

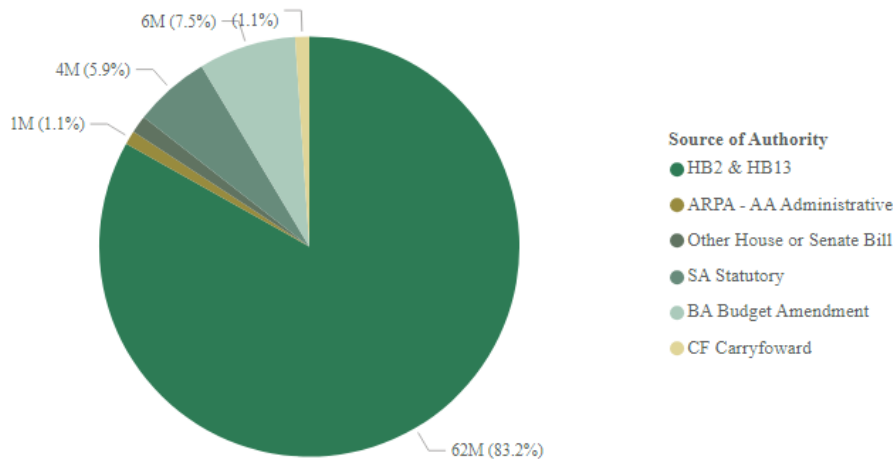
# JUDICIAL BRANCH

(Spending report July 1 through November 30, 2023)

## TOTAL APPROPRIATION AUTHORITY

The total appropriation authority for the Judicial Branch is shown in the pie chart below. HB 2 and HB 13 provide 84.3% 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



% Expended, Percent Expended Graphic, Modified Budget, Expended ...

BY SOURCE OF AUTHORITY

Source of Authority	Modified Budget	Expended Budget	% Expended
ARPA	785,995	50,309	6.4%
SA Statutory	4,389,895	701,322	16.0%
Other House or Senate Bill	1,007,500	2,036	0.2%
CF Carryforward	809,324	0	0.0%
BA Budget Amendment	5,588,385	610,831	10.9%
HB2 & HB13	62,122,197	20,465,224	32.9%
<b>Total</b>	<b>74,703,296</b>	<b>21,829,722</b>	<b>29.2%</b>

## Budget Amendments

The Judicial Branch (Judiciary) budget for FY 2024 contains budget amended federal authority of \$5.6 million, and through November of FY 2024, has expended approximately \$500,000, or 10.9%, of the authority. This budget amendment authority supports:

- substance abuse and mental health services within family, veteran, and adult drug treatment courts
- data sharing between courts
- implementing crisis response teams
- Expansion of DUI Court, STEER, and VTC, CAMO in the 13th Judicial District

## Carryforward

The Judicial Branch has \$809,324 of carryforward authority from qualified unspent FY 2022 appropriations. Of this, \$655,429 is general fund, \$148,908 is remaining from state special revenue, and \$4,987 is federal authority.

## Other House or Senate Bill

House bill 16 authorizes \$225,000 to pay for the costs of training and hiring facilitators for the prehearing conferences for fiscal year 2024. Only \$1,829 has been spent. This bill increases the statutory timeframe for holding Emergency Protective Services hearings from three days to five days.

House bill 10 authorizes \$782,500 for the biennium for a courtroom remote appearance video system in the judicial branch. Only \$206 of these funds have been spent.

## Non-budgeted proprietary funding

Not seen in the chart above, the Judiciary has \$277,988 in non-budgeted proprietary funding which supports online search functions related to the Lexis system within the Law Library. Through November, the Judiciary expended \$70,364, or 25.3% of this authority.

## COVID-19 Authority

The authority from the American Rescue Plan Act (ARPA) funds are for the Simplify Family Law Resolution. These funds total \$786,000 and are 6.4% expended as of the end of November 2023.

The ARPA funds provide a three-year pilot project, Simplify Family Law Resolution, to implement remote mediation services and streamline family law cases. The funding has been used to help clear the backlog in family law cases in district courts where criminal cases were prioritized during the pandemic.

