

**Department 180 - Judicial Branch  
Senate Bill Nos. 2002 and 2062**

**Executive Budget Comparison to Prior Biennium Appropriations**

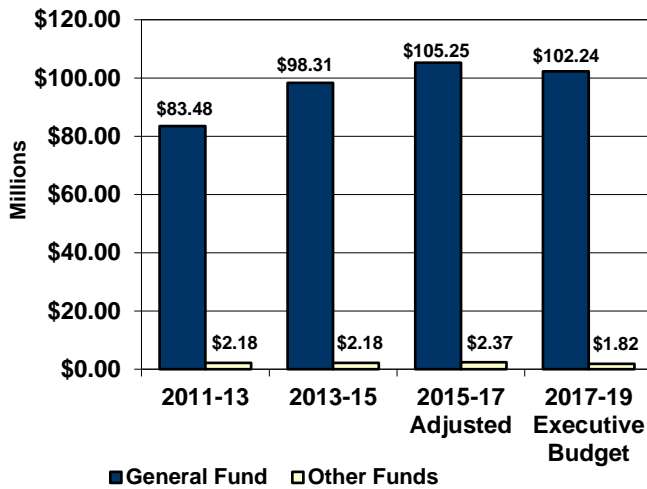
	FTE Positions	General Fund	Other Funds	Total
2017-19 Executive Budget	354.50	\$102,236,654	\$1,821,839	\$104,058,493
2015-17 Adjusted Legislative Appropriations <sup>1</sup>	391.00	105,253,664	2,366,806	107,620,470
Increase (Decrease)	(36.50)	(\$3,017,010)	(\$544,967)	(\$3,561,977)

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

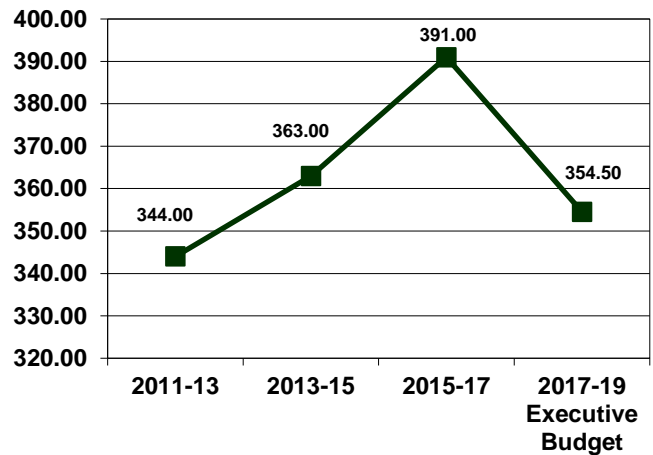
**Ongoing and One-Time General Fund Appropriations**

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2017-19 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**



**Executive Budget Comparison to Base Level**

	General Fund	Other Funds	Total
2017-19 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

**Executive Budget Highlights**

	General Fund	Other Funds	Total
<b>Judicial Branch</b>			
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	\$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	\$413,377	(\$393,210)	\$20,167
<b>Supreme Court</b>			
4. Removes the following 4.50 FTE positions: <ul style="list-style-type: none"> <li>2 FTE administrative assistants</li> <li>1 FTE law library assistant</li> <li>0.5 FTE deputy clerk</li> <li>1 FTE guardian project manager</li> </ul>	(\$414,424)	\$0	(\$414,424)
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 Bill Sections Recommended to be Added in the Executive Budget (As Detailed in Senate Bill No. 2062)

**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.

**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.

**District judges' 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.

## 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

The executive budget recommendation includes a deficiency appropriation of \$1.5 million from the strategic investment and improvements fund for the cost of jury trials and to hire surrogate judges to assist with trials relating to the pipeline protests.

## 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. 1095** - Relating to guardianship and conservatorship proceedings.

