

Department 180 - Judicial Branch
House Bill No. 1002

Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2023-25 Executive Budget	\$137,217,343	\$1,820,593	\$139,037,936
2023-25 Base Level	110,312,790	1,259,463	111,572,253
Increase (Decrease)	\$26,904,553	\$561,130	\$27,465,683

Selected Budget Changes Recommended in the Executive Budget

	General Fund	Other Funds	Total
Judicial branch			
1. Provides funding for state employee salary and benefit increases, of which \$11,434,441 is for salary increases and \$2,012,514 is for health insurance increases. The salary increase amount reflects increases for Supreme Court justices, district court judges, and district court referees of 20 percent on July 1, 2023, and 15 percent on July 1, 2024.	\$13,398,701	\$48,254	\$13,446,955
Supreme Court			
2. Adds funding for 1 new FTE assistant state court administrator	\$369,734	\$0	\$369,734
3. Adds one-time funding from federal funds to reduce delays in criminal case processing	\$0	\$388,000	\$388,000
District courts			
4. Adds funding for 21 new FTE positions, including 4 judges, 6 attorneys, and 11 deputy clerks of district court	\$5,391,220	\$0	\$5,391,220
5. Adds funding for increased IT costs	\$2,157,620	\$0	\$2,157,620
6. Adds funding for travel and professional development	\$622,577	\$0	\$622,577
7. Adds funding for temporary youth coordinator positions	\$495,000	\$0	\$495,000
8. Adds funding for drug court and veterans' treatment court coordinators and aides	\$189,582	\$0	\$189,582
9. Removes funding for youth cultural achievement programs	(\$252,000)	\$0	(\$252,000)
10. Adds funding for youth restorative justice	\$144,476	\$0	\$144,476
11. Adds funding to increase jury compensation rates by 100 percent	\$960,000	\$0	\$960,000
12. Adds one-time funding for equipment, including copy machines, video systems, and other IT equipment	\$1,125,220	\$0	\$1,125,220
Judicial Conduct Commission			
13. Adds funding for retirement leave payouts	\$11,642	\$7,166	\$18,808

A summary of the executive budget changes to the agency's base level appropriations is attached as an appendix.

A copy of the draft appropriations bill containing the executive budget recommendations is attached as an appendix.

Selected Bill Sections Recommended in the Executive Budget

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, 2023, and ending June 30, 2025.

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.

Supreme Court justices' salaries - Section 5 would provide the statutory changes to increase Supreme Court justices' salaries by 20 percent on July 1, 2023, and by 15 percent on July 1, 2024. Supreme Court justices' annual salaries would be increased from the current level of \$169,162 to \$202,994 effective July 1, 2023, and \$233,444 effective July 1, 2024. The Chief Justice of the Supreme Court would be entitled to receive an additional \$5,741 per annum effective July 1, 2023, and an additional \$6,601 per annum effective July 1, 2024, an increase from the current additional amount for the Chief Justice of \$4,784 per annum.

District judges' salaries - Section 6 would provide the statutory changes to increase district court judges' salaries by 20 percent on July 1, 2023, and by 15 percent on July 1, 2024. District court judges' annual salaries would be increased from the current level of \$155,219 to \$186,263 effective July 1, 2023, and \$214,202 effective July 1, 2024. A presiding judge of a judicial district would be entitled to receive an additional \$5,292 per annum effective July 1, 2023, and an additional \$6,086 per annum effective July 1, 2024, an increase from the current additional amount for presiding judges of \$4,410 per annum.

Juror compensation - Section 7 would provide the statutory changes to increase jury compensation by 100 percent, from \$50 per day to \$100. Compensation for a juror in attendance for 4 hours or less on the 1st day would increase from \$25 to \$50.

