

Agency Budget Comparison

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

Agency Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	397.08	397.08	404.08	410.08	397.08	410.08	13.00	3.27%
Personal Services	25,851,024	27,861,604	28,387,621	29,010,286	53,712,628	57,397,907	3,685,279	6.86%
Operating Expenses	7,811,135	8,420,155	8,545,346	8,701,943	16,231,290	17,247,289	1,015,999	6.26%
Equipment & Intangible Assets	104,887	397,053	113,531	128,663	501,940	242,194	(259,746)	(51.75%)
Grants	274,469	868,781	0	0	1,143,250	0	(1,143,250)	(100.00%)
Benefits & Claims	0	0	0	0	0	0	0	n/a
Debt Service	26,604	29,269	26,604	26,604	55,873	53,208	(2,665)	(4.77%)
Total Costs	\$34,068,119	\$37,576,862	\$37,073,102	\$37,867,496	\$71,644,981	\$74,940,598	\$3,295,617	4.60%
General Fund	32,171,909	35,547,624	34,710,228	35,436,164	67,719,533	70,146,392	2,426,859	3.58%
State Special	1,773,813	1,900,080	2,237,325	2,305,683	3,673,893	4,543,008	869,115	23.66%
Federal Special	122,397	129,158	125,549	125,649	251,555	251,198	(357)	(0.14%)
Total Funds	\$34,068,119	\$37,576,862	\$37,073,102	\$37,867,496	\$71,644,981	\$74,940,598	\$3,295,617	4.60%

Agency Description

Mission Statement: The Judiciary'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.

Article III, Section I, and Article VII of the Montana Constitution authorizes the Judicial Branch. There are six programs within the branch: 1) Supreme Court Operations; 2) Boards and Commissions; 3) Law Library; 4) District Court Operations; 5) Water Court Supervision; and 6) the Clerk of the Supreme Court.

Agency Highlights

Judicial Branch HB 2 Budget Highlights
<ul style="list-style-type: none"> ◆ 2011 biennium funding is 4.6 percent (\$3.3 million) greater than 2009 biennium funding, while general fund support increases 3.6 percent (\$2.4 million) between the two biennia ◆ General fund increases to support statewide present law adjustments, drug courts, information technology costs, additional staffing for district courts, and the addition of three district court judges ◆ General fund increases are offset by general fund reductions due to the application of a 2 percent vacancy savings rate and 2 percent unspecified reduction in general fund for the branch ◆ The legislature provided funding that was not included in the executive budget submission including drug courts (\$751,372 general fund) and the addition of three district court judges beginning January 2011 (\$560,327 general fund) ◆ The 2011 biennium budget includes 13.00 additional FTE, including 4.00 FTE for district courts in four judicial districts, 3.00 FTE for drug courts (4.00 in FY 2011), and 5.00 FTE (10 positions) related to the addition of three district court judges in FY 2011

HB 645 Budget Highlights

- ◆ HB 645 provides \$500,000 and 3.00 FTE for the Self-Help Law Program

Summary of Legislative Action

The legislature provided funding for the 2011 biennium that is \$3.3 million total funds (4.6 percent) greater than the 2009 biennium funding. General fund support increases \$2.4 million or 3.6 percent. Increased funding for statewide present law adjustments, drug courts (\$751,372), information technology costs (\$367,156), additional staffing for district courts (\$369,855), the 2011 biennium pay plan, and the addition of three district court judges (\$560,327 in FY 2011) are offset by the application of 2 percent vacancy savings (\$2.2 million) and a 2 percent unspecified reduction in general fund support (\$1.4 million).

State special revenue increases \$869,115 or 23.7 percent between the two biennia. Increases in state special revenue are primarily related to increases in statewide present law adjustments, youth probation fees, accrued leave payouts, and drug court related fees.

Agency Discussion

Recommendations to the LFC

The legislature recommends that the Legislative Finance Committee monitor the following in the 2011 biennium.

- Performance measures adopted by the Supreme Court and implementation of these measures in district courts (by comparison to baseline data or by requesting that the Judicial Branch set a specific goal)
 - Employee survey results
 - Constituent survey results
 - Case processing measures including:
 - Case clearance and productivity
 - Age of pending caseload
 - On-time case processing
- Water court issuance of decrees compared to the proposed schedule of issuance
- The e-filing initiative for which the Clerk of the Supreme Court is the lead, including requesting that the branch provide information on timeframes for accomplishment and performance measures
- Vacancy savings, turnover, staffing, and mandatory overtime including vacancy savings rates, staff turnover rates, staffing patterns and caseload, and the amount and cost of mandatory overtime

Funding

The following table summarizes funding for the agency, by program and source, as adopted by the legislature. Funding for each program is discussed in detail in the individual program narratives that follow.

Total Agency Funding 2011 Biennium Budget					
Agency Program	General Fund	State Spec.	Fed Spec.	Grand Total	Total %
01 Supreme Court Operations	\$ 18,847,920	\$ 421,472	\$ 251,198	\$ 19,520,590	26.05%
02 Boards And Commissions	575,698	142,487	-	718,185	0.96%
03 Law Library	1,823,082	-	-	1,823,082	2.43%
04 District Court Operations	47,944,492	788,863	-	48,733,355	65.03%
05 Water Courts Supervision	-	3,190,186	-	3,190,186	4.26%
06 Clerk Of Court	955,200	-	-	955,200	1.27%
Grand Total	<u>\$ 70,146,392</u>	<u>\$ 4,543,008</u>	<u>\$ 251,198</u>	<u>\$ 74,940,598</u>	<u>100.00%</u>

The Judicial Branch is supported primarily by general fund (93.6 percent) with state special revenue (6.1 percent) supporting specific functions, the largest of which is the Water Court. The Water Court is supported entirely by state

special revenue. The branch also receives a small amount of federal funds (0.3 percent) for grants supporting specific projects such as the Court Assessment Program. Previously some federal grants were received to support certain drug treatment courts. However, the 2011 biennium budget does not include any federal grant funds for this purpose.

Budget Summary by Category

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

Budget Summary by Category								
Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	32,171,909	32,171,909	64,343,818	91.73%	34,068,119	34,068,119	68,136,238	90.92%
Statewide PL Adjustments	2,630,916	2,644,180	5,275,096	7.52%	2,832,149	2,851,513	5,683,662	7.58%
Other PL Adjustments	557,540	577,713	1,135,253	1.62%	841,116	913,457	1,754,573	2.34%
New Proposals	(650,137)	42,362	(607,775)	(0.87%)	(668,282)	34,407	(633,875)	(0.85%)
Total Budget	\$34,710,228	\$35,436,164	\$70,146,392		\$37,073,102	\$37,867,496	\$74,940,598	

Other Legislation

HB 645 - The legislature provided \$500,000 general fund in HB 645 for the Self-Help Law Program.

