

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2012	Approp. Fiscal 2013	Budget Fiscal 2014	Budget Fiscal 2015	Biennium Fiscal 12-13	Biennium Fiscal 14-15	Biennium Change	Biennium % Change
FTE	311.58	311.58	318.58	318.58	311.58	318.58	7.00	2.25%
Personal Services	22,496,889	22,546,580	23,366,376	23,385,813	45,043,469	46,752,189	1,708,720	3.79%
Operating Expenses	2,470,597	2,761,692	2,998,678	2,961,755	5,232,289	5,960,433	728,144	13.92%
Equipment & Intangible Assets	19,723	25,399	19,723	19,723	45,122	39,446	(5,676)	(12.58%)
Benefits & Claims	0	0	0	0	0	0	0	n/a
Debt Service	0	3,750	0	0	3,750	0	(3,750)	(100.00%)
Total Costs	\$24,987,209	\$25,337,421	\$26,384,777	\$26,367,291	\$50,324,630	\$52,752,068	\$2,427,438	4.82%
General Fund	24,862,817	25,110,156	26,235,759	26,218,273	49,972,973	52,454,032	2,481,059	4.96%
State Special	124,392	227,265	149,018	149,018	351,657	298,036	(53,621)	(15.25%)
Federal Special	0	0	0	0	0	0	0	n/a
Total Funds	\$24,987,209	\$25,337,421	\$26,384,777	\$26,367,291	\$50,324,630	\$52,752,068	\$2,427,438	4.82%

Program Description

The District Courts have original jurisdiction in all felony criminal cases, most civil matters and other cases in law, and in equity. These courts may issue all writs appropriate to their jurisdiction and hear appeals from Courts of Limited Jurisdiction pursuant to statutory parameters. The district courts are also the state's Youth Courts, responsible for managing juvenile probation functions. There are 46 District Court judges in 22 judicial districts serving all 56 counties. The 2001 Legislature mandated state funding of District Court expenses, including salaries and operating expenses for judges and their employees. District Court costs are the largest segment of the Judicial Branch budget.

Program Highlights

District Court Operations Major Budget Highlights
<ul style="list-style-type: none"> ◆ Major factors contributing to the proposed funding increases are: <ul style="list-style-type: none"> • Statewide present law adjustments, primarily for personal services • A request to add 7.00 FTE as direct judicial staff • An adjustment to address lower than historical court costs for variable costs associated with criminal and civil cases • A request to add funding for guardian ad litem services in Judicial District 2 that was one-time-only in the base

Funding

The following table shows program funding, by source for the 2015 biennium as recommended by the Governor.

Total Judicial Branch Funding by Source of Authority 2015 Biennium Budget - District Court Operations							
Funds	HB 2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	MCA Reference	Statutory Category
General Fund	\$52,454,032	\$0	\$0	\$52,454,032	99.4%		
State Special Total	\$298,036	\$0	\$0	\$298,036	0.6%		
02788 Acc. Cty Sick/vacation Leave	\$116,842	\$0	\$0	\$116,842	0.2%		
Total All Funds	\$52,752,068	\$0	\$0	\$52,752,068	100.0%		
Percent - Total All Sources	100.0%	0.0%	0.0%				

The bulk of the funding for District Court Operations comes from the general fund. State special revenue supporting the program comes from court imposed fines and fees and county payments to the accrued sick/vacation leave fund made at the time of state assumption of District Court costs. Federal funds supporting the program are generally time limited grant awards that support special projects such as drug courts.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2014	Budget Fiscal 2015	Biennium Fiscal 14-15	Percent of Budget	Budget Fiscal 2014	Budget Fiscal 2015	Biennium Fiscal 14-15	Percent of Budget
Base Budget	24,862,817	24,862,817	49,725,634	94.80%	24,987,209	24,987,209	49,974,418	94.73%
Statewide PL Adjustments	461,496	484,775	946,271	1.80%	457,686	480,965	938,651	1.78%
Other PL Adjustments	841,446	800,681	1,642,127	3.13%	869,882	829,117	1,698,999	3.22%
New Proposals	70,000	70,000	140,000	0.27%	70,000	70,000	140,000	0.27%
Total Budget	\$26,235,759	\$26,218,273	\$52,454,032		\$26,384,777	\$26,367,291	\$52,752,068	