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

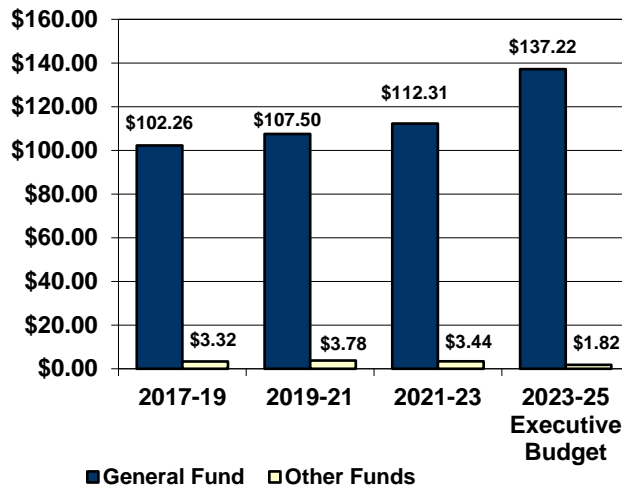
House Bill No. 1037 - Codifies the factors the court must consider in determining the amount and duration of spousal support.

House Bill No. 1038 - Makes technical corrections throughout the Century Code.

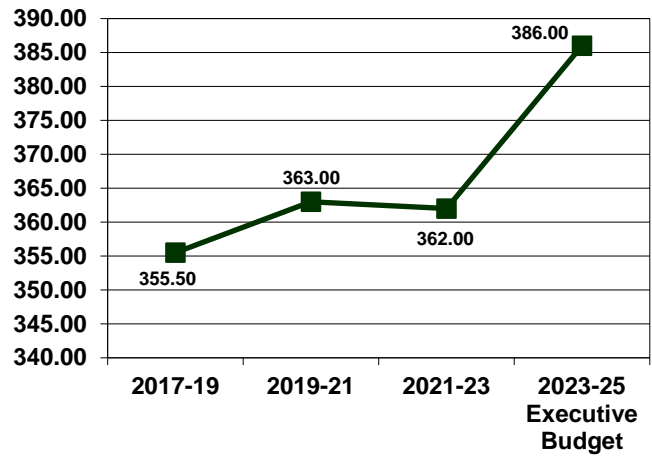
Historical Appropriations Information

Agency Appropriations and FTE Positions

Agency Funding (Millions)



FTE Positions



Ongoing General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
Ongoing general fund appropriations	\$101,591,134	\$102,257,770	\$107,355,691	\$110,312,790	\$136,063,623
Increase (decrease) from previous biennium	N/A	\$666,636	\$5,097,921	\$2,957,099	\$25,750,833
Percentage increase (decrease) from previous biennium	N/A	0.7%	5.0%	2.8%	23.3%
Cumulative percentage increase (decrease) from 2015-17 biennium	N/A	0.7%	5.7%	8.6%	33.9%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2017-19 Biennium

1. Removed 32 FTE positions (\$2,801,754)
2. Increased funding for operating expenses, including IT 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, IT, and other operating expenses (\$757,971)
3. Added funding for drug court in the Southeast Judicial District \$125,240

2021-23 Biennium

1. Reduced funding for juvenile intensive in-home services (\$200,000)
2. Added funding for a veterans' treatment court \$145,247
3. Added funding to lease IT equipment \$912,008

2023-25 Biennium (Executive Budget Recommendation)

1. Adds funding for 22 new FTE positions \$5,760,954
2. Adds funding for increased IT costs \$2,392,995
3. Adds funding to increase jury compensation rates by 100 percent \$960,000

One-Time General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
One-time general fund appropriations	\$3,662,530	\$0	\$147,352	\$2,000,000	\$1,153,720

Major One-Time General Fund Appropriations

2017-19 Biennium

None \$0

2019-21 Biennium

Added funding for copy machines and audio and video equipment \$147,357

2021-23 Biennium

Added funding for a juvenile case management system \$2,000,000

2023-25 Biennium (Executive Budget Recommendation)

1. Adds funding for district court equipment, including copy machines, video systems, and other IT equipment \$1,125,220
2. Adds funding for Supreme Court equipment, including a microfiche machine and copy machines \$28,500

