

Department 180 - Judicial Branch  
 House Bill No. 1002

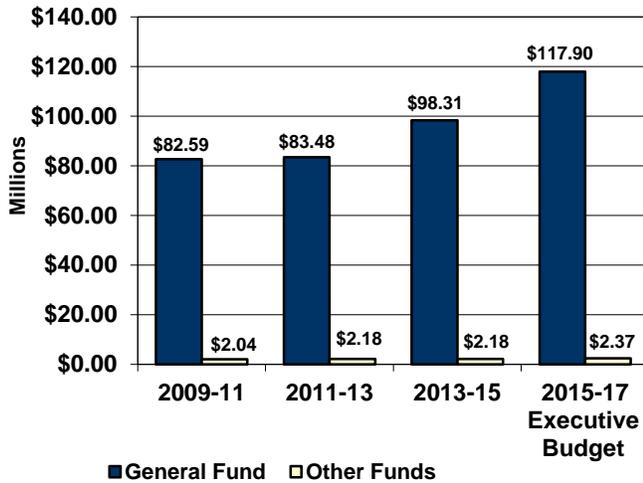
**Executive Budget Comparison to Prior Biennium Appropriations**

	FTE Positions	General Fund	Other Funds	Total
2015-17 Executive Budget	391.00	\$117,896,996	\$2,366,806	\$120,263,802
2013-15 Legislative Appropriations	363.00	98,305,993	2,175,589	100,481,582
Increase (Decrease)	28.00	\$19,591,003	\$191,217	\$19,782,220

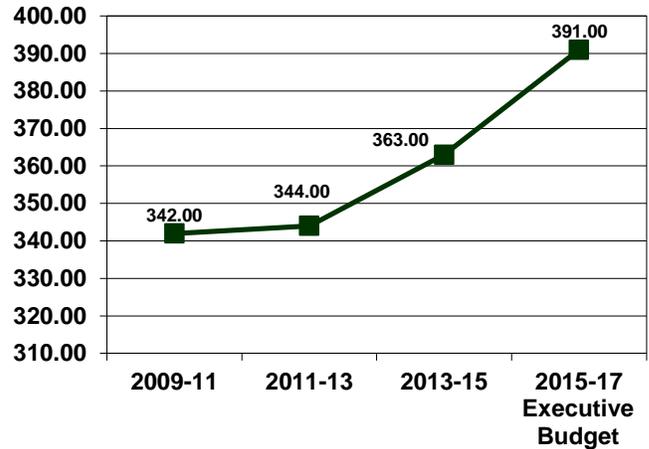
**Ongoing and One-Time General Fund Appropriations**

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2015-17 Executive Budget	\$111,352,687	\$6,544,309	\$117,896,996
2013-15 Legislative Appropriations	97,133,117	1,172,876	98,305,993
Increase (Decrease)	\$14,219,570	\$5,371,433	\$19,591,003

**Agency Funding**



**FTE Positions**



**Executive Budget Comparison to Base Level**

	General Fund	Other Funds	Total
2015-17 Executive Budget	\$117,896,996	\$2,366,806	\$120,263,802
2015-17 Base Level	97,133,117	2,175,589	99,308,706
Increase (Decrease)	\$20,763,879	\$191,217	\$20,955,096

**First House Action**

Attached is a comparison worksheet detailing first house changes to base level funding and the executive budget.

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

	General Fund	Other Funds	Total
<b>Judicial Branch</b>			
1. Provides funding for state employee salary and benefit increases, of which \$3,003,523 relates to performance increases, \$1,718,500 is for health insurance increases, and \$434,227 is for retirement contribution increases. <b>The House provided funding for performance salary increases of 2 to 4 percent per year and funding for health insurance increases, but did not include funding for market equity increases or funding for retirement contribution increases.</b>	\$5,153,011	\$3,239	\$5,156,250
<b>Supreme Court</b>			
2. Adds the following new FTE positions			
• 1 guardian-related FTE position	\$191,374	\$0	\$191,374