HB 2 and HB 645 Combined Action

The combined funding provided through HB 2 and HB 645 is summarized in the following table.

2011 Biennium HB 2, HB 645, and HB 645 Changes to HB 2 Judicial Branch			
Fund	HB 2	One-time HB 645 Appropriations	2011 Biennium Revised Total
General Fund	\$70,146,392	\$500,000	\$70,646,392
State Special Revenues	4,543,008	0	4,543,008
Federal Special Revenues	<u>251,198</u>	<u>0</u>	<u>251,198</u>
Total Funds	<u>\$74,940,598</u>	<u>\$500,000</u>	<u>\$75,440,598</u>

SB 158 - This legislation provides for the addition of three district court judges, one each in Judicial District 1 Broadwater and Lewis and Clark Counties, 11 Flathead County, and 13 Yellowstone County. These new judges will be elected in November 2010 and take office January 3, 2011. The legislature provided funding (\$560,327) for 10 positions and related operating costs for the six months from January through June, 2011. The fiscal note anticipates that the 2013 biennium costs to the Judicial Branch for these new judgeships and related expenditures will be \$1,889,902. Current statute specifies that the county provide the physical space for location of the court. In order to provide space for the additional judge in Judicial District 1, the Lewis and Clark county office of the state public defender must be moved from the courthouse.

Executive Budget Comparison

The following table compares the legislative budget in the 2011 biennium to the budget requested by the Governor, by type of expenditure and source of funding.

Executive Budget Comparison								
Budget Item	Base Budget Fiscal 2008	Executive Budget Fiscal 2010	Legislative Budget Fiscal 2010	Leg – Exec. Difference Fiscal 2010	Executive Budget Fiscal 2011	Legislative Budget Fiscal 2011	Leg – Exec. Difference Fiscal 2011	Biennium Difference Fiscal 10-11
FTE	397.08	403.58	404.08	0.50	403.58	410.08	6.50	
Personal Services	25,851,024	28,231,974	28,387,621	155,647	28,193,504	29,010,286	816,782	972,429
Operating Expenses	7,811,135	8,760,655	8,545,346	(215,309)	8,714,010	8,701,943	(12,067)	(227,376)
Equipment & Intangible Assets	104,887	113,531	113,531	0	118,663	128,663	10,000	10,000
Grants	274,469	274,469	0	(274,469)	274,469	0	(274,469)	(548,938)
Benefits & Claims	0	0	0	0	0	0	0	0
Debt Service	26,604	26,604	26,604	0	26,604	26,604	0	0
Total Costs	\$34,068,119	\$37,407,233	\$37,073,102	(\$334,131)	\$37,327,250	\$37,867,496	\$540,246	\$206,115
General Fund	32,171,909	35,103,986	34,710,228	(393,758)	34,990,838	35,436,164	445,326	51,568
State/Other Special	1,773,813	2,178,332	2,237,325	58,993	2,211,483	2,305,683	94,200	153,193
Federal Special	122,397	124,915	125,549	634	124,929	125,649	720	1,354
Total Funds	\$34,068,119	\$37,407,233	\$37,073,102	(\$334,131)	\$37,327,250	\$37,867,496	\$540,246	\$206,115

Total funds provided for this agency by the legislature are \$206,115 greater than the executive proposal with the increase occurring in general fund and state special revenue. General fund support provided by the legislature for this branch of government is \$51,568 more than the proposal included in the executive budget recommendation. The legislature reduced general fund support by 2 percent and did not provide funding included in the executive request for the Self-help Law Program (the legislature included funding in HB 645), an appellate mediator, or to call in retired judges.

The legislature provided funding for two Judicial Branch requests that were not included in the executive budget including:

- Drug courts - \$751,372 general fund and \$125,000 state special revenue
- Additional District Court judges - \$560,327 general fund to support six months of costs associated with adding three District Court judges that would take office January 1, 2011 (judicial districts 1 Broadwater and Lewis and Clark counties, 11 Flathead county, and 13 Yellowstone county)

The legislature also provided \$324,148 general fund for information technology costs that were not included in the executive budget due to an oversight. Funding in decision package 1010 ITSD Fixed Cost PL Adjustment was increased by this amount.

State special revenue is greater than the executive request primarily due to the appropriation of funds for drug courts.

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	63.75	63.75	66.75	67.75	63.75	67.75	4.00	6.27%
Personal Services	4,383,242	4,685,463	4,896,157	4,976,059	9,068,705	9,872,216	803,511	8.86%
Operating Expenses	3,614,446	3,781,015	4,831,668	4,806,308	7,395,461	9,637,976	2,242,515	30.32%
Equipment & Intangible Assets	5,199	9,717	5,199	5,199	14,916	10,398	(4,518)	(30.29%)
Grants	274,469	868,781	0	0	1,143,250	0	(1,143,250)	(100.00%)
Total Costs	\$8,277,356	\$9,344,976	\$9,733,024	\$9,787,566	\$17,622,332	\$19,520,590	\$1,898,258	10.77%
General Fund	8,044,917	9,105,776	9,409,239	9,438,681	17,150,693	18,847,920	1,697,227	9.90%
State Special	110,042	110,042	198,236	223,236	220,084	421,472	201,388	91.51%
Federal Special	122,397	129,158	125,549	125,649	251,555	251,198	(357)	(0.14%)
Total Funds	\$8,277,356	\$9,344,976	\$9,733,024	\$9,787,566	\$17,622,332	\$19,520,590	\$1,898,258	10.77%

Program Description

The Supreme Court has appellate jurisdiction for the State of Montana. The court has original jurisdiction to issue, hear, and determine writs of habeas corpus and other writs provided by law. It also has general supervisory control over all other courts in the state. The Supreme Court is charged with establishing rules governing appellate procedure, the practice and procedure for all other courts, admission to the bar, and the conduct of its members. Within the Supreme Court Operations program, the Office of Court Administrator provides services to the Judicial Branch including: information technology, budget and finance, payroll and human resource management, policy and technical support for the youth courts, and judicial education. This program also includes functions related to child abuse and neglect cases funded through the federal Court Assessment Program.

Program Highlights

Supreme Court Operations HB 2 Budget Highlights	
<ul style="list-style-type: none"> ◆ The 2011 biennium budget is 10.8 percent or \$1.9 million general fund greater than the 2009 biennium budget ◆ General fund increases primarily due to statewide present law adjustments and provision of funding for drug courts 	
HB 645 Budget Highlights	
<ul style="list-style-type: none"> ◆ HB 645 provides \$500,000 and 3.00 FTE for the Self-Help Law Program 	

Funding

The following table shows program funding, by source, for the base year and for the 2011 biennium as adopted by the legislature.

