

Department 180 - Judicial Branch
Senate Bill No. 2002

Dalrymple Executive Budget Comparison to Prior Biennium Appropriations

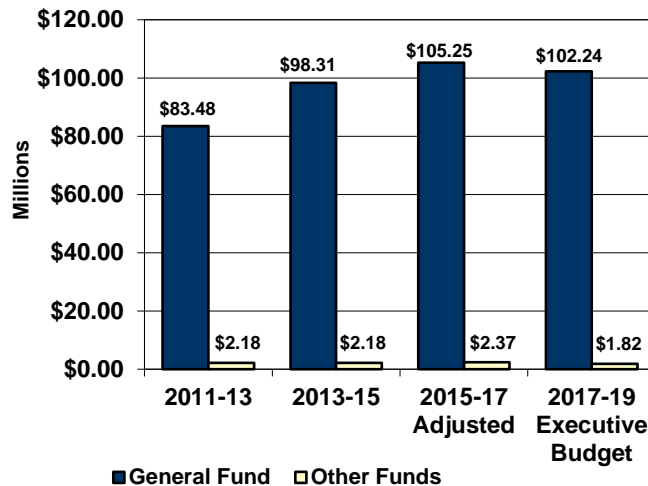
	FTE Positions	General Fund	Other Funds	Total
2017-19 Dalrymple Executive Budget	354.50	\$102,236,654	\$1,821,839	\$104,058,493
2015-17 Adjusted Legislative Appropriations ¹	391.00	105,253,664	2,366,806	107,620,470
Increase (Decrease)	(36.50)	(\$3,017,010)	(\$544,967)	(\$3,561,977)

¹The 2015-17 biennium agency appropriation amounts reflect general fund budget reductions made in August 2016.

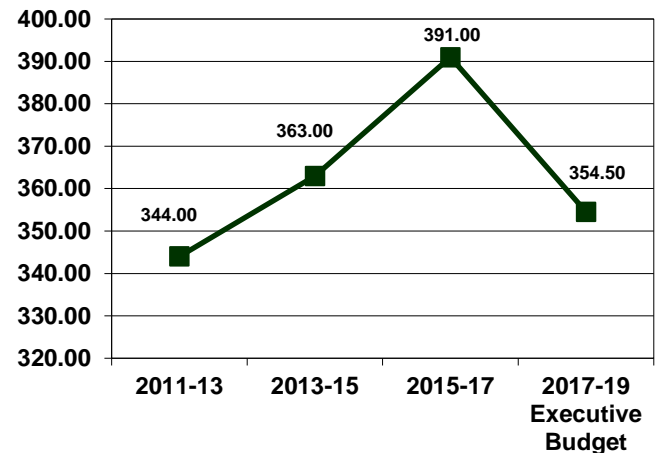
Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2017-19 Dalrymple Executive Budget	\$102,236,654	\$0	\$102,236,654
2015-17 Adjusted Legislative Appropriations	101,591,134	3,662,530	105,253,664
Increase (Decrease)	\$645,520	(\$3,662,530)	(\$3,017,010)

Agency Funding



FTE Positions



Dalrymple Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2017-19 Dalrymple Executive Budget	\$102,236,654	\$1,821,839	\$104,058,493
2017-19 Base Level	101,591,134	2,366,806	103,957,940
Increase (Decrease)	\$645,520	(\$544,967)	\$100,553

First House Action

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

Dalrymple and Burgum Executive Budget Highlights
(With First House Changes in Bold)

Judicial Branch	General Fund	Other Funds	Total
1. Provides funding for state employee salary and benefit increases, of which \$335,295 is for salary increases and \$1,021,734 is for health insurance increases. (The Burgum budget removed funding for salary increases and provided for employees to pay for a portion of health insurance.) The Senate removed funding for the salary increases.	\$1,357,029	\$0	\$1,357,029
2. Adjusts funding for base payroll changes	\$1,116,796	(\$151,757)	\$965,039
3. Adjusts funding for operating expenses. The Senate did not remove \$26,244 for the guardianship monitoring program removed in the executive budget and restored \$75,000 of	\$413,377	(\$393,210)	\$20,167

operating funding reduced in the August 2016 special legislative session for the guardianship monitoring program.

