

Agency Biennium Comparison

The following table compares the 2021 biennium appropriated budget and the 2023 biennium budget request by type of expenditure and source of funding.

Agency Biennium Comparison				
Budget Item	Appropriated Budget 20-21	Requested Budget 22-23	Biennium Change	Biennium % Change
Personal Services	78,775,851	82,529,671	3,753,820	4.77 %
Operating Expenses	16,230,342	18,512,623	2,282,281	14.06 %
Equipment & Intangible Assets	311,219	366,232	55,013	17.68 %
Grants	1,013,497	1,380,000	366,503	36.16 %
Benefits & Claims	7,452,496	12,160,230	4,707,734	63.17 %
Transfers	4,389,895	0	(4,389,895)	(100.00)%
Debt Service	5,185	0	(5,185)	(100.00)%
Total Expenditures	\$108,178,485	\$114,948,756	\$6,770,271	6.26 %
General Fund	100,836,566	108,609,819	7,773,253	7.71 %
State/Other Special Rev. Funds	7,138,542	6,134,831	(1,003,711)	(14.06)%
Federal Spec. Rev. Funds	203,377	204,106	729	0.36 %
Total Funds	\$108,178,485	\$114,948,756	\$6,770,271	6.26 %
Total Ongoing	\$106,626,303	\$113,289,843	\$6,663,540	6.25 %
Total OTO	\$1,552,182	\$1,658,913	\$106,731	6.88 %

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.

Agency Highlights

Judicial Branch Major Budget Highlights
<p>The proposed Judicial Branch's 2023 biennium budget is \$6.8 million or 6.3% higher than the 2021 biennium. Significant changes include:</p> <ul style="list-style-type: none"> • An increase of 8.5 FTE in FY 2022 from FY 2021 and an increase of an additional 11.25 FTE in FY 2023 • Personal services increase of \$1.4 million in general fund included in statewide present law adjustments • Pre-trial program increases of \$1.7 million with 2.75 FTE associated with this increase as one-time-only • New judges and accompanying staff at a general fund cost of \$1.0 million with 2.00 FTE in FY 2022 and 8.00 FTE in FY 2023 associated with this increase • Drug courts funding of \$0.5 million in general fund with 0.75 FTE in FY 2022 and 6.00 FTE in FY 2023 associated with this increase

Agency Actuals and Budget Comparison

The following table compares the last full fiscal year actuals, previous biennium appropriations by year, and current annual biennium budget request by type of expenditure and source of funding.

Agency Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2020	Approp. Fiscal 2020	Approp. Fiscal 2021	Request Fiscal 2022	Request Fiscal 2023
FTE	0.00	454.69	454.69	463.19	474.44
Personal Services	37,497,137	39,028,075	39,747,776	40,922,232	41,607,439
Operating Expenses	7,791,594	8,126,179	8,104,163	9,224,981	9,287,642
Equipment & Intangible Assets	129,012	138,103	173,116	183,116	183,116
Grants	439,925	456,510	556,987	690,000	690,000
Benefits & Claims	1,341,980	1,518,366	5,934,130	6,013,625	6,146,605
Transfers	4,389,895	4,389,895	0	0	0
Debt Service	5,175	5,185	0	0	0
Total Expenditures	\$51,594,718	\$53,662,313	\$54,516,172	\$57,033,954	\$57,914,802
General Fund	48,378,965	50,107,385	50,729,181	53,865,302	54,744,517
State/Other Special Rev. Funds	3,136,193	3,453,478	3,685,064	3,066,701	3,068,130
Federal Spec. Rev. Funds	79,560	101,450	101,927	101,951	102,155
Total Funds	\$51,594,718	\$53,662,313	\$54,516,172	\$57,033,954	\$57,914,802
Total Ongoing	\$50,933,681	\$52,886,222	\$53,740,081	\$56,204,552	\$57,085,291
Total OTO	\$661,037	\$776,091	\$776,091	\$829,402	\$829,511

Agency Discussion

FY 2020 Appropriations Compared to FY 2020 Actual Expenditures

The Judicial Branch’s budget was 96.1% expended at fiscal year-end, leaving a balance of \$2.1 million. Of the balance, \$1.5 million was in personal services. This was in large part due to unspent authority in District Court Operations as a result of unspent authority in travel costs and a decrease in court costs during the COVID-19 shutdown.

Operating expenses are expended at 95.9% with \$335,000 in unspent authority. The majority of unspent authority is found in Supreme Court Operations and District Court Operations and can be attributed to unspent authority as a result of the COVID-19 shutdown. Equipment and intangible assets are expended at 93.4%. Benefits and claims were expended at 88.4% with approximately \$176,000 in unspent authority in drug treatment courts and Juvenile Delinquency Intervention Program (JDIP) administration.

FY 2020 Appropriations Compared to FY 2021 Appropriations

Appropriations are 1.6% higher from FY 2020 to FY 2021, the majority of which can be found in personal services and benefits and claims.

Comparison of FY 2021 Legislative Budget to FY 2021 Base

Figure 1 illustrates the beginning FY 2021 budget as adopted by the 2019 Legislature compared to the finalized FY 2021 base budget, which included modifications as approved by the approving authority (as authorized in statute) during the interim. The FY 2021 base budget was agreed upon by the executive and legislative branches to be the point from which any changes would be recorded for the 2023 biennium budgeting process.

Figure 1

FY 2021 Legislative Appropriations - Judicial Branch				
	Legislative Action	Executive Modifications per Statutory Authority	Executive Base	% Change from Legislative Action
01 SUPREME COURT OPERATIONS				
61000 Personal Services	7,617,671	39,549	7,657,220	0.5%
62000 Operating Expenses	5,170,316	(597,502)	4,572,814	-11.6%
63000 Equipment & Intangible Assets	8,885	-	8,885	0.0%
66000 Grants	100,000	-	100,000	0.0%
67000 Benefits & Claims	5,222,206	676,924	5,899,130	13.0%
01 SUPREME COURT OPERATIONS Total	18,119,078	118,971	18,238,049	0.7%
03 LAW LIBRARY				
61000 Personal Services	409,995	-	409,995	0.0%
62000 Operating Expenses	367,841	-	367,841	0.0%
63000 Equipment & Intangible Assets	88,221	-	88,221	0.0%
03 LAW LIBRARY Total	866,057	-	866,057	0.0%
04 DISTRICT COURT OPERATIONS				
61000 Personal Services	28,895,024	(39,549)	28,855,475	-0.1%
62000 Operating Expenses	2,805,289	(79,422)	2,725,867	-2.8%
63000 Equipment & Intangible Assets	67,723	-	67,723	0.0%
67000 Benefits & Claims	35,000	-	35,000	0.0%
04 DISTRICT COURT OPERATIONS Total	31,803,036	(118,971)	31,684,065	-0.4%
05 WATER COURT				
61000 Personal Services	2,127,007	(64,869)	2,062,138	-3.0%
62000 Operating Expenses	233,343	64,869	298,212	27.8%
63000 Equipment & Intangible Assets	8,287	-	8,287	0.0%
05 WATER COURT Total	2,368,637	-	2,368,637	0.0%
06 CLERK OF COURT				
61000 Personal Services	539,679	-	539,679	0.0%
62000 Operating Expenses	43,594	-	43,594	0.0%
06 CLERK OF COURT Total	583,273	-	583,273	0.0%
21100 JUDICIAL BRANCH Total	53,740,081	(0)	53,740,081	0.0%