Program Funding Table Supreme Court Operations						
Program Funding	Base FY 2008	% of Base FY 2008	Budget FY 2010	% of Budget FY 2010	Budget FY 2011	% of Budget FY 2011
01000 Total General Fund	\$ 8,044,917	97.2%	\$ 9,409,239	96.7%	\$ 9,438,681	96.4%
01100 General Fund	8,044,917	97.2%	9,409,239	96.7%	9,438,681	96.4%
02000 Total State Special Funds	110,042	1.3%	198,236	2.0%	223,236	2.3%
02536 Legal Assistance	110,042	1.3%	148,236	1.5%	148,236	1.5%
02961 State Grants To Drug Courts	-	-	50,000	0.5%	75,000	0.8%
03000 Total Federal Special Funds	122,397	1.5%	125,549	1.3%	125,649	1.3%
03240 Court Assessment Program	122,397	1.5%	125,549	1.3%	125,649	1.3%
Grand Total	\$ 8,277,356	100.0%	\$ 9,733,024	100.0%	\$ 9,787,566	100.0%

Supreme Court operations are funded primarily with general fund. State special revenue from a portion of the dissolution of marriage fees is utilized to provide civil legal services for indigent victims of domestic violence (3-2-714, MCA). The program is also projected to receive about \$125,000 per year in federal grant funds during the 2011 biennium.

Budget Summary by Category

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

Budget Summary by Category								
Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	8,044,917	8,044,917	16,089,834	85.37%	8,277,356	8,277,356	16,554,712	84.81%
Statewide PL Adjustments	846,061	804,633	1,650,694	8.76%	849,535	808,120	1,657,655	8.49%
Other PL Adjustments	542,731	586,842	1,129,573	5.99%	630,925	700,036	1,330,961	6.82%
New Proposals	(24,470)	2,289	(22,181)	(0.12%)	(24,792)	2,054	(22,738)	(0.12%)
Total Budget	\$9,409,239	\$9,438,681	\$18,847,920		\$9,733,024	\$9,787,566	\$19,520,590	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes to the adjusted base budget made by the legislature. "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 2010-----						-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					426,528	0.00				435,962
Inflation/Deflation					10,065	0.00				12,149
Fixed Costs					412,942	0.00				360,009
Total Statewide Present Law Adjustments										
		\$846,061	\$0	\$3,474	\$849,535	0.00	\$804,633	\$0	\$3,487	\$808,120
					0	0.00				0
DP 1005 - Indigent Victims of Domestic Violence	0.00	0	38,194	0	38,194	0.00	0	38,194	0	38,194
DP 1007 - Montana Drug Court Funding	3.00	354,805	50,000	0	404,805	4.00	396,567	75,000	0	471,567
DP 1008 - Rent Park Avenue Building	0.00	4,631	0	0	4,631	0.00	7,022	0	0	7,022
DP 1010 - ITSD Fixed Cost PL Adjustment	0.00	183,578	0	0	183,578	0.00	183,578	0	0	183,578
DP 7101 - Fuel Inflation Reduction	0.00	(283)	0	0	(283)	0.00	(325)	0	0	(325)
					0	0.00				0
Total Other Present Law Adjustments										
	3.00	\$542,731	\$88,194	\$0	\$630,925	4.00	\$586,842	\$113,194	\$0	\$700,036
					0	0.00				0
Grand Total All Present Law Adjustments										
	3.00	\$1,388,792	\$88,194	\$3,474	\$1,480,460	4.00	\$1,391,475	\$113,194	\$3,487	\$1,508,156

DP 1005 - Indigent Victims of Domestic Violence - The legislature provided \$76,388 state special revenue for the biennium from the Civil Legal Assistance for Indigent Victims of Domestic Violence account established in 3-2-714, MCA. Funds in this account are used for the provision of legal representation to indigent domestic violence victims.

DP 1007 - Montana Drug Court Funding - The legislature provided \$751,372 general fund and \$125,000 state special revenue including 3.00 FTE in FY 2010 and 4.00 FTE in FY 2011 to support drug courts.

DP 1008 - Rent Park Avenue Building - The legislature provided \$11,653 general fund for the biennium to cover the increase in lease payments for space rented at the old federal building in Helena. This increase is provided for in the lease agreement.

DP 1010 - ITSD Fixed Cost PL Adjustment - The legislature provided \$367,156 general fund for the biennium to fund the branch's portion of the Information Technology Services Division, fixed cost allocation that falls outside the adjusted base. This decision package was increased by \$324,148 at the request of the Governor's Office of Budget and Program Planning (OBPP) to fund costs that were not included in the executive budget due to an oversight.

DP 7101 - Fuel Inflation Reduction - This reduces funding for gasoline and diesel by the amount these two expenditure categories were increased in the statewide present law adjustment for inflation. The effect is to apply no inflation adjustment to these two expenditure categories.

New Proposals

New Proposals										
-----Fiscal 2010-----						-----Fiscal 2011-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 6013 - 2011 Biennium Pay Plan - HB 13										
01	0.00	23,212	0	239	23,451	0.00	70,971	0	720	71,691
DP 6014 - Pay Plan Lump Sum Payment OTO										
01	0.00	18,119	0	395	18,514	0.00	0	0	0	0
DP 6101 - Fixed Cost Work Comp Mgmt Prog Alloc										
01	0.00	13,987	0	0	13,987	0.00	12,127	0	0	12,127
DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch										
01	0.00	(79,788)	0	(956)	(80,744)	0.00	(80,809)	0	(955)	(81,764)
Total	0.00	(\$24,470)	\$0	(\$322)	(\$24,792)	0.00	\$2,289	\$0	(\$235)	\$2,054

DP 6013 - 2011 Biennium Pay Plan - HB 13 - The legislature passed a pay plan that provides an additional \$53 per month in health insurance contribution for CY 2010 and an additional \$54 per month for CY 2011. These amounts represent this program's allocation of costs to fund this pay plan. In addition, the legislature provided a one-time-only payment of \$450 for all employees earning less than \$45,000 annually. These costs are included in DP 6014.

DP 6014 - Pay Plan Lump Sum Payment OTO - This DP funds this program's cost of providing a one-time-only payment of \$450 to each full-time employee making less than \$45,000 annually and \$225 for half-time employees making \$21.635 per hour or less.

DP 6101 - Fixed Cost Work Comp Mgmt Prog Alloc - Funding was approved as a fixed cost for agencies to pay fees, based on the average number of payroll warrants issued per pay period, to support the worker's compensation management program in the Department of Administration.

DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch - The legislature approved the application of a 2 percent personal services vacancy savings rate to the Judicial Branch. No vacancy savings was applied in the statewide present law adjustments, which is consistent with past practice. Historically, vacancy savings has not been applied to the Judicial Branch.

