

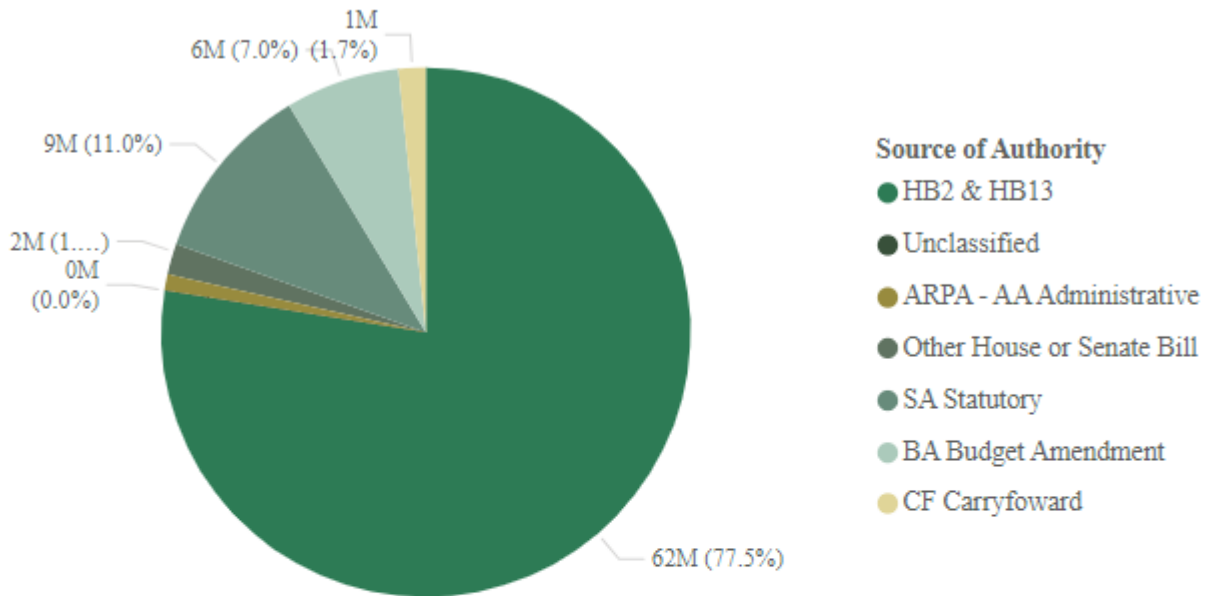
JUDICIAL BRANCH

(Spending report March 1 through May 31, 2024)

TOTAL APPROPRIATION AUTHORITY

The total appropriation authority for the Judicial Branch is shown in the pie chart below. HB 2 and HB 13 provide 77.5% 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	% Expended
ARPA	785,995	32,999	4.2%
Unclassified	6,374		
SA Statutory	8,779,790	2,511,259	28.6%
Other House or Senate Bill	1,507,500	65,307	4.3%
CF Carryforward	1,330,961	90,001	6.8%
BA Budget Amendment	5,588,385	1,278,597	22.9%
HB2 & HB13	62,115,823	46,508,192	74.9%
Total	80,114,828	50,486,356	63.0%

Budget Amendments

The Judicial Branch (Judiciary) budget for FY 2024 contains budget amended federal authority of \$5.6 million, and through May, has expended approximately \$1.3 million, or 22.9%, of the authority. The majority of the federal authority is set to expire in September 2024. This budget amendment authority supports:

- Substance abuse and mental health services within family, veteran, and adult drug treatment courts
- Data sharing between courts
- Expansion of Driving Under the Influence (DUI) Court and Veterans Treatment Court in the 13th Judicial District

Carryforward

The Judicial Branch has \$809,324 of carryforward authority from qualified unspent FY 2022 appropriations. Of this, \$655,000 is general fund, \$149,000 is state special revenue, and \$5,000 is federal special revenue. The agency also has an additional \$522,000 of FY 2023 carryforward authority that has been added into the system since the March 2024 IBC meeting.

