

**Department 180 - Judicial Branch
Senate Bill No. 2002**

Executive Budget Comparison to Prior Biennium Appropriations

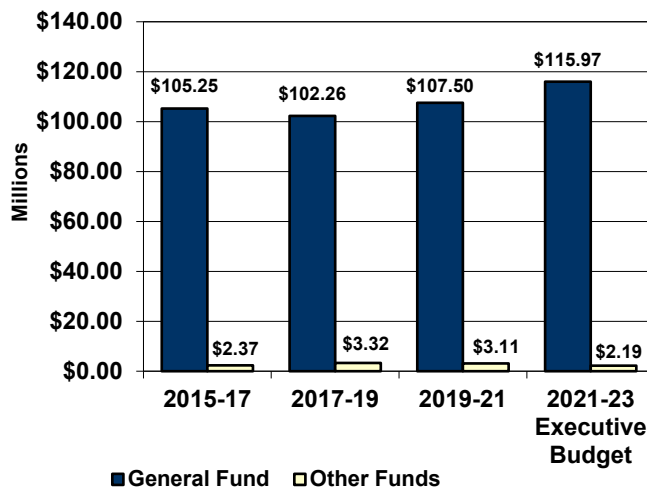
	FTE Positions	General Fund	Other Funds	Total
2021-23 Executive Budget	363.00	\$115,967,211	\$2,194,458	\$118,161,669
2019-21 Legislative Appropriations ¹	363.00	107,503,043	3,112,297	110,615,340
Increase (Decrease)	0.00	\$8,464,168	(\$917,839)	\$7,546,329

¹The 2019-21 biennium agency appropriation amounts have not been adjusted for additional federal Coronavirus (COVID-19) funds authority of \$312,212 resulting from Emergency Commission action during the 2019-21 biennium.

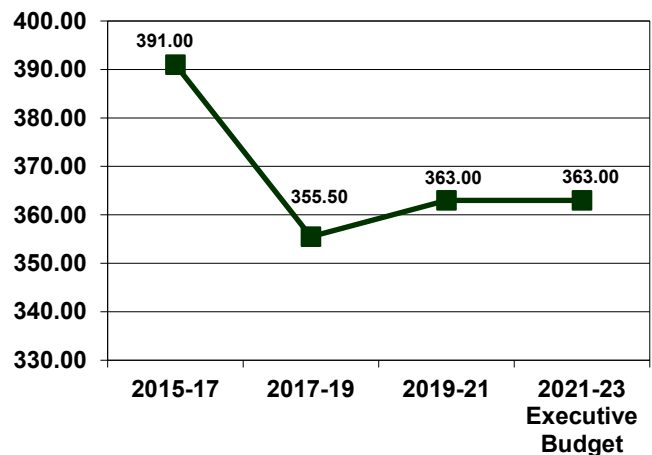
Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2021-23 Executive Budget	\$111,449,611	\$4,517,600	\$115,967,211
2019-21 Legislative Appropriations	107,355,691	147,352	107,503,043
Increase (Decrease)	\$4,093,920	\$4,370,248	\$8,464,168

Agency Funding



FTE Positions



Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2021-23 Executive Budget	\$115,967,211	\$2,194,458	\$118,161,669
2021-23 Base Level	107,355,691	2,142,297	109,497,988
Increase (Decrease)	\$8,611,520	\$52,161	\$8,663,681

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
Judicial branch			
1. Provides funding for state employee salary and benefit increases, of which \$1,565,650 is for salary increases, \$17,930 is for health insurance increases, and \$322,502 is for retirement contributions increases. The Senate added funding for salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 and 2 percent on July 1, 2022, and increases in health insurance premiums from \$1,427 to \$1,429 per month. The Senate did not add funding for retirement contribution increases.	\$1,906,033	\$49	\$1,906,082

Supreme Court

2. Adjusts funding for base payroll changes	(\$313,751)	\$0	(\$313,751)
3. Adds funding for the Capitol complex rent proposal. The Senate did not add funding for the Capitol complex rent proposal.	\$755,930	\$0	\$755,930
4. Adds funding to lease information technology equipment	\$134,611	\$0	\$134,611
5. Adjusts funding for operating expenses	(\$503,346)	\$0	(\$503,346)
6. Adds one-time funding for a new docket management system	\$2,000,000	\$0	\$2,000,000
7. Adds one-time funding for Zoom remote video equipment	\$32,000	\$0	\$32,000

