

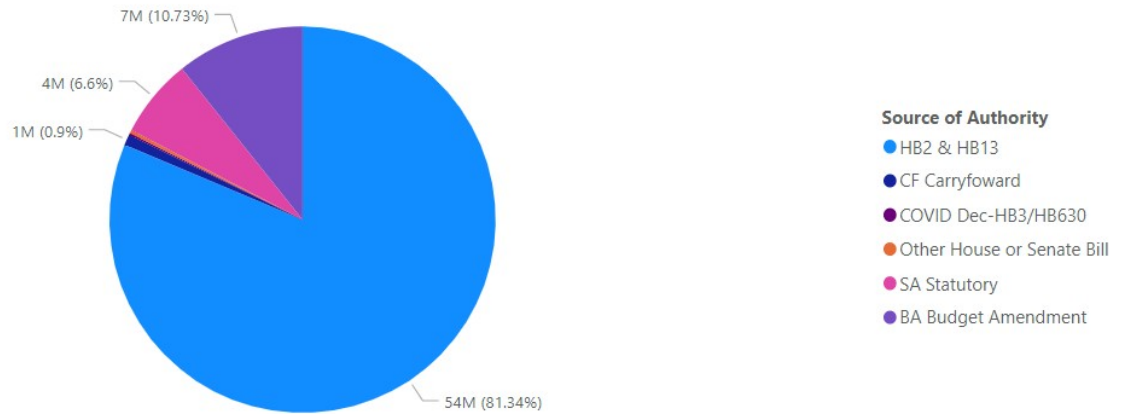
# JUDICIAL BRANCH

(Spending report July 1 through November 30, 2021)

## TOTAL APPROPRIATION AUTHORITY

The total appropriation authority for the agency is shown in the pie chart below. HB 2 and HB 13 provide 81.3% of the total authority for this agency. All types of appropriation authority for this agency are described below, including total budget and the percent expended by source of authority.

Total Modified Budget by Source of Authority



Source of Authority	Modified Budget	Expended Budget	Percent Expended
HB2 & HB13	54,101,944	17,329,185	32.0%
CF Carryforward	597,355	23,730	4.0%
COVID Dec-HB3/HB630	100,469		
Other House or Senate Bill	185,212	8,845	4.8%
SA Statutory	4,389,895	672,624	15.3%
BA Budget Amendment	7,139,762	686,475	9.6%
<b>Total</b>	<b>66,514,637</b>	<b>18,720,858</b>	<b>28.1%</b>

**Source of Authority**

- HB2 & HB13
- CF Carryforward
- COVID Dec-HB3/HB630
- Other House or Senate Bill
- SA Statutory
- BA Budget Amendment

**FiscalMonth**

- Select all
- Jul
- Aug
- Sep
- Oct
- Nov
- Dec
- Jan
- Feb
- Mar

## Budget Amendments

The Judicial Branch (Judiciary) budget amendments increased federal authority by \$7.1 million through November of FY 2022 and expended \$686,475, or 9.6%, of the authority. Most of the budget amendment authority, 94.9%, was in the District Court Operations Division and the remainder was through the Supreme Court Operations Division. The following is a summarizes 84.8% of the federal authority and associated spending of Judiciary budget amendments:

- \$1.5 million of authority to support of substance abuse and mental health services within drug courts (expenditures of \$290,910)
- \$1.6 million of authority to support activities related to adult treatment courts (expenditures of \$91,940)

- \$1.3 million of continued authority to fund 3 new treatment courts, a Montana drug court conference, and a financial specialist, including 4.00 FTE (expenditures of \$92,936)
- \$1.2 million of authority to support veteran’s treatment courts including activities that will increase the number of participants and enhance services (expenditures of \$52,583)
- \$361,629 of authority to facilitate state court data collection and analysis, to promote data sharing between state courts and child welfare agencies, and to provide training within various disciplines related to children at risk. Expenditures of \$52,190 support the requirements of HB 39 (2021 Legislature)