Other House or Senate Bill

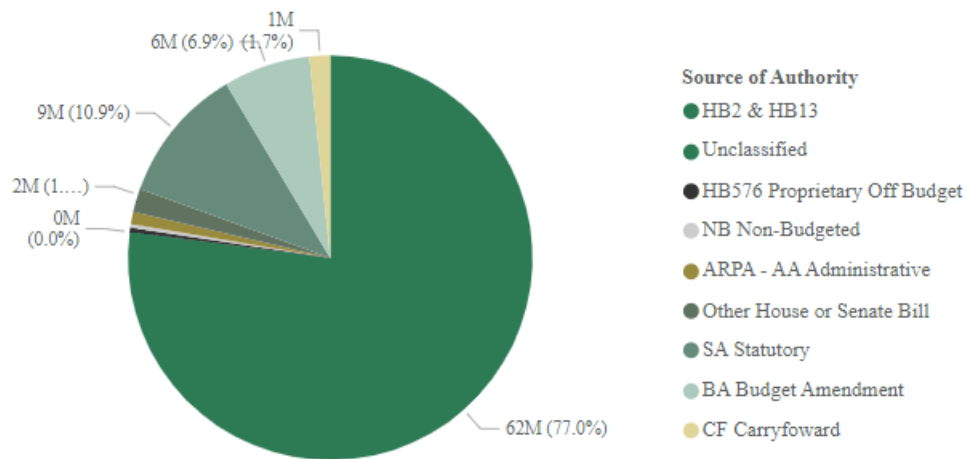
HB 16 authorizes \$225,000 to pay for the costs of training and hiring facilitators for the prehearing conferences for FY 2024. Only \$22,000 has been spent. This bill increases the statutory timeframe for holding Emergency Protective Services hearings from three days to five days.

HB 10 authorizes \$783,000 for the biennium for a courtroom remote appearance video system in the Judicial Branch. To date, \$43,000 of these funds have been spent. HB 10 authorizes another \$500,000 for security at court buildings. So far none of this authority has been spent, but a security analyst (with HB 2 funding) has done assessments of buildings and will make security improvement recommendations. The legislature can expect this spending to begin in FY 2025 as the recommendations are implemented.

EXPENDITURE AUTHORITY

The total expenditure authority for the agency is shown in the following pie chart. Total expenditure authority includes non-budgeted proprietary funding and non-budgeted expenditures such as transfers or indirect costs which are not included in the previous pie chart as the expenditures are not appropriated.

Modified Budget & Expended Budget by Source of Authority



Source of Authority	Modified Budget	Expended Budget	% Expended
HB2 & HB13	62,115,823	46,508,192	74.9%
BA Budget Amendment	5,588,385	1,278,597	22.9%
CF Carryforward	1,330,961	90,001	6.8%
HB576 Proprietary Off Budget	277,988	209,174	75.2%
NB Non-Budgeted	242,566	44,297	18.3%
Other House or Senate Bill	1,507,500	65,307	4.3%
SA Statutory	8,779,790	2,511,259	28.6%
Unclassified	6,374		
ARPA	785,995	32,999	4.2%
Total	80,635,382	50,739,827	62.9%

