

Department 180 - Judicial Branch
House Bill No. 1002

First Chamber Comparison to Base Level

| | General Fund | Other Funds | Total |
|-------------------------------|---------------|-------------|---------------|
| 2023-25 First Chamber Version | \$130,609,385 | \$1,834,447 | \$132,443,832 |
| 2023-25 Base Level | 110,312,790 | 1,259,463 | 111,572,253 |
| Increase (Decrease) | \$20,296,595 | \$574,984 | \$20,871,579 |

First Chamber Changes

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

Selected Bill Sections Included in the First Chamber 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, 2023, and ending June 30, 2025.

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.

Supreme Court justices' salaries - Section 5 provides the statutory changes to increase Supreme Court justices' salaries by 8 percent on July 1, 2023, and by 4 percent on July 1, 2024. Supreme Court justices' annual salaries would be increased from the current level of \$169,162 to \$182,695 effective July 1, 2023, and \$190,003 effective July 1, 2024. The Chief Justice of the Supreme Court is entitled to receive an additional \$5,167 per annum effective July 1, 2023, and an additional \$5,374 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 provides the statutory changes to increase district court judges' salaries by 8 percent on July 1, 2023, and by 4 percent on July 1, 2024. District court judges' annual salaries would be increased from the current level of \$155,219 to \$167,637 effective July 1, 2023, and \$174,342 effective July 1, 2024. A presiding judge of a judicial district is entitled to receive an additional \$4,763 per annum effective July 1, 2023, and an additional \$4,954 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 provides 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. 1138 - Provides for a mental health court pilot program in the Southeast Judicial District.

House Bill No. 1213 - Provides for the state to reimburse costs to a defendant charge with a crime of violence that is determined to be justifiable self-defense.

House Bill No. 1289 - Provides for the court to waive unpaid fines and fees upon completion of a drug court program.

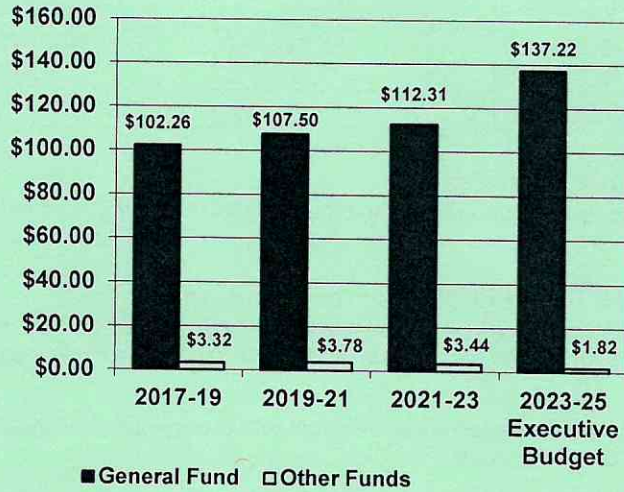
Senate Bill No. 2267 - Expands the rural attorney recruitment program from 4 to 8 attorneys.

Senate Bill No. 2345 - Provides an appropriation for a guardianship monitoring task force established by the Supreme Court.