Legislative action for the Judicial Branch includes base appropriations contained in HB 2, plus other appropriations passed by the 2019 Legislature that were designated to be included in the base. HB 654 appropriated \$250,000 in state special revenue for funding of treatment courts within the Supreme Court Operations and is included in the base for the coming biennium.

Executive budget modifications per statutory authority include the transfer of \$597,502 from operating expenses to benefits and claims within Supreme Court Operations, the majority of which is a result of the transfer of funds due to HB 111 for youth parole. Approximately \$79,000 was transferred from District Court Operations to Supreme Court Operations to adjust appropriation authority within court automation. Additionally, approximately \$40,000 in authority was moved from District Court Operations to Supreme Court Operations as a result of a transfer of 1.00 FTE from District Court Operations to Supreme Court Operations. Water Courts transferred approximately \$65,000 from personal services to operating expenses to adjust authority for year-end expenditures. Overall, the change in the budget in both Supreme Court Operations and District Court Operations was less than 1.0%.

Executive Request

The executive requests a 6.3% increase or \$6.8 million in total funding when compared the 2021 biennium. Increases include:

- A request for \$1.7 million over the biennium and 2.75 FTE for the pre-trial program in Supreme Court Operations as one-time-only
- A request for general fund authority of \$1.0 million for the biennium. This includes \$0.3 million for 2.00 FTE in FY 2022 and \$0.7 million for 8.00 FTE in FY 2023 for new judges and accompanying staff
- A request for \$0.3 million in general fund and 2.00 FTE for law clerks in the 14th and 15th judicial districts
- A proposal for \$118,000 and 1.00 FTE for an asbestos law clerk in Supreme Court Operations

Elected Official Request

As elected officials, the Judicial Branch may present to the legislature items not included in the executive budget. The Judicial Branch is not requesting consideration of any additional proposals.

5.0% Plan

Statute requires that agencies submit plans to reduce general fund and certain state special revenue funds by 5.0%. A summary of the entire 2021 biennium 5.0% plan submitted for this agency can be found on the [Section D subcommittee](#) page under Tab D "Materials".

The Judicial Branch included annual reductions of \$2.4 million in general fund and \$55,000 in state special revenue. The proposal to reduce expenditures in the general fund includes:

- Eliminate all general fund for alcohol and drug treatment court costs and administration
- Eliminate funds used for the evaluation of out-of-home placement
- Eliminate the reimbursement of jury fees and related costs in District Courts
- Eliminate the payment of court ordered evaluations, fitness to proceed evaluations and psychosexual evaluations in criminal cases in District Courts
- Reduction in amounts allocated to the Court Appointed Special Advocate (CASA) program annual contracts
- Reduction of operating expenses in the Clerk of Court
- Reduction in purchases of books and other library materials in the Law Library

State special revenue reductions include decreasing expenses related to drug court fees revenue and to other services such as supplies and materials and benefits to individuals.

COVID-19 Budget Interaction

As a result of the partial shutdown of the Montana court system and the governor's shelter-in-place directives beginning March 27, 2020 until May 4, 2020, many cases were delayed during this time. A delay in services as a result of COVID-19 provide a partial explanation to fund balances within the Judicial Branch at the end of FY 2020. District Court Operations had unspent authority in travel costs and a decrease in court costs during the COVID-19 shutdown. Services delayed during the COVID-19 shutdown will still need to be provided as the court system works through the backlog of cases created by the shutdown.

Agency Personal Services

In order to explain the factors influencing personal services changes, the proposed statewide personal services present law adjustment (DP 1) has been broken down into three categories, as follows:

1. Expected Changes - This category includes those adjustments explicitly approved by the legislature, such as expected changes to annualize personal services costs including FY 2021 statewide pay plan adjustments, changes to benefit rates, and longevity adjustments related to incumbents in each position at the time of the

- personal services snapshot, plus rate changes for workers' compensation and unemployment insurance.
2. Personal Services Management Decisions - Any agency management decisions that adjusted employee pay. This includes raises or position changes that may increase or reduce a budget, such as hiring FTE at a lower rate to replace retired senior staff, or moving FTE between programs.
 3. Modifications to the Personal Services Base Budget - Other modifications to the FY 2021 personal services base like operating plan transfers that occurred during the interim may impact the overall size of the personal services present law adjustment (DP 1)

The figure below shows the analysis of the executive budget for personal services compared to the expected personal services budget for each program.

Figure 2

Personal Services Present Law DP 1 - FY 2022				
Program	Expected Changes	Management Decisions	Budget Modifications	DP1 SWPL
01 SUPREME COURT OPERATIONS	102,615	(28,518)	-	74,097
03 LAW LIBRARY	31,703	(7,590)	-	24,113
04 DISTRICT COURT OPERATIONS	440,357	91,237	-	531,594
05 WATER COURT	9,987	32,892	64,869	107,748
06 CLERK OF COURT	(4,309)	7,612	-	3,303
Agency Total	\$ 580,352	\$ 95,634	\$ 64,869	\$ 740,855

Personal services were \$39.7 million or 72.9% of the agency's fiscal year 2021 appropriation. Budget modifications included a transfer of approximately \$65,000 from personal services to operating expenses in Water Courts Supervision to cover year end expenditures.

Expected changes make up \$580,000 of DP 1, of which approximately \$516,000 is a result of pay plan and elected official salary increases. The remaining expected changes are a result of changes in benefits and longevity within the agency. Personal services management decisions of \$96,000 are mainly a result of position changes within the agency and new FTE being hired on at a lower rate.

