

Agency Legislative Budget

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

Agency Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	392.13	0.00	5.95	398.08	0.00	5.95	398.08	398.08
Personal Services	22,067,067	3,481,190	292,423	25,840,680	3,543,326	294,146	25,904,539	51,745,219
Operating Expenses	16,357,847	(8,528,693)	2,456,842	10,285,996	(8,483,521)	448,193	8,322,519	18,608,515
Equipment	336,004	39,028	0	375,032	61,049	0	397,053	772,085
Grants	0	0	300,000	300,000	0	0	0	300,000
Benefits & Claims	0	0	0	0	0	0	0	0
Debt Service	29,269	0	0	29,269	0	0	29,269	58,538
Total Costs	\$38,790,187	(\$5,008,475)	\$3,049,265	\$36,830,977	(\$4,879,146)	\$742,339	\$34,653,380	\$71,484,357
General Fund	37,410,432	(5,416,754)	2,939,883	34,933,561	(5,291,166)	632,958	32,752,224	67,685,785
State/Other Special	1,209,268	409,187	153,581	1,772,036	412,398	153,611	1,775,277	3,547,313
Federal Special	170,487	(908)	(44,199)	125,380	(378)	(44,230)	125,879	251,259
Total Funds	\$38,790,187	(\$5,008,475)	\$3,049,265	\$36,830,977	(\$4,879,146)	\$742,339	\$34,653,380	\$71,484,357

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Legislative Budget Analysis, A-19

Executive Budget Comparison

The following table compares the proposed budget for the 2009 biennium to the budget requested by the Governor, by type of expenditure and source of funding.

Executive Budget Comparison								
Budget Item	Base Budget Fiscal 2006	Executive Budget Fiscal 2008	Legislative Budget Fiscal 2008	Leg - Exec. Difference Fiscal 2008	Executive Budget Fiscal 2009	Legislative Budget Fiscal 2009	Leg - Exec. Difference Fiscal 2009	Biennium Difference Fiscal 08-09
FTE	392.13	397.58	398.08	0.50	397.58	398.08	0.50	
Personal Services	22,067,067	25,406,677	25,840,680	434,003	25,469,509	25,904,539	435,030	869,033
Operating Expenses	16,357,847	8,358,330	10,285,996	1,927,666	8,395,465	8,322,519	(72,946)	1,854,720
Equipment	336,004	375,032	375,032	0	397,053	397,053	0	0
Grants	0	300,000	300,000	0	0	0	0	0
Benefits & Claims	0	0	0	0	0	0	0	0
Debt Service	29,269	29,269	29,269	0	29,269	29,269	0	0
Total Costs	\$38,790,187	\$34,469,308	\$36,830,977	\$2,361,669	\$34,291,296	\$34,653,380	\$362,084	\$2,723,753
General Fund	37,410,432	32,602,570	34,933,561	2,330,991	32,420,848	32,752,224	331,376	2,662,367
State/Other Special	1,209,268	1,741,358	1,772,036	30,678	1,744,569	1,775,277	30,708	61,386
Federal Special	170,487	125,380	125,380	0	125,879	125,879	0	0
Total Funds	\$38,790,187	\$34,469,308	\$36,830,977	\$2,361,669	\$34,291,296	\$34,653,380	\$362,084	\$2,723,753

Funding in this bill is \$2.7 million greater than the executive budget due to the approval of elected official requests and legislative initiatives. Elected official requests include:

- o General fund for:
 - Pay equity issues within the branch, \$380,000 per year
 - Judicial education, \$35,000 per year
 - Boards and Commissions, a reduction of \$22,175 per year
- o State special revenue to advance staff to water masters when training is complete, about \$30,000 per year

Legislative initiatives included in this bill are:

- o Drug treatment court funding, \$2 million and 1.00 FTE for the biennium
- o Self-help law program, \$505,000 and 1.00 FTE for the biennium
- o Reporting on measurable goals and objectives, \$5,000 for the biennium

