

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 2010	Approp. Fiscal 2011	Budget Fiscal 2012	Budget Fiscal 2013	Biennium Fiscal 10-11	Biennium Fiscal 12-13	Biennium Change	Biennium % Change
FTE	410.08	410.08	410.08	412.58	410.08	412.58	2.50	0.61%
Personal Services	27,508,677	28,995,376	29,913,252	30,260,661	56,504,053	60,173,913	3,669,860	6.49%
Operating Expenses	8,319,831	8,744,097	8,109,201	8,086,820	17,063,928	16,196,021	(867,907)	(5.09%)
Equipment & Intangible Assets	142,165	128,663	130,870	130,870	270,828	261,740	(9,088)	(3.36%)
Grants	0	0	0	0	0	0	0	n/a
Benefits & Claims	0	0	0	0	0	0	0	n/a
Transfers	0	0	0	0	0	0	0	n/a
Debt Service	11,651	30,354	11,651	11,651	42,005	23,302	(18,703)	(44.53%)
Total Costs	\$35,982,324	\$37,898,490	\$38,164,974	\$38,490,002	\$73,880,814	\$76,654,976	\$2,774,162	3.75%
General Fund	33,937,675	35,467,158	35,914,032	35,980,334	69,404,833	71,894,366	2,489,533	3.59%
State Special	1,922,472	2,305,683	2,128,010	2,386,679	4,228,155	4,514,689	286,534	6.78%
Federal Special	122,177	125,649	122,932	122,989	247,826	245,921	(1,905)	(0.77%)
Total Funds	\$35,982,324	\$37,898,490	\$38,164,974	\$38,490,002	\$73,880,814	\$76,654,976	\$2,774,162	3.75%

Agency Description

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.

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) Clerk of the Supreme Court.

Agency Highlights

Judicial Branch Major Budget Highlights
<ul style="list-style-type: none"> ◆ Total funding for the Judicial Branch increases 3.8% (\$2.8 million) and general fund increases 3.6% (\$2.5 million) when the 2011 and 2013 biennia are compared ◆ The biennial difference is primarily due to: <ul style="list-style-type: none"> ● Adoption of reductions, included in the statutorily required 5% base reduction plan, equating to about \$1.8 million for the biennium ● Annualization of funding for three new judges added by the 2009 Legislature for the entire biennium rather than six months ● Provision of about \$600,000 general fund for the biennium for the Court Help Program (formerly self-help) ◆ The legislature recommends that the Legislative Finance Committee monitor the following items during the interim: <ul style="list-style-type: none"> ● The Court Help Program ● The Water Court

Summary of Legislative Action

General fund support for the branch increases \$2.5 million or about 3.6% between the two biennia due to increases in statewide present law adjustments and provision of funding to annualize the costs of three new district court judges that took office in January 2011. The additional judgeships were authorized by the 2009 Legislature. Because the base budget only included funding for a portion of the costs of the new judges, associated staff, and operating costs, additional funding was provided by the legislature. The legislature also provided an appropriation of about \$600,000 for the Court Help Program (formerly self help), which has been funded with one time only appropriations for the past two biennia. These increases were partially offset by reductions included in the agency’s statutorily required plan to reduce general fund and certain state special revenues by 5%. Among the reductions was the imposition of 2% vacancy savings.

The total FTE for the branch increases by 2.50 between the two biennia as illustrated in the table.

Judicial Branch Summary of FTE Changes		
Program	Item	FTE
Supreme Court Ops	IT business analyst/trainer	(1.00)
Supreme Court Ops	Financial anlyst	(0.50)
District Court Ops	New judges and related	4.50
District Court Ops	5% plan Youth Court FTE	(2.00)
District Court Ops	5% plan District Court FTE	(2.00)
Water Court	Transfer positions from DNRC	<u>3.50</u>
Branch	Total Change	<u>2.50</u>

FTE increases due to annualization of the addition of three district court judges and staff as provided by the 2009 legislature and transfer of positions from the Department of Natural Resources and Conservation to the Water Court are offset by reductions included in the 5% base reduction plan and adopted by the legislature.

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 2013 Biennium Budget					
Agency Program	General Fund	State Spec.	Fed Spec.	Grand Total	Total %
01 Supreme Court Operations	\$ 18,429,144	\$ 381,338	\$ 245,921	\$ 19,056,403	24.86%
02 Boards And Commissions	555,556	148,101	-	703,657	0.92%
03 Law Library	1,691,289	-	-	1,691,289	2.21%
04 District Court Operations	50,255,986	454,343	-	50,710,329	66.15%
05 Water Courts Supervision	-	3,530,907	-	3,530,907	4.61%
06 Clerk Of Court	962,391	-	-	962,391	1.26%
Grand Total	<u>\$ 71,894,366</u>	<u>\$ 4,514,689</u>	<u>\$ 245,921</u>	<u>\$ 76,654,976</u>	<u>100.00%</u>

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 by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2012	Budget Fiscal 2013	Biennium Fiscal 12-13	Percent of Budget	Budget Fiscal 2012	Budget Fiscal 2013	Biennium Fiscal 12-13	Percent of Budget
Base Budget	33,937,675	33,937,675	67,875,350	94.41%	35,982,324	35,982,324	71,964,648	93.88%
Statewide PL Adjustments	2,218,273	2,300,412	4,518,685	6.29%	2,312,118	2,394,427	4,706,545	6.14%
Other PL Adjustments	496,925	483,827	980,752	1.36%	713,783	703,491	1,417,274	1.85%
New Proposals	(738,841)	(741,580)	(1,480,421)	(2.06%)	(843,251)	(590,240)	(1,433,491)	(1.87%)
Total Budget	\$35,914,032	\$35,980,334	\$71,894,366		\$38,164,974	\$38,490,002	\$76,654,976	

Other Legislation

SJ 26 includes a recommendation that the Legislative Finance Committee monitor the Court Help Program and Water Court during the interim.

HB 587 provides for an associate water judge and an appropriation of \$22,000 per year from the water adjudication state special revenue account.

Executive Budget Comparison

The following table compares the legislative budget in the 2013 biennium to the budget requested by the Governor, by type of expenditure and source of funding.