• 1 account analyst FTE position	191,374	0	191,374
Total	\$382,748	\$0	\$382,748
3. Provides funding for increase in operating expenses. <b>The House provided \$225,506 for operating expenses.</b>	\$229,106	\$0	\$229,106
4. Provides funding for increased maintenance costs for information technology.	\$59,483	\$0	\$59,483
5. Provides <b>one-time funding</b> for the Supreme Court facility space expansion, which included renovating a portion of the former Information Technology Department space within the Capitol. <b>The House did not provide funding for the project.</b>	\$1,107,227	\$0	\$1,107,227
6. Provides <b>one-time funding</b> for equipment over \$5,000, which includes copy machines, steno machines, workstation systems, and other office equipment. <b>The House did not provide funding for equipment over \$5,000.</b>	\$22,500	\$0	\$22,500
<b>District Court</b>			
7. Adds the following new FTE positions			
• 2 clerk of district court I FTE positions	\$422,059	\$0	\$422,059
• 13 clerk of district court II FTE positions	1,851,482	0	1,851,482
• 4 district judge FTE positions	1,603,148	0	1,603,148
• 4 court reporter FTE positions	669,951	0	669,951
• 1 paralegal FTE position	161,962	0	161,962
• 1 law clerk FTE position	175,114	0	175,114
• 1 electronic court recorder FTE position	142,422	0	142,422
Total	\$5,026,136	\$0	\$5,026,136
8. Provides funding for increases in payments to counties for providing clerk of court services.	\$381,748	\$0	\$381,748
9. Provides funding for increases in operating expenses. <b>The House provided \$715,663 for operating expenses.</b>	\$887,110	(\$90,917)	\$796,193
10. Provides increased funding for juvenile court program services. <b>The House provided \$232,340 for juvenile court program services.</b>	\$332,340	\$0	\$332,340
11. Provides increased funding for maintenance costs for information technology. <b>The House provided \$76,089 for maintenance costs for information technology.</b>	\$353,587	\$0	\$353,587
12. Provides <b>one-time funding</b> for a redundant information technology disaster recovery site.	\$2,171,672	\$0	\$2,171,672
13. Provides <b>one-time funding</b> for equipment over \$5,000, which includes copy machines, steno machines, workstation systems, and other office equipment. <b>The House did not provide funding for equipment over \$5,000.</b>	\$338,500	\$0	\$338,500
14. Provides <b>one-time funding</b> for information technology equipment over \$5,000. <b>The House provided \$924,460.</b>	\$1,023,000	\$0	\$1,023,000
15. Provides <b>one-time funding</b> for the replacement of the existing juvenile case management system. <b>The House did not provide funding for the project.</b>	\$1,782,410	\$0	\$1,782,410
16. Provides <b>one-time funding</b> for the criminal justice information sharing criminal case e-filing initiation project	\$99,000	\$0	\$99,000
<b>Judicial Conduct Commission and Disciplinary Board</b>			
17. Provides funding for increases in operating expenses	\$42,268	\$48,497	\$90,765

### Other Sections in Bill

**Line item transfers** - Section 4 requires the Director of the Office of Management and Budget and the State Treasurer to 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.

**District judges** - Section 5 provides for two additional district court judges in the South Central Judicial District, one additional district court judge in the Southwest Judicial District, and one additional district court judge in the Northwest Judicial District to

be assigned pursuant to Article VI, Section 10, of the Constitution of North Dakota, and to be assigned to chambers by the Supreme Court.

**Supreme Court justices' salaries** - Section 6 provides the statutory changes increasing Supreme Court justices' salaries by 5 percent each year of the biennium. Supreme Court justices' annual salaries are increased from the current level of \$147,996 to \$155,396, effective July 1, 2015, and to \$163,166, effective July 1, 2016. The Chief Justice of the Supreme Court is entitled to receive an additional \$4,462 per annum effective July 1, 2015, and \$4,685 per annum effective July 1, 2016, an increase from the current additional amount for the Chief Justice of \$4,250 per annum. **The House provided a 3 percent annual increase for Supreme Court justices' salaries.**

**District judges' salaries** - Section 7 provides the statutory changes increasing district court judges' salaries by 5 percent each year of the biennium. District court judges' annual salaries are increased from the current level of \$135,611 to \$142,392, effective July 1, 2015, and \$149,511, effective July 1, 2016. A presiding judge of a judicial district is entitled to receive an additional \$4,113 per annum effective July 1, 2015, and \$4,319 per annum effective July 1, 2016, an increase from the current additional amount for presiding judges of \$3,917. **The House provided a 3 percent annual increase for District Court justices' salaries.**

### **Continuing Appropriations**

**Restitution collection assistance fund** - North Dakota Century Code Section 12.1-32-08 - This fund is used 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, not to exceed \$1,000.

**Court facilities improvement and maintenance fund** - Sections 27-05.2-08 and 29-26-22 - Funding from this fund may be used by the Court Facilities Improvement Advisory 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 additional collections are deposited equally into the two funds.

**Court receivables fund** - Section 27-05.2-04 - Any money 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 is 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.

### **Significant Audit Findings**

There are no significant audit findings for this agency.

### **Major Related Legislation**

**House Bill No. 1165 - Justice Reinvestment Study** - Section 1 provides the Legislative Management shall study, in conjunction with representatives of the executive and judicial branches and other stakeholders, justice reinvestment reforms.