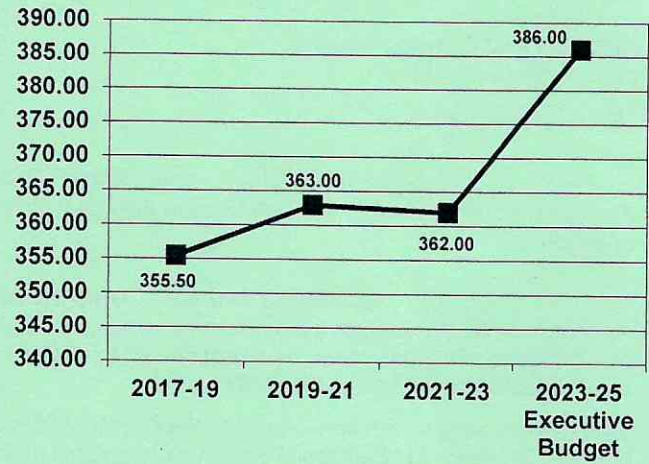
Historical Appropriations Information

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 information technology (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 | | | | House Version | | | |
|---|---------------------------------|---------------|-------------|---------------|---------------|---------------|-------------|---------------|
| | FTE Positions | General Fund | Other Funds | Total | FTE Positions | General Fund | Other Funds | Total |
| 2023-25 Biennium Base Level | 362.00 | \$110,312,790 | \$1,259,463 | \$111,572,253 | 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 | | \$467,705 | \$3,270 | \$470,975 |
| Salary increase | | 11,406,275 | 28,166 | 11,434,441 | | 5,821,039 | 41,558 | 5,862,597 |
| Health insurance increase | | 1,992,426 | 20,088 | 2,012,514 | | 2,022,830 | 20,550 | 2,043,380 |
| Adds funding for salary equity | | | | 0 | | 339,090 | | 339,090 |
| Adds new FTE positions | 22.00 | 5,760,954 | | 5,760,954 | 19.00 | 4,368,738 | | 4,368,738 |
| Converts federally funded court improvement program temporary positions to FTE positions | 2.00 | | 63,662 | 63,662 | 2.00 | | 63,662 | 63,662 |
| Adds funding for retirement leave payouts | | 369,922 | 7,166 | 377,088 | | 369,922 | 7,166 | 377,088 |
| Increases funding for judges retirement | | 40,094 | | 40,094 | | 40,094 | | 40,094 |
| Adds funding for temporary youth coordinator positions | | 495,000 | | 495,000 | | 495,000 | | 495,000 |
| Adds funding for drug court and veterans' court coordinators and aides | | 189,582 | | 189,582 | | 189,582 | | 189,582 |
| Adds funding for increased jury compensation rates | | 960,000 | | 960,000 | | 960,000 | | 960,000 |
| Adds funding for jury costs, including bailiff pay, postage, and jury fees | | 245,900 | | 245,900 | | 245,900 | | 245,900 |
| Adds funding for increased IT costs | | 2,392,995 | | 2,392,995 | | 2,392,995 | | 2,392,995 |
| Adds funding for the Supreme Court Law Library | | 125,500 | | 125,500 | | 125,500 | | 125,500 |
| Adds funding for the rural attorney recruitment program | | 36,000 | | 36,000 | | 36,000 | | 36,000 |
| Adds funding for travel and professional development | | 653,287 | | 653,287 | | 653,287 | | 653,287 |
| Adds funding for the family mediation program | | 282,800 | | 282,800 | | 282,800 | | 282,800 |
| Adds funding for office equipment and furniture | | 178,880 | | 178,880 | | 178,880 | | 178,880 |
| Removes funding for youth cultural achievement programs | | (252,000) | | (252,000) | | (252,000) | | (252,000) |
| Adds funding for youth restorative justice | | 144,476 | | 144,476 | | 144,476 | | 144,476 |
| Adjusts funding for other juvenile court services and program costs | | 7,298 | | 7,298 | | 7,298 | | 7,298 |
| Adjusts funding for other base budget | | 253,739 | 50,778 | 304,517 | | 253,739 | 50,778 | 304,517 |
| Adjusts funding to consolidate line items, including the removal of the guardianship monitoring line item | | | | 0 | | | | 0 |
| Total ongoing funding changes | 24.00 | \$25,750,833 | \$173,130 | \$25,923,963 | 21.00 | \$19,142,875 | \$186,984 | \$19,329,859 |
| One-Time Funding Items | | | | | | | | |
| Adds funding for Supreme Court equipment, including a microfiche machine and copy machines | | \$28,500 | | \$28,500 | | \$28,500 | | \$28,500 |

Adds funding for district courts equipment, including copy machines, courtroom video systems, and server equipment
 Adds funding for a federal Department of Justice grant to reduce delays in criminal case processing

1,125,220

1,125,220

1,125,220

Total one-time funding changes

\$388,000

\$388,000

Total Changes to Base Level Funding

0.00

\$1,153,720

\$1,541,720

2023-25 Total Funding

24.00

\$26,904,553

\$20,871,579

Federal funds included in other funds

386.00

\$137,217,343

\$132,443,832

\$1,280,129

Total ongoing changes as a percentage of base level

6.6%

23.3%

23.2%

17.3%

14.8%

17.4%

5.8%

24.6%

45.7%

18.4%

5.8%

18.7%

Other Sections in Judicial Branch - Budget No. 180

Appropriation

Executive Budget Recommendation

House Version

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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.

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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.

Section 5 provides the statutory changes to increase Supreme Court justices' salaries by 8 percent on July 1, 2023, and by 4 percent on July 1, 2024. Supreme Court justices' annual salaries would be increased from the current level of \$169,162 to \$182,695 effective July 1, 2023, and \$190,003 effective July 1, 2024. The Chief Justice of the Supreme Court is entitled to receive an additional \$5,167 per annum effective July 1, 2023, and an additional \$5,374 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.

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Juror compensation

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