Executive Budget Comparison								
Budget Item	Base Budget Fiscal 2010	Executive Budget Fiscal 2012	Legislative Budget Fiscal 2012	Leg – Exec. Difference Fiscal 2012	Executive Budget Fiscal 2013	Legislative Budget Fiscal 2013	Leg – Exec. Difference Fiscal 2013	Biennium Difference Fiscal 12-13
FTE	410.08	419.58	410.08	(9.50)	422.24	412.58	(9.66)	
Personal Services	27,508,677	30,834,085	29,913,252	(920,833)	31,106,595	30,260,661	(845,934)	(1,766,767)
Operating Expenses	8,319,831	8,346,360	8,109,201	(237,159)	8,335,637	8,086,820	(248,817)	(485,976)
Equipment & Intangible Assets	142,165	142,165	130,870	(11,295)	142,165	130,870	(11,295)	(22,590)
Grants	0	0	0	0	0	0	0	0
Benefits & Claims	0	0	0	0	0	0	0	0
Transfers	0	0	0	0	0	0	0	0
Debt Service	11,651	11,651	11,651	0	11,651	11,651	0	0
Total Costs	\$35,982,324	\$39,334,261	\$38,164,974	(\$1,169,287)	\$39,596,048	\$38,490,002	(\$1,106,046)	(\$2,275,333)
General Fund	33,937,675	36,952,194	35,914,032	(1,038,162)	37,020,776	35,980,334	(1,040,442)	(2,078,604)
State/Other Special	1,922,472	2,259,135	2,128,010	(131,125)	2,452,283	2,386,679	(65,604)	(196,729)
Federal Special	122,177	122,932	122,932	0	122,989	122,989	0	0
Total Funds	\$35,982,324	\$39,334,261	\$38,164,974	(\$1,169,287)	\$39,596,048	\$38,490,002	(\$1,106,046)	(\$2,275,333)

The legislature provided general fund support that is \$2.3 million below the executive budget. The legislature:

- o Adopted portions of the statutorily required 5% base reduction plan submitted by the branch, including application of a 2% vacancy savings rate, for reductions totaling about \$1.8 million for the biennium
- o Removed funding for selected contracts (\$140,000 for the biennium) and reduced general fund support for out of state travel by 25%

State special revenue is impacted due to reductions adopted as part of the 5% reduction plan.

Language

The legislature included the following language in HB 2:

“District Court Operations includes a reduction in general fund money of \$37,906 in FY 2012 and \$37,747 in FY 2013. The agency may allocate this reduction in funding among programs when developing 2013 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 2010	Approp. Fiscal 2011	Budget Fiscal 2012	Budget Fiscal 2013	Biennium Fiscal 10-11	Biennium Fiscal 12-13	Biennium Change	Biennium % Change
FTE	65.75	65.75	64.25	64.25	65.75	64.25	(1.50)	(2.28%)
Personal Services	4,630,756	4,970,608	5,016,338	5,013,986	9,601,364	10,030,324	428,960	4.47%
Operating Expenses	4,602,133	4,630,604	4,515,867	4,510,212	9,232,737	9,026,079	(206,658)	(2.24%)
Equipment & Intangible Assets	0	5,199	0	0	5,199	0	(5,199)	(100.00%)
Grants	0	0	0	0	0	0	0	n/a
Transfers	0	0	0	0	0	0	0	n/a
Total Costs	\$9,232,889	\$9,606,411	\$9,532,205	\$9,524,198	\$18,839,300	\$19,056,403	\$217,103	1.15%
General Fund	8,959,376	9,257,526	9,218,604	9,210,540	18,216,902	18,429,144	212,242	1.17%
State Special	151,336	223,236	190,669	190,669	374,572	381,338	6,766	1.81%
Federal Special	122,177	125,649	122,932	122,989	247,826	245,921	(1,905)	(0.77%)
Total Funds	\$9,232,889	\$9,606,411	\$9,532,205	\$9,524,198	\$18,839,300	\$19,056,403	\$217,103	1.15%

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, and admission to the bar and conduct of its members. Within the Supreme Court Operations program, the Office of Court Administrator provides centralized services to the Judicial Branch including information technology, budget and finance, payroll and human resource management, policy and technical support for the Youth Courts, judicial education, and services provided through the federal Court Assessment Program related to child abuse and neglect cases.

Program Highlights

Supreme Court Operations Major Budget Highlights
<ul style="list-style-type: none"> ◆ Total funding and general fund support for this program increase 1.2% (about \$200,000) between the two biennia ◆ Increases in general fund support for the Court-Help Law Program (formerly self-help) and statewide present law adjustments are partially offset by reductions in funding for items included in the 5% base spending reduction plan submitted by the branch

Funding

The following table shows program funding, by source, for the base year and for the 2013 biennium as adopted by the legislature.

Program Funding	Base FY 2010	% of Base FY 2010	Budget FY 2012	% of Budget FY 2012	Budget FY 2013	% of Budget FY 2013
01000 Total General Fund	\$ 8,959,376	97.0%	\$ 9,218,604	96.7%	\$ 9,210,540	96.7%
01100 General Fund	8,959,376	97.0%	9,218,604	96.7%	9,210,540	96.7%
02000 Total State Special Funds	151,336	1.6%	190,669	2.0%	190,669	2.0%
02536 Legal Asistance	148,236	1.6%	140,669	1.5%	140,669	1.5%
02961 State Grants To Drug Courts	3,100	0.0%	50,000	0.5%	50,000	0.5%
03000 Total Federal Special Funds	122,177	1.3%	122,932	1.3%	122,989	1.3%
03240 Court Assessment Program	122,177	1.3%	122,932	1.3%	122,989	1.3%
Grand Total	\$ 9,232,889	100.0%	\$ 9,532,205	100.0%	\$ 9,524,198	100.0%

The bulk of the program’s funding comes from the general fund. State special revenues supporting the program include revenue from a portion of the dissolution of marriage fees that are used to provide civil legal services for indigent victims of domestic violence (3-2-714, MCA) and fees collected by drug courts. Federal funds support the court assessment program.

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 2012	Budget Fiscal 2013	Biennium Fiscal 12-13	Percent of Budget	Budget Fiscal 2012	Budget Fiscal 2013	Biennium Fiscal 12-13	Percent of Budget
Base Budget	8,959,376	8,959,376	17,918,752	97.23%	9,232,889	9,232,889	18,465,778	96.90%
Statewide PL Adjustments	180,243	172,588	352,831	1.91%	180,998	173,400	354,398	1.86%
Other PL Adjustments	4,862	7,351	12,213	0.07%	51,762	54,251	106,013	0.56%
New Proposals	74,123	71,225	145,348	0.79%	66,556	63,658	130,214	0.68%
Total Budget	\$9,218,604	\$9,210,540	\$18,429,144		\$9,532,205	\$9,524,198	\$19,056,403	

Present Law Adjustments

The “Present Law Adjustments” table shows the changes to the adjusted base budget adopted 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.

	-----Fiscal 2012-----					-----Fiscal 2013-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					497,274					494,922
Inflation/Deflation					(6,516)					(6,026)
Fixed Costs					(309,760)					(315,496)
Total Statewide Present Law Adjustments		\$180,243	\$0	\$755	\$180,998		\$172,588	\$0	\$812	\$173,400
DP 1002 - Rent North Park Building	0.00	4,862	0	0	4,862	0.00	7,351	0	0	7,351
DP 1003 - Drug Court Fees	0.00	0	46,900	0	46,900	0.00	0	46,900	0	46,900
Total Other Present Law Adjustments	0.00	\$4,862	\$46,900	\$0	\$51,762	0.00	\$7,351	\$46,900	\$0	\$54,251
Grand Total All Present Law Adjustments	0.00	\$185,105	\$46,900	\$755	\$232,760	0.00	\$179,939	\$46,900	\$812	\$227,651

DP 1002 - Rent North Park Building - The legislature provided funding for increased lease payments for space rented at the Old Federal Building in Helena. The increase is required per the lease agreement.

