

Agency Budget Comparison

The following table summarizes the total proposed budget by year, type of expenditure, and source of funding.

Agency Budget Comparison								
Budget Item	Base Fiscal 2014	Approp. Fiscal 2015	Budget Fiscal 2016	Budget Fiscal 2017	Biennium Fiscal 14-15	Biennium Fiscal 16-17	Biennium Change	Biennium % Change
FTE	422.58	422.58	433.58	433.58	422.58	433.58	11.00	2.60 %
Personal Services	30,426,015	33,828,396	35,229,934	35,158,455	64,254,411	70,388,389	6,133,978	9.55 %
Operating Expenses	7,667,678	8,100,821	8,920,494	8,902,825	15,768,499	17,823,319	2,054,820	13.03 %
Equipment & Intangible Assets	179,822	125,605	183,067	184,739	305,427	367,806	62,379	20.42 %
Grants	71,248	0	71,248	71,248	71,248	142,496	71,248	100.00 %
Benefits & Claims	530,639	457,800	734,827	734,827	988,439	1,469,654	481,215	48.68 %
Transfers	24,350	0	24,350	24,350	24,350	48,700	24,350	100.00 %
Debt Service	9,158	8,875	9,158	9,158	18,033	18,316	283	1.57 %
Total Costs	\$38,908,910	\$42,521,497	\$45,173,078	\$45,085,602	\$81,430,407	\$90,258,680	\$8,828,273	10.84 %
General Fund	36,436,807	39,746,252	43,457,266	43,365,866	76,183,059	86,823,132	10,640,073	13.97 %
State/Other Special Rev. Funds	2,352,154	2,649,004	1,595,863	1,599,787	5,001,158	3,195,650	(1,805,508)	(36.10)%
Federal Spec. Rev. Funds	119,949	126,241	119,949	119,949	246,190	239,898	(6,292)	(2.56)%
Total Funds	\$38,908,910	\$42,521,497	\$45,173,078	\$45,085,602	\$81,430,407	\$90,258,680	\$8,828,273	10.84 %

Mission Statement

The Judicial Branch's mission is to provide an independent, accessible, responsive, impartial and timely forum to resolve disputes; to preserve the rule of law; and to protect the rights and liberties guaranteed by the Constitutions of the United States and Montana.

There is additional, more detailed information about the department in the agency profile. The profile may be viewed at: <http://leg.mt.gov/fbp-2017.asp>

Agency Highlights

Judicial Branch Major Budget Highlights
<ul style="list-style-type: none"> • The major factors contributing to the proposed funding increases are: <ul style="list-style-type: none"> ◦ Funding to annualize the legislative pay plan, HB 13 of the 2013 Legislature ◦ Requests to add 10.00 FTE ◦ Requests to fund drug courts started with federal grant funds • The Governor proposes funding to add FTE for the following purposes: <ul style="list-style-type: none"> ◦ 3.00 FTE information technology positions to support court automation systems ◦ 6.00 FTE to support the Court Help Program that was funded with one-time-only funds in the 2015 biennium ◦ 1.00 FTE to support drug courts that are currently being funded with federal grant funds that are expiring • The Governor is proposing to switch funding for a portion of the water court to replace state special revenue with general fund
Legislative Action Issues
<ul style="list-style-type: none"> • General fund is requested to replace expiring federal grant funds for treatment courts • General fund is requested to replace federal funds for a co-occurring drug treatment municipal court when state funds do not traditionally support municipal court costs • Funds from the Water Adjudication Fund may be insufficient to fund future work

Agency Discussion

This agency was exempt from the HB 2 boilerplate language.

5% Plans

Statute requires that agencies submit plans to reduce general fund and certain state special revenue funds by 5%. A summary of the entire 2015 biennium 5% plan submitted for this agency is in the appendix.

For this agency the general fund impact of the 5% plan is \$1.8 million and the state special revenue impact is \$17,000.

Elected Official Proposal

Statute provides that Judicial Branch budget proposals must be included in the budget submitted by the Governor, but expenditures above the current base budget need not be part of the executive request. The branch has indicated it will present the following request that was not included in the executive budget to the legislature for consideration.

Minimum Standards – Judicial Support Staff

The Judicial Branch requests \$223,746 general fund in FY 2016 and \$207,775 general fund in FY 2017 for personal services and operation costs to add 3.50 FTE to address staffing issues in the following district courts:

- 1.00 FTE law clerk in Judicial District 14 (Musselshell County)
- 1.00 FTE law clerk and 0.50 FTE judicial assistant in Judicial District 15 (Sheridan County)
- 1.00 FTE judicial assistant in Judicial District 11 (Flathead County)

**LFD
COMMENT**[Refer to Program Discussion](#)

For further discussion on this request, refer to the 04- District Court Operations program discussion.

Agency Personal Services

The personal services budget for the 2017 biennium would increase over the FY 2015 legislative budget primarily due to the following factors and biennium amounts:

- Requests to add 10.00 FTE for the following purposes:
 - 3.00 FTE information technology staff to support court automation systems when funding for 3.00 FTE were funded one-time-only in the base
 - 6.00 FTE to support the Court Help Program
 - 1.00 FTE to support treatment courts that are currently being funded with federal grants that are expiring

This agency states that 36.5% of staff is currently eligible for either early or full retirement. The agency hasn't indicated how many it expects to retire and has not requested funding for retirement liabilities but intends to use savings from vacancies to fund retirement payouts.