**House Bill No. 1166 - District Court Chambers** - Section 1 removes the limit providing a maximum of 70 percent of the chambers of district judges may be located in cities with a population of more than 10,000.

**Senate Bill No. 2116 - Pretrial Services Program Pilot Project** - Section 1 provides the Department of Corrections and Rehabilitation may establish a pretrial services program pilot project in one or more judicial districts of the state during the 2015-17 biennium.

**Senate Bill No. 2161 - Interdisciplinary Committee on Problem-Solving Courts** - Section 1 provides for the creation of an interdisciplinary committee on problem-solving courts as a collaborative mechanism to acquire and analyze relevant information related to the need for and feasibility of establishing problem-solving courts.

**Judicial Branch - Supreme Court - Budget No. 180**  
**House Bill No. 1002**  
**Base Level Funding Changes**

	Executive Budget Recommendation				House Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
<b>2015-17 Biennium Base Level</b>	45.00	\$13,282,519	\$0	\$13,282,519	45.00	\$13,282,519	\$0	\$13,282,519
<b>2015-17 Ongoing Funding Changes</b>								
Base payroll changes		\$404,625		\$404,625		\$388,125		\$388,125
Salary increase - Performance		466,279		466,279		287,421		287,421
Retirement increase		60,758		60,758				0
Health insurance increase		211,572		211,572		211,572		211,572
New FTE positions	2.00	382,748		382,748	2.00	382,748		382,748
Operating expense increases		229,106		229,106		225,506		225,506
Information technology costs		59,483		59,483		59,483		59,483
Total ongoing funding changes	2.00	\$1,814,571	\$0	\$1,814,571	2.00	\$1,554,855	\$0	\$1,554,855
<b>One-time funding items</b>								
Equipment over \$5,000		22,500		22,500				0
Supreme Court facility space expansion		1,107,227		1,107,227				0
Total one-time funding changes	0.00	\$1,129,727	\$0	\$1,129,727	0.00	\$0	\$0	\$0
<b>Total Changes to Base Level Funding</b>	2.00	\$2,944,298	\$0	\$2,944,298	2.00	\$1,554,855	\$0	\$1,554,855
<b>2015-17 Total Funding</b>	47.00	\$16,226,817	\$0	\$16,226,817	47.00	\$14,837,374	\$0	\$14,837,374

**Other Sections in House Bill No. 1002**

	Executive Budget Recommendation	House Version
Line item transfers	Section 4 requires the Director of the Office of Management and Budget and the State Treasurer to 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 4 requires the Director of the Office of Management and Budget and the State Treasurer to 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.
Supreme Court justices' salaries	Section 6 provides the statutory changes increasing Supreme Court justices' salaries by 5 percent each year of the biennium. Supreme Court justices' annual salaries are increased from the current level of \$147,996 to \$155,396, effective July 1, 2015, and to \$163,166, effective July 1, 2016. The Chief Justice of the Supreme Court is entitled to receive an additional \$4,462 per annum effective July 1, 2015, and \$4,685 per annum effective July 1, 2016.	Section 6 provides the statutory changes increasing Supreme Court justices' salaries by 3 percent each year of the biennium. Supreme Court justices' annual salaries are increased from the current level of \$147,996 to \$152,436, effective July 1, 2015, and to \$157,009, effective July 1, 2016. The Chief Justice of the Supreme Court is entitled to receive an additional \$4,377 per annum effective July 1, 2015, and \$4,508 per annum effective July 1, 2016.

