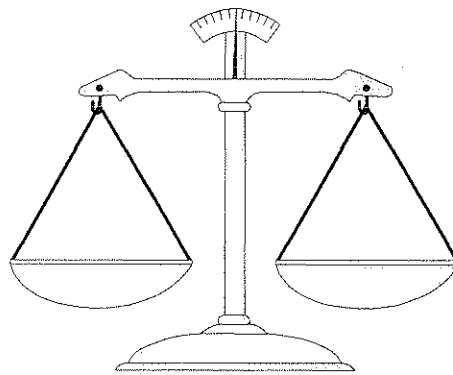
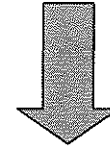


Judicial Branch
FY 2010-2011 Budget Presentation



Senate Finance Committee
April 24, 2009

FUNDING IN GOVERNOR'S BUDGET & HOUSE BUDGET
FOR THE JUDICIAL BRANCH



	FY 2010	FY 2011	Biennium Total	Total General Funds
FY 2009 Budget, Reduced \$2M = \$72,337,529				
Judicial Branch Budget Request	\$84,191,850	\$88,997,065	\$173,188,915	\$164,823,794
Governor's Footnote Reduction	-11,700,000	-15,600,000	-27,300,000	-27,300,000
Governors Budget	<u>\$72,491,850</u>	<u>\$73,397,065</u>	<u>\$145,888,915</u>	<u>\$137,523,794</u>
House Budget, HB 1 page 143	\$77,090,158	\$77,803,163	\$154,893,321	\$146,483,684
Footnote 19 [.86% and .87% reduction]	-626,957	-640,160	-1,267,117	-1,267,118
Net House Budget	<u>\$76,463,201</u>	<u>\$77,163,003</u>	<u>\$153,626,203</u>	<u>\$145,216,566</u>

This is 5.1% below
maintenance

Results of the House Funding Level

- The Governor could fill one judicial vacancy in FY 2010 and a second in FY 2011. This assumes the Supreme Court associate justice position is filled.
- 10% reduction of district and family division sessions continues through FY 2010
- 45 (7.1%) non-judicial positions are held open in FY 2010. 5 positions could be filled in FY 2011.
- Court consolidations occur in New London, Plaistow, and Keene

Three Gaps in House Funding

1. Assigned counsel fees in juvenile cases
2. Facility lease obligations
3. Title IV-D funds

TOTAL GAP: \$1,840,667 in FY 10; \$2,050,714 in FY 11

1st Gap: Assigned Counsel in Delinquency, Abuse & Neglect and CHINS Cases

- Sections 32-34 (pg 15) of HB 2 remove payment responsibility from the Department of Health and Human Services for assigned counsel fees in juvenile cases.
- Responsibility for payment is not assigned.
- RSA 490:31 states that whenever responsibility for court-ordered costs is unclear, the judicial branch must bear the cost.
- Sections 32-34 of HB 2 leave \$1.324M unfunded annually.
- Requested Action: Responsibility for payment should be clarified in HB 2. Appropriations in HB 1 should include funds for assigned counsel and that appropriation should coincide with payment responsibility.

2nd Gap: Court Facilities

- Consolidations in Claremont, Colebrook and Milford were removed from consideration in HB 2, section 53 but funding was not restored in HB 1.
- Requested Action: Restore \$200,873 in FY 2010 and \$410,286 in FY 2011 to meet the anticipated lease and facility obligations.

3rd Gap: IV-D Funds

- The Judicial Branch receives reimbursement for 66% of certain personnel and operating costs that are directly related to child support enforcement under Title IV-D of the Social Security Act.
- As a result of a recent federal audit of the IV-D program, we have lowered our estimate of federal reimbursement for FY 2010-2011.
- Requested Action: Reduce Other Funds and increase General Funds by \$315,794 in FY 2010 and \$316,428 in FY 2011 to offset the loss of federal pass-through revenue.