### **Carryforward**

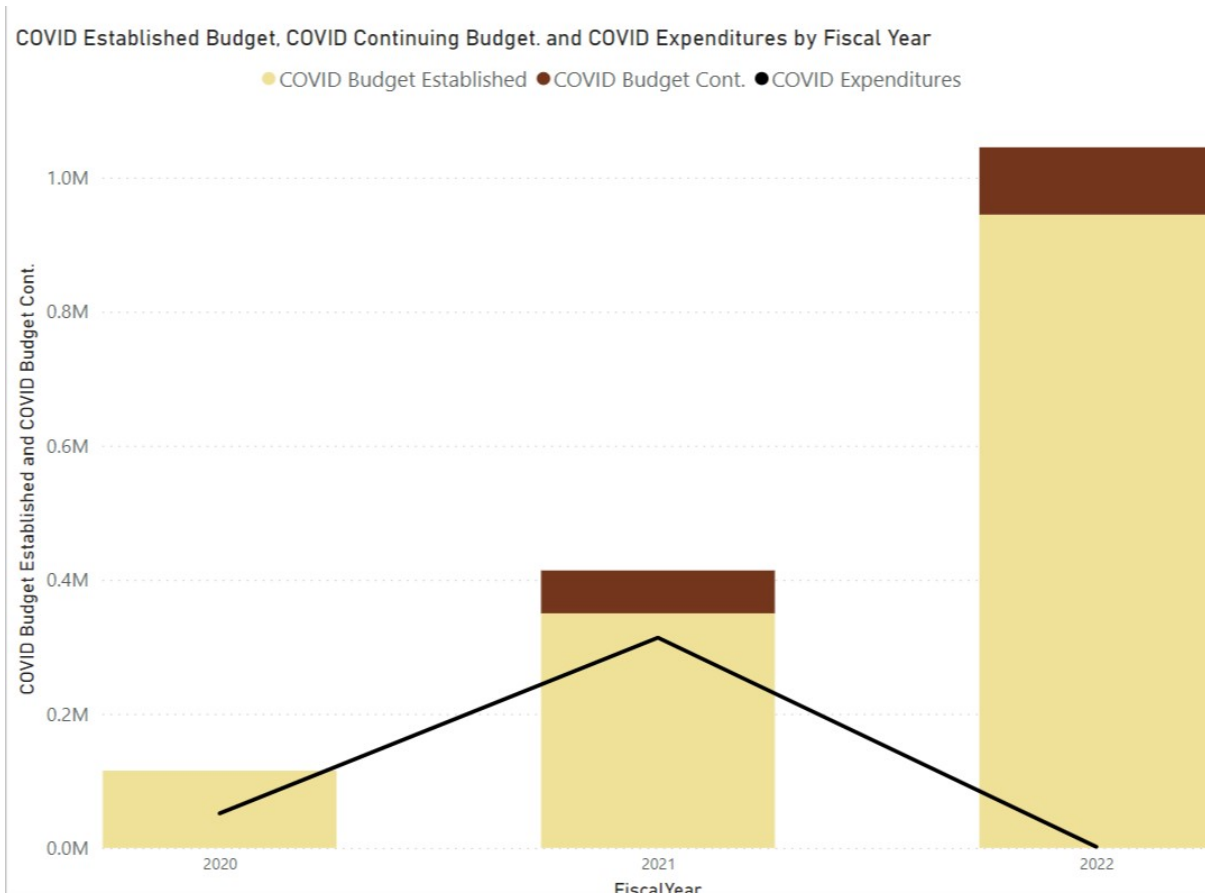
The Judiciary has \$597,355 of carryforward authority in FY 2022, which is derived from 30.0% of the unexpended balance of FY 2020 appropriations. The branch has expended \$23,730, or 4.0% of the authority through November of FY 2022.

### **Other Bills**

In FY 2022 the Judiciary has \$185,212 of capital project appropriation authority through the Long-Range Information Technology (IT) Program for the courtroom improvements project. The authority was provided in the 2007 Session (\$1,018 remaining) and was increased in the 2015 Session (\$184,193 remaining). The branch expended \$8,845 of the authority through November for IT improvements in new courtrooms in Yellowstone county.

### COVID-19 Authority

The following chart is provided to allow the legislature to examine the funding that is available to the agency for COVID-19 impacts. Administrative authority for CARES I and ARPA appropriations was allocated to the agency by the Governor's Office. Administrative authority is not an appropriation and thus is not included in the total appropriation authority shown on the previous page.