District courts

8. Adjusts funding for base payroll changes, including employee step increases	\$2,677,719	(\$31,054)	\$2,646,665
9. Removes funding for juvenile intensive in-home services. The Senate did not remove funding for juvenile intensive in-home services.	(\$500,000)	\$0	(\$500,000)
10. Removes funding for youth cultural achievement programs. The Senate did not remove funding for youth cultural achievement programs.	(\$455,000)	\$0	(\$455,000)
11. Reduces funding for other juvenile service programs. The Senate did not reduce funding for other juvenile service programs.	(\$266,086)	\$0	(\$266,086)
12. Adds funding to lease information technology equipment	\$980,397	\$0	\$980,397
13. Adds funding for a veterans' treatment court	\$145,247	\$0	\$145,247
14. Adjusts funding for operating expenses	(\$490,532)	\$63,367	(\$427,165)
15. Adds one-time funding for a juvenile case management system	\$2,000,000	\$0	\$2,000,000
16. Adds one-time funding for Zoom remote video equipment	\$328,000	\$0	\$328,000
17. Adds one-time funding for Wi-Fi access points	\$157,600	\$0	\$157,600

Judicial Conduct Commission

18. Adjusts funding for base payroll changes	\$25,202	\$20,121	\$45,323
19. Adjusts funding for operating expenses	(\$2,504)	(\$322)	(\$2,826)

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, 2021, and ending June 30, 2023.

Line item transfers - Section 4 requires the director of the Office of Management and Budget to transfer appropriation authority between line items for the judicial branch as requested by the Supreme Court.

Child support duties - Sections 5, 6, 7, 8, 9, and 12 provide statutory changes to transfer certain child support duties from the judicial branch to the Department of Human Services.

Supreme Court justices' salaries - Section 10 provides the statutory changes to increase Supreme Court justices' salaries by 2 percent each year of the biennium. Supreme Court justices' annual salaries would be increased from the current level of \$163,394 to \$166,662 effective July 1, 2021, and \$169,995 effective July 1, 2022. The Chief Justice of the Supreme Court would be entitled to receive an additional \$4,713 per annum effective July 1, 2021, and an additional \$4,808 per annum effective July 1, 2022, an increase from the current additional amount for the Chief Justice of \$4,624 per annum.

District judges' salaries - Section 11 provides the statutory changes to increase district court judges' salaries by 2 percent each year of the biennium. District court judges' annual salaries would be increased from the current level of \$149,926 to \$152,925 effective July 1, 2021, and \$155,983 effective July 1, 2022. A presiding judge of a judicial district would be entitled to receive an additional \$4,345 per annum effective July 1, 2021, and an additional \$4,432 per annum effective July 1, 2022, an increase from the current additional amount for presiding judges of \$4,260 per annum.

Legislative intent - Section 13 provides legislative intent that the judicial branch pursue the use of federal funds from the federal Coronavirus Relief Fund to defray the cost of certain information technology projects.

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.

Significant Audit Findings

There are no significant audit findings for the judicial branch.

Major Related Legislation

House Bill No. 1035 - Amends law relating to juvenile justice and the Juvenile Court Act.

House Bill No. 1036 - Provides for a Legislative Management study of juvenile justice during the 2021-22 interim.

House Bill No. 1048 - Allows the court to require a guardian to obtain a bond.

House Bill No. 1049 - Provides for restrictions on visitation, communication, and interaction with a ward.

House Bill No. 1393 - Adds the completion of a restorative justice program as a sentencing alternative to incarceration.

House Bill No. 1427 - Provides for duties of the Commission on Juvenile Justice and the Children's Cabinet and creates a Juvenile Justice Planning Committee, a Planning Committee for Children in Need of Services, and a Planning Committee for Alternatives to Juvenile Detention.

Senate Bill No. 2057 - Provides for the court to authorize the sale or transfer of ownership of the property of a ward.

Senate Bill No. 2105 - Amends law relating to the retaking of an offender under supervision in another state.

Senate Bill No. 2246 - Amends law to provide for a drug court program and a veterans treatment docket.