Funding increases for elected official requests and legislative initiatives are offset by items included in the executive budget that are excluded from this bill including general fund for:

- o An appellate mediator, \$119,334 in FY 2008 and \$113,949 in FY 2009
- o Psychological exams and related costs, \$200,000 per year

Agency Highlights

Judiciary Major Budget Highlights
<ul style="list-style-type: none"> ◆ The decrease in funding due to the movement of responsibility for the costs of public defender services (\$9.5 million annually) from the District Court Operations program within the Judiciary to a new executive branch agency is offset by increases for statewide present law adjustments of about \$7.7 million, \$2.0 million to fund drug treatment courts, \$0.76 million for wage parity within the branch, \$0.5 million for present law IT, and about \$1.3 million new proposals ◆ About \$4 million general fund to support information technology projects is included in HB 14 ◆ The Judiciary requests \$2.5 million supplemental funding due to cost overruns in district court operations variable costs

Funding

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

Total Agency Funding 2009 Biennium Budget					
Agency Program	General Fund	State Spec.	Fed Spec.	Grand Total	Total %
01 Supreme Court Operations	\$ 18,249,306	\$ 220,084	\$ 251,259	\$ 18,720,649	26.19%
02 Boards And Commissions	534,753	50,012	-	584,765	0.82%
03 Law Library	1,717,049	-	-	1,717,049	2.40%
04 District Court Operations	46,347,050	506,894	-	46,853,944	65.54%
05 Water Courts Supervision	-	2,770,323	-	2,770,323	3.88%
06 Clerk Of Court	837,627	-	-	837,627	1.17%
Grand Total	<u>\$ 67,685,785</u>	<u>\$ 3,547,313</u>	<u>\$ 251,259</u>	<u>\$ 71,484,357</u>	100.00%

The judicial branch is funded primarily with general fund (95 percent), while state special revenue provides about 5 percent and federal funds provide less than 1 percent. The largest sources of state special revenue are renewable resource grants and loans and water adjudication fees that support the Water Court. Other sources of state special revenue include a portion of the dissolution of marriage fee that supports civil legal services for indigent victims of domestic violence, and county payments for accumulated sick and annual leave for individuals who became state employees at the time of district court assumption.

Program Legislative Budget

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

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	62.75	0.00	2.00	64.75	0.00	2.00	64.75	64.75
Personal Services	3,742,078	531,561	118,935	4,392,574	543,277	120,142	4,405,497	8,798,071
Operating Expenses	2,749,687	841,306	2,336,500	5,927,493	898,257	327,707	3,975,651	9,903,144
Equipment	9,717	0	0	9,717	0	0	9,717	19,434
Total Costs	\$6,501,482	\$1,372,867	\$2,455,435	\$10,329,784	\$1,441,534	\$447,849	\$8,390,865	\$18,720,649
General Fund	6,220,953	1,373,775	2,499,634	10,094,362	1,441,912	492,079	8,154,944	18,249,306
State/Other Special	110,042	0	0	110,042	0	0	110,042	220,084
Federal Special	170,487	(908)	(44,199)	125,380	(378)	(44,230)	125,879	251,259
Total Funds	\$6,501,482	\$1,372,867	\$2,455,435	\$10,329,784	\$1,441,534	\$447,849	\$8,390,865	\$18,720,649

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Legislative Budget Analysis, A-29

Funding

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 2009 biennium.