Supreme Court

4. Removes the following 4.50 FTE positions:	(\$414,424)	\$0	(\$414,424)
• 2 FTE administrative assistants			
• 1 FTE law library assistant			
• 0.5 FTE deputy clerk			
• 1 FTE guardian project manager. The Senate restored funding for the guardian project manager FTE position.			
5. Increases funding for information technology costs	\$40,608	\$0	\$40,608

District Court

6. Removes the following 32 FTE positions:	(\$2,801,754)	\$0	(\$2,801,754)
• 3 FTE referees			
• 3 FTE court recorders			
• 2 FTE calendar control clerks			
• 2 FTE district court administrative assistants			
• 1 FTE assistance district court administrator			
• 3 FTE juvenile court administrative assistants			
• 8 FTE juvenile court officers			
• 3 FTE law clerks			
• 3 FTE deputy clerks			
• 1 FTE citizen access paralegal			
• 1 FTE assistant state court administrator			
• 1 FTE technology support specialist			
• 1 FTE technology coordinator			
7. Increases funding for information technology costs	\$545,867	\$0	\$545,867
8. Increases funding for payments to contract counties	\$342,479	\$0	\$342,479

Other Sections in Senate Bill No. 2002

Appropriation - Section 3 appropriates to the judicial branch all funds received 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, for the period beginning July 1, 2017, and ending June 30, 2019.

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.

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 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.

Deficiency Appropriation

House Bill No. 1024 provides an appropriation of \$1.5 million from other funds to the judicial branch for the cost of trials relating to the pipeline protests for the period beginning with the effective date of the Act and ending June 30, 2019. The source of funds is loan proceeds from the Bank of North Dakota.

Significant Audit Findings

In a followup information systems audit of the Odyssey Case Management System used by the judicial branch, the State Auditor's office reported the judicial branch did not fully implement the recommendation to reconcile all funds receipted into the case management system to deposits on the state's accounting system.

Major Related Legislation

House Bill No. 1060 - Relates to requiring a background check for a guardian ad litem who provides direct services to youth.

House Bill No. 1095 - Relates to guardianship and conservatorship proceedings.

House Bill No. 1222 - Relates to sexual assault restraining orders.

Senate Bill No. 2015 - Relates to the management of inmate population and a community behavioral health program.

Senate Bill No. 2098 - Relates to adding victim services providers to the list of persons to which juvenile court files and records are open to inspection.

Senate Bill No. 2169 - Relates to recognition of foreign-country money judgments.

Senate Bill No. 2170 - Relates to the uniform recognition and enforcement of Canadian protection orders.

Senate Bill No. 2309 - Relates to the establishment of a domestic violence court pilot project.

Senate Concurrent Resolution No. 4003 - Provides for a study of the current juvenile justice process, levels of collaboration among various service systems, implementation of dispositional alternatives, and methods for improving outcomes for juveniles involved in the process.

Judicial Branch - Budget No. 180
Senate Bill No. 2002
Base Level Funding Changes

	Burgum Executive Budget Recommendation (Changes to Dalrymple Budget in Bold)				Senate Version			
	FTE Position	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2017-19 Biennium Base Level	391.00	\$101,591,134	\$2,366,806	\$103,957,940	391.00	\$101,591,134	\$2,366,806	\$103,957,940
2017-19 Ongoing Funding Changes								
Base payroll changes		\$1,116,796	(\$151,757)	\$965,039		\$1,116,796	(\$151,757)	\$965,039
Salary increase				0				0
Health insurance increase		1,021,734		1,021,734		1,024,590		1,024,590
Employee portion of health insurance		(535,243)		(535,243)				0
Increase payments to contract counties		342,479		342,479		342,479		342,479
Remove FTE positions	(36.50)	(3,216,178)		(3,216,178)	(35.50)	(3,003,867)		(3,003,867)
Increase funding for information technology		586,475		586,475		586,475		586,475
Adjust funding for operating expenses		413,377	(393,210)	20,167		514,621	(393,210)	121,411
Adjust funding for judges retirement		817		817		817		817
Restore funding for Judicial Conduct Commission salaries and wages		44,725		44,725		44,725		44,725
Total ongoing funding changes	(36.50)	(\$225,018)	(\$544,967)	(\$769,985)	(35.50)	\$626,636	(\$544,967)	\$81,669
One-time funding items								
No one-time funding items				\$0				\$0
Total one-time funding changes	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0
Total Changes to Base Level Funding	(36.50)	(\$225,018)	(\$544,967)	(\$769,985)	(35.50)	\$626,636	(\$544,967)	\$81,669
2017-19 Total Funding	354.50	\$101,366,116	\$1,821,839	\$103,187,955	355.50	\$102,217,770	\$1,821,839	\$104,039,609

Other Sections in Judicial Branch - Budget No. 180

	Burgum Executive Budget Recommendation (Changes to Dalrymple Budget in Bold)	Senate Version
Appropriation	Section 3 appropriates to the judicial branch all funds received 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, for the period beginning July 1, 2017, and ending June 30, 2019.	Section 3 appropriates to the judicial branch all funds received 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, for the period beginning July 1, 2017, and ending June 30, 2019.