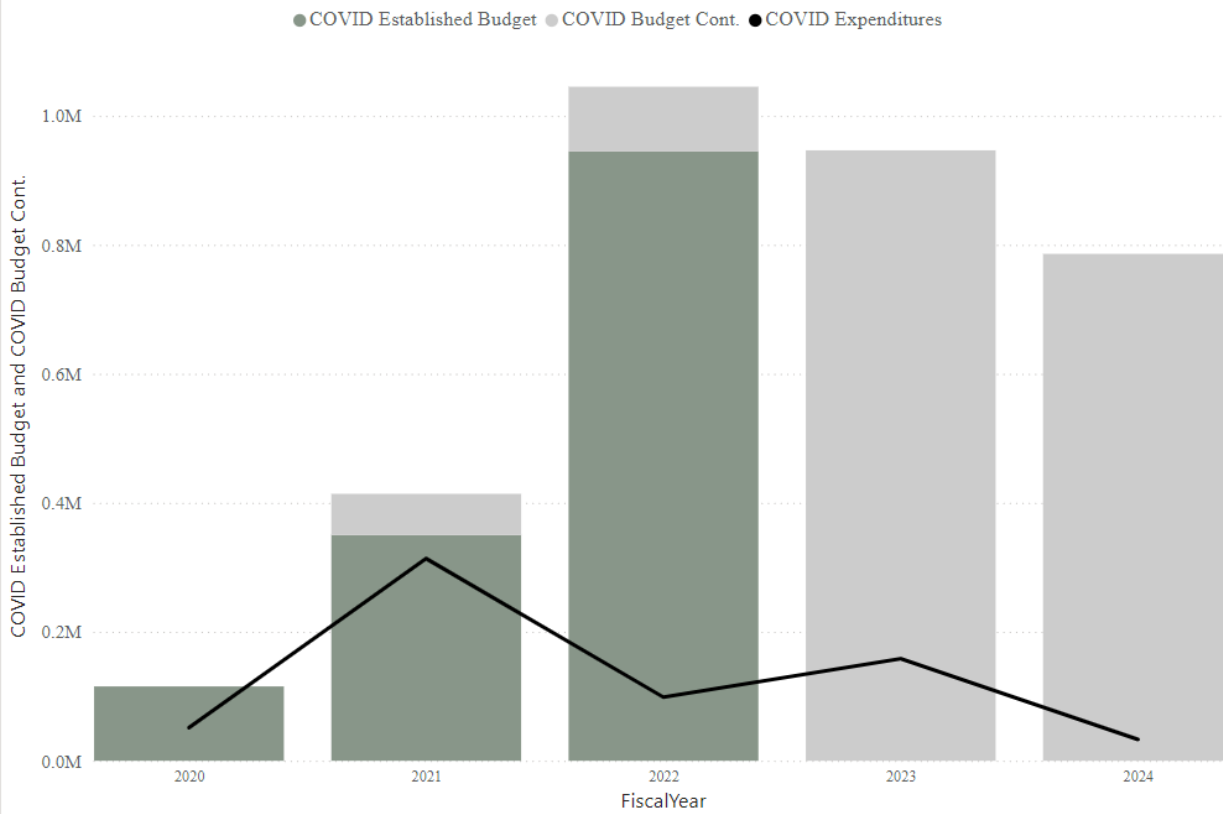
Non-budgeted proprietary funding

The Judiciary has \$278,000 in non-budgeted proprietary funding, which supports online search functions related to the Lexis system within the Law Library. Through May, the Judiciary expended \$209,000, or 75.2% of this authority.

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.

COVID Established Budget, COVID Continuing Budget, and COVID Expenditures by Fiscal Year



The authority from the American Rescue Plan Act (ARPA) funds are for the Simplify Family Law Resolution. These funds total \$786,000 and are 4.2% expended as of May 31, 2024, and provide a three-year pilot project to implement remote mediation services and streamline family law cases. The agency shifted some of what would have been ARPA funds to use HB 2 funding, allowing the ARPA program to be extended to December 31, 2026. See further discussion below. 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 March 1, 2024 through May 31, 2024. 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	HB 2 Budget	Modified Budget	Net Modifications
⊟ Judiciary	62,115,823	62,115,823	0
01 SUPREME COURT OPERATIONS	22,842,612	22,687,647	-154,965
03 LAW LIBRARY	951,337	951,337	
04 DISTRICT COURT OPERATIONS	35,041,801	35,196,766	154,965
05 WATER COURT	2,648,243	2,648,243	
06 CLERK OF COURT	631,829	631,829	
Total	62,115,823	62,115,823	0

Expenditure Type	HB 2 Budget	Modified Budget	Net Modifications
⊟ 61000 Personal Services	44,531,932	44,655,902	123,970
⊟ 62000 Operating Expenses	10,130,643	10,161,638	30,995
⊟ 63000 Equipment & Intangible Assets	183,116	183,116	
⊟ 66000 Grants	715,000	715,000	
⊟ 67000 Benefits & Claims	6,170,825	6,015,860	-154,965
⊟ 69000 Debt Service	384,307	384,307	
Total	62,115,823	62,115,823	0