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

**Senate Bill No. 2121** - Relating to costs for insufficient funds checks and assessment of court fees.

**Judicial Branch - Budget No. 180**  
**Senate Bill Nos. 2002 and 2062**  
**Base Level Funding Changes**

	<b>Executive Budget Recommendation</b>			
	<b>FTE Position</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
<b>2017-19 Biennium Base Level</b>	391.00	\$101,591,134	\$2,366,806	\$103,957,940
<b>2017-19 Ongoing Funding Changes</b>				
Base payroll changes		\$1,116,796	(\$151,757)	\$965,039
Salary increase		335,295		335,295
Health insurance increase		1,021,734		1,021,734
Increase payments to contract counties		342,479		342,479
Remove FTE positions	(36.50)	(3,216,178)		(3,216,178)
Increase funding for information technology		586,475		586,475
Adjust funding for operating expenses		413,377	(393,210)	20,167
Adjust funding for judges retirement		817		817
Restore funding for Judicial Conduct Commission salaries and wages		44,725		44,725
Total ongoing funding changes	(36.50)	\$645,520	(\$544,967)	\$100,553
<b>One-time funding items</b>				
No one-time funding items				\$0
Total one-time funding changes	0.00	\$0	\$0	\$0
<b>Total Changes to Base Level Funding</b>	(36.50)	\$645,520	(\$544,967)	\$100,553
<b>2017-19 Total Funding</b>	354.50	\$102,236,654	\$1,821,839	\$104,058,493

**Other Sections in Judicial Branch - Budget No. 180**

	<b>Executive Budget Recommendation</b>
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.
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**Other Sections in Judicial Branch - Budget No. 180**

**Executive Budget Recommendation**

Supreme Court justices' salaries

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District Court justices' salaries

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## 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
Executive Budget changes	645,520	(3,662,530)	(3,017,010)
2017-19 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 Executive Budget Changes to the Original and Adjusted Base Budgets

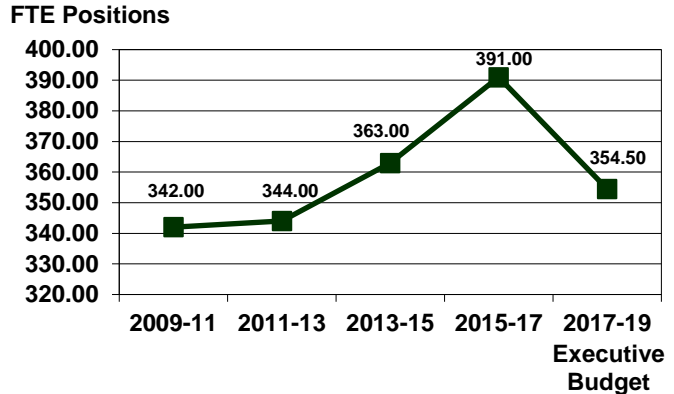
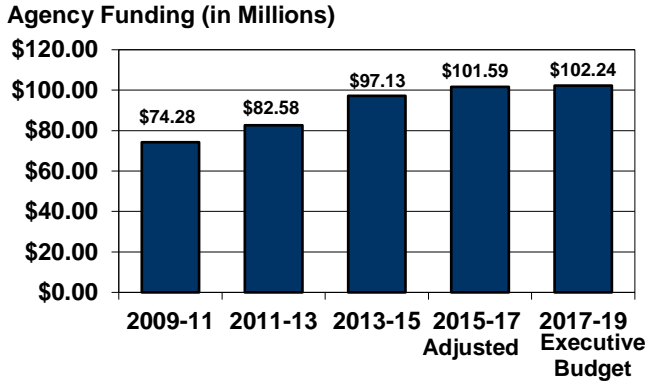
	Changes to Original Budget	Budget Reduction Adjustments	Changes to Adjusted Budget
Supreme Court			
Reduces funding for base payroll changes	(\$52,268)	\$0	(\$52,268)
Adds funding for recommended salary and benefit increases	170,078	0	170,078
Removes 4.50 FTE positions	(764,424)	350,000	(414,424)
Increases 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

	<b>Changes to Original Budget</b>	<b>Budget Reduction Adjustments</b>	<b>Changes to Adjusted Budget</b>
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)
<b>Total</b>	<b>(\$5,935,810)</b>	<b>\$6,581,330</b>	<b>\$645,520</b>

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 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 law clerk FTE position (\$149,992) and 1 juvenile court officer FTE 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 (Executive Budget Recommendation)

- Removes 36.5 FTE positions (\$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
- Increases funding for operating expenses \$413,377