The branch continues to have difficulty filling and retaining entry level support, IT positions, and professional level positions. When implementing the legislative pay plan for the 2015 biennium, the branch provided pay increase to employees who had not received pay increases in several years and provided targeted adjustments for employees far below market. The basis for market calculations was the executive's 2010 markets. Availability of qualified applicants for open positions in the eastern energy development impacted regions of the state continue to impact the branch's hiring in that area. Clerical support and professional positions have experienced the highest levels of turnover. In particular with information technology staff, the branch has begun to hire less than fully qualified applicants and is providing training to develop their skills. It's too early to determine if this strategy will work to retain these employees.

The agency cites financial resource limitations as the factor in its inability to implement succession planning and identified chief juvenile probation officer retirements as an area of concern for the 2017 biennium.

Comparison of FY 2015 Legislative Base to FY 2015 Appropriation

The following highlights the differences between the FY 2015 appropriations as shown in the main table and the FY 2015 legislative appropriations used for purposes of the budget base, by program.

FY 2015 Appropriation Transactions - Judicial Branch					
Program	Legislative Appropriation	Legislative Approp OTO	Operating Plan	Program Transfers	Total Executive Implementation
01 Supreme Court Operations	\$10,686,426	\$487,554	-	\$58,103	\$11,232,083
Personal Services	5,735,842	369,273	42,000	58,103	6,205,218
Operating Expenses	4,941,699	118,281	(458,800)		4,601,180
Equipment & Intangible Assets	8,885				8,885
Benefits & Claims			416,800		416,800
03 Law Library	919,060				919,060
Personal Services	417,170				417,170
Operating Expenses	404,305				404,305
Equipment & Intangible Assets	88,710				88,710
Debt Service	8,875				8,875
04 District Court Operations	27,659,388		-	(58,103)	27,601,285
Personal Services	24,782,951		5,500	(58,103)	24,730,348
Operating Expenses	2,856,714		(61,000)		2,795,714
Equipment & Intangible Assets	19,723		14,500		34,223
Benefits & Claims			41,000		41,000
05 Water Courts Supervision	2,258,332				2,258,332
Personal Services	1,994,663				1,994,663
Operating Expenses	255,382				255,382
Equipment & Intangible Assets	8,287				8,287
06 Clerk of Court	510,737				510,737
Personal Services	466,497				466,497
Operating Expenses	44,240				44,240
Agency Total	\$42,033,943	\$487,554	-	-	\$42,521,497

The only change for this agency was that a net 0.50 FTE position and funding for 1.00 FTE was moved from the District Court Operations program to the Supreme Court Operations program via nearly offsetting FTE movements: 1) 1.00 FTE to Supreme Court Operations to administer drug treatment court activities; and 2) 0.50 FTE moved to District Court Operations for the court assessment program. Although drug treatment programs are a part of district courts, they are administered by the Court Administrator in the Supreme Court Operations program. One-time-only funding is for the Court Help program and information technology staff.

Funding

The following table shows proposed agency funding by source of authority as proposed. Funding for each program is discussed in detail in the individual program narratives that follow.

Total Judicial Branch Funding by Source of Authority 2017 Biennium Budget - Judicial Branch						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
General Fund	86,823,132	0	0	86,823,132	95.79 %	
State Special Total	3,195,650	0	0	3,195,650	3.53 %	
Federal Special Total	239,898	0	0	239,898	0.26 %	
Proprietary Total	0	376,240	0	376,240	0.42 %	
Other Total	0	0	0	0	0.00 %	
Total All Funds	\$90,258,680	\$376,240	\$0	\$90,634,920		
Percent - Total All Sources	99.58 %	0.42 %	0.00 %			

The branch receives the majority of its funding from the general fund. The largest sources of state special revenue are the natural resources operation fund and water adjudication fund, which support the Water Court. Other sources of state special revenue include fines and fees, assessments for training events, and the accrued county sick/vacation leave fund. Federal funds received by the branch support the Court Assessment Program.

Budget Summary by Category

The following summarizes the total budget utilizing the FY 2015 Legislative base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Leg. Budget Fiscal 2016	Leg. Budget Fiscal 2017	Leg. Biennium Fiscal 16-17	Percent of Budget	Leg. Budget Fiscal 2016	Leg. Budget Fiscal 2017	Leg. Biennium Fiscal 16-17	Percent of Budget
2015 Budget	39,258,698	39,258,698	78,517,396	90.43 %	42,033,943	42,033,943	84,067,886	93.14 %
PL Adjustments	2,193,619	2,103,871	4,297,490	4.95 %	2,205,850	2,122,562	4,328,412	4.80 %
New Proposals	2,004,949	2,003,297	4,008,246	4.62 %	933,285	929,097	1,862,382	2.06 %
Total Budget	\$43,457,266	\$43,365,866	\$86,823,132		\$45,173,078	\$45,085,602	\$90,258,680	