## 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 from July 1, 2023 through November 1, 2023. 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	Starting Budget	Prior Period Modifications	Legislative Budget	Net Modifications	Modified Budget
<b>Judiciary</b>	<b>62,122,197</b>		<b>62,122,197</b>	<b>0</b>	<b>62,122,197</b>
CLERK OF COURT	631,902		631,902		631,902
DISTRICT COURT OPERATIONS	34,986,653		34,986,653	59,638	35,046,291
LAW LIBRARY	951,382		951,382		951,382
SUPREME COURT OPERATIONS	22,903,670		22,903,670	-59,638	22,844,032
WATER COURT	2,648,590		2,648,590	0	2,648,590
<b>Total</b>	<b>62,122,197</b>		<b>62,122,197</b>	<b>0</b>	<b>62,122,197</b>

Acct & Lvl 1 DESC	Starting Budget	Prior Period Modifications	Legislative Budget	Net Modifications	Modified Budget
61000 Personal Services	44,538,306		44,538,306	0	44,538,306
62000 Operating Expenses	10,514,950		10,514,950	-384,307	10,130,643
63000 Equipment & Intangible Assets	183,116		183,116		183,116
66000 Grants	715,000		715,000		715,000
67000 Benefits & Claims	6,170,825		6,170,825	0	6,170,825
69000 Debt Service				384,307	384,307

Fund Type	Starting Budget	Prior Period Modifications	Legislative Budget	Net Modifications	Modified Budget
01 General	58,257,801		58,257,801	0	58,257,801
02 State/Other Spec Rev	3,485,093		3,485,093	0	3,485,093
03 Fed/Other Spec Rev	379,303		379,303	0	379,303

The Judicial Branch has performed three budget modifications in FY 2024. The first two transfers operating expenditure authority to debt services authority. Movement of operating expense authority to debt services is required to accurately record lease expenditures per state guidance.

Additionally, the Branch transferred \$59,638 of personal service authority and 1.00 FTE from the Supreme Court Operations to District Court Operations. They moved a vacant judicial assistant from program 01 to program 04 for the 6<sup>th</sup> judicial district.