DP 1003 - Drug Court Fees - The legislature provided an appropriation of state special revenue to expend fees collected from drug court participants. The drug courts anticipate that fee collections will significantly increase in the 2013 biennium. The fees that are collected will be used for drug court operating costs.

New Proposals

Program	-----Fiscal 2012-----					-----Fiscal 2013-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1001 - Court Help Program - Restricted/OTO										
01	0.00	295,927	0	0	295,927	0.00	295,518	0	0	295,518
DP 9701 - Remove funding for selected contracts										
01	0.00	(66,627)	0	0	(66,627)	0.00	(66,627)	0	0	(66,627)
DP 9703 - Reduce General Fund for Out of State Travel										
01	0.00	(761)	0	0	(761)	0.00	(761)	0	0	(761)
DP 95101 - 5% Plan - 2% Vacancy Savings										
01	0.00	(80,443)	0	0	(80,443)	0.00	(80,443)	0	0	(80,443)
DP 95102 - 5% Plan - Civil Legal Assistance										
01	0.00	0	(7,567)	0	(7,567)	0.00	0	(7,567)	0	(7,567)
DP 95106 - 5% Plan - Supreme Court Operations										
01	0.00	(23,310)	0	0	(23,310)	0.00	(23,310)	0	0	(23,310)
DP 95113 - 5% Plan - Reduce CAP by 35%										
01	0.00	(14,254)	0	0	(14,254)	0.00	(14,254)	0	0	(14,254)
DP 95115 - 5% Plan - Reduce Drug Courts by 35%										
01	0.00	(247,949)	0	0	(247,949)	0.00	(247,949)	0	0	(247,949)
DP 95117 - 5% Plan - Supreme Court Reduce FTE										
01	(3.00)	(91,478)	0	0	(91,478)	(3.00)	(91,478)	0	0	(91,478)
DP 96113 - Restore 5% Plan - Reduce CAP by 35%										
01	0.00	5,702	0	0	5,702	0.00	5,702	0	0	5,702
DP 96115 - Restore 5% Plan - Reduce Drug Courts by 35%										
01	0.00	247,949	0	0	247,949	0.00	247,949	0	0	247,949
DP 96117 - Restore 5% Plan - Supreme Court Reduce FTE										
01	1.50	60,229	0	0	60,229	1.50	60,229	0	0	60,229
DP 97101 - Non Dept. of Admin Rent Reduction										
01	0.00	(10,862)	0	0	(10,862)	0.00	(13,351)	0	0	(13,351)
Total	(1.50)	\$74,123	(\$7,567)	\$0	\$66,556	(1.50)	\$71,225	(\$7,567)	\$0	\$63,658

DP 1001 - Court Help Program - Restricted/OTO - The legislature provided a restricted, biennial, one time only, general fund appropriation to support the Court Help program, which provides assistance to litigants representing themselves in civil cases. In the past the program has consisted of:

- o Full-time staffed court help law centers in Kalispell and Billings
- o A program coordinator
- o A legal resources developer charged with increasing the number of attorneys willing to provide free legal services
- o Part-time law centers in Missoula and Bozeman

This program was funded by one-time-only appropriations for both the 2009 and 2011 biennia. 2011 biennium funding for the program was included in HB 645, which implemented the federal American Recovery and Reinvestment Act (ARRA).

DP 9701 - Remove funding for selected contracts - The legislature reduced general fund support by \$70,669 and state special revenue by \$2,000 per year to reflect the removal of base funding for selected contracts.

DP 9703 - Reduce General Fund for Out of State Travel - The legislature reduced general fund support for out of state travel by 25%.

DP 95101 - 5% Plan - 2% Vacancy Savings - 2% vacancy savings was applied to all positions in the Supreme Court Operations Program, except for the justices whose salaries may not be reduced during their term of office (Montana Constitution, Article VII, section 7). The branch included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%.

DP 95102 - 5% Plan - Civil Legal Assistance - State special revenue from filing fee revenue used to contract with Montana Legal Services to provide legal representation for indigent victims in civil matters in domestic violence cases and for alternative dispute resolution initiatives in family law cases was reduced. The branch included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%.

DP 95106 - 5% Plan - Supreme Court Operations - Funding was eliminated or reduced for certain operational expenses, including printing and mailing of pay advices, reducing the number of communication devices, and eliminating subscriptions for certain on-line legal research services. The branch included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%.

DP 95113 - 5% Plan - Reduce CAP by 35% - Funding for the Court Assessment Program was reduced by 35%. The Court Assessment Program is a federally funded program requiring a state general fund match that assesses and assists district courts in moving child abuse and neglect cases through the court system and achieving permanency for children as quickly as possible. The branch included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%. These funds were partially restored in DP 96113.

DP 95115 - 5% Plan - Reduce Drug Courts by 35% - Funding for drug courts was initially reduced by 35%. The current general fund appropriation supports statewide administrative and technical services, local drug court coordination services, and client treatment and support services for the following drug courts: Billings Adult Misdemeanor Drug Court; Butte-Silver Bow Family Drug Court; 4th Judicial District Youth Drug Court; 4th Judicial District Family Drug Court; 4th Judicial District Drug Court Co-Occurring Docket; 7th Judicial District Youth Treatment Court; 8th Judicial District Adult Drug Treatment Court; 8th Judicial District Juvenile Drug Treatment Court; 16th Judicial District Treatment Court; Gallatin County Treatment Court; Mineral County Adult Drug Treatment Court; Yellowstone County Family Drug Treatment Court. The branch included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%. These funds were restored in DP 96115.

DP 95117 - 5% Plan - Supreme Court Reduce FTE - Funding was reduced to eliminate an information technology business analyst and trainer position (1.00 FTE) and a financial analyst position (0.50 FTE). The branch included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%. These funds were partially restored in DP 96117.

DP 96113 - Restore 5% Plan - Reduce CAP by 35% - The legislature partially restored the reduction made in DP 95113.

DP 96115 - Restore 5% Plan - Reduce Drug Courts by 35% - The legislature restored funding for drug courts, which was reduced in DP 95115.

DP 96117 - Restore 5% Plan - Supreme Court Reduce FTE - The legislature restored a portion of the FTE reduction included in DP 95117.

DP 97101 - Non Dept. of Admin Rent Reduction - The legislature reduced funding for selected non Department of Administration rental costs.

