management system (\$115,750) and unified case management system (\$1,375,000). This amount is not to be considered part of the agency's base budget for preparing the 2009-11 executive budget and the Supreme Court is to report to the Appropriations Committees during the 2009 legislative session on the use of this funding.

Other Sections in House Bill No. 1002

Appropriation of additional funding - Section 4 appropriates any funds received by the Supreme Court, district courts, and Judicial Conduct Commission and Disciplinary Board 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.

Transfers - Section 5 provides that the director of the Office of Management and Budget and the State Treasurer make transfers of funds between line items of the appropriation for the judicial branch as requested by the Supreme Court upon 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.

Salaries of Supreme Court justices - Section 6 provides statutory changes to NDCC Section 27-02-02 relating to salaries of justices of the Supreme Court. The Legislative Assembly authorized 2007-09 biennium salary increases of \$2,000 plus a 4 percent increase effective July 1, 2007, and a 4 percent increase effective July 1, 2008. The Supreme Court justices' salaries are to be increased from the current level of \$107,210 to \$113,578 effective July 1, 2007, and \$118,121 effective July 1, 2008. The Chief Justice of the Supreme Court is entitled to receive an additional \$3,262 per annum effective July 1, 2007, and an additional \$3,392 per annum, effective July 1, 2008, which is an increase from the current level of an additional \$3,136 per annum.

Salaries and expenses of district judges - Section 7 provides statutory changes to NDCC Section 27-05-03 relating to salaries and expenses of district court judges. The Legislative Assembly authorized 2007-09 biennium salary increases of \$2,000 plus a 4 percent increase, effective July 1, 2007, and a 4 percent increase effective July 1, 2008. The district court judges' salaries are to be increased from the current level of \$98,070 to \$104,073 effective July 1, 2007, and \$108,236 effective July 1, 2008. The presiding judge of a judicial district is entitled to receive an additional \$3,005 per annum effective July 1, 2007, and an additional \$3,126 per annum effective July 1, 2008, which is an increase from the current level of an additional \$2,890 per annum.

Information Technology Projects

Enhanced records management system - The Legislative Assembly appropriated \$115,750 from the general fund for the judicial branch to implement an enhanced records management system. An enhanced records management system for the unified judicial branch is intended to preserve court information, promote greater accessibility to that information, and reduce operational and records storage costs within the judicial branch.

Unified case management system - The Legislative Assembly appropriated \$1,375,000 for operating expenses to enhance or begin the replacement of the unified case management system. The current case management system was developed approximately 20 years ago and significant enhancements or a complete replacement is needed to continue efficient processing of cases. The system provides management information to judges, court personnel, justice personnel, and the public.

Related Legislation

House Bill No. 1083 - This bill removes the continuing appropriation authority for the **electronic filing administration fund** as provided in NDCC Section 27-03-05.

House Bill No. 1097 - This bill continues the **temporary court of appeals** until January 1, 2012. The temporary court of appeals was established to exercise appellate and original jurisdiction as delegated by the Supreme Court.

House Bill No. 1387 - This bill provides for the Legislative Council to consider studying the **leasing or renting of facilities** for use by district courts from counties or other political subdivisions, including the feasibility and desirability of counties retaining a portion of the fees collected by counties in lieu of leasing or renting by the state.

House Concurrent Resolution No. 3002 - This resolution provides for a Legislative Council study of the **judicial election and judicial selection process** in North Dakota.

Senate Bill No. 2243 - This bill amends NDCC Section 29-26-22 providing for courts to impose a **community service fee** of \$50 per defendant participating in community service to be used to provide community service supervision grants.

Senate Concurrent Resolution No. 4004 - This resolution provides for a Legislative Council study of the respective **responsibilities of county and state judicial system personnel** under the Uniform Juvenile Court Act in light of statutory ambiguities in defining those responsibilities.