Fund Type	HB 2 Budget	Modified Budget	Net Modifications
⊟ 01 General	58,251,685	58,251,685	0
⊟ 02 State/Other Spec Rev	3,484,840	3,484,840	0
⊟ 03 Fed/Other Spec Rev	379,298	379,298	
Total	62,115,823	62,115,823	0

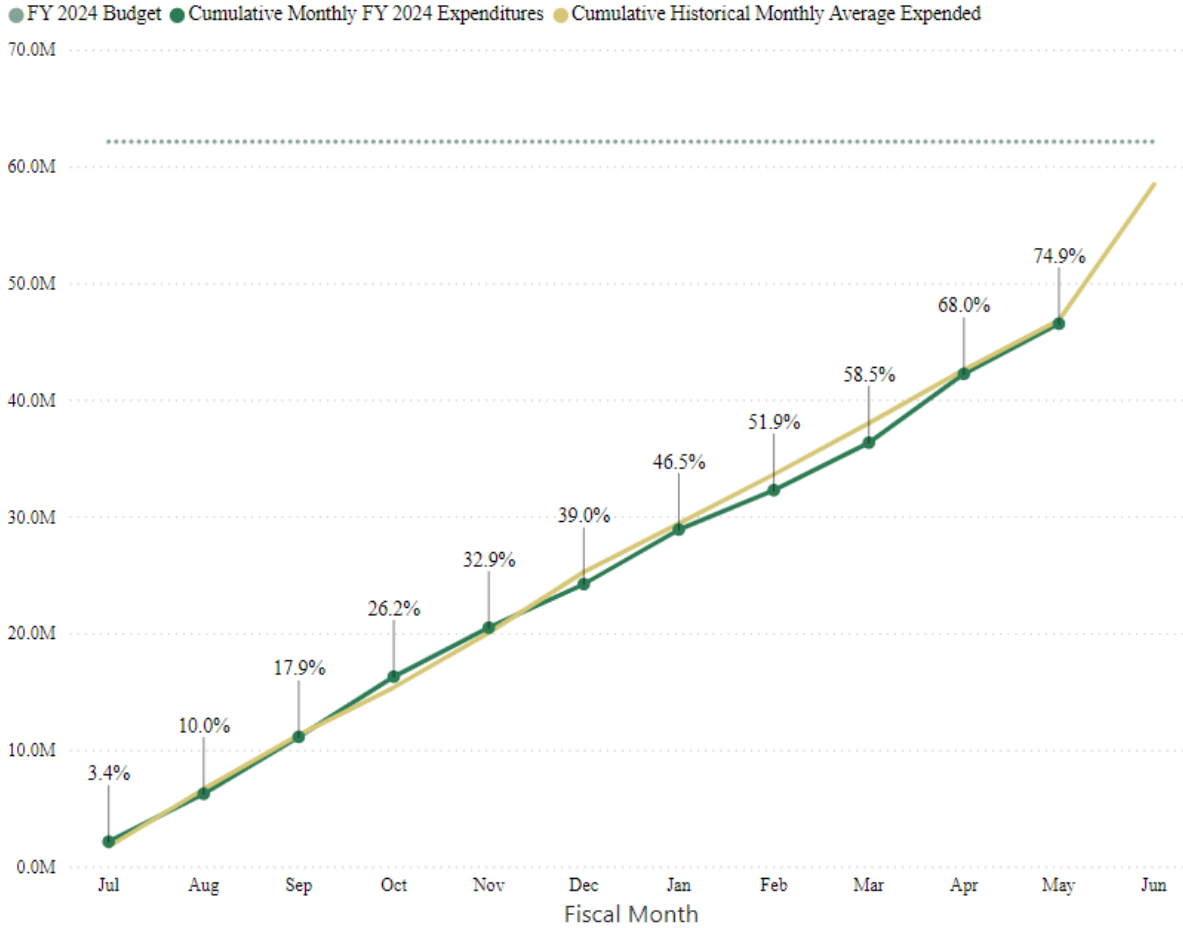
The Judicial Branch made three budget changes to their HB 2 modified budget between March 1, 2024, and May 31, 2024. The first was a program transfer which moved \$155,000 from the Supreme Court Operations to the District Court Operations to help cover anticipated higher jury trial costs and for Court Appointed Special Advocates/Guardian Ad Litem (CASA/GAL) funding which is estimated to have a cash shortfall. Within this program transfer, expenditure authority was also moved from benefits and claims expenditure authority to operating expense authority to properly record expenditures.