Other Sections in Judicial Branch - Budget No. 180

**Burgum Executive Budget Recommendation
(Changes to Dalrymple Budget in Bold)**

Senate 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 5 provides the statutory changes increasing Supreme Court justices' salaries by 1 percent in the second year of the biennium. Supreme Court justices' annual salaries are increased from the current level of \$157,009 to \$158,579, effective July 1, 2018. The Chief Justice of the Supreme Court is entitled to receive an additional \$4,553 per annum effective July 1, 2018, an increase from the current additional amount for the Chief Justice of \$4,508 per annum. **(The Burgum budget recommendation removes this section.)**

District Court justices' salaries

Section 6 provides the statutory changes increasing district court judges' salaries by 1 percent in the second year of the biennium. District court judges' annual salaries are increased from the current level of \$143,869 to \$145,308, effective July 1, 2018. A presiding judge of a judicial district is entitled to receive an additional \$4,197 per annum effective July 1, 2018, an increase from the current additional amount for presiding judges of \$4,156. **(The Burgum budget recommendation removes this section.)**

Department 180 - Judicial Branch

Appropriations Comparisons to the Original and Adjusted Base Budgets

General Fund Appropriations Adjustments (As a result of the August 2016 General Fund Budget Reductions)

	Ongoing	One-Time	Total
2015-17 original general fund appropriations	\$108,172,464	\$4,458,530	\$112,630,994
General fund reductions	(6,581,330)	(796,000)	(7,377,330)
Adjusted 2015-17 appropriations	\$101,591,134	\$3,662,530	\$105,253,664
Dalrymple Executive Budget changes	645,520	(3,662,530)	(3,017,010)
2017-19 Dalrymple Executive Budget	\$102,236,654	\$0	\$102,236,654

Summary of August 2016 General Fund Budget Reductions

	Ongoing	One-Time	Total
Supreme Court			
Reduce funding for salaries and wages	(\$350,000)	\$0	(\$350,000)
Reduce funding for operating expenses, including one-time funding relating to the facility space expansion	(524,019)	(100,000)	(624,019)
Reduce funding for the guardianship monitoring program	(75,000)	0	(75,000)
District Courts			
Reduce funding for salaries and wages	(3,100,000)		(3,100,000)
Reduce funding for operating expenses, including one-time funding relating to the disaster recovery project	(2,422,586)	(175,000)	(2,597,586)
Reduce funding for office equipment and furniture	0	(220,000)	(220,000)
Reduce funding for information technology equipment	0	(301,000)	(301,000)
Reduce funding for judges' retirement	(65,000)	0	(65,000)
Judicial Conduct Commission and Disciplinary Board	(44,725)		(44,725)
Total reductions	(\$6,581,330)	(\$796,000)	(\$7,377,330)
Percentage reduction to ongoing and one-time general fund appropriations	6.08%	17.85%	6.55%

2017-19 Dalrymple Executive Budget Changes to the Original and Adjusted Base Budgets