The Judiciary has a total of \$1.0 million in COVID-19 authority. From the total authority, \$100,469 was continued from the 2021 biennium CARES I funding and the remaining authority, \$944,721, was provided in HB 632 (2021 Legislature). Through November, the branch had not expended any of the CARES I authority and expended \$1,559 of the HB 632 authority.

### Statutory Appropriations

The statutory appropriation from the youth court intervention and prevention account is established and statutorily appropriated in 41-5-2011, MCA. The account receives:

- Unexpended funds from the judicial districts' annual allocations of juvenile placement funds
- Unexpended funds from the cost containment pool created from juvenile placement funds

By statute, the account may be used for:

- Establishment or expansion of community prevention and intervention programs and services for youth
- To provide alternative funding methods for out-of-home placements

- To provide matching funds for federal money for intervention and prevention programs that provide services to youth

After funding is transferred to the account in the Judicial Branch, it is used by the District Courts for the following two years. In FY 2022, the branch has \$4.4 million of authority and has expended \$672,624, or 15.3% of the total authority. Any funding remaining after two years will be transferred to the general fund.

### **Non-Budgeted Proprietary Funding**

Not included in the figure above, the Judiciary has \$254,897 in off-budget proprietary authority within the Law Library Program. The authority supports on-line search functions in the Lexis system. The program has expended \$87,768, or 34.4%, of the authority through November.

## HB 2 BUDGET MODIFICATIONS

The following chart shows the HB 2 budget as passed by the legislature, including the pay plan, and the HB 2 modified budget through November 30, 2021. Net modifications to the budget include operating plan changes from one expenditure account to another, program transfers, reorganizations, and agency transfers of authority. The **positive modifications** and **negative modifications** are shown by program, expenditure account, and fund type.

### Legislative Budget Compared to Modified Budget - HB 2 Only

Agency Name	Legislative Budget	Modified Budget	Net Modifications
<b>Judiciary</b>	<b>54,101,944</b>	<b>54,101,944</b>	<b>0</b>
CLERK OF COURT	570,421	570,421	0
DISTRICT COURT OPERATIONS	29,978,417	29,978,417	0
LAW LIBRARY	876,038	876,038	0
SUPREME COURT OPERATIONS	20,293,381	20,293,381	0
WATER COURT	2,383,687	2,383,687	0
<b>Total</b>	<b>54,101,944</b>	<b>54,101,944</b>	<b>0</b>

Acct & Lvl 1 DESC	Legislative Budget	Modified Budget	Net Modifications
61000 Personal Services	37,974,014	38,009,698	35,684
62000 Operating Expenses	9,241,189	9,190,154	-51,035
63000 Equipment & Intangible Assets	183,116	183,116	
66000 Grants	690,000	690,000	
67000 Benefits & Claims	6,013,625	6,013,625	
69000 Debt Service		15,351	15,351

Fund Type	Legislative Budget	Modified Budget	Net Modifications
<b>01 General</b>			
Judiciary	50,969,027	50,969,027	0
<b>02 State/Other Spec Rev</b>			
Judiciary	3,030,966	3,030,966	
<b>03 Fed/Other Spec Rev</b>	<b>101,951</b>	<b>101,951</b>	

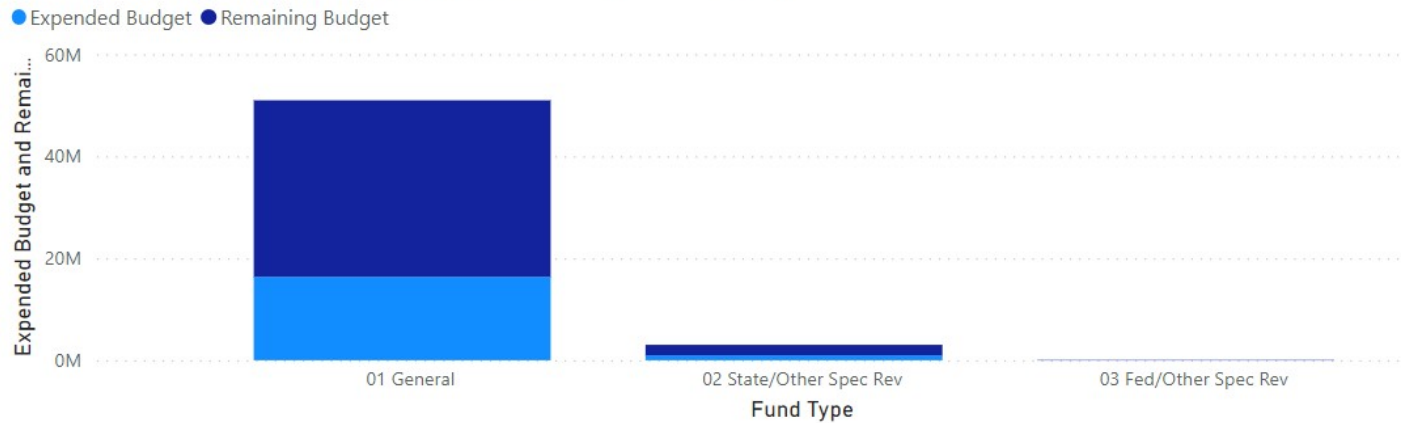
To date, the Judiciary has not made budget modifications that changed the overall HB 2 budget and only effect first level expenditure accounts within each program. The modifications focused on two changes that include:

- \$35,684-Movement of planned contracted services budget (62000 Operating Expenses) to fund a 0.5 FTE (61000 Personal Services) modified position in the Supreme Court Operations program
- \$15,351 – movement from operating expenses (62000) to debt service (69000) within four of the Judiciary programs to fund long-term copier lease payments

## HB 2 APPROPRIATION AUTHORITY

The following chart shows the appropriated budget for the agency compared to expenditures through November 30, 2021.

Expended Budget and Remaining Budget by Fund Type - HB 2 Only



acclv1_descr	Modified Budget	Expended Budget	Percent Expended
Personal Services	38,009,698	13,535,770	35.6%
Operating Expenses	9,190,154	3,259,378	35.5%
Equipment & Intangible Assets	183,116	44,317	24.2%
Grants	690,000	62,463	9.1%
Benefits & Claims	6,013,625	423,244	7.0%
Debt Service	15,351	4,013	26.1%

Program Name	Modified Budget	Expended Budget	Percent Expended
CLERK OF COURT	570,421	196,852	34.5%
DISTRICT COURT OPERATIONS	29,978,417	10,347,347	34.5%
LAW LIBRARY	876,038	316,105	36.1%
SUPREME COURT OPERATIONS	20,293,381	5,633,140	27.8%
WATER COURT	2,383,687	835,741	35.1%
<b>Total</b>	<b>54,101,944</b>	<b>17,329,185</b>	<b>32.0%</b>

Through November of FY 2022, the Judiciary expended \$17.3 million, or 32.0%, of the modified HB 2 budget. The figure at the top of this page explains the HB 2 funding. In FY 2022, the Judiciary budget is funded with 94.2% general fund and total expenditures through November were funded at 94.3% general fund.

Total spending in the branch, at 32.0% of the modified budget, is slightly lower than the average of the previous five years of 32.3% and is approximately 1.0% greater in FY 2022 than FY 2021 (through November). The decline from the historic average is explained by a small decline in personal services, 2.5% (of the personal services budget) when compared to the previous five years.