The two other budget changes were operating plan transfers that transferred a total of \$124,000 to personal services from operating expenditure authority. Part of this authority, \$49,000, will establish a 0.65 FTE modified position for a part-time drug court coordinator in the 4th Judicial District Juvenile Drug Court. This position has traditionally been contracted out, but the agency estimates that there will be cost saving efficiencies by hiring a modified position. The remaining authority, \$75,000, will be used to establish 1.00 modified FTE for a full-time family law resources administrator. This position is currently being funded with ARPA funding.

HB 2 APPROPRIATION AUTHORITY

The following chart shows the appropriated budget for the agency compared to expenditures through May 31, 2024.

Monthly Expenditures Compared to Historical Average



Program Name	Modified Budget	Expended Budget	% Expended
01 SUPREME COURT OPERATIONS	22,687,647	14,670,431	64.7%
03 LAW LIBRARY	951,337	752,351	79.1%
04 DISTRICT COURT OPERATIONS	35,196,766	28,307,828	80.4%
05 WATER COURT	2,648,243	2,260,857	85.4%
06 CLERK OF COURT	631,829	516,726	81.8%
Total	62,115,823	46,508,192	74.9%

Expenditure Type	Modified Budget	Expended Budget	% Expended
Personal Services	44,655,902	36,501,021	81.7%
Operating Expenses	10,161,638	7,346,143	72.3%
Equipment & Intangible Assets	183,116	131,619	71.9%
Grants	715,000	432,700	60.5%
Benefits & Claims	6,015,860	1,711,822	28.5%
Debt Service	384,307	384,887	100.2%
Total	62,115,823	46,508,192	74.9%

Fund Type	Modified Budget	Expended Budget	% Expended
01 General	58,251,685	43,929,419	75.4%
02 State/Other Spec Rev	3,484,840	2,444,474	70.1%
03 Fed/Other Spec Rev	379,298	134,299	35.4%
Total	62,115,823	46,508,192	74.9%

The Judicial Branch has expended 74.9% of its \$62.1 million HB 2 modified budget through May 31, 2024. Overall, this spending pattern tracks almost exactly with the five-year Olympic average. (see graph above)

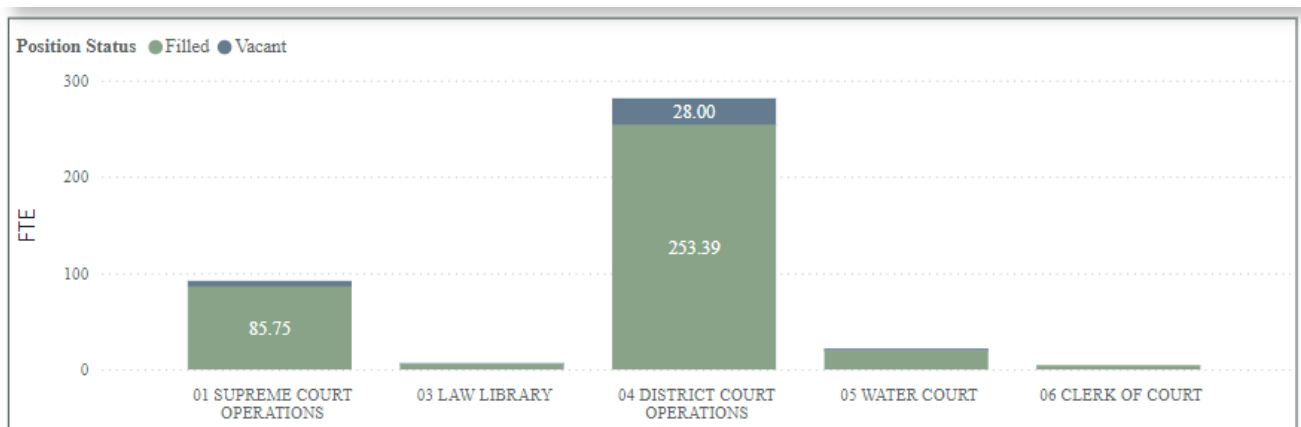
Only 28.5% of the \$6.3 million benefits and claims authority for juvenile placement funds has been spent through May 31, 2024. According to 41-5-2011, MCA, unspent juvenile placement funds are transferred at the end of the fiscal year to the youth court intervention and prevention account and can be spent in the next two fiscal years on prevention services for youth.