**JUDICIAL BRANCH
BUDGET REQUEST PRIORITIES
SENATE PRESENTATION**

			Cumulative	Cumulative	
	FY 2010	FY 2011	FY 2010	FY 2011	
Governor's Recommended Funding Level	\$ 72,491,850	\$ 73,397,065			
IT funding included by the House	\$ 1,835,422	\$ 994,246			
1 Layoffs of about 8 people averaging \$43k/yr. Savings after payout of accumulated leave. Total vacant positions = 53, or 8.6% of clerical workforce.	\$ 469,970	\$ 348,195	\$ 74,797,242	\$ 74,739,506	
2 10% of all district and family division sessions. This is a 20% reduction in sessions because it is in addition to item #17.	\$ 607,684	\$ 607,684	\$ 75,404,926	\$ 75,347,190	
3 Voluntary 2-day furlough for full-time judges	\$ 79,000	\$ 79,000	\$ 75,483,926	\$ 75,426,190	Shading shows
4 Employee step increments & merit pay advancement	\$ 258,000	\$ 516,000	\$ 75,741,926	\$ 75,942,190	consequences of House
5 Replacement office equipment, sound recording systems & shelving	\$ 300,000	\$ 100,000	\$ 76,041,926	\$ 76,042,190	Funding level
6 One Superior Court judicial vacancy	\$ 197,335	\$ 197,335	\$ 76,239,261	\$ 76,239,525	
7 Funding for Retired Judges to sit in Superior Court	\$ 206,993	\$ 206,993	\$ 76,446,254	\$ 76,446,518	
8 Convert Staff Attorney to Full-time	\$ 7,266	\$ 7,266	\$ 76,453,520	\$ 76,453,784	
9 Convert Web Master to Full-time	\$ 23,051	\$ 24,143	\$ 76,476,571	\$ 76,477,927	
10 Second Superior Court judicial vacancy	\$ 197,335	\$ 197,335	\$ 76,673,906	\$ 76,675,262	
11 Savings achieved if 3 district court judicial positions remain vacant and per diem judges are used.	\$ 208,303	\$ 208,303	\$ 76,882,209	\$ 76,883,565	
12 Restore AOC Internal Audit function	\$ 79,791	\$ 83,703	\$ 76,962,000	\$ 76,967,268	
13 Fill 5 vacant clerical positions.	\$ 203,913	\$ 220,500	\$ 77,165,913	\$ 77,187,768	Bold Line is what House
14 Consulting fees to update the Weighted Caseload Study	\$ 150,000		\$ 77,315,913	\$ 77,187,768	appears to have funded
15 Continuing education programs for information technology staff.	\$ 30,000	\$ 30,000	\$ 77,345,913	\$ 77,217,768	
16 Fill third Superior Court judicial vacancy	\$ 197,335	\$ 197,335	\$ 77,543,248	\$ 77,415,103	
17 Assume Governor fills 3 district court judicial vacancies and Legislature funds per diem judge time to continue 10% reduction in days in District and Family Division.	\$ 607,684	\$ 607,684	\$ 78,150,932	\$ 78,022,788	
18 Restore court judicial weighted caseload/sick leave reserve for district court after restoring funding for Sadler position	\$ 62,196	\$ 62,196	\$ 78,213,128	\$ 78,084,984	
19 Fill Hillsborough Probate Court judicial vacancy	\$ 197,335	\$ 197,335	\$ 78,410,464	\$ 78,282,319	
20 Fill 15 staff vacancies accumulated since 7/1/08	\$ 667,350	\$ 667,350	\$ 79,077,814	\$ 78,949,669	
21 Travel Reimbursement Savings. Amend Judicial Branch policy on mileage reimbursement for judges and masters to special assignments to reflect statutory change proposed. Changes to law clerk travel patterns.	\$ 94,713	\$ 94,864	\$ 79,172,527	\$ 79,044,533	
22 Restore continuing education budget to \$232,500. Aggressively promote distance learning.	\$ 112,500	\$ 112,500	\$ 79,285,027	\$ 79,157,033	