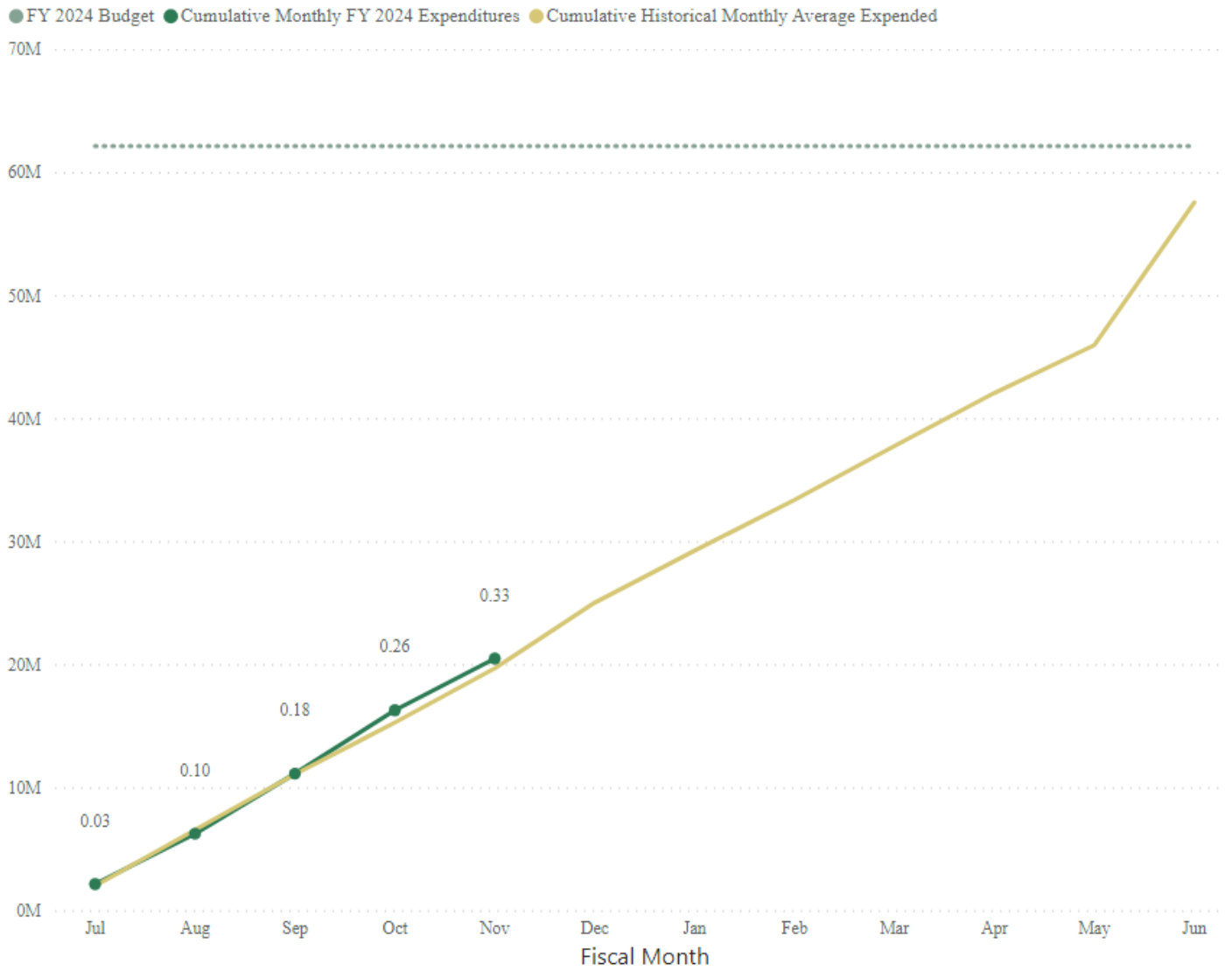
## HB 2 APPROPRIATION AUTHORITY

The following chart shows the appropriated budget for the agency compared to expenditures through November 30, 2023.

### Monthly Expenditures Compared to Historical Average

● FY 2024 Budget ● Cumulative Monthly FY 2024 Expenditures ● Cumulative Historical Monthly Average Expended

# Monthly Expenditures Compared to Historical Average



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

Fund Type	Modified Budget	Expended Budget	% Expended
01 General	58,257,801	19,297,463	33.1%
02 State/Other Spec Rev	3,485,093	1,145,421	32.9%
03 Fed/Other Spec Rev	379,303	22,341	5.9%
<b>Total</b>	<b>62,122,197</b>	<b>20,465,224</b>	<b>32.9%</b>

## Modified Budget, Expended Budget, % Expended

### BY EXPENDITURE TYPE

Expenditure Type	Modified Budget	Expended Budget	% Expended
Personal Services	44,538,306	15,839,512	35.6%
Operating Expenses	10,130,643	3,504,756	34.6%
Equipment & Intangible Assets	183,116	47,920	26.2%
Grants	715,000	82,443	11.5%
Benefits & Claims	6,170,825	798,510	12.9%
Debt Service	384,307	192,084	50.0%
<b>Total</b>	<b>62,122,197</b>	<b>20,465,224</b>	<b>32.9%</b>

## Modified Budget, Expended Budget, % Expended

### BY PROGRAM NAME

Program Name	Modified Budget	Expended Budget	% Expended
01 SUPREME COURT OPERATIONS	22,844,032	6,755,735	29.6%
03 LAW LIBRARY	951,382	325,000	34.2%
04 DISTRICT COURT OPERATIONS	35,046,291	12,150,028	34.7%
05 WATER COURT	2,648,590	1,008,206	38.1%
06 CLERK OF COURT	631,902	226,257	35.8%
<b>Total</b>	<b>62,122,197</b>	<b>20,465,224</b>	<b>32.9%</b>

The Judicial Branch has expended 32.9% of its \$62.1 million HB2 modified budget through **October 31, 2023**. Overall, this spending pattern tracks very closely with the five-year Olympic average which is the average of the

percent expended for the most recently completed seven years with the exclusion of the highest and lowest numbers during this time period.