Funding

The following table shows proposed agency funding by source of authority.

Total Judicial Branch Funding by Source of Authority 2023 Biennium Budget Request - Judicial Branch						
Funds	HB2 Ongoing	HB2 OTO	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
General Fund	106,950,906	1,658,913	0	0	108,609,819	94.06 %
State Special Total	6,134,831	0	0	0	6,134,831	5.31 %
Federal Special Total	204,106	0	0	0	204,106	0.18 %
Proprietary Total	0	0	525,311	0	525,311	0.45 %
Other Total	0	0	0	0	0	0.00 %
Total All Funds	\$113,289,843	\$1,658,913	\$525,311	\$0	\$115,474,067	
Percent - Total All Sources	98.11 %	1.44 %	0.45 %	0.00 %		

The Judicial Branch is primarily supported by general fund. State special revenue supports specific functions, the largest of which is the Water Court. The water adjudication fund supports a little over half of the funding for the Water Court. Other sources of state special revenue include fines, fees, assessments for training events, and the youth court intervention and prevention account that derives revenue from the transfer of unexpended general fund juvenile placement funds. The branch receives a small amount of federal special revenues for grants supporting specific projects such as the Court Assessment Program.

Budget Summary by Category

The following table summarizes the total budget by base, present law adjustments, and new proposals. For a description of these categories, please see the [glossary](#).

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget
2021 Base Budget	50,729,181	50,729,181	101,458,362	93.42 %	53,740,081	53,740,081	107,480,162	93.50 %
SWPL Adjustments	1,734,025	1,824,703	3,558,728	3.28 %	1,831,777	1,924,088	3,755,865	3.27 %
PL Adjustments	20,854	20,854	41,708	0.04 %	20,854	20,854	41,708	0.04 %
New Proposals	1,381,242	2,169,779	3,551,021	3.27 %	1,441,242	2,229,779	3,671,021	3.19 %
Total Budget	\$53,865,302	\$54,744,517	\$108,609,819		\$57,033,954	\$57,914,802	\$114,948,756	

HB 2 Language

The executive is not proposing HB 2 language for the Judicial Branch.

Program Biennium Comparison

The following table compares the last full fiscal year actuals, previous biennium appropriations by year, and current annual biennium budget request by type of expenditure and source of funding.

Program Biennium Comparison				
Budget Item	Appropriated Budget 20-21	Requested Budget 22-23	Biennium Change	Biennium % Change
Personal Services	15,485,155	16,284,705	799,550	5.16 %
Operating Expenses	9,661,049	11,511,044	1,849,995	19.15 %
Equipment & Intangible Assets	17,770	17,770	0	0.00 %
Grants	1,013,497	1,380,000	366,503	36.16 %
Benefits & Claims	7,382,496	12,090,230	4,707,734	63.77 %
Transfers	4,389,895	0	(4,389,895)	(100.00)%
Debt Service	2,710	0	(2,710)	(100.00)%
Total Expenditures	\$37,952,572	\$41,283,749	\$3,331,177	8.78 %
General Fund	34,879,005	39,436,123	4,557,118	13.07 %
State/Other Special Rev. Funds	2,870,190	1,643,520	(1,226,670)	(42.74)%
Federal Spec. Rev. Funds	203,377	204,106	729	0.36 %
Total Funds	\$37,952,572	\$41,283,749	\$3,331,177	8.78 %
Total Ongoing	\$36,400,390	\$39,624,836	\$3,224,446	8.86 %
Total OTO	\$1,552,182	\$1,658,913	\$106,731	6.88 %

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.

The boards and commissions sub-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 sub-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

Supreme Court Operations Major Budget Highlights
<p>The proposed Supreme Court Operations Program's 2023 biennium budget is 8.8% or \$3.3 million higher than the 2021 biennium budget. Significant changes include:</p> <ul style="list-style-type: none"> • \$1.7 million over the biennium and 2.75 FTE for the pre-trial program as one-time-only • \$0.5 million over the biennium in general fund for drug courts with 0.75 FTE in FY 2022 and 6.00 FTE in FY 2023 associated with this increase • \$118,000 and 1.00 FTE for an asbestos law clerk

Program Actuals and Budget Comparison

The following table compares FY 2020 actual expenditures to the 2021 biennium appropriated budget and the 2023 biennium budget request by type of expenditure and source of funding.

Budget Item	Actuals Fiscal 2020	Approp. Fiscal 2020	Approp. Fiscal 2021	Request Fiscal 2022	Request Fiscal 2023
FTE	0.00	90.25	90.25	94.75	100.00
Personal Services	7,177,909	7,604,666	7,880,489	8,032,260	8,252,445
Operating Expenses	4,812,086	4,992,400	4,668,649	5,748,805	5,762,239
Equipment & Intangible Assets	0	8,885	8,885	8,885	8,885
Grants	439,925	456,510	556,987	690,000	690,000
Benefits & Claims	1,336,191	1,483,366	5,899,130	5,978,625	6,111,605
Transfers	4,389,895	4,389,895	0	0	0
Debt Service	2,711	2,710	0	0	0
Total Expenditures	\$18,158,717	\$18,938,432	\$19,014,140	\$20,458,575	\$20,825,174
General Fund	16,959,022	17,504,387	17,374,618	19,534,864	19,901,259
State/Other Special Rev. Funds	1,120,135	1,332,595	1,537,595	821,760	821,760
Federal Spec. Rev. Funds	79,560	101,450	101,927	101,951	102,155
Total Funds	\$18,158,717	\$18,938,432	\$19,014,140	\$20,458,575	\$20,825,174
Total Ongoing	\$17,497,680	\$18,162,341	\$18,238,049	\$19,629,173	\$19,995,663
Total OTO	\$661,037	\$776,091	\$776,091	\$829,402	\$829,511

Program Discussion -

FY 2020 Appropriations Compared to FY 2020 Actual Expenditures

Supreme Court Operations expended 95.9% of its \$18.9 million HB 2 modified budget in FY 2020. Personal services were 94.4% expended, operating expenses were expended at 96.4% and benefits and claims were 90.0% expended. A balance of approximately \$73,000 remained in drug treatment courts as well as a balance of approximately \$83,000 in JDIP administration. A portion of the balance for JDIP, or \$23,000, was a prior year refund from a treatment facility, which was reverted back to the general fund as required.