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	3.00	3.00	3.00	3.00	3.00	3.00	0.00	0.00%
Personal Services	171,168	180,903	187,797	189,986	352,071	377,783	25,712	7.30%
Operating Expenses	112,125	135,818	181,530	158,872	247,943	340,402	92,459	37.29%
Total Costs	\$283,293	\$316,721	\$369,327	\$348,858	\$600,014	\$718,185	\$118,171	19.69%
General Fund	258,287	291,715	298,089	277,609	550,002	575,698	25,696	4.67%
State Special	25,006	25,006	71,238	71,249	50,012	142,487	92,475	184.91%
Total Funds	\$283,293	\$316,721	\$369,327	\$348,858	\$600,014	\$718,185	\$118,171	19.69%

Program Description

The Boards and Commissions Program provides staff and other support to constitutionally and statutorily required commissions attached to the Montana Supreme Court, specifically the Judicial Standards Commission, the Sentence Review Board, and the Commission on Courts of Limited Jurisdiction. The program also supports activities of the Commission on Practice. Other specialized commissions and task forces, not required by the constitution and statute but created by the Supreme Court to address specific issues, receive minimal financial assistance with travel expenses and supplies.

Program Highlights

Boards and Commissions HB 2 Budget Highlights	
♦	The 2011 biennium budget is 19.7 percent or \$118,171 greater than the 2009 biennium budget
♦	The bulk of the increase (\$92,475) is in state special revenue, most of which supports training for judges

Funding

The following table shows program funding, by source, for the base year and for the 2011 biennium as adopted by the legislature.

Program Funding Table Boards And Commissions						
Program Funding	Base FY 2008	% of Base FY 2008	Budget FY 2010	% of Budget FY 2010	Budget FY 2011	% of Budget FY 2011
01000 Total General Fund	\$ 258,287	91.2%	\$ 298,089	80.7%	\$ 277,609	79.6%
01100 General Fund	258,287	91.2%	298,089	80.7%	277,609	79.6%
02000 Total State Special Funds	25,006	8.8%	71,238	19.3%	71,249	20.4%
02399 Boards And Commissions - Mji	25,006	8.8%	71,238	19.3%	71,249	20.4%
Grand Total	\$ 283,293	100.0%	\$ 369,327	100.0%	\$ 348,858	100.0%

The Boards and Commissions Program receives 79.6 percent of its funding from the general fund. The remaining 20.4 percent of the program's funding is state special revenue from fees charged for attendance at training events.

Budget Summary by Category

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

Budget Summary by Category								
Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	258,287	258,287	516,574	89.73%	283,293	283,293	566,586	78.89%
Statewide PL Adjustments	18,612	19,651	38,263	6.65%	18,850	19,900	38,750	5.40%
Other PL Adjustments	22,762	0	22,762	3.95%	68,756	45,994	114,750	15.98%
New Proposals	(1,572)	(329)	(1,901)	(0.33%)	(1,572)	(329)	(1,901)	(0.26%)
Total Budget	\$298,089	\$277,609	\$575,698		\$369,327	\$348,858	\$718,185	

Present Law Adjustments

The “Present Law Adjustments” table shows the changes to the adjusted base budget made by the legislature. “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 2010-----						-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					18,201	0.00				19,147
Inflation/Deflation					411	0.00				504
Fixed Costs					238	0.00				249
Total Statewide Present Law Adjustments		\$18,612	\$238	\$0	\$18,850	0.00	\$19,651	\$249	\$0	\$19,900
0										
DP 2001 - Judicial Standards Restricted/Biennial	0.00	22,762	0	0	22,762	0.00	0	0	0	0
DP 2002 - State Spec Spending Authority for Judges Training	0.00	0	45,994	0	45,994	0.00	0	45,994	0	45,994
0										
Total Other Present Law Adjustments		0.00	\$22,762	\$45,994	\$0	\$68,756	0.00	\$0	\$45,994	\$0
0										
Grand Total All Present Law Adjustments		0.00	\$41,374	\$46,232	\$0	\$87,606	0.00	\$19,651	\$46,243	\$0
\$65,894										

DP 2001 - Judicial Standards Restricted/Biennial - The legislature provided \$22,762 general fund for the biennium in a restricted biennial appropriation for the Judicial Standards Commission. For the past two biennia the legislature has provided the Judicial Branch a \$25,000 restricted, biennial, general fund appropriation that is used to pay for the investigation of complaints against judges. This request would restore the appropriation to \$25,000 for the 2011 biennium.

DP 2002 - State Spec Spending Authority for Judges Training - The legislature provided \$91,988 state special revenue for the biennium to support training for judges in the courts of limited jurisdiction. The revenue source for this fund is registration fees paid for the training events. The Supreme Court is statutorily required to provide training twice a year to the judges in the courts of limited jurisdiction and also provides training once a year to clerks in the courts of limited jurisdiction.

New Proposals

New Proposals										
-----Fiscal 2010-----						-----Fiscal 2011-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 6013 - 2011 Biennium Pay Plan - HB 13										
02	0.00	1,155	0	0	1,155	0.00	3,477	0	0	3,477
DP 6014 - Pay Plan Lump Sum Payment OTO										
02	0.00	1,060	0	0	1,060	0.00	0	0	0	0
DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch										
02	0.00	(3,787)	0	0	(3,787)	0.00	(3,806)	0	0	(3,806)
Total	0.00	(\$1,572)	\$0	\$0	(\$1,572)	0.00	(\$329)	\$0	\$0	(\$329)

DP 6013 - 2011 Biennium Pay Plan - HB 13 - The legislature passed a pay plan that provides an additional \$53 per month in health insurance contribution for CY 2010 and an additional \$54 per month for CY 2011. These amounts represent this program's allocation of costs to fund this pay plan. In addition, the legislature provided a one-time-only payment of \$450 for all employees earning less than \$45,000 annually. These costs are included in DP 6014.

DP 6014 - Pay Plan Lump Sum Payment OTO - This DP funds this program's cost of providing a one-time-only payment of \$450 to each full-time employee making less than \$45,000 annually and \$225 for half-time employees making \$21.635 per hour or less.

DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch - The legislature approved the application of a 2 percent personal services vacancy savings rate to the Judicial Branch. No vacancy savings was applied in the statewide present law adjustments, which is consistent with past practice. Historically, vacancy savings has not been applied to the Judicial Branch.