	FY 2010	FY 2011	FY 2010	FY 2011	
23	Reinstate most organization dues	\$ 58,410	\$ 58,410	\$ 79,343,437	\$ 79,215,443
24	Reinstate IRS mileage reimbursement rate for staff and for judges.	\$ 279,600	\$ 303,600	\$ 79,623,037	\$ 79,519,043
25	Anticipated savings from JCC budget if no costly cases arise.	\$ 10,000	\$ 10,000	\$ 79,633,037	\$ 79,529,043
26	Identify efficiencies to reduce the expense of calling jurors. If efficiencies do not reach \$73,000, trials will be postponed selectively.	\$ 73,000	\$ 73,000	\$ 79,706,037	\$ 79,602,043
27	Restore titles in Law Library & legal subscriptions	\$ 51,692	\$ 66,306	\$ 79,757,729	\$ 79,668,349
28	Restore maintenance contracts on all fax machines.	\$ 16,293	\$ 16,293	\$ 79,774,022	\$ 79,684,642
29	Reallocate savings from telephone expense & printing.	\$ 95,400	\$ 95,900	\$ 79,869,422	\$ 79,780,542
30	Turn off PC's on weekends.	\$ 17,000	\$ 17,000	\$ 79,886,422	\$ 79,797,542
31	Estimated voluntary furlough savings	\$ 20,000	\$ 10,000	\$ 79,906,422	\$ 79,807,542
32	Est. Court Security Officer savings for consolidated courts	\$ 37,916	\$ 97,500	\$ 79,944,338	\$ 79,905,042
33	Estimated Bureau of Court Facilities lease savings from court consolidations, phased in over FY 2010. Assumes Hooksett cannot be consolidated due to lack of sufficient space.	\$ 152,493	\$ 328,582	\$ 80,096,831	\$ 80,233,624
34	Est. Sheriff savings from temporary closing of Hillsborough Superior North	\$ 16,000	\$ 32,000	\$ 80,112,831	\$ 80,265,624
35	Savings by Bureau of Court Facilities not related to court consolidations	\$ 842,574	\$ 1,060,478	\$ 80,955,405	\$ 81,326,102
36	Restore Change Items in Budget Request	\$ 3,236,445	\$ 7,670,963	\$ 84,191,850	\$ 88,997,065
	Judicial Branch Budget Request	\$ 84,191,850	\$ 88,997,065		

Change in Non-Classified Employee Health Insurance Contributions

- An increase in the biweekly payroll deduction for medical insurance for judicial branch employees has been proposed. Deductions would rise from \$30 biweekly to \$60 for a 2-person or \$80 for a family plan effective January 1, 2010.
- The estimated savings of \$345,565 and \$748,725 contained in HB 2, Section 87 (pg 32) is overstated by about 10% because of invalid assumptions in the estimate.
- 55% of the total estimated savings statewide comes from the judicial branch.
- This change would create inequities between judicial branch and executive branch employees. It would also create inequities between unionized judicial branch employees and non-unionized employees.
- Requested Action: Revisions to the judicial branch health plan should be postponed until similar changes are made for all state employees.

Judicial Branch Information Technology Fund
HB 2, Section 102-111, pg 34-36

- A dedicated fund for the maintenance and renewal of court information technology infrastructure will enable the judicial branch to replace outdated hardware on a regular cycle and fund contractual software maintenance obligations.
- IT funding of \$1.8M in FY 10 and \$1M in FY 11 is currently budgeted as general funds.
- An increase in the penalty assessment and filing fees would provide a new funding source and replace general funds.

Footnote Reduction

- Consistent with the LBA Auditors' November 2003 recommendation, the judicial branch seeks to avoid a footnote reduction in the back of HB-1. The AOC Fiscal Manager can provide the LBA with accounting information for any changes that need to be made to the budget.