FY 2020 Appropriations Compared to FY 2021 Appropriations

The percentage change from FY 2020 appropriations to FY 2021 appropriations is 0.4%. This can be attributed mainly to changes in personal services and grants.

Comparison of FY 2021 Legislative Budget to FY 2021 Base

HB 654 appropriated \$250,000 in state special revenue for funding of treatment courts within the Supreme Court Operations, which is included in the base budget going forward. Executive budget modifications include the transfer of \$597,502 from operating expenses to benefits and claims within Supreme Court Operations, the majority of which is a result of the transfer of funds due to HB 111 for youth parole.

Executive Request

The executive proposes:

- An increase of 2.75 FTE and \$1.7 million general fund authority over the biennium as one-time-only, which includes 0.75 FTE pretrial program supervisor, 1.00 FTE and two 0.50 FTE public safety assessment coordinators
- A request for \$118,000 in general fund authority and 1.00 FTE for an Asbestos Law Clerk to carry out duties related to asbestos claims

Pretrial Diversion Program State Special Revenue Account

The state special revenue fund established in MCA 17-2-102 funds a pilot project in five counties to analyze the costs and benefits of the following: the risk associated with an offender being released into the community prior to the offender's trial date and the potential or actual savings in jail costs for not having the offender incarcerated during that time. Figure 3 shows the balance of the pretrial diversion state special revenue account.

Figure 3

Judicial Branch Pretrial Diversion Program - 02374						
	Actuals FY 2018	Actuals FY 2019	Actuals FY 2020	Appropriated FY 2021	Proposed FY 2022	Proposed FY 2023
Beginning Fund Balance	\$0	\$0	\$1,553,000	\$891,963	\$835,956	\$720,084
Revenues	0	1,553,000	0	0	0	0
Expenditures						
Personal Services	0	0	183,867	38,546		
Operating Expenses	0	0	37,245	7,056		
Grants	0	0	439,925	10,405		
Total Expenditures	0	0	661,037	56,007	115,872	115,872
Ending Fund Balance	\$0	\$1,553,000	\$891,963	\$835,956	\$720,084	\$604,212

The Pretrial Diversion Program was established in the 2017 Legislature. The fund balance in FY 2020 was approximately \$892,000. It has a projected fund balance in FY 2023 of approximately \$604,000.

Program Personal Services

Personal services in Supreme Court Operations increase by 5.2% or \$0.8 million when compared to the 2021 biennium. Changes in personal services include elected official salary adjustments and statutory pay increases.

Funding

The following table shows proposed program funding by source of authority.

Judicial Branch, 01-Supreme Court Operations Funding by Source of Authority						
Funds	HB2 Ongoing	HB2 OTO	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
01100 General Fund	37,777,210	1,658,913	0	0	39,436,123	95.52 %
02151 YthCrt Intervention?evention	485,884	0	0	0	485,884	29.56 %
02399 Judicial Education Conferences	122,770	0	0	0	122,770	7.47 %
02536 Legal Assistance	241,710	0	0	0	241,710	14.71 %
02961 State Grants to Drug Courts	293,156	0	0	0	293,156	17.84 %
02373 Treatment Court Support Acct	500,000	0	0	0	500,000	30.42 %
02374 Pretrial Diversion Program	0	0	0	0	0	0.00 %
State Special Total	\$1,643,520	\$0	\$0	\$0	\$1,643,520	3.98 %
03136 State Justice Institute Grant	0	0	0	0	0	0.00 %
03153 Court Improvement Prg Grants	0	0	0	0	0	0.00 %
03165 Coronavirus Federal Relief	0	0	0	0	0	0.00 %
03240 Court Assessment Program	204,106	0	0	0	204,106	100.00 %
03352 NCHIP-MBCC Grant	0	0	0	0	0	0.00 %
Federal Special Total	\$204,106	\$0	\$0	\$0	\$204,106	0.49 %
Proprietary Total	\$0	\$0	\$0	\$0	\$0	0.00 %
Total All Funds	\$39,624,836	\$1,658,913	\$0	\$0	\$41,283,749	

General fund supports most costs of the program. State special revenue supports administration of juvenile delinquency intervention prevention (JDIP), training for judges from conference fees, legal assistance for indigent victims of domestic violence from court filing fees primarily from dissolution of marriage filings, and grants to drug courts from drug court fees charged to participants. Statutory appropriations for the youth court intervention and prevention account are not presented in the above table.

Program Budget Summary by Category

The following table summarizes the total budget by base, present law adjustments, and new proposals. For a description of these categories, please see the [glossary](#).

Budget Summary by Category								
Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget
2021 Base Budget	17,374,618	17,374,618	34,749,236	88.12 %	18,238,049	18,238,049	36,476,098	88.35 %
SWPL Adjustments	1,169,921	1,184,105	2,354,026	5.97 %	1,170,201	1,184,589	2,354,790	5.70 %
PL Adjustments	20,854	20,854	41,708	0.11 %	20,854	20,854	41,708	0.10 %
New Proposals	969,471	1,321,682	2,291,153	5.81 %	1,029,471	1,381,682	2,411,153	5.84 %
Total Budget	\$19,534,864	\$19,901,259	\$39,436,123		\$20,458,575	\$20,825,174	\$41,283,749	

Present Law Adjustments

The "Present Law" Adjustments table shows the changes from the base appropriation to the proposed budget. "Statewide Present Law" adjustments (DP 1, DP 2, DP 3) are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies.

Present Law Adjustments	-----Fiscal 2022-----					-----Fiscal 2023-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	73,893	0	204	74,097	0.00	95,380	0	341	95,721
DP 2 - Fixed Costs	0.00	1,100,379	256	0	1,100,635	0.00	1,091,452	256	0	1,091,708
DP 3 - Inflation Deflation	0.00	(4,351)	0	(180)	(4,531)	0.00	(2,727)	0	(113)	(2,840)
DP 9 - Rent Increase	0.00	20,854	0	0	20,854	0.00	20,854	0	0	20,854
Grand Total All Present Law Adjustments	0.00	\$1,190,775	\$256	\$24	\$1,191,055	0.00	\$1,204,959	\$256	\$228	\$1,205,443

*"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The executive requests adjustments to the present law personal services budget. This request has been broken into the following categories, and further detail is shown in the agency summary:

- Expected changes
- Personal services management decisions
- Modifications made to the personal services budget in the 2021 biennium

DP 2 - Fixed Costs -

The executive requests adjustments to provide the funding required in the proposed budget to pay increases in fixed costs assessed by other agencies within state government for the services they provide. Examples include: warrant writer, motor pool, etc. The rates charged for these services are approved in the section of the budget that provides the services.