Present Law Adjustments

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

Present Law Adjustments										
FTE	-----Fiscal 2008-----				-----Fiscal 2009-----					
	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds	
Personal Services				531,561					543,277	
Inflation/Deflation				8,917					10,331	
Fixed Costs				568,744					621,859	
Total Statewide Present Law Adjustments				\$1,109,222					\$1,175,467	
DP 1005 - Rent Federal Building	0.00	2,771	0	151	2,922	0.00	5,100	0	244	5,344
DP 1007 - IT Software Maintenance	0.00	260,723	0	0	260,723	0.00	260,723	0	0	260,723
Total Other Present Law Adjustments	0.00	\$263,494	\$0	\$151	\$263,645	0.00	\$265,823	\$0	\$244	\$266,067
Grand Total All Present Law Adjustments				\$1,372,867					\$1,441,534	

DP 1005 - Rent Federal Building - This bill provides funding for the annual increase in office lease payments for the old federal building. A 2 percent per year increase occurs in November per the lease agreement.

DP 1007 - IT Software Maintenance - This bill provides \$521,446 general fund for the biennium for maintenance and licensing of: 1) the Full Court Case Management System in the Courts of Limited Jurisdiction and District Courts (as the software is implemented); and 2) maintenance of the C-Track Appellate Case Management system for the Supreme Court.

New Proposals

New Proposals	-----Fiscal 2008-----					-----Fiscal 2009-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 704 - Drug Treatment Courts (Restricted/Biennial)											
01	1.00	2,000,000		0	0	2,000,000	1.00	0	0	0	0
DP 705 - Report on Progress Toward Measurable Goals and Obj											
01	0.00	5,000		0	0	5,000	0.00	0	0	0	0
DP 706 - Self-Help Law Program (Restricted/Biennial/OTO)											
01	1.00	252,500		0	0	252,500	1.00	252,500	0	0	252,500
DP 1004 - Pro Se Law Clerk											
01	1.00	56,534		0	0	56,534	1.00	53,979	0	0	53,979
DP 1006 - CASA Federal Grant											
01	(1.00)	0		0	(44,199)	(44,199)	(1.00)	0	0	(44,230)	(44,230)
DP 1007 - CASA Funding Stabilization											
01	0.00	185,600		0	0	185,600	0.00	185,600	0	0	185,600
Total	2.00	\$2,499,634		\$0	(\$44,199)	\$2,455,435	2.00	\$492,079	\$0	(\$44,230)	\$447,849

DP 704 - Drug Treatment Courts (Restricted/Biennial) - This bill provides \$2 million in a restricted, biennial appropriation to be used by the judicial branch to support drug treatment courts. This funding includes support for up to 1.00 FTE for program administration.

DP 705 - Report on Progress Toward Measurable Goals and Obj - This bill provides \$5,000 general fund as a restricted, biennial, one-time-only appropriation for a semiannual report to the Legislative Finance Committee, the Law and Justice Interim Committee, and members of the Joint Appropriations Committee on General Government and Transportation on the branch's goals and objectives and attainment of measurable objectives as outlined in the agency's template provided to the 2007 Legislature.

DP 706 - Self-Help Law Program (Restricted/Biennial/OTO) - This bill provides a restricted, biennial, one-time-only appropriation of \$505,000 general fund to support a self-help law program that would provide information and assistance to individuals involved in civil litigation who are representing themselves. This includes funding for 1.00 FTE program administrator.

DP 1004 - Pro Se Law Clerk - This bill provides \$110,513 general fund for the biennium to support a pro se (self represented litigant) law clerk for the Supreme Court. This position would be responsible for a preliminary review and tracking of petitions filed by pro se litigants to determine if legal procedural issues existed. Currently, each justice is responsible for completing this review him or herself.

DP 1006 - CASA Federal Grant - This bill reduces federal funds by \$88,429 and 1.0 FTE for the biennium for the court appointed special advocate (CASA) grant. In January, 2006, Montana's CASA program became a non-profit organization. The judicial branch will no longer receive federal funds for this program.

DP 1007 - CASA Funding Stabilization - This bill provides \$371,200 general fund for the biennium for court appointed special advocates (CASA). Judges appoint trained CASA volunteers to serve as advocates for children in abuse and neglect cases. The 16 CASA programs in Montana operate on grant money and local fundraising in addition to a state payment of \$400 per case. The branch proposes changing the method for providing state support for these programs with a goal of providing the programs greater financial stability in an effort to ensure that these resources are available to serve abused and neglected children. The branch plans to use this funding to support 75 percent of the costs (estimated at \$15.00 per hour) for a full-time director for 6 large programs and a half-time director for 10 small programs.