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	6.75	6.75	6.75	6.75	6.75	6.75	0.00	0.00%
Personal Services	350,139	383,186	389,574	394,118	733,325	783,692	50,367	6.87%
Operating Expenses	427,284	150,927	429,451	430,711	578,211	860,162	281,951	48.76%
Equipment & Intangible Assets	55,550	339,809	64,194	69,326	395,359	133,520	(261,839)	(66.23%)
Debt Service	22,854	23,369	22,854	22,854	46,223	45,708	(515)	(1.11%)
Total Costs	\$855,827	\$897,291	\$906,073	\$917,009	\$1,753,118	\$1,823,082	\$69,964	3.99%
General Fund	855,827	897,291	906,073	917,009	1,753,118	1,823,082	69,964	3.99%
State Special	0	0	0	0	0	0	0	n/a
Total Funds	\$855,827	\$897,291	\$906,073	\$917,009	\$1,753,118	\$1,823,082	\$69,964	3.99%

Program Description

The State Law Library of Montana (MCA 22-1-501 et seq) provides access to legal information consistent with the present and anticipated needs, responsibilities, and concerns of Montana's courts, legislature, state officers and employees, members of the bar of the Supreme Court of Montana, and members of the general public. The library selects, acquires, and maintains resources consistent with this mission. The acquisition of more electronic licenses (which frequently replace the hard copies) allows the library to get information to the customer more quickly and to conserve its available shelf space for books and other printed material.

Library staff also provides training in legal research methods and Montana law. The library's web site has been designed to help Montana's citizens find the appropriate statutes, court cases, legal forms and explanation of the laws they need. The library endeavors to maintain its space, equipment, and technology in a manner that will ensure operational efficiency, improve collection preservation, and respond to requirements for accessibility of users and staff.

Program Highlights

Law Library HB 2 Budget Highlights	
♦	2011 biennium funding is about 4.0 percent or \$69,964 greater than 2009 biennium funding
♦	Increases due to statewide present law adjustments and 2011 biennium pay plan funding are offset by the application of 2 percent vacancy savings

Funding

The following table shows program funding, by source, for the base year and for the 2011 biennium as adopted by the legislature.

Program Funding Table						
Law Library						
Program Funding	Base FY 2008	% of Base FY 2008	Budget FY 2010	% of Budget FY 2010	Budget FY 2011	% of Budget FY 2011
01000 Total General Fund	\$ 855,827	100.0%	\$ 906,073	100.0%	\$ 917,009	100.0%
01100 General Fund	855,827	100.0%	906,073	100.0%	917,009	100.0%
Grand Total	<u>\$ 855,827</u>	<u>100.0%</u>	<u>\$ 906,073</u>	<u>100.0%</u>	<u>\$ 917,009</u>	<u>100.0%</u>

The law library is funded entirely with general fund. The library is also responsible for one proprietary fund.

Budget Summary by Category

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

Budget Summary by Category								
Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	855,827	855,827	1,711,654	93.89%	855,827	855,827	1,711,654	93.89%
Statewide PL Adjustments	53,283	60,947	114,230	6.27%	53,283	60,947	114,230	6.27%
Other PL Adjustments	0	0	0	0.00%	0	0	0	0.00%
New Proposals	(3,037)	235	(2,802)	(0.15%)	(3,037)	235	(2,802)	(0.15%)
Total Budget	\$906,073	\$917,009	\$1,823,082		\$906,073	\$917,009	\$1,823,082	

Present Law Adjustments

The “Present Law Adjustments” table shows the changes to the adjusted base budget made by the legislature. “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 2010-----					-----Fiscal 2011-----			
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Total Funds
Personal Services					42,472	0.00			43,744
Inflation/Deflation					2,167	0.00			3,427
Inflation/Deflation					8,644	0.00			13,776
Total Statewide Present Law Adjustments		\$53,283	\$0	\$0	\$53,283	0.00	\$60,947	\$0	\$60,947
Grand Total All Present Law Adjustments	0.00	\$53,283	\$0	\$0	\$53,283	0.00	\$60,947	\$0	\$60,947

New Proposals

New Proposals										
Program	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 6013 - 2011 Biennium Pay Plan - HB 13										
03	0.00	2,695	0	0	2,695	0.00	8,113	0	0	8,113
DP 6014 - Pay Plan Lump Sum Payment OTO										
03	0.00	2,120	0	0	2,120	0.00	0	0	0	0
DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch										
03	0.00	(7,852)	0	0	(7,852)	0.00	(7,878)	0	0	(7,878)
Total	0.00	(\$3,037)	\$0	\$0	(\$3,037)	0.00	\$235	\$0	\$0	\$235

DP 6013 - 2011 Biennium Pay Plan - HB 13 - The legislature passed a pay plan that provides an additional \$53 per month in health insurance contribution for CY 2010 and an additional \$54 per month for CY 2011. These amounts represent this program's allocation of costs to fund this pay plan. In addition, the legislature provided a one-time-only payment of \$450 for all employees earning less than \$45,000 annually. These costs are included in DP 6014.

DP 6014 - Pay Plan Lump Sum Payment OTO - This DP funds this program's cost of providing a one-time-only payment of \$450 to each full-time employee making less than \$45,000 annually and \$225 for half-time employees making \$21.635 per hour or less.

DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch - The legislature approved the application of a 2 percent personal services vacancy savings rate to the Judicial Branch. No vacancy savings was applied in the statewide present law adjustments, which is consistent with past practice. Historically, vacancy savings has not been applied to the Judicial Branch.

Proprietary Rates**Proprietary Program Description**

Law Library Searches/Research Enterprise Fund - The law library is billed by the on-line provider for the air time, and the law library in turn bills the requesting entity for the cost of the search performed.

The Law Library conducts searches of legal resources (Lexus) at the request of individuals. The library is billed by the on-line provider for the air time used and in turn bills the requesting entity for the costs of the search.

Funding

The Law Library Searches/Research Fund is funded entirely as an enterprise fund with users paying for the services received (on-line search).

Program Narrative

Revenues for this function come from the individuals and companies that use the service.

Expenditures are driven by the number of requests for searches. Payment is made to a contractor for the purchase of services on behalf of individuals and companies that request searches. These fees are then billed to the requestor of the informational search.

Present Law Adjustments

None

New Proposals

None

Proprietary Rates

The rate charged to the user is the actual cost of the search performed.