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

	Executive Budget Recommendation				Senate Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2021-23 Biennium Base Level	363.00	\$107,355,691	\$2,142,297	\$109,497,988	363.00	\$107,355,691	\$2,142,297	\$109,497,988
2021-23 Ongoing Funding Changes								
Base payroll changes		\$2,389,170	(\$10,933)	\$2,378,237		\$1,806,707	(\$10,933)	\$1,795,774
Salary increase		1,565,610	40	1,565,650		2,208,619		2,208,619
Retirement contribution increase		322,494	8	322,502				0
Health insurance increase		17,929	1	17,930		17,929	1	17,930
Transfers child support duties to the Department of Human Services				0	(1.50)	(225,000)		(225,000)
Reduces funding for judge's retirement				0		(143,086)		(143,086)
Adds funding for a veterans treatment court		145,247		145,247		145,247		145,247
Adjusts funding for Supreme Court operations		(503,346)		(503,346)		(503,346)		(503,346)
Adjusts funding for district court operations		(490,532)	63,367	(427,165)		(490,532)	63,367	(427,165)
Adjusts funding for Judicial Conduct Commission operations		(2,504)	(322)	(2,826)		(2,504)	(322)	(2,826)
Removes funding for juvenile intensive in-home services		(500,000)		(500,000)				0
Removes funding for youth cultural achievement programs		(455,000)		(455,000)				0
Reduces funding for other juvenile service programs		(266,086)		(266,086)				0
Adds funding to lease IT equipment		1,115,008		1,115,008		1,115,008		1,115,008
Adds funding for the Capitol complex rent proposal		755,930		755,930				0
Total ongoing funding changes	0.00	\$4,093,920	\$52,161	\$4,146,081	(1.50)	\$3,929,042	\$52,113	\$3,981,155
One-time funding items								
Adds one-time funding for Zoom remote video equipment		\$360,000		\$360,000		\$360,000		\$360,000
Adds one-time funding for district court Wi-Fi access points		157,600		157,600		157,600		157,600
Adds one-time funding for a new juvenile case management system		2,000,000		2,000,000		2,000,000		2,000,000
Adds one-time funding for a new Supreme Court docket management system		2,000,000		2,000,000		2,000,000		2,000,000
Total one-time funding changes	0.00	\$4,517,600	\$0	\$4,517,600	0.00	\$4,517,600	\$0	\$4,517,600
Total Changes to Base Level Funding	0.00	\$8,611,520	\$52,161	\$8,663,681	(1.50)	\$8,446,642	\$52,113	\$8,498,755
2021-23 Total Funding	363.00	\$115,967,211	\$2,194,458	\$118,161,669	361.50	\$115,802,333	\$2,194,410	\$117,996,743
<i>Total ongoing changes as a percentage of base level</i>	<i>0.0%</i>	<i>3.8%</i>	<i>2.4%</i>	<i>3.8%</i>	<i>(0.4%)</i>	<i>3.7%</i>	<i>2.4%</i>	<i>3.6%</i>
<i>Total changes as a percentage of base level</i>	<i>0.0%</i>	<i>8.0%</i>	<i>2.4%</i>	<i>7.9%</i>	<i>(0.4%)</i>	<i>7.9%</i>	<i>2.4%</i>	<i>7.8%</i>

Other Sections in Judicial Branch - Budget No. 180

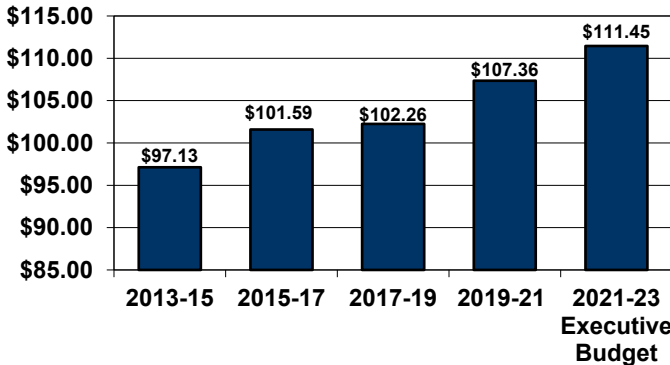
	<u>Executive Budget Recommendation</u>	<u>Senate Version</u>
Appropriation	Section 3 would appropriate to the judicial branch all funds received pursuant to federal acts and private gifts, grants, and donations, for the purpose as designated in the federal acts or private gifts, grants, and donations, for the period beginning July 1, 2021, and ending June 30, 2023.	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, 2021, and ending June 30, 2023.
Line item transfers	Section 4 would require the director of the Office of Management and Budget to transfer appropriation authority between line items for the judicial branch as requested by the Supreme Court.	Section 4 requires the director of the Office of Management and Budget to transfer appropriation authority between line items for the judicial branch as requested by the Supreme Court.
Transfer child support duties		Sections 5, 6, 7, 8, 9, and 12 provide statutory changes as originally provided in Senate Bill No. 2082 to transfer certain child support duties to the Department of Human Services.
Supreme Court justices' salaries	Section 5 would provide the statutory changes to increase Supreme Court justices' salaries by 2 percent each year of the biennium.	Section 10 provides the statutory changes to increase Supreme Court justices' salaries by 2 percent each year of the biennium.
District judges' salaries	Section 6 would provide the statutory changes to increase district court judges' salaries by 2 percent each year of the biennium.	Section 11 provides the statutory changes to increase district court judges' salaries by 2 percent each year of the biennium.
Legislative intent		Section 13 provides legislative intent for the judicial branch to seek federal coronavirus relief funding for the Zoom remote video equipment and the Wi-Fi access points.