Language

"Funds in Drug Treatment Courts may be used only to provide grants to drug treatment courts and for up to one full-time administrator, ongoing review of the operations of drug treatment courts, the development of policies necessary to

administer the provision of grants to drug treatment courts and includes \$200 for the preparation of reports to the legislative finance committee and law and justice interim committee on the program's measurable goals and objectives and achievement of those goals and objectives. If reports are not received by the legislative finance committee by December 31, 2007 and June 30, 2008 appropriation is reduced by \$200."

"Report on Progress Toward Measurable Goals and Objectives is funding for a semiannual report to the legislative finance committee, the law and justice interim committee, and members of the joint appropriations subcommittee on general government and transportation of the following:

- (1) progress toward the goals presented to the 2007 legislature in the agency's template; and
- (2) attainment of measurable objectives as outlined in the agency's template presented to the 2007 legislature.

If the reports are not received by the legislative finance committee by December 31, 2007, and June 30, 2008, Report on Progress Toward Measurable Goals and Objectives is void."

"Funds in Self-Help Law Program may be used only to provide and support the development, maintenance, and availability of self-help legal forms and instructions regarding civil legal proceedings in Montana's courts; the development of curriculum and materials suitable for classes and clinics about civil legal proceedings and forms; the development, updating, and provision of information and training materials for judges, clerks of court, other court officers, judicial branch employees, and volunteers about self-help legal resources and how to assist self-represented litigants in a manner that is impartial, facilitates effective and efficient court operations, and does not constitute providing direct legal representation; the establishment and maintenance of multimedia materials that provide information about Montana's civil laws, courts, rules, legal forms, and available legal resources; coordination, recruitment, and training of volunteer attorneys to provide legal advice and direct legal representation to persons with civil legal needs who are unable to pay for those services; and coordination and cooperation with other access to justice efforts."

Program Legislative Budget

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

Program Legislative Budget									
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09	
FTE	3.00	0.00	0.00	3.00	0.00	0.00	3.00	3.00	
Personal Services	150,665	17,355	0	168,020	17,497	0	168,162	336,182	
Operating Expenses	134,803	24,031	(22,175)	136,659	(704)	(22,175)	111,924	248,583	
Total Costs	\$285,468	\$41,386	(\$22,175)	\$304,679	\$16,793	(\$22,175)	\$280,086	\$584,765	
General Fund	260,462	41,386	(22,175)	279,673	16,793	(22,175)	255,080	534,753	
State/Other Special	25,006	0	0	25,006	0	0	25,006	50,012	
Total Funds	\$285,468	\$41,386	(\$22,175)	\$304,679	\$16,793	(\$22,175)	\$280,086	\$584,765	

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Legislative Budget Analysis, A-32

Funding

The boards and commissions are funded primarily by the general fund. However, a small amount of funding (\$25,000) comes from tuition and admission fees for conferences that are deposited into a state special revenue account.

Present Law Adjustments

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

	-----Fiscal 2008-----				-----Fiscal 2009-----					
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					17,355					17,497
Inflation/Deflation					1,684					1,950
Fixed Costs					(618)					(618)
Total Statewide Present Law Adjustments					\$18,421					\$18,829
DP 2002 - Judicial Standards Restricted/Bienn. Appropriation	0.00	22,965	0	0	22,965	0.00	(2,036)	0	0	(2,036)
Total Other Present Law Adjustments	0.00	\$22,965	\$0	\$0	\$22,965	0.00	(\$2,036)	\$0	\$0	(\$2,036)
Grand Total All Present Law Adjustments					\$41,386					\$16,793

DP 2002 - Judicial Standards Restricted/Bienn. Appropriation - This bill provides \$20,929 of general fund for the biennium to restore to \$25,000 the funding used to pay for investigations of complaints against judges by the Judicial Standards Commission. Because standard inflation factors were applied and are included in the FY 2008 and 2009 budget, \$20,929 is requested to restore the appropriation to \$25,000 for the 2009 biennium. This funding is requested as a restricted, biennial appropriation so that unexpended funds would revert to the general fund.