Only 12.9% of the \$6,170,825 benefits and claims authority has been spent. The department is incentivized not to spend juvenile placement funds because those unspent funds are the primary funding source for youth intervention and prevention services. Those funds are transferred at the end of the fiscal year to juvenile placement and can be spent in the next two years.

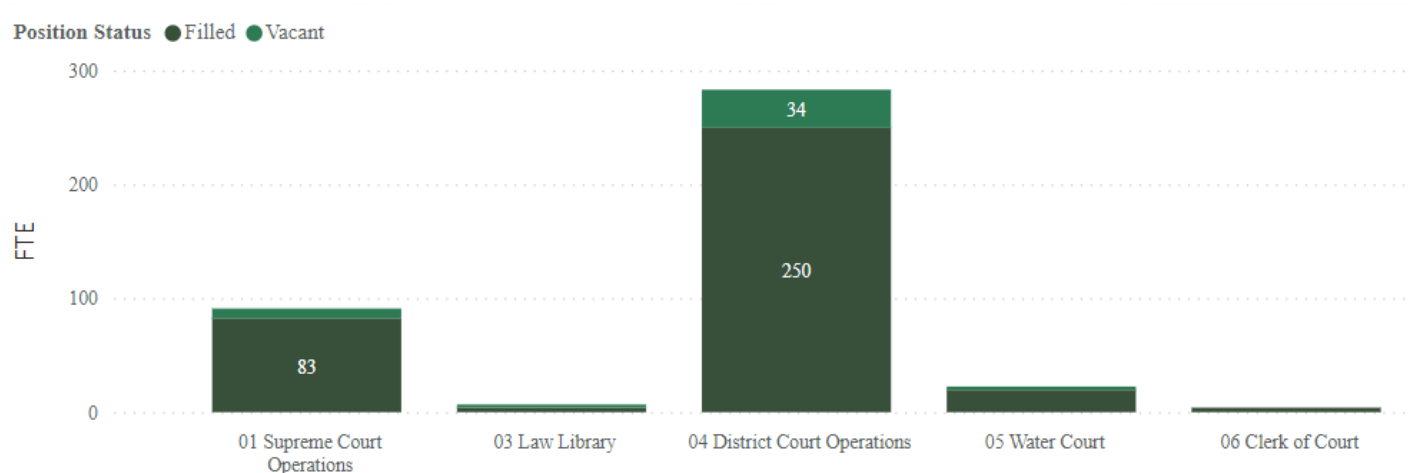
The Supreme Court Operations program’s spending is slightly lower than the other programs at 29.6%, due to new appropriations for the 2025 biennium being spent at a lower rate than expected.

