

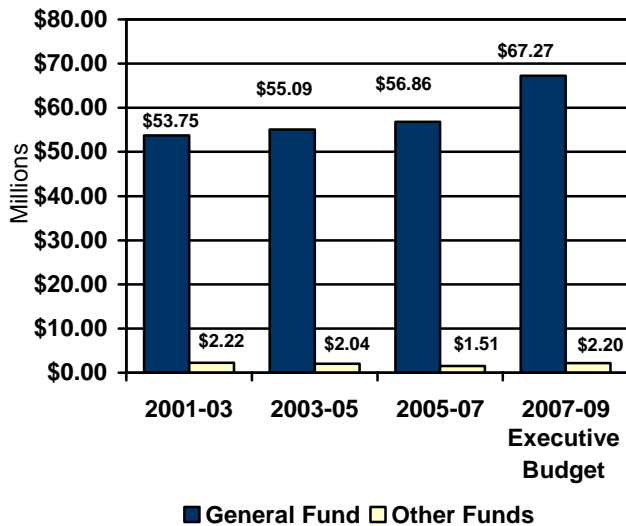
**Department 180 - Judicial Branch
 House Bill No. 1002**

	FTE Positions	General Fund	Other Funds	Total
2007-09 Executive Budget	343.00	\$67,267,338	\$2,201,034	\$69,468,372
2005-07 Legislative Appropriations	332.00 ¹	56,857,869	1,507,478	58,365,347 ²
Increase (Decrease)	11.00	\$10,409,469	\$693,556	\$11,103,025

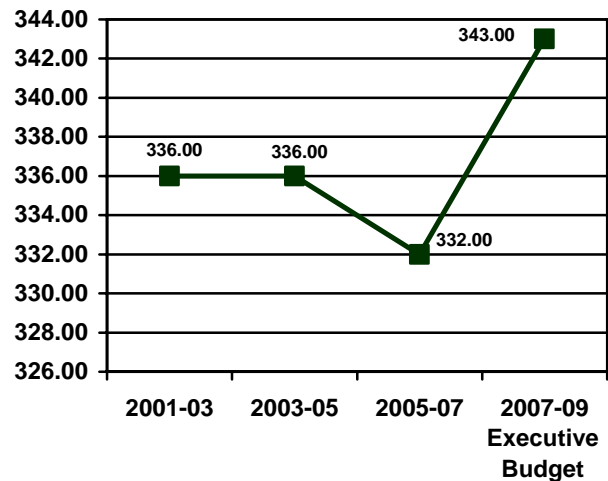
¹The number of FTE positions for the 2005-07 biennium reflect a reduction of 6 FTE positions relating to the transfer of indigent defense services from the judicial branch to the Commission on Legal Counsel for Indigents.

²The total appropriation is decreased by \$9,530,493, of which \$8,310,493 is from the general fund and \$1,220,000 is other funds, relating to the transfer of indigent defense services from the judicial branch to the Commission on Legal Counsel for Indigents. In addition, the 2005-07 biennium other funds appropriation is decreased by \$2,500 relating to the appropriation for the electronic filing fund, which was removed from the appropriation amount because the judicial branch has continuing appropriation authority for revenues from this fund.

Agency Funding



FTE Positions



First House Action

Attached is a summary of first house changes.

**Executive Budget Highlights
 (With First House Changes in Bold)**

	General Fund	Other Funds	Total
Supreme Court			
1. Provides funding for a 6 percent salary increase for Supreme Court justices for the first year of the biennium and 7 percent increase for the second year. The House changed the executive recommendation for Supreme Court justices' salaries, instead providing a \$2,000 increase plus a 4 percent increase effective July 1, 2007, and a 4 percent increase the second year of the biennium.	\$138,260		\$138,260
2. Decreases funding for former judges' retirement system from \$134,931 to \$122,231	(\$12,700)		(\$12,700)
3. Adds .5 FTE director of finance position to make full-time	\$74,802		\$74,802
4. Provides funding for equipment over \$5,000 for copy machines (\$65,000) and other office furniture (\$31,000)	\$96,000		\$96,000
District Court			
5. Provides funding for a 6 percent salary increase for the district court judges for the first year of the biennium and a 7 percent increase for the second year. The House changed the	\$1,033,043		\$1,033,043

executive recommendation for district court judges' salaries, instead providing a \$2,000 increase plus a 4 percent increase effective July 1, 2007, and a 4 percent increase the second year of the biennium.