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	300.08	300.08	304.08	309.08	300.08	309.08	9.00	3.00%
Personal Services	19,430,613	20,957,493	21,169,662	21,687,726	40,388,106	42,857,388	2,469,282	6.11%
Operating Expenses	3,377,771	4,070,608	2,798,773	2,998,540	7,448,379	5,797,313	(1,651,066)	(22.17%)
Equipment & Intangible Assets	30,577	23,562	30,577	40,577	54,139	71,154	17,015	31.43%
Grants	0	0	0	0	0	0	0	n/a
Benefits & Claims	0	0	0	0	0	0	0	n/a
Debt Service	3,750	5,900	3,750	3,750	9,650	7,500	(2,150)	(22.28%)
Total Costs	\$22,842,711	\$25,057,563	\$24,002,762	\$24,730,593	\$47,900,274	\$48,733,355	\$833,081	1.74%
General Fund	22,590,955	24,804,116	23,620,582	24,323,910	47,395,071	47,944,492	549,421	1.16%
State Special	251,756	253,447	382,180	406,683	505,203	788,863	283,660	56.15%
Federal Special	0	0	0	0	0	0	0	n/a
Total Funds	\$22,842,711	\$25,057,563	\$24,002,762	\$24,730,593	\$47,900,274	\$48,733,355	\$833,081	1.74%

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 43 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	
♦	The 2011 biennium budget is 1.7 percent or \$833,081 million greater than the 2009 biennium budget
♦	General fund support for the program increases 1.2 percent or \$549,421 million between the two biennia
♦	General fund increases due to statewide present law adjustments, the addition of staffing for district courts and the addition of three district court judges
♦	General fund increases are offset by general fund reductions including the application of 2 percent vacancy savings and a 2 percent general fund reduction
♦	The 2011 biennium budget includes an increase of 9.00 FTE including 4.00 FTE to increase four judicial districts' staffing to minimum levels established by branch policy and 5.00 FTE (10 positions) related to the addition of three district court judges

Funding

The following table shows program funding, by source, for the base year and for the 2011 biennium as adopted by the legislature.

Program Funding Table District Court Operations						
Program Funding	Base FY 2008	% of Base FY 2008	Budget FY 2010	% of Budget FY 2010	Budget FY 2011	% of Budget FY 2011
01000 Total General Fund	\$ 22,590,955	98.9%	\$ 23,620,582	98.4%	\$ 24,323,910	98.4%
01100 General Fund	22,590,955	98.9%	23,620,582	98.4%	24,323,910	98.4%
02000 Total State Special Funds	251,756	1.1%	382,180	1.6%	406,683	1.6%
02141 District Court Crim. Reimb.	202,290	0.9%	278,363	1.2%	302,846	1.2%
02788 Acc. Cty Sick/Vacation Leave	49,466	0.2%	103,817	0.4%	103,837	0.4%
Grand Total	\$ 22,842,711	100.0%	\$ 24,002,762	100.0%	\$ 24,730,593	100.0%

District court operations are funded almost entirely with general fund. The program also receives a small amount of state special revenue from video conferencing fees, youth court fines and fees, and accrued leave benefits that were paid to the state at the time of district court assumption.

Budget Summary by Category

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

Budget Summary by Category								
Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	22,590,955	22,590,955	45,181,910	94.24%	22,842,711	22,842,711	45,685,422	93.75%
Statewide PL Adjustments	1,656,625	1,702,426	3,359,051	7.01%	1,657,661	1,703,582	3,361,243	6.90%
Other PL Adjustments	(7,953)	(9,129)	(17,082)	(0.04%)	121,435	144,642	266,077	0.55%
New Proposals	(619,045)	39,658	(579,387)	(1.21%)	(619,045)	39,658	(579,387)	(1.19%)
Total Budget	\$23,620,582	\$24,323,910	\$47,944,492		\$24,002,762	\$24,730,593	\$48,733,355	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes to the adjusted base budget made by the legislature. "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 2010-----						-----Fiscal 2011-----				
FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds	
Personal Services				1,614,963	0.00					1,646,275
Inflation/Deflation				42,505	0.00					56,994
Fixed Costs				193	0.00					313
Total Statewide Present Law Adjustments										
	\$1,656,625	\$1,036	\$0	\$1,657,661	0.00	\$1,702,426	\$1,156	\$0	\$1,703,582	0
DP 4003 - Youth Probation Fees Spending Authority Increase										
	0.00	0	75,600	0	75,600	0.00	0	100,000	0	100,000
DP 4004 - State Special Authority for Accrued Leave Payouts										
	0.00	0	53,903	0	53,903	0.00	0	53,903	0	53,903
DP 7101 - Fuel Inflation Reduction										
	0.00	(7,953)	(115)	0	(8,068)	0.00	(9,129)	(132)	0	(9,261)
Total Other Present Law Adjustments										
	0.00	(\$7,953)	\$129,388	\$0	\$121,435	0.00	(\$9,129)	\$153,771	\$0	\$144,642
Grand Total All Present Law Adjustments										
	0.00	\$1,648,672	\$130,424	\$0	\$1,779,096	0.00	\$1,693,297	\$154,927	\$0	\$1,848,224

DP 4003 - Youth Probation Fees Spending Authority Increase - The legislature provided \$175,600 state special revenue for the biennium from fees collected from youth on probation. These fees are used to pay for a variety of services, including drug testing, restitution collection, community service supervision, and workers' compensation coverage for community service, other programming for youth (shoplifting classes, minor in possession classes, etc.), and staff training.

DP 4004 - State Special Authority for Accrued Leave Payouts - The legislature provided \$107,806 state special revenue for the biennium to fund projected retirement payouts for employees who became state employees at the time of district court assumption. When an employee who was a county employee at the time of district court assumption retires his or her accrued sick and annual leave is paid from this state special revenue fund.

DP 7101 - Fuel Inflation Reduction - This reduces funding for gasoline and diesel by the amount these two expenditure categories were increased in the statewide present law adjustment for inflation. The effect is to apply no inflation adjustment to these two expenditure categories.

New Proposals

New Proposals										
Program	FTE	Fiscal 2010				FTE	Fiscal 2011			
		General Fund	State Special	Federal Special	Total Funds		General Fund	State Special	Federal Special	Total Funds
DP 4001 - Minimum Staffing for District Court Judges										
04	4.00	190,103	0	0	190,103	4.00	179,752	0	0	179,752
DP 4002 - New Judges and Staff										
04	0.00	0	0	0	0	5.00	560,327	0	0	560,327
DP 6013 - 2011 Biennium Pay Plan - HB 13										
04	0.00	103,950	0	0	103,950	0.00	318,725	0	0	318,725
DP 6014 - Pay Plan Lump Sum Payment OTO										
04	0.00	101,230	0	0	101,230	0.00	0	0	0	0
DP 6105 - 2 Percent Unspecified Reduction of General Fund										
04	0.00	(711,448)	0	0	(711,448)	0.00	(711,448)	0	0	(711,448)
DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch										
04	0.00	(302,880)	0	0	(302,880)	0.00	(307,698)	0	0	(307,698)
Total	4.00	(\$619,045)	\$0	\$0	(\$619,045)	9.00	\$39,658	\$0	\$0	\$39,658

DP 4001 - Minimum Staffing for District Court Judges - The legislature provided \$369,855 general fund for the biennium for 4.00 FTE. Currently, 11 judicial districts in the state do not have the minimum level of staffing defined by the branch as one judicial assistant, one law clerk, and one court reporter per judge. Support staff do scheduling, research, and administrative tasks on behalf of judges.

