

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

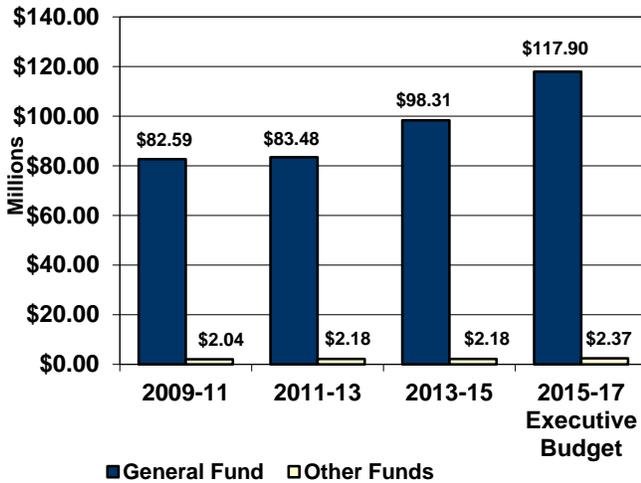
**Executive Budget Comparison to Prior Biennium Appropriations**

|                                    | 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  |

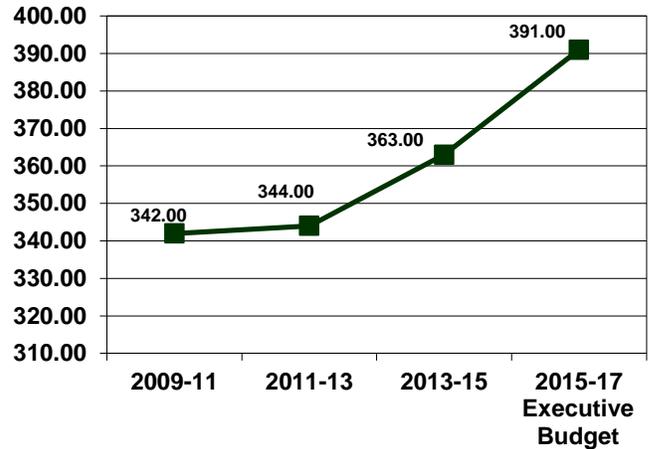
**Ongoing and One-Time General Fund Appropriations**

|                                    | Ongoing General Fund<br>Appropriation | One-Time General<br>Fund Appropriation | Total General Fund<br>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  |

Attached as an appendix is a detailed comparison of the executive budget to the agency's base level appropriations.

**Executive Budget Highlights**

|   | 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 | \$5,153,011  | \$3,239     | \$5,156,250 |
| <b>Supreme Court</b>  |              |             |             |
| 2. Adds the following new FTE positions   |              |             |             |
| • 1 FTE guardian-related position   | \$191,374    | \$0         | \$191,374   |
| • 1 FTE account analyst position  | 191,374      | 0           | 191,374     |
| Total   | \$382,748    | \$0         | \$382,748   |
| 3. Provides funding for increase in operating expenses  | \$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 | \$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                                    | \$22,500    | \$0 | \$22,500    |

**District Court**

|  |             |            |             |
|--|-------------|------------|-------------|
| 7. Adds the following new FTE positions  |             |            |             |
| • 2 FTE clerk of district court I positions  | \$422,059   | \$0        | \$422,059   |
| • 13 FTE clerk of district court II positions  | 1,851,482   | 0          | 1,851,482   |
| • 4 FTE district judge positions   | 1,603,148   | 0          | 1,603,148   |
| • 4 FTE court reporter positions   | 669,951     | 0          | 669,951     |
| • 1 FTE paralegal position   | 161,962     | 0          | 161,962     |
| • 1 FTE law clerk position   | 175,114     | 0          | 175,114     |
| • 1 FTE electronic court recorder 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  | \$887,110   | (\$90,917) | \$796,193   |
| 10. Provides increased funding for juvenile court program services   | \$332,340   | \$0        | \$332,340   |
| 11. Provides increased funding for maintenance costs for information technology  | \$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 | \$338,500   | \$0        | \$338,500   |
| 14. Provides <b>one-time funding</b> for information technology equipment over \$5,000   | \$1,023,000 | \$0        | \$1,023,000 |
| 15. Provides <b>one-time funding</b> for the replacement of the existing juvenile case management system   | \$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    |

**Judicial Conduct Commission and Disciplinary Board**

|  |          |          |          |
|--|----------|----------|----------|
| 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.

**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.

## 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. 2015 - Supreme Court Building** - The bill provides one-time funding of \$40 million from the general fund for relocating the Supreme Court to the current Liberty Memorial Building.

**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 - Budget No. 180**  
**House Bill No. 1002**  
**Base Level Funding Changes**

|   | <b>Executive Budget Recommendation</b> |                     |                    |               |
|---|--|---------------------|--------------------|---------------|
|   | <b>FTE</b>                             |                     |                    |               |
|   | <b>Positions</b>                       | <b>General Fund</b> | <b>Other Funds</b> | <b>Total</b>  |
| <b>2015-17 Biennium Base Level</b>                        | 363.00                                 | \$97,133,117        | \$2,175,589        | \$99,308,706  |
| <b>2015-17 Ongoing Funding Changes</b>                    |  |                     |                    |               |
| Base payroll changes                                      |  | \$1,372,073         | \$230,398          | \$1,602,471   |
| Salary increase - Performance                             |  | 3,000,284           | 3,239              | 3,003,523     |
| Retirement increase                                       |  | 434,227             |                    | 434,227       |
| Health insurance increase                                 |  | 1,718,500           |                    | 1,718,500     |
| New FTE positions   | 28.00                                  | 5,408,844           |                    | 5,408,844     |
| Payments to contract counties for clerk of court services |  | 381,748             |                    | 381,748       |
| Increases operating expense                               |  | 1,158,484           | (42,420)           | 1,116,064     |
| Juvenile court program services                           |  | 332,340             |                    | 332,340       |
| Information technology costs                              |  | 413,070             |                    | 413,070       |
| Total ongoing funding changes                             | 28.00                                  | \$14,219,570        | \$191,217          | \$14,410,787  |
| <b>One-time funding items</b>                             |  |                     |                    |               |
| Information technology disaster recovery site             |  | \$2,171,672         |                    | \$2,171,672   |
| Equipment over \$5,000                                    |  | 361,000             |                    | 361,000       |
| Information technology equipment over \$5,000             |  | 1,023,000           |                    | 1,023,000     |
| Supreme Court facility space expansion                    |  | 1,107,227           |                    | 1,107,227     |
| Juvenile case management system replacement               |  | 1,782,410           |                    | 1,782,410     |
| Criminal case e-filing initiation project                 |  | 99,000              |                    | 99,000        |
| Total one-time funding changes                            | 0.00                                   | \$6,544,309         | \$0                | \$6,544,309   |
| <b>Total Changes to Base Level Funding</b>                | 28.00                                  | \$20,763,879        | \$191,217          | \$20,955,096  |
| <b>2015-17 Total Funding</b>                              | 391.00                                 | \$117,896,996       | \$2,366,806        | \$120,263,802 |

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

|                     | <b>Executive Budget Recommendation</b>  |
|---------------------|---|
| 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 section 10 of Article VI of the Constitution of North Dakota, and to be assigned to chambers by the Supreme Court.              |

### **Executive Budget Recommendation**

Supreme Court justices' salaries

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District judges' salaries

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