New Proposals

New Proposals											
	-----Fiscal 2008-----					-----Fiscal 2009-----					
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds	
DP 700 - Boards and Commissions - Reduction											
02	0.00	(22,175)		0	0	(22,175)	0.00	(22,175)	0	0	(22,175)
Total	0.00	(\$22,175)		\$0	\$0	(\$22,175)	0.00	(\$22,175)	\$0	\$0	(\$22,175)

DP 700 - Boards and Commissions - Reduction - This bill reduces funding for boards and commissions by \$22,175 general fund per year because additional revenue from fees is available to support certain boards and commissions.

Program Legislative Budget

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

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	6.75	0.00	0.00	6.75	0.00	0.00	6.75	6.75
Personal Services	324,101	30,761	0	354,862	32,122	0	356,223	711,085
Operating Expenses	150,153	549	0	150,702	774	0	150,927	301,629
Equipment	278,760	39,028	0	317,788	61,049	0	339,809	657,597
Debt Service	23,369	0	0	23,369	0	0	23,369	46,738
Total Costs	\$776,383	\$70,338	\$0	\$846,721	\$93,945	\$0	\$870,328	\$1,717,049
General Fund	776,383	70,338	0	846,721	93,945	0	870,328	1,717,049
Total Funds	\$776,383	\$70,338	\$0	\$846,721	\$93,945	\$0	\$870,328	\$1,717,049

Page Reference

Legislative Budget Analysis, A-34

Funding

The law library is funded entirely from the general fund.

Present Law Adjustments

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

Present Law Adjustments									
FTE	-----Fiscal 2008-----				-----Fiscal 2009-----				
	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services				30,761					32,122
Inflation/Deflation				549					774
Inflation/Deflation				39,028					61,049
Total Statewide Present Law Adjustments				\$70,338					\$93,945
Grand Total All Present Law Adjustments				\$70,338					\$93,945

Proprietary Rates

Proprietary Program Description

Law Library Searches/Research Enterprise Fund - The law library staff coordinates a contract that allows publicly employed legal professionals to access on-line legal resources at a more favorable rate than is typically charged by the contractor. The library is billed by the contracted service provider and in turn bills and collects reimbursement from subscribing entities.

Program Legislative Budget

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

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	296.13	0.00	3.95	300.08	0.00	3.95	300.08	300.08
Personal Services	16,780,759	2,503,565	142,810	19,427,134	2,549,867	143,296	19,473,922	38,901,056
Operating Expenses	13,076,483	(9,427,266)	142,517	3,791,734	(9,416,914)	142,661	3,802,230	7,593,964
Equipment	23,562	0	0	23,562	0	0	23,562	47,124
Grants	0	0	300,000	300,000	0	0	0	300,000
Benefits & Claims	0	0	0	0	0	0	0	0
Debt Service	5,900	0	0	5,900	0	0	5,900	11,800
Total Costs	\$29,886,704	(\$6,923,701)	\$585,327	\$23,548,330	(\$6,867,047)	\$285,957	\$23,305,614	\$46,853,944
General Fund	29,756,160	(6,923,701)	462,424	23,294,883	(6,867,047)	163,054	23,052,167	46,347,050
State/Other Special	130,544	0	122,903	253,447	0	122,903	253,447	506,894
Federal Special	0	0	0	0	0	0	0	0
Total Funds	\$29,886,704	(\$6,923,701)	\$585,327	\$23,548,330	(\$6,867,047)	\$285,957	\$23,305,614	\$46,853,944

Page Reference

Legislative Budget Analysis, A-36

Funding

District court operations are funded almost entirely with general fund. The program also receives some state special revenue from video conferencing and youth court fines and fees.