HB 2 Line Items:

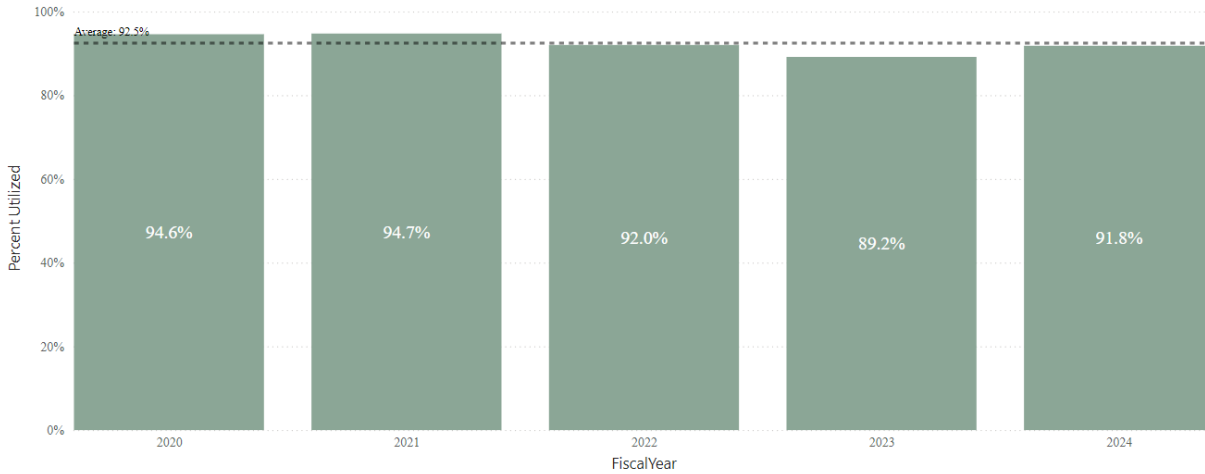
- The Judicial Branch was provided additional restricted state special revenue authority to fund 5.00 FTE and five drug courts in FY 2024, with an additional 3.00 FTE and three courts in FY 2025 (for a total of eight FTE) which are transitioning from federal grant funding. Of this \$406,000, or 35.0% has been spent, but three of these federal grants have been extended through September 2024, with a fourth having received a verbal extension waiting for formal documentation
- 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 fiscal year
- The Judicial Branch has spent \$68,000 or 22.8% of its \$300,000 one-time-only restricted general fund authority for the Continued Family Mediation Program. This authority is also biennial and can be spent in either fiscal years
- The Judicial Branch has spent 69.3% of its \$844,000 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 \$44.7 million and are 81.7% expended as of May 31, 2024. The department has 406.39 HB 2 FTE, not accounting for elected officials or aggregate positions, and 90.8% of these positions are filled as of May 1, 2024. This represents an increase of 5.30 vacant FTE from the March 2024 IBC meeting. There are also 61.00 FTE elected official (Judge) positions in this agency, with one being vacant. The following chart shows the filled and vacant non-elected FTE within the agency.



The chart below shows the yearly utilization percentage for the Judicial Branch between July 1 and May 1 for each fiscal year. Overall, in FY 2024, the department has utilized 91.8% of the hours budgeted for July through April, as shown in the chart below, which is slightly below the five-year average of 92.5%.



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 38.25 FTE that are vacant, 19.95 FTE have been vacant for more than 12 months. Half of those extended vacancies are for Deputy Juvenile Probation Officer I positions which have increased to ten openings from eight openings in March. Two treatment court positions have been filled since March, with only one more remaining vacant. An additional court stenographer position is vacant, for a total of three currently vacant. The chart below shows only 36.50 FTE vacant, but that is because that chart utilizes a data set with slightly different timing, so it shows a small difference.