**Judicial Branch - District Court - Budget No. 180**

**House Bill No. 1002**

**Base Level Funding Changes**

	Executive Budget Recommendation				House Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
<b>2015-17 Biennium Base Level</b>	314.00	\$83,197,223	\$1,808,090	\$85,005,313	314.00	\$83,197,223	\$1,808,090	\$85,005,313
<b>2015-17 Ongoing Funding Changes</b>								
Base payroll changes		\$1,024,911	\$201,738	\$1,226,649		\$970,907	\$201,738	\$1,172,645
Salary increase - Performance		2,493,296	3,239	2,496,535		1,318,214	3,239	1,321,453
Retirement increase		369,281		369,281				0
Health insurance increase		1,489,656		1,489,656		1,489,656		1,489,656
New FTE positions	26.00	5,026,136		5,026,136	26.00	5,026,136		5,026,136
Payments to contract counties for clerk of court services		381,748		381,748		381,748		381,748
Operating expense increases		887,110	(90,917)	796,193		806,580	(90,917)	715,663
Juvenile court program services		332,340		332,340		232,340		232,340
Information technology costs		353,587		353,587		76,089		76,089
Reduce funding in anticipation of vacancies and employee turnover				0		(650,000)		(650,000)
<b>Total ongoing funding changes</b>	<b>26.00</b>	<b>\$12,358,065</b>	<b>\$114,060</b>	<b>\$12,472,125</b>	<b>26.00</b>	<b>\$9,651,670</b>	<b>\$114,060</b>	<b>\$9,765,730</b>
<b>One-time funding items</b>								
Information technology disaster recovery site		\$2,171,672		\$2,171,672		\$2,171,672		\$2,171,672
Equipment over \$5,000		338,500		338,500				0
Information technology equipment over \$5,000		1,023,000		1,023,000		924,460		924,460
Juvenile case management system replacement		1,782,410		1,782,410				0
Criminal case e-filing initiation project		99,000		99,000		99,000		99,000
<b>Total one-time funding changes</b>	<b>0.00</b>	<b>\$5,414,582</b>	<b>\$0</b>	<b>\$5,414,582</b>	<b>0.00</b>	<b>\$3,195,132</b>	<b>\$0</b>	<b>\$3,195,132</b>
<b>Total Changes to Base Level Funding</b>	<b>26.00</b>	<b>\$17,772,647</b>	<b>\$114,060</b>	<b>\$17,886,707</b>	<b>26.00</b>	<b>\$12,846,802</b>	<b>\$114,060</b>	<b>\$12,960,862</b>
<b>2015-17 Total Funding</b>	<b>340.00</b>	<b>\$100,969,870</b>	<b>\$1,922,150</b>	<b>\$102,892,020</b>	<b>340.00</b>	<b>\$96,044,025</b>	<b>\$1,922,150</b>	<b>\$97,966,175</b>

**Other Sections in House Bill No. 1002**

District judges

**Executive Budget Recommendation**  
 Section 5 provides for two additional district court judges in the South Central Judicial District, one additional district court judge in the Southwest Judicial District, and one additional district court judge in the Northwest Judicial District to be assigned pursuant to Article VI, Section 10, of the Constitution of North Dakota, and to be assigned to chambers by the Supreme Court.

**House Version**  
 Section 5 provides for two additional district court judges in the South Central Judicial District, one additional district court judge in the Southwest Judicial District, and one additional district court judge in the Northwest Judicial District to be assigned pursuant to Article VI, Section 10, of the Constitution of North Dakota, and to be assigned to chambers by the Supreme Court.

District judges' salaries

**Executive Budget Recommendation**

Section 7 provides the statutory changes increasing district court judges' salaries by 5 percent each year of the biennium. District court judges' annual salaries are increased from the current level of \$135,611 to \$142,392, effective July 1, 2015, and \$149,511, effective July 1, 2016. A presiding judge of a judicial district is entitled to receive an additional \$4,113 per annum effective July 1, 2015, and \$4,319 per annum effective July 1, 2016.

**House Version**

Section 7 provides the statutory changes increasing district court judges' salaries by 3 percent each year of the biennium. District court judges' annual salaries are increased from the current level of \$135,611 to \$139,679, effective July 1, 2015, and \$143,869, effective July 1, 2016. A presiding judge of a judicial district is entitled to receive an additional \$4,035 per annum effective July 1, 2015, and \$4,156 per annum effective July 1, 2016.

**Judicial Branch - Judicial Conduct Commission and Disciplinary Board - Budget No. 180**  
**House Bill No. 1002**  
**Base Level Funding Changes**

	Executive Budget Recommendation				House Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
<b>2015-17 Biennium Base Level</b>	4.00	\$653,375	\$367,499	\$1,020,874	4.00	\$653,375	\$367,499	\$1,020,874
<b>2015-17 Ongoing Funding Changes</b>								
Base payroll changes		(\$57,503)	\$28,660	(\$28,843)		(\$57,503)	\$28,660	(\$28,843)
Salary increase - Performance		40,709		40,709		30,431		30,431
Retirement increase		4,188		4,188				0
Health insurance increase		17,272		17,272		17,272		17,272
Operating expense increases		42,268	48,497	90,765		42,268	48,497	90,765
Total ongoing funding changes	0.00	\$46,934	\$77,157	\$124,091	0.00	\$32,468	\$77,157	\$109,625
<b>One-time funding items</b>								
Total one-time funding changes	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0
<b>Total Changes to Base Level Funding</b>	0.00	\$46,934	\$77,157	\$124,091	0.00	\$32,468	\$77,157	\$109,625
<b>2015-17 Total Funding</b>	4.00	\$700,309	\$444,656	\$1,144,965	4.00	\$685,843	\$444,656	\$1,130,499

**Other Sections in House Bill No. 1002**

	Executive Budget Recommendation				House Version			
	None				None			