This addition includes 1.00 FTE law clerk for each of the following judicial districts:

- Judicial District 3 (Deer Lodge/Powell/Granite Counties)
- Judicial District 7 (Dawson/Richland/McCone/Prairie/Wibaux Counties). This clerk would be shared by two judges
- Judicial District 17 (Blaine/Phillips/Valley Counties)

Also included is 1.00 FTE judicial assistant in Judicial District 15 (Daniels/Roosevelt/Sheridan Counties).

DP 4002 - New Judges and Staff - The legislature provided \$560,327 in FY 2011 to support the addition of three district court judges and related staff beginning January 1, 2011. One new judge will be added in each of the following judicial districts (JD): JD 1, Lewis and Clark and Broadwater counties; JD 11, Flathead County; JD 13, Yellowstone County.

DP 6013 - 2011 Biennium Pay Plan - HB 13 - The legislature passed a pay plan that provides an additional \$53 per month in health insurance contribution for CY 2010 and an additional \$54 per month for CY 2011. These amounts represent this program's allocation of costs to fund this pay plan. In addition, the legislature provided a one-time-only payment of \$450 for all employees earning less than \$45,000 annually. These costs are included in DP 6014.

DP 6014 - Pay Plan Lump Sum Payment OTO - This DP funds this program's cost of providing a one-time-only payment of \$450 to each full-time employee making less than \$45,000 annually and \$225 for half-time employees making \$21.635 per hour or less.

DP 6105 - 2 Percent Unspecified Reduction of General Fund - This item provides an unspecified reduction in general fund of 2 percent for the branch. Language included in the bill allows the branch to allocate the reduction in funding among programs when developing 2011 biennium operating plans.

DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch - The legislature approved the application of a 2 percent personal services vacancy savings rate to the Judicial Branch. No vacancy savings was applied in the statewide present law adjustments, which is consistent with past practice. Historically, vacancy savings has not been applied to the Judicial Branch.

Language and Statutory Authority

The legislature included the following language in HB 2:

"District Court Operations includes a reduction in general fund money of \$711,448 each year of the biennium. The branch may allocate this reduction in funding among programs when developing 2011 biennium operating plans."

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	18.00	18.00	18.00	18.00	18.00	18.00	0.00	0.00%
Personal Services	1,148,317	1,248,453	1,322,980	1,338,299	2,396,770	2,661,279	264,509	11.04%
Operating Expenses	225,131	239,167	249,130	252,655	464,298	501,785	37,487	8.07%
Equipment & Intangible Assets	13,561	23,965	13,561	13,561	37,526	27,122	(10,404)	(27.72%)
Total Costs	\$1,387,009	\$1,511,585	\$1,585,671	\$1,604,515	\$2,898,594	\$3,190,186	\$291,592	10.06%
State Special	1,387,009	1,511,585	1,585,671	1,604,515	2,898,594	3,190,186	291,592	10.06%
Total Funds	\$1,387,009	\$1,511,585	\$1,585,671	\$1,604,515	\$2,898,594	\$3,190,186	\$291,592	10.06%

Program Description

The Water Courts Supervision Program, located in Bozeman, adjudicates claims of existing water rights in Montana pursuant to Title 3, Chapter 7 and Title 85, Chapter 2, MCA.

Program Highlights

Water Court HB 2 Budget Highlights	
♦	Funding for the Water Court increases 10.1 percent or \$291,592 between the 2009 and 2011 biennia
♦	Statewide present law adjustments and increased office rental costs comprise the entire increase between the two biennia
♦	Funding increases are offset by the application of 2 percent vacancy savings
♦	The program is funded entirely with state special revenue

Funding

The following table shows program funding, by source, for the base year and for the 2011 biennium as adopted by the legislature.

Program Funding Table Water Courts Supervision						
Program Funding	Base FY 2008	% of Base FY 2008	Budget FY 2010	% of Budget FY 2010	Budget FY 2011	% of Budget FY 2011
02000 Total State Special Funds	\$ 1,387,009	100.0%	\$ 1,585,671	100.0%	\$ 1,604,515	100.0%
02431 Water Adjudication	481,204	34.7%	550,514	34.7%	557,164	34.7%
02576 Natural Resources Operations Ssr Fu	905,805	65.3%	1,035,157	65.3%	1,047,351	65.3%
Grand Total	\$ 1,387,009	100.0%	\$ 1,585,671	100.0%	\$ 1,604,515	100.0%

The Water Court is supported entirely by state special revenue from the renewable resources grant and loan account and the water adjudication account. Legislation passed by the 2007 Legislature (HB 473 of the regular session) transferred \$25.0 million from the general fund to the state special revenue account for adjudication of water rights claims.

Budget Summary by Category

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

Budget Summary by Category								
Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	0	0	0	0.00%	1,387,009	1,387,009	2,774,018	86.95%
Statewide PL Adjustments	0	0	0	0.00%	196,485	202,441	398,926	12.50%
Other PL Adjustments	0	0	0	0.00%	20,000	22,785	42,785	1.34%
New Proposals	0	0	0	0.00%	(17,823)	(7,720)	(25,543)	(0.80%)
Total Budget	\$0	\$0	\$0		\$1,585,671	\$1,604,515	\$3,190,186	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes to the adjusted base budget made by the legislature. "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 2010-----						-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					192,486	0.00				197,702
Inflation/Deflation					806	0.00				887
Fixed Costs					3,193	0.00				3,852
Total Statewide Present Law Adjustments										
		\$0	\$196,485	\$0	\$196,485	0.00	\$0	\$202,441	\$0	\$202,441
DP 5001 - Water Court Rent Increase										0
0.00	0		4,543	0	4,543	0.00	0	6,917	0	6,917
DP 5002 - Water Court Office Expansion										
0.00	0		15,876	0	15,876	0.00	0	16,349	0	16,349
DP 7101 - Fuel Inflation Reduction										
0.00	0		(419)	0	(419)	0.00	0	(481)	0	(481)
Total Other Present Law Adjustments										0
	0.00	\$0	\$20,000	\$0	\$20,000	0.00	\$0	\$22,785	\$0	\$22,785
Grand Total All Present Law Adjustments										0
	0.00	\$0	\$216,485	\$0	\$216,485	0.00	\$0	\$225,226	\$0	\$225,226

DP 5001 - Water Court Rent Increase - The legislature provided \$11,460 state special revenue for the biennium to fund a 3 percent annual increase in rent payments.