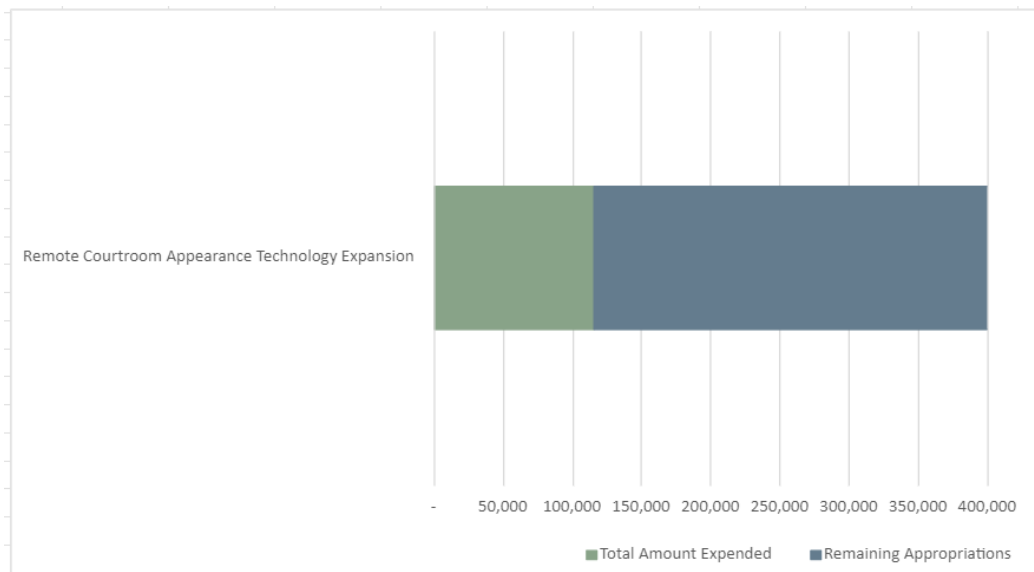
There has been a total of 55 positions that have turned over since the beginning of FY 2024. Of these positions, 42 have left employment with the state, seven have retired, and six individuals transferred to a different state agency.

Vacant Positions Report

	FTE	Median Months Vacant	Market Midpoint (Hourly)
⊖ 21100 JUDICIARY	36.50	8.43	29.76
⊖ 01 SUPREME COURT OPERATIONS	5.50	1.98	33.23
Accting/Fiscal Policy Analyst	1.00	1.97	36.56
InfoTech Support Spec I	1.00	0.72	30.96
Pro Bono Coordinator	1.00	3.97	35.50
Regional YC Financial Speciali	1.00	26.20	28.31
Self Help Law Facilitator	0.50	2.00	23.89
Treatment Court Coordinator	1.00	0.79	35.50
⊖ 03 LAW LIBRARY	0.75	27.90	19.99
Office Assistant III	0.75	27.90	19.99
⊖ 04 DISTRICT COURT OPERATIONS	28.00	10.92	29.76
Community Programs Specialist	1.80	1.57	28.45
Court Reporter-Steno	1.00	10.00	26.96
Deputy Juvenile Probation Off I	10.00	16.49	29.76
Elected Official - Admin	1.00	0.82	
Judicial Admin Assistant I	1.00	14.59	26.68
Law Clerk I	5.00	3.80	30.62
Office Assistant III	1.20	19.41	19.99
Official Court Rpt-Steno	3.00	12.75	26.96
Probation Program Assistant	1.00	35.08	23.62
Senior Law Clerk	2.00	1.77	38.52
Standing Master	1.00	22.33	56.30
⊖ 05 WATER COURT	2.25	8.43	18.89
Deputy Water Court Clerk	1.25	4.92	18.89
Water Master	1.00	28.36	56.30
Total	36.50	8.43	29.76

OTHER ISSUES (UPDATED MAY 22, 2024)

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 \$1.2 million general fund and as of May 31, 2024, \$115,000 had 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 approximately \$945,000 in HB 632 to streamline and expediate 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 second quarter of the 2024 biennium will be posted on the Section D IBC webpage with the June meeting materials as they are provided.