#### HB2 Line Items:

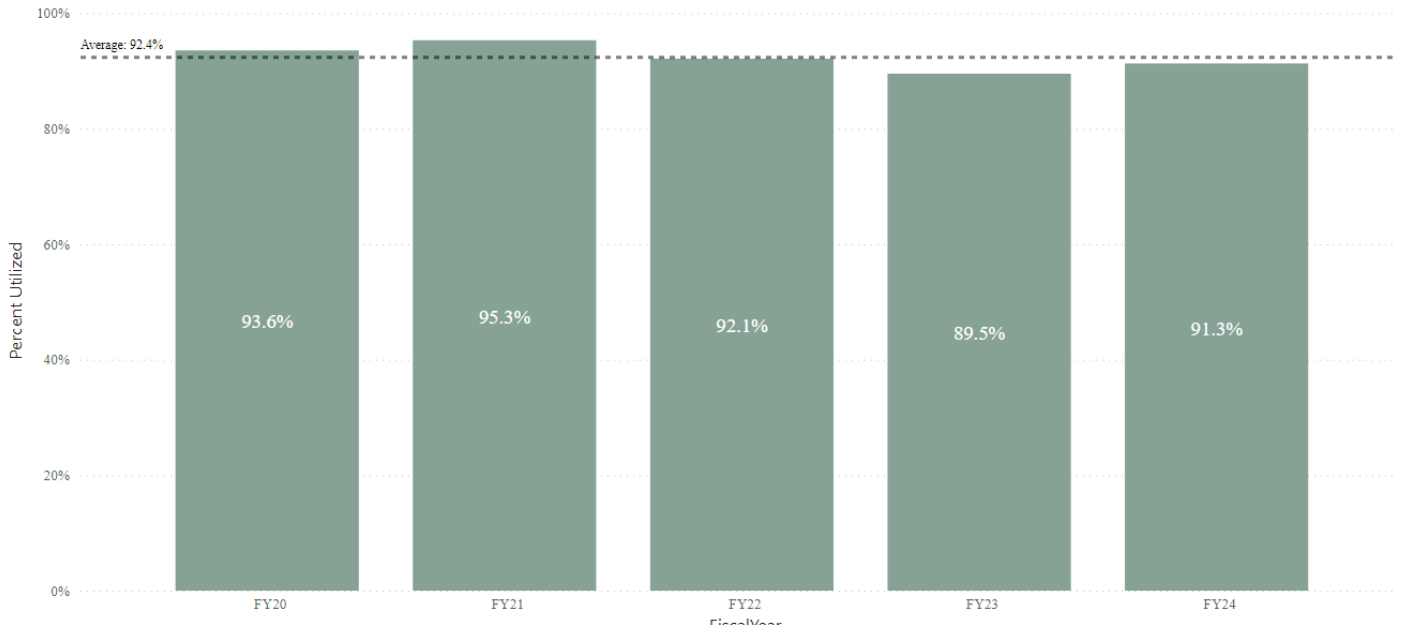
- The Judicial Branch was provided additional restricted general fund authority to fund 5.00 FTE and five drug courts in FY 2024 with 3.00 additional FTE and courts in FY 2025 (for a total of eight) which are coming off federal grant funding. Only 6.5% of this \$405,764 authority has been spent because most of these funds have been extended through 2024
- The Judicial Branch has spent none of its one-time-only restricted general fund authority for the Correctional Program Checklist (CPC) Evaluations. This is a biennial appropriation, so the funds may be expended next year
- The Judicial Branch has spent none of its \$300,000 one-time-only restricted general fund authority for the Continued Family Mediation program. See the “Covid-19” section above for more information about the federal appropriations for this program. This authority is also biennial and can be spent next year
- The Judicial Branch has spent 18.1% of its \$843,848 one-time-only general fund authority for the Pretrial Program currently being piloted in five Montana counties

### Personal Services

Appropriations for personal services in the Judicial Branch total \$44.5 million and are 29.0% expended through October 31, 2023. The department has 407.35 HB 2 FTE, not accounting for elected official or aggregate positions, and 88.3% of these positions are filled as of October 31, 2023. The following chart shows the filled and vacant FTE within the agency as of October 31, 2023.



The chart below shows the yearly utilization percentage for the Judicial Branch between July 1 and November 1 for each fiscal year. Overall, the department has utilized 91.3% of the hours budgeted for July – October of FY 2024, as shown in the chart below, which is slightly below the five-year average of 92.4%.



The chart below shows the vacant FTE in each division, the number of months each position has been vacant, and the midpoint hourly pay rate. Of the 44.75 FTE that are vacant, 15.50 FTE have been vacant for more than 12 months.