Present Law Adjustments

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

	-----Fiscal 2008-----				-----Fiscal 2009-----					
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					2,123,565					2,169,867
Inflation/Deflation					40,531					50,883
Fixed Costs					(1,549)					(1,549)
Total Statewide Present Law Adjustments					\$2,162,547					\$2,219,201
DP 4001 - Judicial Education	0.00	35,000	0	0	35,000	0.00	35,000	0	0	35,000
DP 4006 - Pay Equity										
DP 4009 - Variable Cost Base Adjustment	0.00	(9,501,248)	0	0	(9,501,248)	0.00	(9,501,248)	0	0	(9,501,248)
Total Other Present Law Adjustments	0.00	(\$9,086,248)	\$0	\$0	(\$9,086,248)	0.00	(\$9,086,248)	\$0	\$0	(\$9,086,248)
Grand Total All Present Law Adjustments					(\$6,923,701)					(\$6,867,047)

DP 4001 - Judicial Education - This bill provides an additional \$35,000 per year general fund (\$70,000 for the biennium) to increase funding to support judicial education.

DP 4006 - Pay Equity - This bill provides \$760,000 general fund (\$380,000 per year) so that the branch can equalize pay among employees within the branch.

DP 4009 - Variable Cost Base Adjustment - This bill reduces funding by \$9.5 million per year to reflect the change in responsibility for the costs of public defender services. The Montana Public Defender Act (2005 session) created a new statewide system for the provision of public defender services and assigned responsibility for this function to a new executive branch agency effective July 1, 2006 (FY 2007). Public defender costs for district court cases became a state financial responsibility with district court assumption and funding for these costs resided with the judicial branch, District Court Operations Program. Because these costs are included in the FY 2006 base budget but are no longer a responsibility of the branch, funding for these costs is removed from the 2009 biennium budget.

New Proposals

New Proposals											
Program	FTE	Fiscal 2008				Fiscal 2009					
		General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds	
DP 4005 - District Court Safety and Security Proposal - OTO											
04	0.00	300,000		0	0	300,000	0.00	0	0	0	0
DP 4010 - Judicial Support and Youth Probation Staff											
04	3.95	162,424		0	0	162,424	3.95	163,054	0	0	163,054
DP 4011 - Replace State Special for funding from counties											
04	0.00	0	122,903		0	122,903	0.00	0	122,903	0	122,903
Total	3.95	\$462,424	\$122,903		\$0	\$585,327	3.95	\$163,054	\$122,903	\$0	\$285,957

DP 4005 - District Court Safety and Security Proposal - OTO - This bill provides a one-time-only general fund appropriation of \$300,000 for security infrastructure improvements in District Courts. Funding in this proposal is to be allocated among district courts on a prorated basis based upon the number district court rooms.

DP 4010 - Judicial Support and Youth Probation Staff - This bill provides \$325,478 general fund for the biennium to support 3.95 FTE and related costs for district courts. This request includes 0.95 FTE for two judicial districts for support staff to perform administrative tasks and 3.0 FTE to support community-based supervision programs for youth in two judicial districts.

DP 4011 - Replace State Special for funding from counties - This bill provides \$245,806 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 a judicial branch employee, who was a county employee at the time of district court assumption, retires the judicial branch pays their sick and annual leave balance payments from this state special revenue fund.