Department 180 - Judicial Branch

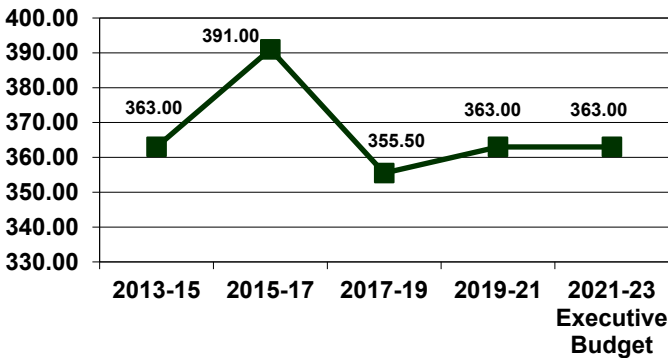
Historical Appropriations Information

Ongoing General Fund Appropriations Since 2013-15

Ongoing General Fund Appropriations (in Millions)



FTE Positions



Ongoing General Fund Appropriations					
	2013-15	2015-17	2017-19	2019-21	2021-23 Executive Budget
Ongoing general fund appropriations	\$97,133,117	\$101,591,134	\$102,257,770	\$107,355,691	\$111,449,611
Increase (decrease) from previous biennium	N/A	\$4,458,017	\$666,636	\$5,097,921	\$4,093,920
Percentage increase (decrease) from previous biennium	N/A	4.6%	0.7%	5.0%	3.8%
Cumulative percentage increase (decrease) from 2013-15 biennium	N/A	4.6%	5.3%	10.5%	14.7%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2015-17 Biennium

- 1. Added 28 FTE positions, including 4 new district judges \$5,408,884
- 2. Increased funding for payments to contract counties for clerk of court services \$381,748
- 3. Increase funding for operating expenses (this item was affected by the August 2016 budget reductions) \$1,074,354

2017-19 Biennium

- 1. Removed 32 FTE positions (\$2,801,754)
- 2. Increased funding for operating expenses, including information technology costs \$1,101,096
- 3. Increased funding for payments to contract counties for clerk of court services \$342,479

2019-21 Biennium

- 1. Added 7.5 FTE positions, including 1 new district judge \$1,459,508
- 2. Reduced funding for miscellaneous expenses, including equipment, information technology, and other operating expenses (\$757,971)
- 3. Added funding for drug court in the Southeast Judicial District \$125,240

2021-23 Biennium (Executive Budget Recommendation)

- 1. Removes funding for juvenile intensive in-home services. **The Senate did not remove funding for juvenile intensive in-home services.** (\$500,000)
- 2. Removes funding for youth cultural achievement programs. **The Senate did not remove funding for youth cultural achievement programs.** (\$455,000)
- 3. Adds funding to lease information technology equipment \$1,115,008
- 4. Adds funding for the Capitol complex rent proposal. **The Senate did not add funding for the Capitol complex rent proposal.** \$755,930

JUDICIAL BRANCH REQUEST WITH THE GOVERNOR'S RECOMMENDATION FOR STATE EMPLOYEE COMPENSATION CHANGES AND RENT

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the judicial branch for the purpose of defraying the expenses of the judicial branch, for the biennium beginning July 1, 2021, and ending June 30, 2023 as follows:

Subdivision 1.

SUPREME COURT

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,338,720	(\$55,661)	\$11,283,059
Operating expenses	2,705,762	400,262	3,106,024
Capital assets	0	2,032,000	2,032,000
Guardianship monitoring program	<u>283,042</u>	<u>5,462</u>	<u>288,504</u>
Total general fund	\$14,327,524	\$2,382,063	\$16,709,587

Subdivision 2.