DP 3 - Inflation Deflation -

The executive requests adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.

DP 9 - Rent Increase -

This request is for additional general fund of \$20,854 in FY 2022 and \$20,854 in FY 2023 to cover an increase in lease payments for office space. The increase in rent became effective in December 2020. The previous lease was in effect from 2002 and expired November 2019. The next increase will not be until December 2025.

New Proposals

The New Proposals table shows new changes to spending

New Proposals	-----Fiscal 2022-----					-----Fiscal 2023-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 5 - Funding for Expiring Grant Funded Drug Courts	0.75	79,794	60,000	0	139,794	6.00	434,695	60,000	0	494,695
DP 6 - Pretrial Program OTO	2.75	829,402	0	0	829,402	2.75	829,511	0	0	829,511
DP 8 - Asbestos Court, Law Clerk	1.00	60,275	0	0	60,275	1.00	57,476	0	0	57,476
Total	4.50	\$969,471	\$60,000	\$0	\$1,029,471	9.75	\$1,321,682	\$60,000	\$0	\$1,381,682

***Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 5 - Funding for Expiring Grant Funded Drug Courts -

The proposal requests \$514,488 in general fund authority, \$120,000 in state special revenue fund authority and 6.00 FTE (9 months of funding for one full-time position in FY 2022 and 12 months funding for one position, 9 months funding for three positions and 6 months funding for two positions in FY 2023) for expiring grant funded drug courts. State special revenue fund authority in the amount of \$60,000 in each fiscal year is needed to allow drug courts the ability to pay for drug court related expenditures with participant fees.

DP 6 - Pretrial Program OTO -

This proposal is for 2.75 FTE and \$1,658,913 general fund authority over the biennium. Funding and resources were allocated to the Judicial Branch during the 2017 regular session and 2019 session as one-time-only. The 2.75 FTE requested each year includes 0.75 FTE for a pretrial program supervisor, 1.00 FTE and two 0.50 FTE for public safety assessment coordinators. This program is to assist all parts of the criminal justice system with the handling of persons arrested and held in jail in seven pilot counties (Yellowstone, Missoula, Butte Silver Bow, Lewis & Clark, Lake, Flathead, and Cascade).

LFD COMMENT	<u>One-Time-Only Funding for the Pretrial Program</u> Funding for the Pretrial Program was provided in the 2017 regular session and the 2019 session as one-time-only. The agency is asking for 2.75 FTE and additional funding in the 2023 biennium. The Judicial Branch requested the Pretrial Program as one-time-only because the program is still considered to be a pilot program. The agency is still collecting data to determine the long-term outcome of the pretrial program. Recently, the COVID-19 impact to the court system has made assessing the pretrial programs impacts challenging. The agency is requesting two more years of funding to fully vet the program and its impact on pretrial detention and long-term defendant success.
--------------------	---

DP 8 - Asbestos Court, Law Clerk -

The executive request is for \$117,751 in general fund authority and 1.00 FTE. Section 3-20-102, MCA provides for staff required to carry out duties related to asbestos claims. FTE and related startup costs are being requested for an Asbestos Court law clerk.

Program Biennium Comparison

The following table compares the last full fiscal year actuals, previous biennium appropriations by year, and current annual biennium budget request by type of expenditure and source of funding.

Program Biennium Comparison				
Budget Item	Appropriated Budget 20-21	Requested Budget 22-23	Biennium Change	Biennium % Change
Personal Services	820,409	868,821	48,412	5.90 %
Operating Expenses	697,368	735,619	38,251	5.49 %
Equipment & Intangible Assets	204,442	176,442	(28,000)	(13.70)%
Debt Service	635	0	(635)	(100.00)%
Total Expenditures	\$1,722,854	\$1,780,882	\$58,028	3.37 %
General Fund	1,722,854	1,780,882	58,028	3.37 %
Total Funds	\$1,722,854	\$1,780,882	\$58,028	3.37 %
Total Ongoing	\$1,722,854	\$1,780,882	\$58,028	3.37 %
Total OTO	\$0	\$0	\$0	0.00 %

Program Description

The State Law Library of Montana (22-1-501, MCA, et seq) 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. More electronic licenses are acquired each year, which frequently replace hard copies. This allows the library to get the information more quickly to the customer and to conserve its available shelf space for books and other printed material. The library's space, equipment, and technology are maintained in a manner that will ensure operational efficiency, improve collection preservation, and respond to requirements for accessibility of users and staff.

Library staff provide extensive 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. Seventy-five percent of the people the Law Library assists are nonlawyers who cannot afford attorneys. The Library also operates a Court-Help Center.

Program Highlights

Law Library Major Budget Highlights
The proposed Law Library's 2023 biennium budget request is \$58,000 or 3.4% higher than the 2021 biennium. Significant changes include additional appropriations of \$49,000 as part of statewide present law adjustments in personal services.

Program Actuals and Budget Comparison

The following table compares FY 2020 actual expenditures to the 2021 biennium appropriated budget and the 2023 biennium budget request by type of expenditure and source of funding.

Program Actuals and Budget Comparison						
Budget Item	Actuals Fiscal 2020	Approp. Fiscal 2020	Approp. Fiscal 2021	Request Fiscal 2022	Request Fiscal 2023	
FTE	0.00	6.75	6.75	6.75	6.75	6.75
Personal Services	410,413	410,414	409,995	434,108	434,713	
Operating Expenses	327,534	329,527	367,841	367,802	367,817	
Equipment & Intangible Assets	116,016	116,221	88,221	88,221	88,221	
Debt Service	631	635	0	0	0	
Total Expenditures	\$854,594	\$856,797	\$866,057	\$890,131	\$890,751	
General Fund	854,594	856,797	866,057	890,131	890,751	
Total Funds	\$854,594	\$856,797	\$866,057	\$890,131	\$890,751	
Total Ongoing	\$854,594	\$856,797	\$866,057	\$890,131	\$890,751	
Total OTO	\$0	\$0	\$0	\$0	\$0	

Program Discussion -

FY 2020 Appropriations Compared to FY 2020 Actual Expenditures

The Law Library expended 99.7% of its \$857,000 HB 2 modified budget. Personal services were 100.0% expended, operating expenses were 99.4% expended, and equipment and intangible assets were 99.8% expended.