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 2010	Approp. Fiscal 2011	Budget Fiscal 2012	Budget Fiscal 2013	Biennium Fiscal 10-11	Biennium Fiscal 12-13	Biennium Change	Biennium % Change
FTE	3.00	3.00	3.00	3.00	3.00	3.00	0.00	0.00%
Personal Services	173,145	183,917	191,563	191,961	357,062	383,524	26,462	7.41%
Operating Expenses	188,096	175,569	166,684	153,449	363,665	320,133	(43,532)	(11.97%)
Total Costs	\$361,241	\$359,486	\$358,247	\$345,410	\$720,727	\$703,657	(\$17,070)	(2.37%)
General Fund	281,138	288,237	284,313	271,243	569,375	555,556	(13,819)	(2.43%)
State Special	80,103	71,249	73,934	74,167	151,352	148,101	(3,251)	(2.15%)
Total Funds	\$361,241	\$359,486	\$358,247	\$345,410	\$720,727	\$703,657	(\$17,070)	(2.37%)

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 Major Budget Highlights
<ul style="list-style-type: none"> ◆ Total funding for this program decreases 2.4% (\$17,000) between the two biennia ◆ Increases due to statewide present law adjustments and funding for the Judicial Standards Commission are partially offset by reductions in funding for items included in the 5% base spending reduction plan submitted by the branch

Funding

The following table shows program funding, by source, for the base year and for the 2013 biennium as adopted by the legislature.

Program Funding Table Boards And Commissions						
Program Funding	Base FY 2010	% of Base FY 2010	Budget FY 2012	% of Budget FY 2012	Budget FY 2013	% of Budget FY 2013
01000 Total General Fund	\$ 281,138	77.8%	\$ 284,313	79.4%	\$ 271,243	78.5%
01100 General Fund	281,138	77.8%	284,313	79.4%	271,243	78.5%
02000 Total State Special Funds	80,103	22.2%	73,934	20.6%	74,167	21.5%
02399 Boards And Commissions - Mji	80,103	22.2%	73,934	20.6%	74,167	21.5%
Grand Total	\$ 361,241	100.0%	\$ 358,247	100.0%	\$ 345,410	100.0%

This program receives the majority of its funds from the general fund. State special revenue from fees charged for training events provides a portion of the program’s funding.

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 2012	Budget Fiscal 2013	Biennium Fiscal 12-13	Percent of Budget	Budget Fiscal 2012	Budget Fiscal 2013	Biennium Fiscal 12-13	Percent of Budget
Base Budget	281,138	281,138	562,276	101.21%	361,241	361,241	722,482	102.68%
Statewide PL Adjustments	22,563	22,779	45,342	8.16%	22,399	22,848	45,247	6.43%
Other PL Adjustments	13,286	0	13,286	2.39%	13,286	0	13,286	1.89%
New Proposals	(32,674)	(32,674)	(65,348)	(11.76%)	(38,679)	(38,679)	(77,358)	(10.99%)
Total Budget	\$284,313	\$271,243	\$555,556		\$358,247	\$345,410	\$703,657	

Present Law Adjustments

The “Present Law Adjustments” table shows the changes to the adjusted base budget adopted 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 2012-----					-----Fiscal 2013-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					22,350					22,748
Inflation/Deflation					15					31
Fixed Costs					34					69
Total Statewide Present Law Adjustments		\$22,563	(\$164)	\$0	\$22,399		\$22,779	\$69	\$0	\$22,848
DP 2001 - Judicial Standards Rest/Bien	0.00	13,286	0	0	13,286	0.00	0	0	0	0
Total Other Present Law Adjustments	0.00	\$13,286	\$0	\$0	\$13,286	0.00	\$0	\$0	\$0	\$0
Grand Total All Present Law Adjustments	0.00	\$35,849	(\$164)	\$0	\$35,685	0.00	\$22,779	\$69	\$0	\$22,848

DP 2001 - Judicial Standards Rest/Bien - The legislature provided funding to support the constitutionally mandated Judicial Standards Commission. For the past three biennia the legislature has provided a \$25,000 restricted, biennial appropriation to support costs associated with the investigations of complaints against judges. In FY 2010, the base budget year, expenditures of \$5,857 were incurred. The funding included in this decision package increases the funding approved by the legislature for this purpose to a total of \$25,000 for the biennium.

New Proposals

New Proposals	-----Fiscal 2012-----					-----Fiscal 2013-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 2002 - Continuation of 2% reduction - 2009 Session											
02	0.00	(5,472)	0	0	(5,472)	0.00	(5,472)	0	0	(5,472)	
DP 9701 - Remove funding selected contracts											
02	0.00	(1,442)	(2,000)	0	(3,442)	0.00	(1,442)	(2,000)	0	(3,442)	
DP 95101 - 5% Plan - 2% Vacancy Savings											
02	0.00	(3,932)	0	0	(3,932)	0.00	(3,932)	0	0	(3,932)	
DP 95103 - 5% Plan - Boards and Commissions Operations											
02	0.00	(21,828)	(4,005)	0	(25,833)	0.00	(21,828)	(4,005)	0	(25,833)	
DP 95116 - 5% Plan - Boards and Commissions Reduce FTE											
02	(0.60)	(12,069)	0	0	(12,069)	(0.60)	(12,069)	0	0	(12,069)	
DP 96116 - Restore 5% Plan - Boards & Commissions Reduce FTE											
02	0.60	12,069	0	0	12,069	0.60	12,069	0	0	12,069	
Total	0.00	(\$32,674)	(\$6,005)	\$0	(\$38,679)	0.00	(\$32,674)	(\$6,005)	\$0	(\$38,679)	

DP 2002 - Continuation of 2% reduction - 2009 Session - The 2% reduction in funding approved by the legislature in the 2009 session was applied to personal services and so was not included in the program base budget as a reduction. This reduction makes the 2% reduction permanent in accordance with 17-7-102(10)(b), MCA.

DP 9701 - Remove funding selected contracts - The legislature removed funding for selected contracts included in the base budget.

DP 95101 - 5% Plan - 2% Vacancy Savings - A 2% vacancy savings rate was applied to all positions (3.0 FTE) in the Boards and Commissions Program. Employees assigned to the program process complaints and manage commissions charged with investigating complaints against attorneys and judges. Commission staff also manage mandatory training for judges in the courts of limited jurisdiction and judges in the District Courts. In addition, the program provides staff support to the Sentence Review Board. The branch included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%.

DP 95103 - 5% Plan - Boards and Commissions Operations - Funding for operational expenses such as printing, contracted services, office supplies, postage, long distance and other telephone costs, travel, and meeting costs was reduced. The branch included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%.

DP 95116 - 5% Plan - Boards and Commissions Reduce FTE - A reduction of a 0.60 FTE position was initially applied to the program. The agency included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%. These funds were restored in DP 96116.

DP 96116 - Restore 5% Plan - Boards & Commissions Reduce FTE - The legislature restored funding for personal services (FTE) that was removed in DP 95116.