DISTRICT COURTS

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$73,242,268	\$4,410,569	\$77,652,837
Operating expenses	20,396,902	(465,746)	19,931,156
Capital assets	0	2,328,000	2,328,000
Judges' retirement	<u>280,332</u>	<u>(66,086)</u>	<u>214,246</u>
Total all funds	\$93,919,502	\$6,206,737	\$100,126,239
Less estimated income	<u>1,659,596</u>	<u>32,362</u>	<u>1,691,958</u>
Total general fund	\$92,259,906	\$6,174,375	\$98,434,281

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Judicial conduct commission and disciplinary board	<u>\$1,250,962</u>	<u>\$74,881</u>	<u>\$1,325,843</u>
Total all funds	\$1,250,962	\$74,881	1,325,843
Less estimated income	<u>482,701</u>	<u>19,799</u>	<u>502,500</u>
Total general fund	\$768,261	\$55,082	\$823,343

Subdivision 4.

BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$107,355,691	\$8,611,520	\$115,967,211
Grand total special funds	<u>2,142,297</u>	<u>52,161</u>	<u>2,194,458</u>
Grand total all funds	\$109,497,988	\$8,663,681	\$118,161,669
Full-time equivalent positions	363	0	363

SECTION 2. ONE-TIME FUNDING - REPORT TO SIXTY-EIGHTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the 2021-23 one-time funding items in section 1 of this Act:

<u>One-time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
Copy machines	\$82,500	\$0
Audio and visual equipment	64,852	0
Supreme court law library remodel	970,000	0
Juvenile case management system	0	2,000,000
Supreme court docket management system	0	2,000,000
Wi-Fi access points installation	0	157,600
Zoom remote video equipment	<u>0</u>	<u>360,000</u>
Total all funds	\$1,117,352	\$4,517,600
Less estimated income	<u>970,000</u>	<u>0</u>
Total general fund	\$147,352	\$4,517,600

The 2021-23 one-time funding amounts are not a part of the entity’s base budget for the 2023-25 biennium. The supreme court shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2021, and ending June 30, 2023.

SECTION 3. APPROPRIATION. There are appropriated any funds received by the supreme court, district courts, and judicial conduct commission and disciplinary board, not otherwise appropriated, 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, 2021, and ending June 30, 2023.

SECTION 4. TRANSFERS. The director of the office of management and budget shall transfer appropriation authority between line items in section 1 of this Act 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 5. AMENDMENT. Section 27-02-02 of the North Dakota Century Code is amended and reenacted as follows:

27-02-02. Salaries of justices of supreme court. The annual salary of each justice of the supreme court is ~~one hundred fifty nine thousand four hundred nine dollars through June 30, 2020~~ one hundred sixty-six thousand six hundred sixty-two dollars through June 30, 2022, and ~~one hundred sixty-three thousand three hundred ninety-four~~ one hundred sixty-nine thousand nine hundred ninety-five dollars thereafter. The chief justice of the supreme court is entitled to receive an additional ~~four thousand five hundred eight dollars per annum through June 30, 2020~~ four thousand seven hundred thirteen dollars per annum through June 30, 2022, and ~~four thousand six hundred twenty-one~~ four thousand eight hundred eight dollars per annum thereafter.

SECTION 6. AMENDMENT. Section 27-05-03 of the North Dakota Century Code is amended and reenacted as follows:

27-05-03. Salaries and expenses of district judges. The annual salary of each district judge is ~~one hundred forty six thousand two hundred sixty-nine dollars through June 30, 2020~~ one hundred fifty-two thousand nine hundred twenty-five dollars through June 30, 2022, and ~~one hundred forty-~~

~~nine thousand nine hundred twenty-six~~one hundred fifty-five thousand nine hundred eighty-three dollars thereafter. Each district judge is entitled to travel expenses, including mileage and subsistence while engaged in the discharge of official duties outside the city in which the judge's chambers are located. The salary and expenses are payable monthly in the manner provided by law. A presiding judge of a judicial district is entitled to receive an additional ~~four thousand one hundred fifty-six dollars per annum through June 30, 2020~~four thousand three hundred forty-five dollars per annum through June 30, 2022, and ~~four thousand two hundred sixty~~four thousand four hundred thirty-two dollars thereafter.