FY 2020 Appropriations Compared to FY 2021 Appropriations

The percentage change from FY 2020 appropriations to FY 2021 appropriations is 1.1%. This can be attributed mainly to an increase in operating expenses.

Executive Request

The executive requests \$49,000 as part of statewide present law adjustments in personal services.

Program Personal Services

Personal services in the Law Library increase by 5.9% or \$48,000 when compared to the 2021 biennium. Personal services increases include management decisions for broadband pay increases for staff.

Funding

The following table shows proposed program funding by source of authority.

Judicial Branch, 03-Law Library Funding by Source of Authority						
Funds	HB2 Ongoing	HB2 OTO	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
01100 General Fund	1,780,882	0	0	0	1,780,882	77.22 %
State Special Total	\$0	\$0	\$0	\$0	\$0	0.00 %
03165 Coronavirus Federal Relief	0	0	0	0	0	0.00 %
Federal Special Total	\$0	\$0	\$0	\$0	\$0	0.00 %
06019 Lexis Proprietary Account	0	0	525,311	0	525,311	100.00 %
Proprietary Total	\$0	\$0	\$525,311	\$0	\$525,311	22.78 %
Total All Funds	\$1,780,882	\$0	\$525,311	\$0	\$2,306,193	

HB 2 funding for the Law Library is entirely general fund. The Law Library also operates an enterprise type proprietary funded program for which the legislature does not approve rates. For further information refer to the Proprietary Rate narrative for the Law Library.

Program Budget Summary by Category

The following table summarizes the total budget by base, present law adjustments, and new proposals. For a description of these categories, please see the [glossary](#).

Budget Summary by Category								
Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget
2021 Base Budget	866,057	866,057	1,732,114	97.26 %	866,057	866,057	1,732,114	97.26 %
SWPL Adjustments	24,074	24,694	48,768	2.74 %	24,074	24,694	48,768	2.74 %
PL Adjustments	0	0	0	0.00 %	0	0	0	0.00 %
New Proposals	0	0	0	0.00 %	0	0	0	0.00 %
Total Budget	\$890,131	\$890,751	\$1,780,882		\$890,131	\$890,751	\$1,780,882	

Present Law Adjustments

The "Present Law" Adjustments table shows the changes from the base appropriation to the proposed budget. "Statewide Present Law" adjustments (DP 1, DP 2, DP 3) are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies.

Present Law Adjustments										
	-----Fiscal 2022-----					-----Fiscal 2023-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	24,113	0	0	24,113	0.00	24,718	0	0	24,718
DP 3 - Inflation Deflation	0.00	(39)	0	0	(39)	0.00	(24)	0	0	(24)
Grand Total All Present Law Adjustments	0.00	\$24,074	\$0	\$0	\$24,074	0.00	\$24,694	\$0	\$0	\$24,694

*"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The executive requests adjustments to the present law personal services budget. This request has been broken into the following categories, and further detail is shown in the agency summary:

- Expected changes
- Personal services management decisions
- Modifications made to the personal services budget in the 2021 biennium

DP 3 - Inflation Deflation -

The executive requests adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.

Other Issues -

Proprietary Rates

Lexis Proprietary Account 06019

Proprietary Program Description

The Law Library contracts with an online provider for access to a legal database and in turn bills public and private entities for their usage.

Revenues and Expenditures

The following 2023 Biennium Report on Internal Service and Enterprise Funds shows the actual and projected costs and related revenues associated with the fund.

2023 Biennium Report on Internal Service and Enterprise Funds							
Fund	Fund Name	Agency #	Agency Name	Program Name			
06019	Law Lib Lexis Proprietary Acct	21100	Judicial Branch	Law Library			
		Actual FY 18	Actual FY 19	Actual FY 20	Estimated FY 21	Proposed FY 22	Proposed FY 23
Operating Revenues							
Fees and Charges							
	Charges for Services	\$218,926	\$231,187	\$247,465	\$254,782	\$262,426	\$270,299
Total Operating Revenues		218,926	231,187	247,465	254,782	262,426	270,299
Expenses							
	Personal Services	213,938	222,025	246,767	254,071	261,693	269,544
	Other Operating Expenses	989	1,276	1,172	1,224	1,224	1,224
Total Operating Expense		214,927	223,301	247,939	255,295	262,917	270,768
Operating Income (Loss)		4,988	11,162	689	711	733	755
Change in Net Position		5,977	12,438	1,870	1,935	1,957	1,979
Beginning Net Position - July 1							
	Prior Period Adjustments	28,334	34,311	46,749	48,619	50,554	52,511
	Change in Net Position	5,977	12,438	1,870	1,935	1,957	1,979
Ending Net Position - June 30		\$34,311	\$46,749	\$48,619	\$50,554	\$52,511	\$54,490

Expenses

There are two expenditures for the Lexis proprietary account: 1) an allocation for statewide indirect cost pool; and 2) charges for searches and research of the online database.

Rate(s) and 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.

Request Rates for Internal Service or Enterprise Funds			
Fee/Rate Information			
Estimated FY 20	Estimated FY 21	Proposed FY 22	Proposed FY 22
Fee Description: Actual Cost	Actual Cost	Actual Cost	Actual Cost

Program Biennium Comparison

The following table compares the last full fiscal year actuals, previous biennium appropriations by year, and current annual biennium budget request by type of expenditure and source of funding.

Program Biennium Comparison				
Budget Item	Appropriated Budget 20-21	Requested Budget 22-23	Biennium Change	Biennium % Change
Personal Services	57,338,537	59,945,993	2,607,456	4.55 %
Operating Expenses	5,157,234	5,584,960	427,726	8.29 %
Equipment & Intangible Assets	67,723	155,446	87,723	129.53 %
Benefits & Claims	70,000	70,000	0	0.00 %
Debt Service	1,110	0	(1,110)	(100.00)%
Total Expenditures	\$62,634,604	\$65,756,399	\$3,121,795	4.98 %
General Fund	61,142,180	64,253,521	3,111,341	5.09 %
State/Other Special Rev. Funds	1,492,424	1,502,878	10,454	0.70 %
Total Funds	\$62,634,604	\$65,756,399	\$3,121,795	4.98 %
Total Ongoing	\$62,634,604	\$65,756,399	\$3,121,795	4.98 %
Total OTO	\$0	\$0	\$0	0.00 %