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 2010	Approp. Fiscal 2011	Budget Fiscal 2012	Budget Fiscal 2013	Biennium Fiscal 10-11	Biennium Fiscal 12-13	Biennium Change	Biennium % Change
FTE	6.75	6.75	6.75	6.75	6.75	6.75	0.00	0.00%
Personal Services	395,695	392,725	405,365	405,287	788,420	810,652	22,232	2.82%
Operating Expenses	372,701	412,609	335,230	335,237	785,310	670,467	(114,843)	(14.62%)
Equipment & Intangible Assets	108,479	69,326	97,184	97,184	177,805	194,368	16,563	9.32%
Debt Service	7,901	22,854	7,901	7,901	30,755	15,802	(14,953)	(48.62%)
Total Costs	\$884,776	\$897,514	\$845,680	\$845,609	\$1,782,290	\$1,691,289	(\$91,001)	(5.11%)
General Fund	884,776	897,514	845,680	845,609	1,782,290	1,691,289	(91,001)	(5.11%)
State Special	0	0	0	0	0	0	0	n/a
Total Funds	\$884,776	\$897,514	\$845,680	\$845,609	\$1,782,290	\$1,691,289	(\$91,001)	(5.11%)

Program Description

The State Law Library of Montana (22-1-501, MCA) 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 available shelf space for books and other printed material.

Library staff also provides training in legal research methods and access to the Montana court system. The library's web site (www.lawlibrary.mt.gov) has been designed to help Montana's citizens find the statutes, court cases and rules, legal forms, and explanation of the laws they need. 75% of the people the Law Library assists are non lawyers. The library also operates a Self-Help Center in partnership with Carroll College students.

Program Highlights

Law Library Major Budget Highlights
<ul style="list-style-type: none"> ◆ Funding for this program decreases by 5.1% (\$91,000) between the 2011 and 2013 biennia due to increases in statewide present law adjustments that are offset by reductions in funding for items included in the 5% base spending reduction plan submitted by the branch

Funding

The following table shows program funding, by source, for the base year and for the 2013 biennium as adopted by the legislature.

Program Funding Table						
Law Library						
Program Funding	Base FY 2010	% of Base FY 2010	Budget FY 2012	% of Budget FY 2012	Budget FY 2013	% of Budget FY 2013
01000 Total General Fund	\$ 884,776	100.0%	\$ 845,680	100.0%	\$ 845,609	100.0%
01100 General Fund	884,776	100.0%	845,680	100.0%	845,609	100.0%
Grand Total	\$ 884,776	100.0%	\$ 845,680	100.0%	\$ 845,609	100.0%

The law library is funded entirely with 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 2012	Budget Fiscal 2013	Biennium Fiscal 12-13	Percent of Budget	Budget Fiscal 2012	Budget Fiscal 2013	Biennium Fiscal 12-13	Percent of Budget
Base Budget	884,776	884,776	1,769,552	104.63%	884,776	884,776	1,769,552	104.63%
Statewide PL Adjustments	9,695	9,624	19,319	1.14%	9,695	9,624	19,319	1.14%
Other PL Adjustments	0	0	0	0.00%	0	0	0	0.00%
New Proposals	(48,791)	(48,791)	(97,582)	(5.77%)	(48,791)	(48,791)	(97,582)	(5.77%)
Total Budget	\$845,680	\$845,609	\$1,691,289		\$845,680	\$845,609	\$1,691,289	

Present Law Adjustments

The “Present Law Adjustments” table shows the changes to the adjusted base budget adopted 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 2012-----					-----Fiscal 2013-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					9,670					9,592
Inflation/Deflation					25					32
Total Statewide Present Law Adjustments		\$9,695	\$0	\$0	\$9,695		\$9,624	\$0	\$0	\$9,624
Grand Total All Present Law Adjustments	0.00	\$9,695	\$0	\$0	\$9,695	0.00	\$9,624	\$0	\$0	\$9,624

New Proposals

New Proposals	Program	FTE	-----Fiscal 2012-----				-----Fiscal 2013-----				
			General Fund	State Special	Federal Special	Total Funds	General Fund	State Special	Federal Special	Total Funds	
DP 9701 - Remove funding selected contracts	03	0.00	(2,600)	0	0	(2,600)	0.00	(2,600)	0	0	(2,600)
DP 9703 - Reduce General Fund for Out of State Travel	03	0.00	(1,009)	0	0	(1,009)	0.00	(1,009)	0	0	(1,009)
DP 95107 - 5% Plan - Law Library Operations	03	0.00	(45,182)	0	0	(45,182)	0.00	(45,182)	0	0	(45,182)
Total		0.00	(\$48,791)	\$0	\$0	(\$48,791)	0.00	(\$48,791)	\$0	\$0	(\$48,791)

DP 9701 - Remove funding selected contracts - The legislature removed funding for selected contracts that were included in the base budget.

DP 9703 - Reduce General Fund for Out of State Travel - The legislature reduced general fund support for out of state travel by 25%.

DP 95107 - 5% Plan - Law Library Operations - Funding for the purchase of books and other library materials was reduced. The branch included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%.

Proprietary Rates

Proprietary Program Description

The Law Library requests that a contractor perform online searches and recovers the costs charged by the contractor for those searches from the requesting party.

Proprietary Rates Revenues and Expenses

The only expenses charged to this fund are the costs of online searches/research.

Funding for this service comes from payments made by the various state, county, and city agencies that use the service. Revenues are charged based upon the cost of the search/research performed and are based upon the cost charged by the contractor.

Proprietary Rate Explanation

This program is funded with an enterprise type proprietary fund. As such, the legislature does not appropriate funds or approve rates for the program. Instead, the legislature reviews the report for the enterprise fund and identifies any concerns with the financial position of the fund.

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 2010	Approp. Fiscal 2011	Budget Fiscal 2012	Budget Fiscal 2013	Biennium Fiscal 10-11	Biennium Fiscal 12-13	Biennium Change	Biennium % Change
FTE	311.08	311.08	311.58	311.58	311.08	311.58	0.50	0.16%
Personal Services	20,614,284	21,695,401	22,431,042	22,518,640	42,309,685	44,949,682	2,639,997	6.24%
Operating Expenses	2,880,010	3,217,803	2,850,657	2,851,692	6,097,813	5,702,349	(395,464)	(6.49%)
Equipment & Intangible Assets	25,399	40,577	25,399	25,399	65,976	50,798	(15,178)	(23.01%)
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	7,500	3,750	3,750	11,250	7,500	(3,750)	(33.33%)
Total Costs	\$23,523,443	\$24,961,281	\$25,310,848	\$25,399,481	\$48,484,724	\$50,710,329	\$2,225,605	4.59%
General Fund	23,363,992	24,554,598	25,083,770	25,172,216	47,918,590	50,255,986	2,337,396	4.88%
State Special	159,451	406,683	227,078	227,265	566,134	454,343	(111,791)	(19.75%)
Federal Special	0	0	0	0	0	0	0	n/a
Total Funds	\$23,523,443	\$24,961,281	\$25,310,848	\$25,399,481	\$48,484,724	\$50,710,329	\$2,225,605	4.59%

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"> ◆ Funding for this program increases 4.6% (\$2.2 million) between the 2011 and 2013 biennia due to: <ul style="list-style-type: none"> • Funding new judges added by the 2009 Legislature and not in place until January 2011 (for the entire biennium rather than six months) • Increases in statewide present law adjustments due to the use of one-time-only carry forward funds in the base budget year • Reductions in funding for items included in the 5% base spending reduction plan submitted by the branch that partially offset these increases

Funding

The following table shows program funding, by source, for the base year and for the 2013 biennium as adopted by the legislature.