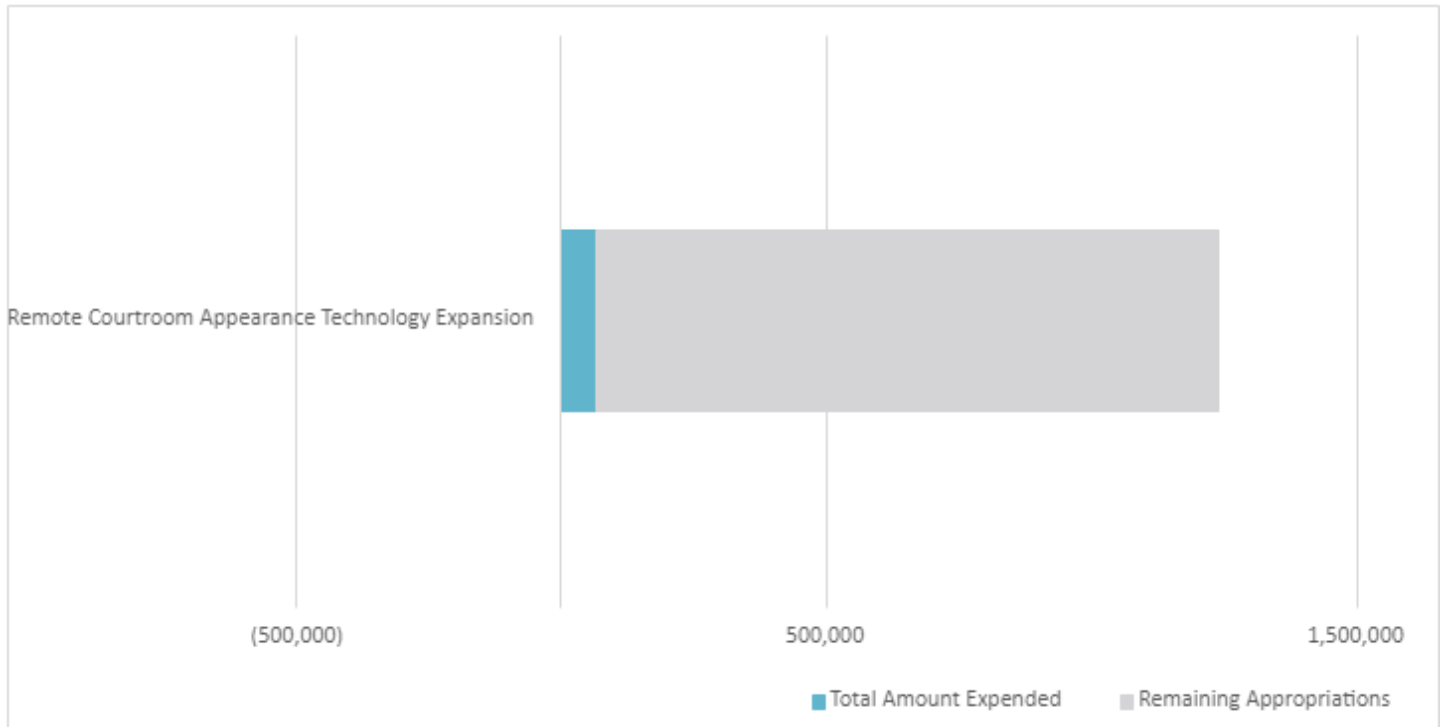
## Vacant Positions Report

	FTE	Median Months Vacant	Market Midpoint
<b>21100 JUDICIARY</b>	<b>44.75</b>	<b>10.79</b>	<b>29.76</b>
<b>01 Supreme Court Operations</b>	<b>8.50</b>	<b>12.30</b>	<b>30.96</b>
Court Assessment Program Coord	1.00	27.97	35.50
Director of Court Services	1.00	1.57	46.00
InfoTech Support Spec I	0.75	8.79	30.96
IT Business Analyst/Trainer	1.75	6.36	30.96
Regional YC Financial Speciali	1.00	20.23	28.31
Treatment Court Coordinator	2.00	27.97	35.50
Youth Placement Specialist	1.00	5.90	30.08
<b>03 Law Library</b>	<b>1.75</b>	<b>11.54</b>	<b>18.32</b>
Library Specialist	1.00	1.15	16.64
Office Assistant III	0.75	21.93	19.99
<b>04 District Court Operations</b>	<b>31.50</b>	<b>9.70</b>	<b>29.76</b>
Bailiff	1.00	39.93	16.63
ChiefJuvenileProbationOff I	1.00	4.03	36.86
Community Supervision Special	1.00	43.38	23.15
Court Reporter-Steno	1.00	27.97	26.96
DeputyJuvenileProbationOff I	14.00	11.72	29.76
District Court Admin Assistant	1.00	1.51	26.61
Judicial Admin Assistant I	2.00	18.30	26.68
Law Clerk I	1.00	5.41	30.62
Office Assistant II	1.00	1.05	16.96
Office Assistant III	2.00	13.44	19.99
Official Court Rpt-Steno	3.00	6.79	26.96
Probation Program Assistant	2.00	15.21	23.62
Standing Master	1.50	8.48	56.30
<b>05 Water Court</b>	<b>3.00</b>	<b>16.44</b>	<b>37.60</b>
Deputy Water Court Clerk	1.25	6.48	18.89
Water Master	1.75	28.56	56.30
<b>Total</b>	<b>44.75</b>	<b>10.79</b>	<b>29.76</b>



## OTHER ISSUES (UPDATE NOVEMBER 13)

### Information Technology Project Expenditures



The Judicial Branch is in the execution phase of a Remote Courtroom Appearance Technology Expansion project which began July 1, 2023. This project is budgeted for \$1,240,099 general fund and as of the end of November \$66,175 has been spent. The project is expected to be completed by December 31, 2027.

Large Information Technology Projects Original and Revised Budgets			
Project	Original Budget	Revised Budget	Change from Original Budget