Present Law Adjustments

The “Present Law Adjustments” table shows the changes to the adjusted base budget proposed by the executive. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments	-----Fiscal 2014-----					-----Fiscal 2015-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					462,710					482,412
Inflation/Deflation					(4,661)					(1,160)
Fixed Costs					(363)					(287)
Total Statewide Present Law Adjustments		\$461,496	(\$3,810)	\$0	\$457,686		\$484,775	(\$3,810)	\$0	\$480,965
DP 4001 - Minimum Standards - Judicial Support Staff	7.00	453,991	0	0	453,991	7.00	413,226	0	0	413,226
DP 4003 - State Special for Accrued Leave Payouts	0.00	0	28,436	0	28,436	0.00	0	28,436	0	28,436
DP 4004 - Increase for District Court Contracts & Transcript	0.00	26,178	0	0	26,178	0.00	26,178	0	0	26,178
DP 4005 - District Court Variable Base Adjustment	0.00	361,277	0	0	361,277	0.00	361,277	0	0	361,277
Total Other Present Law Adjustments	7.00	\$841,446	\$28,436	\$0	\$869,882	7.00	\$800,681	\$28,436	\$0	\$829,117
Grand Total All Present Law Adjustments	7.00	\$1,302,942	\$24,626	\$0	\$1,327,568	7.00	\$1,285,456	\$24,626	\$0	\$1,310,082

DP 4001 - Minimum Standards - Judicial Support Staff – The executive requests general fund for personal services and operation costs to add 7.00 FTE to address staffing issues in the following district courts:

- o 1.50 FTE law clerk in Judicial District 4 (Missoula/Mineral Counties)
- o 0.25 FTE law clerk and 0.75 FTE judicial assistant in Judicial District 19 (Lincoln County)
- o 1.00 FTE law clerk in Judicial District 7 (Dawson/Richland/McCone/ Prairie/Wibaux Counties)
- o 1.00 FTE law clerk in Judicial District 16 (Carter/Custer/Fallon/Garfield/Powder River/Rosebud/Treasure Counties)
- o 1.00 FTE law clerk in Judicial District 20 (Lake/Sanders Counties)
- o 0.75 FTE judicial assistant in Judicial District 8 (Cascade County)
- o 0.75 FTE judicial assistant in Judicial District 18 (Gallatin County)

LFD COMMENT	<p>The district court council is charged in law with adopting policies and procedures for the state-funded district court program. Following a judicial workload study, the council has specified the minimum standards for staff of a district court judge to be:</p> <ul style="list-style-type: none"> o One court reporter o One judicial assistant o One law clerk <p>For a standing master the minimum standard is one 0.75 FTE judicial assistant or law clerk.</p> <p>If funded, the current district court judges would still be short of minimum staffing in aggregate by:</p> <ul style="list-style-type: none"> o 4.25 FTE judicial assistants o 2.00 FTE court reporter o 1.00 FTE law clerk
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DP 4003 - State Special for Accrued Leave Payouts – The executive requests state special revenue to fund projected retirement payouts for employees who became state employees at the time of district court assumption. These payouts are funded by county payments to the state.

LFD COMMENT The state special revenue fund that funds retirement payouts for these employee retirement payouts has a balance of \$218,000. Payouts of about \$30,000 were made from this fund in the base year.

DP 4004 - Increase for District Court Contracts & Transcript – The executive requests general fund to increase rates to contractors in several areas for district courts:

- o 3% for contracted court reporters (three judicial Districts)
- o 4% for relief court reporters (most judicial districts)
- o 3% for Court Appointed Special Advocate (CASA) programs
- o 3% for contracted guardian ad litem (GAL)
- o 3% for GALs paid an hourly rate, currently \$60 per hour

The request also includes a 2.5% increase in the transcript rate. Rates paid for these services last increased in 2002.

DP 4005 - District Court Variable Base Adjustment – The executive requests general fund to adjust funding for statutorily required costs associated with criminal and civil matters in District Courts to the four-year average level of expenditures from FY 2009 through FY 2012. The adjustment is requested because despite historical caseloads the base year saw lower than historical variable costs for items such as costs for:

- o Jury and witness expenses, including witness travel
- o Reimbursements for psychiatric evaluations
- o Reimbursements for appointed guardians ad litem in child abuse and neglect cases
- o Contracted court reporting
- o Travel
- o Interpreters

The executive recommends that \$50,000 each year be restricted only for paying variable district court costs in areas of the state where energy development is impacting court caseloads.

New Proposals

Program	FTE	-----Fiscal 2014-----				-----Fiscal 2015-----				
		General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 4002 - Continued Guardian Ad Litem Funding										
04	0.00	70,000	0	0	70,000	0.00	70,000	0	0	70,000
Total	0.00	\$70,000	\$0	\$0	\$70,000	0.00	\$70,000	\$0	\$0	\$70,000

DP 4002 - Continued Guardian Ad Litem Funding - The executive requests general fund to provide guardian ad litem services in child abuse and neglect cases in Judicial District 2, Silver Bow County.

LFD COMMENT The agency included a reduction for the fixed contract guardian ad litem services in Judicial District 2 as part of their 5% reduction plan for the 2013 biennium. Originally the legislature reduced the full amount of the 5% reduction plan but ultimately restored \$70,000 annually, or 60.8%, and designated the funding as one-time-only.