Program Legislative Budget

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

Program Legislative Budget									
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09	
FTE	18.00	0.00	0.00	18.00	0.00	0.00	18.00	18.00	
Personal Services	714,651	377,406	30,678	1,122,735	378,291	30,708	1,123,650	2,246,385	
Operating Expenses	205,060	31,781	0	236,841	34,107	0	239,167	476,008	
Equipment	23,965	0	0	23,965	0	0	23,965	47,930	
Total Costs	\$943,676	\$409,187	\$30,678	\$1,383,541	\$412,398	\$30,708	\$1,386,782	\$2,770,323	
State/Other Special	943,676	409,187	30,678	1,383,541	412,398	30,708	1,386,782	2,770,323	
Total Funds	\$943,676	\$409,187	\$30,678	\$1,383,541	\$412,398	\$30,708	\$1,386,782	\$2,770,323	

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Funding

The Water Court is supported entirely by state special revenue from the renewable resources grant and loan account and from water adjudication fees (HB 22 from the 2005 session).

Present Law Adjustments

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

Present Law Adjustments										
-----Fiscal 2008-----					-----Fiscal 2009-----					
FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds	
Personal Services				377,406					378,291	
Inflation/Deflation				929					1,017	
Fixed Costs				(234)					(234)	
Total Statewide Present Law Adjustments				\$378,101					\$379,074	
DP 5001 - Water Court Rent Increase	0.00	0	31,086	0	31,086	0.00	0	33,324	0	33,324
Total Other Present Law Adjustments	0.00	\$0	\$31,086	\$0	\$31,086	0.00	\$0	\$33,324	\$0	\$33,324
Grand Total All Present Law Adjustments				\$409,187					\$412,398	

DP 5001 - Water Court Rent Increase - This bill provides \$31,086 in FY 2008 and \$33,324 in FY 2009 of state special revenue for increased rental costs due to expansion of the office space and negotiation of a new lease. HB 22 of the 2005 Legislature provided for a new fee to support acceleration of the adjudication of water claims. As part of this acceleration funding was provided to the Water Court to expand the number of staff by 6.5 FTE in FY 2006 and 7.0 FTE in FYE 2007. To accommodate the new staff, the court office space was increased and the lease renegotiated. The new lease was effective in May 2006. This increase in rent annualizes the increased cost, including a 3 percent inflation factor, into the FY 2008 and 2009 budget.

New Proposals

New Proposals											
-----Fiscal 2008-----											
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds	
DP 701 - Advancement to Water Master											
05	0.00	0	30,678	0	30,678	0.00	0	30,708	0	30,708	
Total	0.00	\$0	\$30,678	\$0	\$30,678	0.00	\$0	\$30,708	\$0	\$30,708	

DP 701 - Advancement to Water Master - This bill provides state special revenue of \$30,678 in FY 2008 and \$30,708 in FY 2009 to advance staff within the Water Court from law clerk to water master upon completion of training assignments.

Program Legislative Budget

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

Program Legislative Budget									
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09	
FTE	5.50	0.00	0.00	5.50	0.00	0.00	5.50	5.50	
Personal Services	354,813	20,542	0	375,355	22,272	0	377,085	752,440	
Operating Expenses	41,661	906	0	42,567	959	0	42,620	85,187	
Equipment	0	0	0	0	0	0	0	0	
Total Costs	\$396,474	\$21,448	\$0	\$417,922	\$23,231	\$0	\$419,705	\$837,627	
General Fund	396,474	21,448	0	417,922	23,231	0	419,705	837,627	
Federal Special	0	0	0	0	0	0	0	0	
Total Funds	\$396,474	\$21,448	\$0	\$417,922	\$23,231	\$0	\$419,705	\$837,627	

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Funding

The functions of the Clerk of the Supreme Court are funded entirely from the general fund. The office collects fees as provided in section 3-4-403 MCA which are deposited into the general fund.

Present Law Adjustments

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

Present Law Adjustments										
	-----Fiscal 2008-----				-----Fiscal 2009-----					
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					20,542					22,272
Inflation/Deflation					906					959
Total Statewide Present Law Adjustments					\$21,448					\$23,231
Grand Total All Present Law Adjustments					\$21,448					\$23,231