Remote Courtroom Appearance Technology Expansion	1,240,099	1,240,099	-

### REQUIRED REPORTS

The Judicial Branch is required to report quarterly on ARPA program implementation, expenditure of funds, and measurable outcomes. The Branch was allocated \$944,721 in HB 632 to streamline and expedite the processing of family law matters, which were delayed by the COVID-19 pandemic. The funding is supporting early mediation and simplified case processing for self-represented and low-income litigants.

The submission of this report for the first quarter of the 2024 biennium will be posted on the Section D IBC webpage with the December meeting materials as they are provided.

## CONTRACTORS AND VACANCIES

The Judiciary has utilized temporary workers and overtime/comp time to cover vacancies, totaling \$80,305 from July 1-Oct 31, 2023.

Hours from July 1-Oct 31,2023				
	CTE	ECE	OVT	Total
<b>Cost</b>	\$ 20,027.56	\$ 25,186.04	\$11,193.15	\$56,406.75
<b>Hours</b>	522.65	646.75	290.08	1,459.48
Cost incurred due to vacancies				
	<b>Other Pgms</b>			
		IT	\$ 3,095.00	
		law library	\$ 1,883.13	
		Water Court	\$10,475.31	
		OCA	\$ 3,905.36	
		<b>Dist Court Ops</b>	\$28,603.23	
	Probation	7,119.60		
	DC staff	17,039.25		
	Court reporters	4,444.38		
		28,603.23		
			\$47,962.03	<b>Total paid due to vacancies</b>
<b>Short Term workers paid</b>				
			\$32,343.36	<b>Total to short term workers</b>
	Law Library	\$ 5,988.61		
	WC	\$ 6,266.15		
	OCA	\$ 3,705.00		
	Drug Court	\$ 16,383.60		
		\$ 32,343.36		
			\$80,305.39	<b>Total paid short term workers + OVT/COMP due to vacancies</b>
<b>Contracts:</b> Total contracted payments from July 1 - Oct 31, 2023 = \$1,737,186				
Of those payments, \$47,231 are related to relief court reporters, which are a result of vacancies.				
During this time period, there were no payments to temp employment agencies, however, in FY23, the Branch paid \$53,273, to help cover vacancies in Financial Services and the 1st JD Dist Court				