

**Judicial Branch
Budget No. 180
Senate Bill Nos. 2002, 2121**

	FTE Positions	General Fund	Other Funds	Total
2009-11 executive budget (bills as introduced)	349.00	\$82,362,546	\$2,044,807	\$84,407,353
2009-11 legislative appropriations	342.00	82,590,015	2,044,807	84,634,822
Legislative increase (decrease) to executive budget	(7.00)	\$227,469	\$0	\$227,469
Legislative increase (decrease) to 2007-09 appropriations	4.00	\$15,654,137	(\$154,833)	\$15,499,304

ONGOING AND ONE-TIME GENERAL FUND APPROPRIATIONS

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2007-09 legislative appropriations	\$65,445,128	\$1,490,750	\$66,935,878
2009-11 legislative appropriations	74,282,634	8,307,381	82,590,015
2009-11 legislative increase (decrease) to 2007-09 appropriations	\$8,837,506	\$6,816,631	\$15,654,137
Percentage increase (decrease) to 2007-09 appropriations	13.5%	457.3%	23.4%
2009-11 legislative increase (decrease) to executive budget	\$175,429	\$52,040	\$227,469
Percentage increase (decrease) to executive budget	.2%	.6%	.3%

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 House Bill No. 1015.

	Major Items FTE Positions	General Fund	Other Funds	Total
The legislative action:				
Supreme Court changes:				
Removed a staff attorney position and related operating expenses	(1.00)	(\$174,963)		(\$174,963)
Reduced funding required for judges' retirements		(18,243)		(18,243)
District court changes:				
Removed 4 technology coordinator positions but retained related funding of \$473,484 for temporary employees or contract services	(4.00)			

Added funding for increasing juror compensation as provided for in Senate Bill No. 2118		76,000		76,000
Removed the following positions:	(6.00)	(709,509)		(709,509)
• Family court coordinator (1 FTE) (\$128,005)				
• Clerks of court (3 FTE) (\$303,510)				
• Law clerks (2 FTE) (\$277,994)				
Removed operating expenses related to the removed FTE positions		(43,000)		(43,000)
Added one-time funding for the parenting coordinator program		52,040		52,040
Reduced funding required for judges' retirements		(29,950)		(29,950)
Added funding to allow district courts to contract for clerk of court services		200,000		200,000
Added funding in Senate Bill No. 2121 for 2 FTE judge positions and 2 FTE court reporter positions	4.00	875,094		875,094
Judicial Conduct Commission changes: The Legislative Assembly did not change the appropriation for the Judicial Conduct Commission				0
Total	<u>(7.00)</u>	<u>\$227,469</u>	<u>\$0</u>	<u>\$227,469</u>

FTE Changes

The 2009-11 biennium appropriation includes funding for 342 FTE positions, an increase of 4 FTE positions from the 2007-09 biennium authorized level of 338 FTE positions. The Legislative Assembly removed 11 FTE positions included in the executive recommendation, including a staff attorney, a family court coordinator, 4 technology coordinators, 3 clerks of court, and 2 law clerks. The Legislative Assembly added 2 FTE judge positions and 2 FTE court reporter positions pursuant to the provisions of Senate Bill No. 2121.

One-Time Funding

In Section 6 of Senate Bill No. 2002 the Legislative Assembly identified \$8,307,381 from the general fund as one-time funding, of which \$7,258,129 is for the unified case management system replacement project, \$600,000 is for a management reserve fund for the replacement project, \$288,124 is for office equipment and furniture, \$109,088 is for information technology equipment, and \$52,040 is for parent coordinator training. This amount is not to be considered part of the agency's 2011-13 biennium base budget and the judicial branch is to report to the Appropriations Committees during the 2011 legislative session on the use of this funding.

Other Sections in Senate Bill No. 2002

Appropriation of additional funding - Section 2 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 3 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 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.

Salaries of Supreme Court justices - Section 4 provides statutory changes to North Dakota Century Code (NDCC) Section 27-02-02 relating to salaries of justices of the Supreme Court. The Legislative Assembly authorized 2009-11 biennium salary increases of 5 percent effective July 1, 2009, and 5 percent effective July 1, 2010. The Supreme Court justices' salaries are to be increased from the current level of \$118,121 to \$124,027 effective July 1, 2009, and to \$130,228 effective July 1, 2010. The Chief Justice of the Supreme Court is entitled to receive an additional \$3,562 per year effective July 1, 2009, and an additional \$3,740 per year, effective July 1, 2010, which is an increase from the current level of an additional \$3,392 per year.

Salaries and expenses of district court judges - Section 5 provides statutory changes to NDCC Section 27-05-03 relating to salaries and expenses of district court judges. The Legislative Assembly authorized 2009-11 biennium salary increases of 5 percent effective July 1, 2009, and 5 percent effective July 1, 2010. The district court judges' salaries are to be increased from the current level of \$108,236 to \$113,648 effective July 1, 2009, and to \$119,330 effective July 1, 2010. The presiding judge of a judicial district is entitled to receive an additional \$3,282 per year effective July 1, 2009, and an additional \$3,447 per year effective July 1, 2008, which is an increase from the current level of an additional \$3,126 per year.

Related Legislation

Senate Bill No. 2042 - This bill establishes a parenting coordinator program and requires that a parenting plan be developed and filed with the court. The Legislative Assembly provided one-time funding in Senate Bill No. 2002 of \$52,040 from the general fund to provide parenting coordinator training.

Senate Bill No. 2118 - This bill increases compensation to jurors for the first day of required attendance at sessions of the district court. The Legislative Assembly provided funding in Senate Bill No. 2002 of \$76,000 from the general fund for the increase in juror compensation.

Senate Bill No. 2121 - This bill provides an appropriation of \$875,094 from the general fund to the judicial branch to establish two additional district court judgeships. The Legislative Assembly added 4 FTE positions in Senate Bill No. 2002 pursuant to the provisions of Senate Bill No. 2121.