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 49 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
<p>The proposed District Court Operations' 2023 biennium budget request is \$3.1 million or 5.0% higher than the 2021 biennium. Significant changes include:</p> <ul style="list-style-type: none"> • General fund authority of \$1.0 million over the biennium including \$0.3 million for 2.00 FTE in FY 2022 and \$0.7 million for 8.00 FTE in FY 2023 for new judges and accompanying staff • \$0.3 million in general fund and 2.00 FTE for law clerks in the 14th and 15th judicial districts

Program Actuals and Budget Comparison

The following table compares FY 2020 actual expenditures to the 2021 biennium appropriated budget and the 2023 biennium budget request by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2020	Approp. Fiscal 2020	Approp. Fiscal 2021	Request Fiscal 2022	Request Fiscal 2023
FTE	0.00	327.69	327.69	331.69	337.69
Personal Services	27,456,989	28,483,062	28,855,475	29,742,996	30,202,997
Operating Expenses	2,282,581	2,431,367	2,725,867	2,767,879	2,817,081
Equipment & Intangible Assets	0	0	67,723	77,723	77,723
Benefits & Claims	5,789	35,000	35,000	35,000	35,000
Debt Service	1,106	1,110	0	0	0
Total Expenditures	\$29,746,465	\$30,950,539	\$31,684,065	\$32,623,598	\$33,132,801
General Fund	29,110,286	30,209,863	30,932,317	31,872,159	32,381,362
State/Other Special Rev. Funds	636,179	740,676	751,748	751,439	751,439
Total Funds	\$29,746,465	\$30,950,539	\$31,684,065	\$32,623,598	\$33,132,801
Total Ongoing	\$29,746,465	\$30,950,539	\$31,684,065	\$32,623,598	\$33,132,801
Total OTO	\$0	\$0	\$0	\$0	\$0

Program Discussion -

FY 2020 Appropriations Compared to FY 2020 Actual Expenditures

District Court Operations expended 96.1% of its \$31.0 million HB 2 modified budget in FY 2020. Personal services were 96.4% expended, operating expenses were 93.9% expended. Unspent authority in District Court Operations was a result of unspent authority in travel costs and a decrease in court costs during the COVID-19 shutdown.

Benefits and claims were 16.5% expended as a result of unspent state special revenue authority in youth probation fees. This is slightly lower than the four-year average percent expended of 38.4%.

FY 2020 Appropriations Compared to FY 2021 Appropriations

The percentage change from FY 2020 appropriations to FY 2021 appropriations is 2.4%. This includes approximately a \$372,000 increase in personal services, a \$295,000 increase in operating expenses, and a \$68,000 increase in equipment and intangible assets.

Comparison of FY 2021 Legislative Budget to FY 2021 Base

Funding in the amount of \$79,422 was transferred from District Court Operations to Supreme Court Operations to adjust appropriation authority within court automation. Additionally, approximately \$40,000 in authority was moved from District Court Operations to Supreme Court Operations as a result of a transfer of 1.00 FTE.

Executive Request

The executive proposes:

- A request for \$1.0 million over the biennium including \$0.3 million for 2.00 FTE in FY 2022 and \$0.7 million for 8.00 FTE in FY 2023 for new judges and accompanying staff
- A request for \$0.3 million in general fund and 2.00 FTE for law clerks in the 14th and 15th judicial districts

Program Personal Services

Personal services in the District Court Operations increase by 4.6% or \$2.6 million when compared to the 2021 biennium. Personal services increases include \$440,000 in expected changes and \$91,000 in management decisions including elected official salary increases in FY 2022.

Funding

The following table shows proposed program funding by source of authority.

Judicial Branch, 04-District Court Operations Funding by Source of Authority							
Funds	HB2 Ongoing	HB2 OTO	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	64,253,521	0	0	0	64,253,521	97.71 %	
02141 Fines & Fees Fund	172,924	0	0	0	172,924	11.51 %	
02562 Crt Appointed Special Advocate	1,329,954	0	0	0	1,329,954	88.49 %	
State Special Total	\$1,502,878	\$0	\$0	\$0	\$1,502,878	2.29 %	
03077 Drug Trmt Court Fed Res 13VTC	0	0	0	0	0	0.00 %	
03078 Drug Trmt Court Fed Res 13Adlt	0	0	0	0	0	0.00 %	
03114 Drug Trmt Crt Fed Res JD1/SW	0	0	0	0	0	0.00 %	
03117 Drug Trmt Court Fed Res SW	0	0	0	0	0	0.00 %	
03165 Coronavirus Federal Relief	0	0	0	0	0	0.00 %	
03373 Drug Trmt Court Fed Res JD7	0	0	0	0	0	0.00 %	
03154 Drug Trmt Crt Fed Res JD8	0	0	0	0	0	0.00 %	
03040 Drug Trmt Crt Fed Res JD5	0	0	0	0	0	0.00 %	
03455 Drug Trmt Court Fed Res JD20	0	0	0	0	0	0.00 %	
03432 Drug Trmt Court Fed Res JD4	0	0	0	0	0	0.00 %	
03434 Fam Trmt Court JD11 Flathead	0	0	0	0	0	0.00 %	
Federal Special Total	\$0	\$0	\$0	\$0	\$0	0.00 %	
Proprietary Total	\$0	\$0	\$0	\$0	\$0	0.00 %	
Total All Funds	\$65,756,399	\$0	\$0	\$0	\$65,756,399		

Most of the funding for District Court Operations comes from the general fund. State special revenues supporting the program comes from court-imposed fines and fees. Figure 4 shows the fund balance for the Court Appointed Special Advocate (CASA) state special revenue account.

Figure 4

Judicial Branch Court Appointed Special Advocate - 02562						
	Actuals FY 2018	Actuals FY 2019	Actuals FY 2020	Appropriated FY 2021	Proposed FY 2022	Proposed FY 2023
Beginning Fund Balance	\$0	\$0	\$43,804	\$23,097	\$ (150,544)	\$ (150,521)
Revenues	768,252	758,150	580,473	500,000	665,000	665,000
Expenditures						
Operating Expenses	<u>768,252</u>	<u>714,346</u>	<u>601,180</u>	<u>673,641</u>	<u>664,977</u>	<u>664,977</u>
Total Expenditures	768,252	714,346	601,180	673,641	664,977	664,977
Ending Fund Balance	\$0	\$43,804	\$23,097	\$ (150,544)	\$ (150,521)	\$ (150,498)

LFD COMMENT Court Appointed Special Advocate Account Shows Negative Fund Balance

The fund balance for Court Appointed Special Advocate state special revenue account shows a negative fund balance of approximately \$151,000 in FY 2021. The agency is aware of this fund balance and will pay the balance of costs for the Court Appointed Special Advocate (CASA)/Guardian Ad Litem (GAL) with general fund as required. A GAL is statutorily required to be appointed for each child abuse and neglect case.