Program Funding	Base	% of Base	Budget	% of Budget	Budget	% of Budget
	FY 2010	FY 2010	FY 2012	FY 2012	FY 2013	FY 2013
01000 Total General Fund	\$ 23,363,992	99.3%	\$ 25,083,770	99.1%	\$ 25,172,216	99.1%
01100 General Fund	23,363,992	99.3%	25,083,770	99.1%	25,172,216	99.1%
02000 Total State Special Funds	159,451	0.7%	227,078	0.9%	227,265	0.9%
02141 District Court Crim. Reimb.	129,559	0.6%	123,212	0.5%	123,348	0.5%
02788 Acc. Cty Sick/Vacation Leave	29,892	0.1%	103,866	0.4%	103,917	0.4%
Grand Total	\$ 23,523,443	100.0%	\$ 25,310,848	100.0%	\$ 25,399,481	100.0%

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 2012	Budget Fiscal 2013	Biennium Fiscal 12-13	Percent of Budget	Budget Fiscal 2012	Budget Fiscal 2013	Biennium Fiscal 12-13	Percent of Budget
Base Budget	23,363,992	23,363,992	46,727,984	92.98%	23,523,443	23,523,443	47,046,886	92.78%
Statewide PL Adjustments	1,961,894	2,052,482	4,014,376	7.99%	1,962,073	2,052,848	4,014,921	7.92%
Other PL Adjustments	478,777	476,476	955,253	1.90%	552,703	550,402	1,103,105	2.18%
New Proposals	(720,893)	(720,734)	(1,441,627)	(2.87%)	(727,371)	(727,212)	(1,454,583)	(2.87%)
Total Budget	\$25,083,770	\$25,172,216	\$50,255,986		\$25,310,848	\$25,399,481	\$50,710,329	

Present Law Adjustments

The “Present Law Adjustments” table shows the changes to the adjusted base budget adopted 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.

	-----Fiscal 2012-----					-----Fiscal 2013-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					1,967,129					2,055,669
Inflation/Deflation					(5,235)					(3,187)
Fixed Costs					179					366
Total Statewide Present Law Adjustments		\$1,961,894	\$179	\$0	\$1,962,073		\$2,052,482	\$366	\$0	\$2,052,848
DP 4001 - New Judges and Staff Base Adjustment	4.50	478,777	0	0	478,777	4.50	476,476	0	0	476,476
DP 4004 - State Special for Accrued Leave Payouts	0.00	0	73,926	0	73,926	0.00	0	73,926	0	73,926
Total Other Present Law Adjustments	4.50	\$478,777	\$73,926	\$0	\$552,703	4.50	\$476,476	\$73,926	\$0	\$550,402
Grand Total All Present Law Adjustments	4.50	\$2,440,671	\$74,105	\$0	\$2,514,776	4.50	\$2,528,958	\$74,292	\$0	\$2,603,250

DP 4001 - New Judges and Staff Base Adjustment - The legislature provided funding to support three new judges (and support staff) as provided by the 2009 Legislature in SB 158. The three additional judges were elected in November 2010

and took office in January 2011. A district court judge was added in the 1st, 11th and 13th judicial districts (one each). The Judicial Branch received an appropriation to support 5.0 FTE (10.0 FTE for six months of the year) and associated costs in FY 2011. Because the FY 2010 base budget does not include a full year's costs related to the additional judges and staff, annualization of the anticipated costs was included in the 2013 biennium budget.

DP 4004 - State Special for Accrued Leave Payouts - The legislature provided state special revenue funding to support projected retirement payouts for employees who became state employees at the time of district court assumption. When a Judicial Branch employee who was a county employee at the time of district court assumption retires, the Judicial Branch pays his or her accrued sick and annual leave from this state special revenue fund.

New Proposals

New Proposals										
Program	FTE	-----Fiscal 2012-----				-----Fiscal 2013-----				
		General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 9703 - Reduce General Fund for Out of State Travel										
04	0.00	(644)	0	0	(644)	0.00	(644)	0	0	(644)
DP 95101 - 5% Plan - 2% Vacancy Savings										
04	0.00	(318,676)	0	0	(318,676)	0.00	(318,676)	0	0	(318,676)
DP 95104 - 5% Plan - DC Operations - Probation Fees										
04	0.00	0	(6,478)	0	(6,478)	0.00	0	(6,478)	0	(6,478)
DP 95109 - 5% Plan - District Court Operations Costs										
04	0.00	(22,583)	0	0	(22,583)	0.00	(22,583)	0	0	(22,583)
DP 95110 - 5% Plan - DC Contract Court Reporters										
04	0.00	(31,417)	0	0	(31,417)	0.00	(31,417)	0	0	(31,417)
DP 95111 - 5% Plan - DC Eliminate Funding Tumbleweed Contract										
04	0.00	(59,280)	0	0	(59,280)	0.00	(59,280)	0	0	(59,280)
DP 95112 - 5% Plan - DC Fixed Contract GALs										
04	0.00	(115,160)	0	0	(115,160)	0.00	(115,160)	0	0	(115,160)
DP 95114 - 5% Plan - DC Reduce Family Evaluator by 35%										
04	0.00	(124,154)	0	0	(124,154)	0.00	(124,154)	0	0	(124,154)
DP 95118 - 5% Plan - DC - Reduce FTE Youth Court										
04	(4.00)	(172,100)	0	0	(172,100)	(4.00)	(172,100)	0	0	(172,100)
DP 95119 - 5% Plan - District Court Reduce FTE										
04	(6.00)	(265,028)	0	0	(265,028)	(6.00)	(265,028)	0	0	(265,028)
DP 96112 - Restore 5% Plan - DC Fixed Contract GALs										
04	0.00	70,000	0	0	70,000	0.00	70,000	0	0	70,000
DP 96114 - Restore 5% Plan - DC Reduce Fam Evaluator by 35%										
04	0.00	88,628	0	0	88,628	0.00	88,628	0	0	88,628
DP 96118 - Restore 5% Plan - DC - Reduce FTE Youth Court										
04	2.00	93,209	0	0	93,209	2.00	93,209	0	0	93,209
DP 96119 - Restore 5% Plan - District Court Reduce FTE										
04	4.00	174,218	0	0	174,218	4.00	174,218	0	0	174,218
DP 97100 - Reduction in Worker's Compensation Costs										
04	0.00	(37,906)	0	0	(37,906)	0.00	(37,747)	0	0	(37,747)
Total	(4.00)	(\$720,893)	(\$6,478)	\$0	(\$727,371)	(4.00)	(\$720,734)	(\$6,478)	\$0	(\$727,212)

DP 9703 - Reduce General Fund for Out of State Travel - The legislature reduced general fund support for out of state travel by 25%.

DP 95101 - 5% Plan - 2% Vacancy Savings - A 2% vacancy saving rate was applied to positions in the District Court Operations Program, except for the judges whose salaries may not be reduced during their term of office (Montana Constitution, Article VII, section 7). The branch included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%.