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

	Executive Budget Recommendation			
	FTE Positions	General Fund	Other Funds	Total
2023-25 Biennium Base Level	362.00	\$110,312,790	\$1,259,463	\$111,572,253
2023-25 Ongoing Funding Changes				
Base payroll changes		\$467,705	\$3,270	\$470,975
Salary increase		11,406,275	28,166	11,434,441
Health insurance increase		1,992,426	20,088	2,012,514
Adds new FTE positions	22.00	5,760,954		5,760,954
Converts federally funded court improvement program temporary positions to FTE positions	2.00		63,662	63,662
Adds funding for retirement leave payouts		369,922	7,166	377,088
Increases funding for judges retirement		40,094		40,094
Adds funding for temporary youth coordinator positions		495,000		495,000
Adds funding for drug court and veterans' court coordinators and aides		189,582		189,582
Adds funding for increased jury compensation rates		960,000		960,000
Adds funding for jury costs, including bailiff pay, postage, and jury fees		245,900		245,900
Adds funding for increased IT costs		2,392,995		2,392,995
Adds funding for the Supreme Court Law Library		125,500		125,500
Adds funding for the rural attorney recruitment program		36,000		36,000
Adds funding for travel and professional development		653,287		653,287
Adds funding for the family mediation program		282,800		282,800
Adds funding for office equipment and furniture		178,880		178,880
Removes funding for youth cultural achievement programs		(252,000)		(252,000)
Adds funding for youth restorative justice		144,476		144,476
Adjusts funding for other juvenile court services and program costs		7,298		7,298
Adjusts funding for other base budget adjustments		253,739	50,778	304,517
Adjusts funding to consolidate line items, including the removal of the guardianship monitoring line item				0
Total ongoing funding changes	24.00	\$25,750,833	\$173,130	\$25,923,963
One-time funding items				
Adds funding for Supreme Court equipment, including a microfiche machine and copy machines		\$28,500		\$28,500
Adds funding for district courts equipment, including copy machines, courtroom video systems, and blades and disk drives		1,125,220		1,125,220
Adds funding for a federal Department of Justice grant to reduce delays in criminal case processing			\$388,000	388,000
Total one-time funding changes	0.00	\$1,153,720	\$388,000	\$1,541,720
Total Changes to Base Level Funding	24.00	\$26,904,553	\$561,130	\$27,465,683
2023-25 Total Funding	386.00	\$137,217,343	\$1,820,593	\$139,037,936

Federal funds included in other funds

\$1,280,129

Total ongoing changes as a percentage of base level

6.6%

23.3%

13.7%

23.2%

Total changes as a percentage of base level

6.6%

24.4%

44.6%

24.6%

Other Sections in Judicial Branch - Budget No. 180

Executive Budget Recommendation

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, 2023, and ending June 30, 2025.

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.

Supreme Court justices' salaries

Section 5 would provide the statutory changes to increase Supreme Court justices' salaries by 20 percent on July 1, 2023, and by 15 percent on July 1, 2024. Supreme Court justices' annual salaries would be increased from the current level of \$169,162 to \$202,994 effective July 1, 2023, and \$233,444 effective July 1, 2024. The Chief Justice of the Supreme Court would be entitled to receive an additional \$5,741 per annum effective July 1, 2023, and an additional \$6,601 per annum effective July 1, 2024, an increase from the current additional amount for the Chief Justice of \$4,784 per annum.

District court judges' salaries

Section 6 would provide the statutory changes to increase district court judges' salaries by 20 percent on July 1, 2023, and by 15 percent on July 1, 2024. District court judges' annual salaries would be increased from the current level of \$155,219 to \$186,263 effective July 1, 2023, and \$214,202 effective July 1, 2024. A presiding judge of a judicial district would be entitled to receive an additional \$5,292 per annum effective July 1, 2023, and an additional \$6,086 per annum effective July 1, 2024, an increase from the current additional amount for presiding judges of \$4,410 per annum.

Juror compensation

Section 7 would provide the statutory changes to increase jury compensation by 100 percent, from \$50 per day to \$100. Compensation for a juror in attendance for 4 hours or less on the 1st day would increase from \$25 to \$50.

Introduced by
 Appropriations Committee
 (At the request of the Supreme Court)

A BILL for an ACT to provide an appropriation for defraying the expenses of the judicial branch; to amend and reenact sections 27-02-02, 27-05-03 and 27-09.1-14 of the North Dakota Century Code, relating to salaries of justices of the supreme court, salaries of district court judges, and compensation of jurors; and to provide for a transfer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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, 2023, and ending June 30, 2025 as follows:

Subdivision 1.