6.	Adds funding for equipment over \$5,000 including copy machines (\$113,000), evidence projectors (\$32,500), workstations (\$84,000), sound systems (\$90,000), shelving (\$10,000) and reader/printers (\$8,042)	\$337,542		\$337,542
7.	Adds funding for information technology equipment over \$5,000 to purchase digital audio recording equipment (\$58,041) and servers (\$63,000)	\$121,041		\$121,041
8.	Decreases funding for former judges' retirement system from \$706,771 to \$703,819	(\$2,952)		(\$2,952)
9.	Adds funding for operating expenses to enhance or begin the replacement of the unified case management system (executive budget identified as one-time funding)	\$1,375,000		\$1,375,000
10.	Adds funding for operating costs for providing judicial services to families on welfare	\$65,388	\$483,118	\$548,506
11.	Adds funding for operating costs for juvenile services programs	\$248,172		\$248,172
12.	Adds funding for operating costs to fund two new juvenile drug courts located in Minot and Williston	\$288,000		\$288,000
13.	Adds .5 FTE referee position for South Central and Southwest Districts	\$72,045		\$72,045
14.	Adds 1 FTE law clerk position in the Northwest District	\$124,484		\$124,484
15.	Adds 1 FTE juvenile officer position in the South Central District	\$126,717		\$126,717
16.	Adds 2 FTE clerk positions for Rolette County which opted to be state-employed, pursuant to North Dakota Century Code Chapter 27-05.2. (The clerks were previously paid \$135,051 on a contract basis.)	\$222,677		\$222,677
17.	Adds funding for 6 FTE positions, including 4 mediators and 2 support staff positions (\$808,868) and operating costs (\$267,956) for a mediation pilot project. The House removed 5 of the 6 FTE positions and transferred funding from the salaries and wages line item to the operating line item in order for the mediation services to be provided on a contract basis.	\$1,076,824		\$1,076,824
18.	Adds funding for operating costs relating to the enhanced records management system (executive budget identified as one-time funding)	\$115,750		\$115,750
Judicial Conduct Commission and Disciplinary Board				
19.	Adds funding for operating costs of the Judicial Conduct Commission and Disciplinary Board	\$20,533	\$7,344	\$27,877

Other Sections in Bill

Section 4 of this bill provides that, in addition to the amount appropriated as special funds, any **other income received** from gifts, grants, and donations received by the Supreme Court, district courts, and Judicial Conduct Commission and Disciplinary Board is appropriated for the purposes designated for the 2007-09 biennium.

Section 5 of this bill provides that the director of the Office of Management and Budget and the State Treasurer **may transfer funds** between line items of appropriation for the judicial branch of government 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 6 of this bill provides the statutory changes increasing **Supreme Court justices' salaries**. Supreme Court justices' annual salaries are increased from the current level of \$107,210 to \$113,642, effective July 1, 2007, and \$121,597, effective July 1, 2008. The Chief Justice of the Supreme Court is entitled to receive an additional \$3,324 per annum effective July 1, 2007, and \$3,557 per annum effective July 1, 2008, an increase from the current additional amount for the Chief Justice of \$3,136 per annum.

Section 7 of this bill provides the statutory changes increasing **district court judges' salaries**. District court judges' annual salaries are increased from the current level of \$98,070 to \$103,954, effective July 1, 2007, and \$111,230, effective July 1, 2008. A presiding

judge of a judicial district is entitled to receive an additional \$3,063 per annum, effective July 1, 2007, and \$3,278 per annum, effective July 1, 2008, an increase from the current additional amount for presiding judges of \$2,890.

Continuing Appropriations

Restitution collection assistance fund - NDCC Section 12.1-32-08 - This fund was established for defraying expenses incident to the collection of restitution through imposing a fee equal to the greater of \$10 or 25 percent of the amount of restitution ordered.

Electronic filing administration fund - NDCC Section 27-03-05 - This fund was established to cover the actual costs of maintaining an electronic filing system and managing documents filed in an electronic format. The source of the funds is an electronic filing processing fee established by court rule for any matter filed in an electronic format.

Court facilities improvement and maintenance fund - NDCC Sections 27-05.2-08 and 29-26-22 - Funding from this fund may be used by the court facilities improvement committee to make grants to counties to provide funds for court facilities and improvement and maintenance projects. The source of these funds is a \$100 fee charged in all criminal cases except infractions. The first \$750,000 collected is used for indigent defense services, the next \$460,000 is used for court facilities, and anything above that is split evenly between the two funds.

Juvenile court reinvestment funds - NDCC Section 54-56-03 - These funds are a IV-E (foster care) reimbursement under the Children's Services Coordinating Committee for time spent on case management for children at risk. Due to a federal decision regarding eligibility for participation, these funds are no longer available after June 30, 2004. The balance remaining will be spent on juvenile services during the 2005-07 biennium.

Court receivables fund - NDCC Section 27-05.2-04 - Any moneys received by the clerk which is not required to be deposited in the state general fund, a different special fund, or the county treasury, and which is received as bail or restitution, or otherwise received pursuant to an order of the court are deposited in this fund. Amounts are used for refunding bail, forwarding restitution amounts to entitled recipients, or otherwise making payments as directed by the court.

Major Related Legislation

House Bill No. 1083 - This bill removes the continuing appropriation authority for the electronic filing administration fund.

House Bill No. 1097 - This bill continues the temporary court of appeals until January 1, 2012. The temporary court of appeals is 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 the counties in lieu of leasing or renting by the state.

ATTACH:1