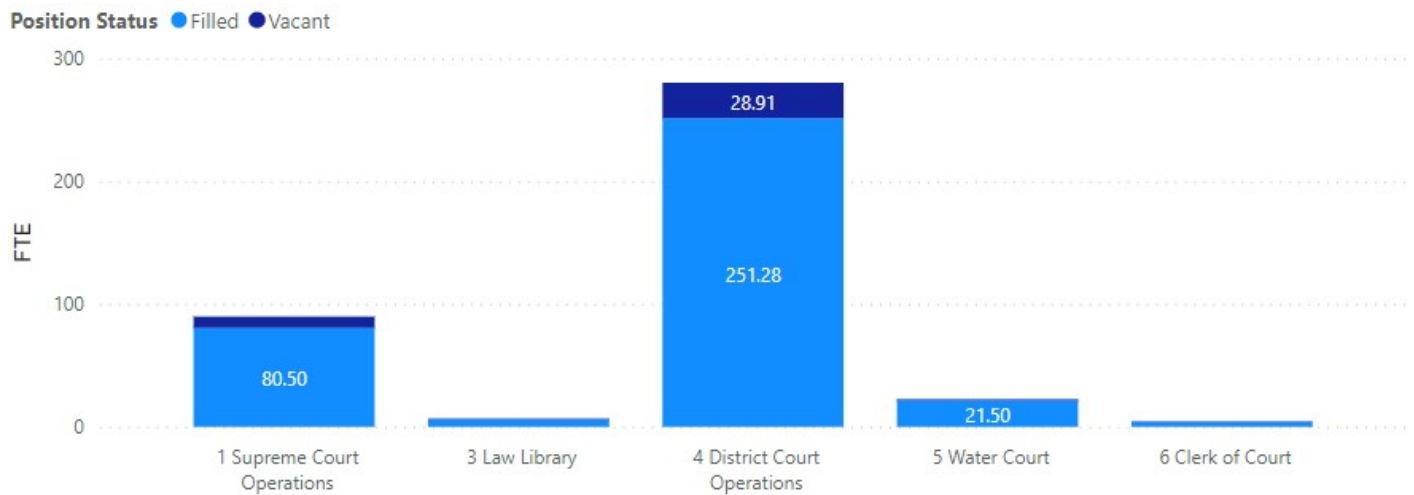
The District Court Operations Division has historically accounted for 73.0% of the branch's HB 2 costs, and through November of FY 2022 it accounted for 59.7% of the branch spending. In FY 2022, personal services in

District Court Operations account for 71.3% of the branch personal services budget and supports 70.8% of the branch's FTE.

One specific detail of FY 2022 Judiciary budget, as designated in the 2021 version of HB 2, is funding of the Pretrial Program (OTO). The FY 2022 budget for this program is \$829,402 of general fund authority in Supreme Court Operations Division. This budget item is a continuation of the program that assists the criminal justice system with handling persons arrested and held in jails in five pilot counties (Butte-Silver Bow, Lake, Lewis & Clark, Missoula, and Yellowstone). In FY 2022, the project includes the addition of 2.75 FTE. Through November of FY 2022, the branch expended \$131,780, or 15.9%, of the authority.

## Personal Services

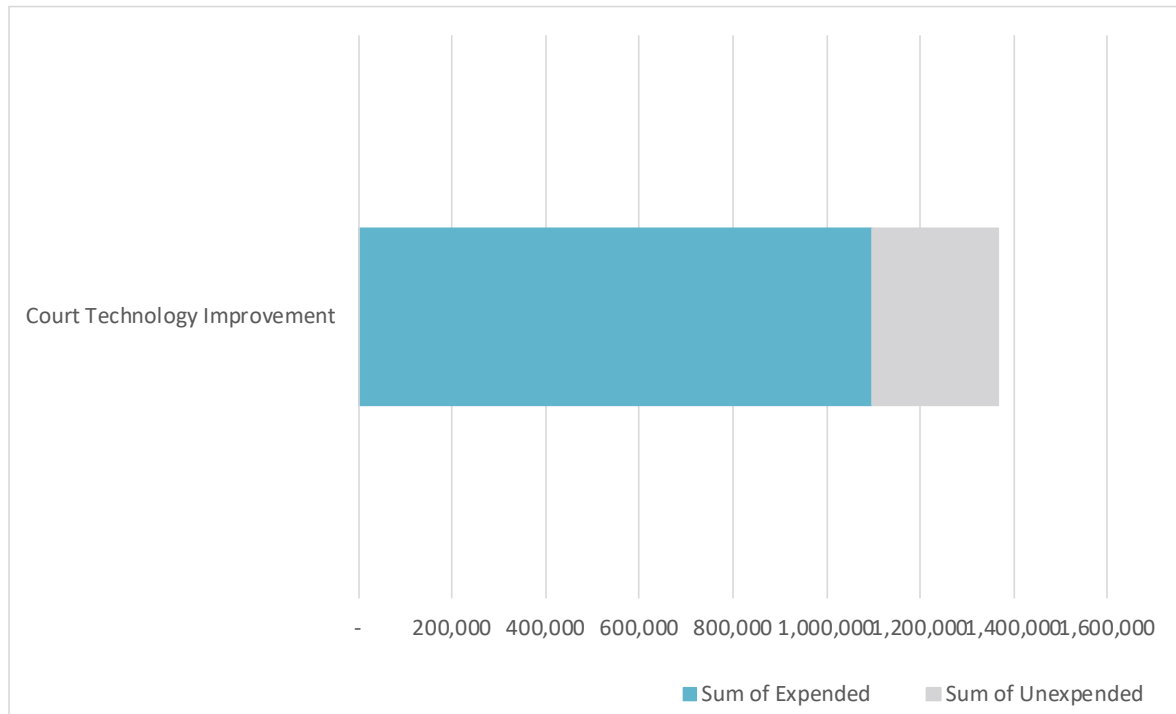
The following chart shows the filled and vacant FTE within the agency as of November 1, 2021.