SUPREME COURT

	<u>Base Level</u>	Adjustments or <u>Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,452,261	\$2,255,262	\$13,707,523
Operating expenses	2,386,836	809,923	3,196,759
Capital assets	<u>0</u>	<u>28,500</u>	<u>28,500</u>
Total all funds	\$13,839,097	\$3,093,685	\$16,932,782
Less estimated income	<u>0</u>	<u>388,000</u>	<u>388,000</u>
Total general fund	\$13,839,097	\$2,705,685	\$16,544,782

Subdivision 2.

DISTRICT COURTS

	<u>Base Level</u>	Adjustments or <u>Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$76,196,548	\$18,606,384	\$94,802,932
Operating expenses	20,081,881	4,442,738	24,524,619
Capital assets	0	1,125,220	1,125,220
Judges' retirement	<u>137,246</u>	<u>40,094</u>	<u>177,340</u>
Total all funds	\$96,415,675	\$24,214,436	\$120,630,111
Less estimated income	<u>756,963</u>	<u>135,166</u>	<u>892,129</u>
Total general fund	\$95,658,712	\$24,079,270	\$119,737,982

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	\$1,317,481	\$157,562	\$1,475,043
Total all funds	\$1,317,481	\$157,562	1,475,043
Less estimated income	<u>502,500</u>	<u>37,964</u>	<u>540,464</u>
Total general fund	\$814,981	\$119,598	\$934,579

Subdivision 4.

BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$110,312,790	\$26,904,553	\$137,217,343
Grand total special funds	<u>1,259,463</u>	<u>561,130</u>	<u>1,820,593</u>
Grand total all funds	\$111,572,253	\$27,465,683	\$139,037,936
Full-time equivalent positions	362	24	386

SECTION 2. ONE-TIME FUNDING - REPORT TO SIXTY-NINTH

LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the 2023-25 one-time funding items in section 1 of this Act:

<u>One-time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
Copy machines	\$0	\$88,000
Folding machine	0	10,000
Microfiche machine	0	6,000
Office furniture		73,300
Interactive camera systems		256,000
Courtroom sound and video presentation		45,000
Blade and disk drive lease payment		675,420
Department of Justice grant	0	388,000
Juvenile case management system	2,000,000	0
Wi-Fi access points installation	<u>157,600</u>	<u>0</u>
Total all funds	\$2,157,600	\$1,541,720
Less estimated income	<u>157,600</u>	<u>388,000</u>
Total general fund	\$2,000,000	\$1,153,720

The 2023-25 one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The supreme court shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025.

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, 2023, and ending June 30, 2025.

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 sixty-five thousand eight hundred forty-five dollars through June 30, 2022~~two hundred two thousand nine hundred ninety-four dollars through June 30, 2024, and ~~one hundred sixty-nine thousand one hundred sixty-two~~two hundred thirty-three thousand four hundred forty-four dollars thereafter. The chief justice of the supreme court is entitled to receive an additional ~~four thousand six hundred ninety dollars per annum through June 30, 2022~~five thousand seven hundred forty-one dollars per annum through June 30, 2024, and ~~four thousand seven hundred eighty-four~~six thousand six hundred one 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 fifty-two thousand one hundred seventy-five dollars through June 30, 2022~~one hundred eighty-six thousand two hundred sixty-three dollars through June 30, 2024, and ~~one hundred fifty-five thousand two hundred nineteen~~two hundred fourteen thousand two hundred two 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 three hundred twenty-four dollars per annum through June 30, 2022~~five thousand two hundred ninety-two dollars per annum through June 30, 2024, and ~~four thousand four hundred ten~~six thousand eighty-six dollars thereafter.

SECTION 7. AMENDMENT. Section 27-09.1-14 of the North Dakota Century Code is amended and reenacted as follows:

27-09.1-14. Mileage and compensation of jurors. A juror must be paid mileage at the rate provided for state employees in section 54-06-09. A juror must be

compensated at the rate of ~~twenty five~~ one hundred dollars for each day of required attendance at sessions of the district court unless the juror is in attendance for four hours or less on the first day, in which case compensation for the first day is ~~twenty five~~ fifty dollars. A juror must be compensated at the rate of ten dollars for each day of required attendance at sessions of a coroner's inquest. The mileage and compensation of jurors must be paid by the state for jurors at sessions of the district court. Jurors at coroner's inquests must be paid by the county.