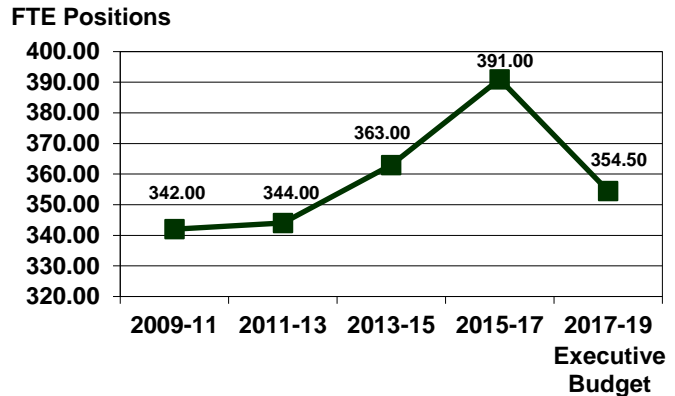
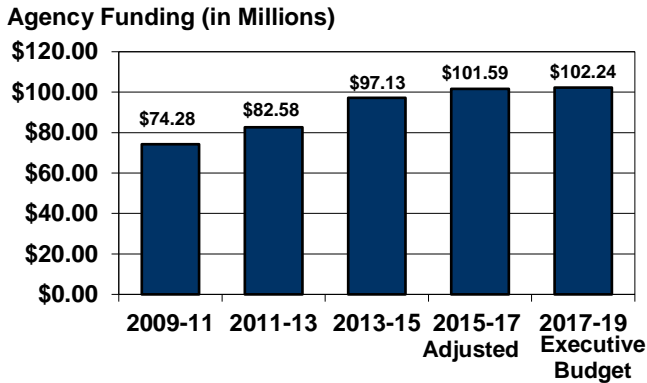
	Changes to Original Budget	Budget Reduction Adjustments	Changes to Adjusted Budget
Supreme Court			
Reduces funding for base payroll changes	(\$52,268)	\$0	(\$52,268)
Adds funding for recommended salary and benefit increases	170,078	0	170,078
Removes 4.50 FTE positions	(764,424)	350,000	(414,424)
Increases funding for information technology expenses	40,608	0	40,608
Adjusts funding for operating expenses	(418,269)	599,019	180,750
Adjusts funding for judges retirement	1,176	0	1,176
District Courts			
Increases funding for base payroll changes	1,128,768	0	1,128,768
Adds funding for recommended salary and benefit increases	1,171,754	0	1,171,754
Removes 32.00 FTE positions	(5,901,754)	3,100,000	(2,801,754)
Increases funding for information technology expenses	545,867	0	545,867
Adjusts funding for operating expenses	(2,148,334)	2,422,586	274,252
Increases payments to contract counties	342,479	0	342,479

	Changes to Original Budget	Budget Reduction Adjustments	Changes to Adjusted Budget
Adjusts funding for judges retirement Judicial Conduct Commission and Disciplinary Board	(65,359)	65,000	(359)
Increases funding for base payroll changes	40,296	0	40,296
Adds funding for recommended salary and benefit increases	15,197	0	15,197
Restores funding for Judicial Conduct Commission salaries and wages	0	44,725	44,725
Adjusts funding for operating expenses	(41,625)	0	(41,625)
Total	(\$5,935,810)	\$6,581,330	\$645,520

Department 180 - Judicial Branch

Historical Appropriations Information

Ongoing General Fund Appropriations Since 2009-11



Ongoing General Fund Appropriations					
	2009-11	2011-13	2013-15	2015-17 Adjusted	2017-19 Dalrymple Executive Budget
Ongoing general fund appropriations	\$74,282,634	\$82,580,882	\$97,133,117	\$101,591,134	\$102,236,654
Increase (decrease) from previous biennium	N/A	\$8,298,248	\$14,552,235	\$4,458,017	\$645,520
Percentage increase (decrease) from previous biennium	N/A	11.2%	17.6%	4.6%	0.6%
Cumulative percentage increase (decrease) from 2009-11 biennium	N/A	11.2%	30.8%	36.8%	37.6%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2011-13 Biennium

- Added 1 FTE law clerk position (\$149,992) and 1 FTE juvenile court officer position (\$164,042) \$314,034
- Added funding for increases in information technology fees and maintenance contracts and licensing fees \$497,379
- Increased funding for payments to contract counties for clerk of court services \$445,909
- Added funding for maintenance, support, and enhancements for the Odyssey Unified Case Management System \$750,420

2013-15 Biennium

- Added 19 FTE positions, including 3 new judgeships \$3,747,883
- Increased funding for information technology costs \$946,815
- Increased funding for payments to contract counties for clerk of court services \$1,276,250
- Increased funding for juvenile court \$412,858
- Added funding for the lay guardian ad litem project \$523,279

2015-17 Biennium (Original Changes)

- Added 28 FTE positions, including 4 new district judges \$5,408,884
- Increased funding for payments to contract counties for clerk of court services \$381,748
- Increased funding for operating expenses (this item was affected by the 2015-17 budget reductions) \$1,074,354

2017-19 Biennium (Dalrymple and Burgum Executive Budget Recommendations)

- Removes 36.5 FTE positions. (The Senate restored \$215,167 for 1 FTE guardian project manager position.) (\$3,216,178)
- Increases funding for payments to contract counties for clerk of court services \$342,479
- Increases funding for information technology costs \$586,475

4. Adjusts funding for operating expenses. The Senate did not remove \$26,244 from the guardianship monitoring program removed in the executive budget and restored \$75,000 of operating funding reduced in the August 2016 special legislative session for the guardianship monitoring program. \$413,377