DP 95104 - 5% Plan - DC Operations - Probation Fees - State special revenue support from probation fees revenue was reduced. Items impacted by the reduction may include training, supplies and materials, and other miscellaneous expenditure categories. The branch included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%.

DP 95109 - 5% Plan - District Court Operations Costs - Funding reductions include elimination of a subscription for certain on-line legal research services and the annual evaluation of selected out-of-state placements, programs, and services for juveniles referred to the Youth Court. The branch included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%.

DP 95110 - 5% Plan - DC Contract Court Reporters - Funding for contracted court reporters to fill in for state employee official reporters was reduced. The branch included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%.

DP 95111 - 5% Plan - DC Eliminate Funding Tumbleweed Contract - Funding for the contract with the Tumbleweed Runaway Program that provides services to low-risk juvenile offenders and their families in Yellowstone County was reduced. The branch included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%.

DP 95112 - 5% Plan - DC Fixed Contract GALs - Funding was reduced for guardians ad litem in child abuse and neglect cases. The reduction impacts services offered in the 2nd Judicial District (Butte-Silver Bow County). The branch intends to negotiate contracts with providers and significantly reduce the payments for these services. The branch included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%. This funding was partially restored in DP 96112.

DP 95114 - 5% Plan - DC Reduce Family Evaluator by 35% - Funding for programs in Flathead and Yellowstone counties that have in-house and contract staff providing evaluations and recommendations to the court in contested parenting or custody matters was reduced. Program staff conduct parenting investigations in contested cases and make recommendations to the court in difficult or contested parenting cases. The branch included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%. This funding was partially restored in DP 96114. With the restoration services will be reduced about 10%.

DP 95118 - 5% Plan - DC - Reduce FTE Youth Court - Funding for 4.00 FTE positions in the juvenile probation offices that provide services to juveniles referred to Youth Court was initially reduced. The branch included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%. This funding was partially restored in DP 96118, including 2.00 FTE.

DP 95119 - 5% Plan - District Court Reduce FTE - Funding was initially reduced for 6.00 FTE positions that provide support services to the District Courts. The branch included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%. This funding was partially restored in DP 96119, including 4.00 FTE.

DP 96112 - Restore 5% Plan - DC Fixed Contract GALs - The legislature restored a portion of the reduction made in DP 95112 with a one-time-only appropriation.

DP 96114 - Restore 5% Plan - DC Reduce Fam Evaluator by 35% - The legislature restored a portion of the funding for family evaluator services that was removed in DP 95114.

DP 96118 - Restore 5% Plan - DC - Reduce FTE Youth Court - The legislature restored funding for a portion of the youth court FTE reduction that was included in DP 95118.

DP 96119 - Restore 5% Plan - District Court Reduce FTE - The legislature restored a portion of the FTE reduction made in DP 95119.

DP 97100 - Reduction in Worker's Compensation Costs - The legislature reduced general fund support for worker's compensation costs based upon the anticipated impact of HB 334. The agency may allocate this reduction in funding among programs.

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 2010	Approp. Fiscal 2011	Budget Fiscal 2012	Budget Fiscal 2013	Biennium Fiscal 10-11	Biennium Fiscal 12-13	Biennium Change	Biennium % Change
FTE	18.00	18.00	19.00	21.50	18.00	21.50	3.50	19.44%
Personal Services	1,300,692	1,338,299	1,431,351	1,694,135	2,638,991	3,125,486	486,495	18.43%
Operating Expenses	222,603	252,655	196,691	192,156	475,258	388,847	(86,411)	(18.18%)
Equipment & Intangible Assets	8,287	13,561	8,287	8,287	21,848	16,574	(5,274)	(24.14%)
Total Costs	\$1,531,582	\$1,604,515	\$1,636,329	\$1,894,578	\$3,136,097	\$3,530,907	\$394,810	12.59%
State Special	1,531,582	1,604,515	1,636,329	1,894,578	3,136,097	3,530,907	394,810	12.59%
Total Funds	\$1,531,582	\$1,604,515	\$1,636,329	\$1,894,578	\$3,136,097	\$3,530,907	\$394,810	12.59%

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 Supervision Major Budget Highlights	
<ul style="list-style-type: none"> ◆ Funding for the water court increases 12.6% (\$395,000) between the 2011 and 2013 biennia ◆ Increases due to statewide present law adjustments and shifting of positions and funding from the Department of Natural Resources and Conservation (DNRC) to the Water Court are partially offset by reductions in funding for items included in the 5% base spending reduction plan submitted by the branch ◆ HB 587 provides the option for an associate water judge and an appropriation of \$22,000 per year in state special revenue 	

Funding

The following table shows program funding, by source, for the base year and for the 2013 biennium as adopted by the legislature.

Program Funding Table Water Courts Supervision						
Program Funding	Base FY 2010	% of Base FY 2010	Budget FY 2012	% of Budget FY 2012	Budget FY 2013	% of Budget FY 2013
02000 Total State Special Funds	\$ 1,531,582	100.0%	\$ 1,636,329	100.0%	\$ 1,894,578	100.0%
02431 Water Adjudication	547,718	35.8%	616,314	37.7%	875,925	46.2%
02576 Natural Resources Operations Ssr Ft	983,864	64.2%	1,020,015	62.3%	1,018,653	53.8%
Grand Total	\$ 1,531,582	100.0%	\$ 1,636,329	100.0%	\$ 1,894,578	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 Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2012	Budget Fiscal 2013	Biennium Fiscal 12-13	Percent of Budget	Budget Fiscal 2012	Budget Fiscal 2013	Biennium Fiscal 12-13	Percent of Budget
Base Budget	0	0	0	0.00%	1,531,582	1,531,582	3,063,164	86.75%
Statewide PL Adjustments	0	0	0	0.00%	93,075	92,768	185,843	5.26%
Other PL Adjustments	0	0	0	0.00%	96,032	98,838	194,870	5.52%
New Proposals	0	0	0	0.00%	(84,360)	171,390	87,030	2.46%
Total Budget	\$0	\$0	\$0		\$1,636,329	\$1,894,578	\$3,530,907	

Present Law Adjustments

The “Present Law Adjustments” table shows the changes to the adjusted base budget adopted 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 2012-----					-----Fiscal 2013-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					91,378					90,230
Inflation/Deflation					954					1,015
Fixed Costs					743					1,523
Total Statewide Present Law Adjustments		\$0	\$93,075	\$0	\$93,075		\$0	\$92,768	\$0	\$92,768
DP 5001 - Water Court Rent Increase	0.00	0	5,782	0	5,782	0.00	0	8,802	0	8,802
DP 5002 - Water Court Additional FTE	2.00	0	90,250	0	90,250	2.00	0	90,036	0	90,036
Total Other Present Law Adjustments	2.00	\$0	\$96,032	\$0	\$96,032	2.00	\$0	\$98,838	\$0	\$98,838
Grand Total All Present Law Adjustments	2.00	\$0	\$189,107	\$0	\$189,107	2.00	\$0	\$191,606	\$0	\$191,606

DP 5001 - Water Court Rent Increase - The legislature provided funding for a 3% per year increase in rent payments as provided in the lease agreement.