In FY 2022, the Judiciary is budgeted for 463.19 FTE, an increase of 8.50 FTE over the budgeted FTE in FY 2021. As of November 1, 2021 (FY 2022), the Judiciary had 40.41 vacant FTE. Vacant FTE currently includes the new FTE provided by the legislature (these are in the recruiting process). According to the human services data base, 25 FTE, or 61.9%, of the vacant positions left state government employment. The high rate of vacant positions in the Judiciary is reflected in the lower than usual personal services expenditures, as mentioned earlier in this report.

## OTHER ISSUES

### Information Technology Project Expenditures



Large Information Technology Projects Original and Revised Budgets			
Project	Original Budget	Revised Budget	Change from Original Budget
Court Technology Improvement	834,000	1,366,652	63.9%

Large Information Technology Projects Original and Revised Delivery Date				
Project	Start Date	Original Delivery Date	Revised Delivery Date	Change from Original Delivery Date
Court Technology Improvement	7/1/2015	6/30/2017	12/31/2022	275.3%

As viewed in the State Information Technology Services Division (SITSD) dashboard report, the Judicial Branch began the court technology improvements project in FY 2015 with an appropriation from HB 10, the Long-Range Information Technology bill (2015 Legislature). The project budget was increased by \$532,652, or 63.9% as a result of the addition of agency internal resources costs. These costs, over the history of the project (2015-2021), consist of personal services and operating costs dedicated to the project and were appropriated and expended in the HB 2 budgets. The project entails adding IT improvements to courtrooms and systems across the state. In the 2021 biennium, travel restrictions related to the COVID-19 pandemic led to a delay in project completion.

In the FY 2022 branch budget, the Judiciary has \$185,212 of re-appropriated HB 10 capital project fund authority. The branch expended \$8,845 of this authority through November for IT improvements in new courtrooms in Yellowstone county.



In the FY 2022 budget, the Judiciary also has \$5.3 million of general fund authority to provide information technology services in the branch including technical support and training in the District Courts and Courts of Limited Jurisdiction. Through November, the branch expended \$2.0 million or 38.7% of the budgeted authority.

### **Fee for Service Model in State Law Library**

The 67<sup>th</sup> Legislature spelled out their intent for the Judiciary to evaluate whether a fee for service model would be an appropriate funding source for the state law library in HB 693. According to the Judiciary, they are currently working a on full update to policies, performance measures, and possible fee for service model.

### **REQUIRED REPORTS**

HB 693 Reporting – This legislation requires reporting by the Judiciary on the following item:

Each quarter of the fiscal year, the office of court administrator shall report to the law and justice interim committee and the legislative finance committee on the number of civil cases that have been pending for more than 2 years by judicial district. The report must identify:

- 1) the judicial district;
- 2) the number of cases in that district that are pending for more than 2 years but less than 3 years;
- 3) the number of cases in that district that are pending for more than 3 years but less than 4 years;
- 4) the number of cases in that district that are pending for more than 4 years but less than 5 years; and
- 5) the number of cases in that district that are pending for more than 5 year

<https://leg.mt.gov/content/publications/fiscal/2023-Interim/Dec-2021/HB693-report.pdf>

<https://leg.mt.gov/content/publications/fiscal/2023-Interim/Dec-2021/civil-pending-cases-1021.pdf>

HB 632 Reporting – This legislation required reporting of the Judiciary on the following item:

Each quarter of the fiscal year, the office will report on the implementation, expenditures, and measurable outcomes of streamlining the resolution of family law cases through early mediation and simplified proceedings in judicial districts with heavy caseloads or in remote areas (NOTE: report provided in September).

<https://leg.mt.gov/content/publications/fiscal/2023-Interim/Sept-2021/JudBranchPlan.pdf>