DP 5002 - Water Court Office Expansion - The legislature provided \$32,225 state special revenue for the biennium to rent an additional 958 square feet of office space. The 2005 Legislature significantly accelerated the pace of statewide adjudication of water rights. As a result, the Water Court estimates issuance of approximately 30 water right decrees in the next 10 years resulting in an estimated 40,000 claim files. The additional space will be used to store the files in an area that provides immediate access.

DP 7101 - Fuel Inflation Reduction - This reduces funding for gasoline and diesel by the amount these two expenditure categories were increased in the statewide present law adjustment for inflation. The effect is to apply no inflation adjustment to these two expenditure categories.

New Proposals

New Proposals										
Program	FTE	-----Fiscal 2010-----				-----Fiscal 2011-----				
		General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 6013 - 2011 Biennium Pay Plan - HB 13										
05	0.00	0	6,360	0	6,360	0.00	0	19,200	0	19,200
DP 6014 - Pay Plan Lump Sum Payment OTO										
05	0.00	0	2,633	0	2,633	0.00	0	0	0	0
DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch										
05	0.00	0	(26,816)	0	(26,816)	0.00	0	(26,920)	0	(26,920)
Total	0.00	\$0	(\$17,823)	\$0	(\$17,823)	0.00	\$0	(\$7,720)	\$0	(\$7,720)

DP 6013 - 2011 Biennium Pay Plan - HB 13 - The legislature passed a pay plan that provides an additional \$53 per month in health insurance contribution for CY 2010 and an additional \$54 per month for CY 2011. These amounts represent this program's allocation of costs to fund this pay plan. In addition, the legislature provided a one-time-only payment of \$450 for all employees earning less than \$45,000 annually. These costs are included in DP 6014.

DP 6014 - Pay Plan Lump Sum Payment OTO - This DP funds this program's cost of providing a one-time-only payment of \$450 to each full-time employee making less than \$45,000 annually and \$225 for half-time employees making \$21.635 per hour or less.

DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch - The legislature approved the application of a 2 percent personal services vacancy savings rate to the Judicial Branch. No vacancy savings was applied in the statewide present law adjustments, which is consistent with past practice. Historically, vacancy savings has not been applied to the Judicial Branch.

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	5.50	5.50	5.50	5.50	5.50	5.50	0.00	0.00%
Personal Services	367,545	406,106	421,451	424,098	773,651	845,549	71,898	9.29%
Operating Expenses	54,378	42,620	54,794	54,857	96,998	109,651	12,653	13.04%
Total Costs	\$421,923	\$448,726	\$476,245	\$478,955	\$870,649	\$955,200	\$84,551	9.71%
General Fund	421,923	448,726	476,245	478,955	870,649	955,200	84,551	9.71%
Total Funds	\$421,923	\$448,726	\$476,245	\$478,955	\$870,649	\$955,200	\$84,551	9.71%

Program Description

The Office of Clerk of the Supreme Court Program, pursuant to Title 3, Chapter 2, part 4, conducts the business of the court, and serves as the liaison between the public, attorneys, and the Supreme Court. By statutory authority, the clerk controls the docket and filings, manages the appellate process, and is the custodian of all legal records for the public and the court. Additionally, the clerk administers appellate mediation, maintains the official roll of Montana attorneys, and is responsible for licensing Montana's attorneys. The Clerk of the Supreme Court is an elected official.

Program Highlights

Clerk of Court HB 2 Budget Highlights	
♦	Funding for the Clerk of Court increases 9.7 percent or \$84,551 between the 2009 and 2011 biennia
♦	Funding increases due to statewide present law adjustments and funding for the 2011 biennium pay plan
♦	Increases in funding are offset by the application of 2 percent vacancy savings

Funding

The following table shows program funding, by source, for the base year and for the 2011 biennium as adopted by the legislature.

Program Funding Table Clerk Of Court						
Program Funding	Base FY 2008	% of Base FY 2008	Budget FY 2010	% of Budget FY 2010	Budget FY 2011	% of Budget FY 2011
01000 Total General Fund	\$ 421,923	100.0%	\$ 476,245	100.0%	\$ 478,955	100.0%
01100 General Fund	421,923	100.0%	476,245	100.0%	478,955	100.0%
Grand Total	\$ 421,923	100.0%	\$ 476,245	100.0%	\$ 478,955	100.0%

The Clerk of Court Office is funded entirely from the general fund.

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 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	421,923	421,923	843,846	88.34%	421,923	421,923	843,846	88.34%
Statewide PL Adjustments	56,335	56,523	112,858	11.82%	56,335	56,523	112,858	11.82%
Other PL Adjustments	0	0	0	0.00%	0	0	0	0.00%
New Proposals	(2,013)	509	(1,504)	(0.16%)	(2,013)	509	(1,504)	(0.16%)
Total Budget	\$476,245	\$478,955	\$955,200		\$476,245	\$478,955	\$955,200	

Present Law Adjustments

The “Present Law Adjustments” table shows the changes to the adjusted base budget made by the legislature. “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 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					55,919	0.00				56,044
Inflation/Deflation					416	0.00				479
Total Statewide Present Law Adjustments		\$56,335	\$0	\$0	\$56,335	0.00	\$56,523	\$0	\$0	\$56,523
					0	0.00				0
Grand Total All Present Law Adjustments	0.00	\$56,335	\$0	\$0	\$56,335	0.00	\$56,523	\$0	\$0	\$56,523

New Proposals

New Proposals										
-----Fiscal 2010-----						-----Fiscal 2011-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 6013 - 2011 Biennium Pay Plan - HB 13										
06	0.00	2,310	0	0	2,310	0.00	6,954	0	0	6,954
DP 6014 - Pay Plan Lump Sum Payment OTO										
06	0.00	2,120	0	0	2,120	0.00	0	0	0	0
DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch										
06	0.00	(6,443)	0	0	(6,443)	0.00	(6,445)	0	0	(6,445)
Total	0.00	(\$2,013)	\$0	\$0	(\$2,013)	0.00	\$509	\$0	\$0	\$509

DP 6013 - 2011 Biennium Pay Plan - HB 13 - The legislature passed a pay plan that provides an additional \$53 per month in health insurance contribution for CY 2010 and an additional \$54 per month for CY 2011. These amounts represent this program’s allocation of costs to fund this pay plan. In addition, the legislature provided a one-time-only payment of \$450 for all employees earning less than \$45,000 annually. These costs are included in DP 6014.

DP 6014 - Pay Plan Lump Sum Payment OTO - This DP funds this program's cost of providing a one-time-only payment of \$450 to each full-time employee making less than \$45,000 annually and \$225 for half-time employees making \$21.635 per hour or less.

DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch - The legislature approved the application of a 2 percent personal services vacancy savings rate to the Judicial Branch. No vacancy savings was applied in the statewide present law adjustments, which is consistent with past practice. Historically, vacancy savings has not been applied to the Judicial Branch.