DP 5002 - Water Court Additional FTE - The legislature shifted 2.00 FTE and related funding dedicated to water rights adjudication from the Department of Natural Resources and Conservation (DNRC) to the Water Court.

New Proposals

New Proposals	Program	FTE	-----Fiscal 2012-----				-----Fiscal 2013-----				
			General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
	DP 701 - Shift FTE and Funding from DNRC Cont. on HB 587										
	05	(1.00)	0	(29,385)	0	(29,385)	1.50	0	229,385	0	229,385
	DP 95105 - 5% Plan - Water Court Operations										
	05	0.00	0	(49,193)	0	(49,193)	0.00	0	(49,193)	0	(49,193)
	DP 97101 - Non Dept. of Admin Rent Reduction										
	05	0.00	0	(5,782)	0	(5,782)	0.00	0	(8,802)	0	(8,802)
	Total	(1.00)	\$0	(\$84,360)	\$0	(\$84,360)	1.50	\$0	\$171,390	\$0	\$171,390

DP 701 - Shift FTE and Funding from DNRC - The legislature approved the movement of FTE and funding from DNRC to the Water Court. This decision package reflects legislative action that was not included in the executive budget request and when combined with DP 5002 adds 1.00 FTE in FY 2012 and 3.50 FTE in FY 2013. It is anticipated that one of these FTE will be an associate water judge as provided in HB 587.

DP 95105 - 5% Plan - Water Court Operations - Funding for operational expense categories was reduced. The agency included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%.

DP 97101 - Non Dept. of Admin Rent Reduction - The legislature reduced funding for selected non Department of Administration rental costs included in DP 5001)

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 2010	Approp. Fiscal 2011	Budget Fiscal 2012	Budget Fiscal 2013	Biennium Fiscal 10-11	Biennium Fiscal 12-13	Biennium Change	Biennium % Change
FTE	5.50	5.50	5.50	5.50	5.50	5.50	0.00	0.00%
Personal Services	394,105	414,426	437,593	436,652	808,531	874,245	65,714	8.13%
Operating Expenses	54,288	54,857	44,072	44,074	109,145	88,146	(20,999)	(19.24%)
Total Costs	\$448,393	\$469,283	\$481,665	\$480,726	\$917,676	\$962,391	\$44,715	4.87%
General Fund	448,393	469,283	481,665	480,726	917,676	962,391	44,715	4.87%
Total Funds	\$448,393	\$469,283	\$481,665	\$480,726	\$917,676	\$962,391	\$44,715	4.87%

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 Court is an elected official.

Program Highlights

Clerk of Court Major Budget Highlights	
◆	Funding for the Clerk of Court’s Office increases 4.9% (\$45,000) between the 2011 and 2013 biennia
◆	Increases due to statewide present law adjustments are offset by inclusion of the ongoing 2% reduction adopted by the 2009 Legislature and reduction in funding for out of state travel

Funding

The following table shows program funding, by source, for the base year and for the 2013 biennium as adopted by the legislature.

Program Funding Table							
Clerk Of Court							
Program Funding		Base FY 2010	% of Base FY 2010	Budget FY 2012	% of Budget FY 2012	Budget FY 2013	% of Budget FY 2013
01000	Total General Fund	\$ 448,393	100.0%	\$ 481,665	100.0%	\$ 480,726	100.0%
	01100 General Fund	<u>448,393</u>	<u>100.0%</u>	<u>481,665</u>	<u>100.0%</u>	<u>480,726</u>	<u>100.0%</u>
Grand	Total	<u>\$ 448,393</u>	<u>100.0%</u>	<u>\$ 481,665</u>	<u>100.0%</u>	<u>\$ 480,726</u>	<u>100.0%</u>

This program is funded entirely by 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 2012	Budget Fiscal 2013	Biennium Fiscal 12-13	Percent of Budget	Budget Fiscal 2012	Budget Fiscal 2013	Biennium Fiscal 12-13	Percent of Budget
Base Budget	448,393	448,393	896,786	93.18%	448,393	448,393	896,786	93.18%
Statewide PL Adjustments	43,878	42,939	86,817	9.02%	43,878	42,939	86,817	9.02%
Other PL Adjustments	0	0	0	0.00%	0	0	0	0.00%
New Proposals	(10,606)	(10,606)	(21,212)	(2.20%)	(10,606)	(10,606)	(21,212)	(2.20%)
Total Budget	\$481,665	\$480,726	\$962,391		\$481,665	\$480,726	\$962,391	

Present Law Adjustments

The “Present Law Adjustments” table shows the changes to the adjusted base budget adopted 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 2012-----					-----Fiscal 2013-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					43,488					42,547
Inflation/Deflation					390					392
Total Statewide Present Law Adjustments		\$43,878	\$0	\$0	\$43,878		\$42,939	\$0	\$0	\$42,939
Grand Total All Present Law Adjustments	0.00	\$43,878	\$0	\$0	\$43,878	0.00	\$42,939	\$0	\$0	\$42,939

New Proposals

New Proposals	Program	FTE	-----Fiscal 2012-----				-----Fiscal 2013-----				
			General Fund	State Special	Federal Special	Total Funds	General Fund	State Special	Federal Special	Total Funds	
DP 601 - Continuation of 2% reduction - 2009 Session	06	0.00	(9,438)	0	0	(9,438)	0.00	(9,438)	0	0	(9,438)
DP 9703 - Reduce General Fund for Out of State Travel	06	0.00	(1,168)	0	0	(1,168)	0.00	(1,168)	0	0	(1,168)
DP 95108 - 5% Plan - Clerk of Court Operations	06	0.00	(22,420)	0	0	(22,420)	0.00	(22,420)	0	0	(22,420)
DP 96108 - Restore 5% Plan - Clerk of Court Operations	06	0.00	22,420	0	0	22,420	0.00	22,420	0	0	22,420
Total		0.00	(\$10,606)	\$0	\$0	(\$10,606)	0.00	(\$10,606)	\$0	\$0	(\$10,606)

DP 601 - Continuation of 2% reduction - 2009 Session - The 2% reduction approved by the legislature in the 2009 session was applied to personal services and so was not included in the base budget as a reduction. This decision package continues the reduction in accordance with 17-7-102(10)(b), MCA.

DP 9703 - Reduce General Fund for Out of State Travel - The legislature reduced general fund support for out of state travel by 25%.

DP 95108 - 5% Plan - Clerk of Court Operations - Funding for operational expense categories including copying, office supplies, postage, records storage, long distance and other telephone charges, travel, office equipment maintenance, and training was initially reduced. The branch included this reduction in the statutorily required plan to reduce base expenditures of general fund and certain state special revenue funds by 5%. This funding was restored in DP 96108.

DP 96108 - Restore 5% Plan - Clerk of Court Operations - The legislature restored the reduction made in DP 95108.