Program Budget Summary by Category

The following table summarizes the total budget by base, present law adjustments, and new proposals. For a description of these categories, please see the [glossary](#).

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget
2021 Base Budget	30,932,317	30,932,317	61,864,634	96.28 %	31,684,065	31,684,065	63,368,130	96.37 %
SWPL Adjustments	528,071	600,948	1,129,019	1.76 %	527,762	600,639	1,128,401	1.72 %
PL Adjustments	0	0	0	0.00 %	0	0	0	0.00 %
New Proposals	411,771	848,097	1,259,868	1.96 %	411,771	848,097	1,259,868	1.92 %
Total Budget	\$31,872,159	\$32,381,362	\$64,253,521		\$32,623,598	\$33,132,801	\$65,756,399	

Present Law Adjustments

The "Present Law" Adjustments table shows the changes from the base appropriation to the proposed budget. "Statewide Present Law" adjustments (DP 1, DP 2, DP 3) are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies.

	-----Fiscal 2022-----					-----Fiscal 2023-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	531,594	0	0	531,594	0.00	603,157	0	0	603,157
DP 3 - Inflation Deflation	0.00	(3,523)	0	0	(3,523)	0.00	(2,209)	0	0	(2,209)
Grand Total All Present Law Adjustments	0.00	\$528,071	\$0	\$0	\$528,071	0.00	\$600,948	\$0	\$0	\$600,948

**"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The executive requests adjustments to the present law personal services budget. This request has been broken into the following categories, and further detail is shown in the agency summary:

- Expected changes
- Personal services management decisions
- Modifications made to the personal services budget in the 2021 biennium

DP 3 - Inflation Deflation -

The executive requests adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.

New Proposals

The New Proposals table shows new changes to spending

New Proposals	-----Fiscal 2022-----					-----Fiscal 2023-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 4 - New Judge & Staff in the 18th and 11th	2.00	269,898	0	0	269,898	8.00	711,824	0	0	711,824
DP 7 - Law Clerks in the 14th & 15th Judicial Districts	2.00	141,873	0	0	141,873	2.00	136,273	0	0	136,273
Total	4.00	\$411,771	\$0	\$0	\$411,771	10.00	\$848,097	\$0	\$0	\$848,097

*"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 4 - New Judge & Staff in the 18th and 11th -

This proposal is for general fund authority of \$269,898 for 2.00 FTE in FY 2022 and \$711,824 for 8.00 FTE in FY 2023 for new judges and accompanying staff. The proposal addresses the judicial caseload growth in the 18th Judicial District (Gallatin County) and the 11th Judicial District (Flathead County). The proposal seeks to add a new judge and related staff in the 18th Judicial District by January 2022 and a new judge and related staff in the 11th Judicial District by January 2023. The FTE in FY 2022 includes a judge, judicial assistant, law clerk and court reporter in the 18th Judicial District for 6 months of the year. The FTE in FY 2023 includes the four positions for the 18th Judicial District for a full year and a judge, judicial assistant, law clerk and court reporter in the 11th Judicial District for 6 months.

DP 7 - Law Clerks in the 14th & 15th Judicial Districts -

This proposal requests \$278,146 in general fund and 2.00 FTE. Minimum staffing for every judge includes a judicial assistant, a court reporter, and a law clerk. Currently, the 14th Judicial District (Golden Valley, Meagher, Musselshell, and Wheatland counties) and the 15th Judicial District (Daniels, Roosevelt, and Sheridan counties) do not have a law clerk. The request includes a 1.00 FTE law clerk for each Judicial District.

Program Biennium Comparison

The following table compares the last full fiscal year actuals, previous biennium appropriations by year, and current annual biennium budget request by type of expenditure and source of funding.

Program Biennium Comparison				
Budget Item	Appropriated Budget 20-21	Requested Budget 22-23	Biennium Change	Biennium % Change
Personal Services	4,058,261	4,343,315	285,054	7.02 %
Operating Expenses	628,239	593,854	(34,385)	(5.47)%
Equipment & Intangible Assets	21,284	16,574	(4,710)	(22.13)%
Total Expenditures	\$4,707,784	\$4,953,743	\$245,959	5.22 %
General Fund	1,931,856	1,965,310	33,454	1.73 %
State/Other Special Rev. Funds	2,775,928	2,988,433	212,505	7.66 %
Total Funds	\$4,707,784	\$4,953,743	\$245,959	5.22 %
Total Ongoing	\$4,707,784	\$4,953,743	\$245,959	5.22 %
Total OTO	\$0	\$0	\$0	0.00 %

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 Courts Supervision Major Budget Highlights
Water Courts Supervision proposed 2023 biennium budget request is \$246,000 or 5.3% higher than the 2021 biennium budget. Changes to the budget are all included as statewide present law adjustments in personal services.

Program Actuals and Budget Comparison

The following table compares FY 2020 actual expenditures to the 2021 biennium appropriated budget and the 2023 biennium budget request by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2020	Approp. Fiscal 2020	Approp. Fiscal 2021	Request Fiscal 2022	Request Fiscal 2023
FTE	0.00	24.50	24.50	24.50	24.50
Personal Services	1,918,170	1,996,123	2,062,138	2,169,886	2,173,429
Operating Expenses	329,701	330,027	298,212	296,927	296,927
Equipment & Intangible Assets	12,996	12,997	8,287	8,287	8,287
Total Expenditures	\$2,260,867	\$2,339,147	\$2,368,637	\$2,475,100	\$2,478,643
General Fund	880,988	958,940	972,916	981,598	983,712
State/Other Special Rev. Funds	1,379,879	1,380,207	1,395,721	1,493,502	1,494,931
Total Funds	\$2,260,867	\$2,339,147	\$2,368,637	\$2,475,100	\$2,478,643
Total Ongoing	\$2,260,867	\$2,339,147	\$2,368,637	\$2,475,100	\$2,478,643
Total OTO	\$0	\$0	\$0	\$0	\$0

Program Discussion -

FY 2020 Appropriations Compared to FY 2020 Actual Expenditures

Water Courts Supervision expended 96.7% of its \$2.3 million HB 2 modified budget in FY 2020. Personal services were expended at 96.1% while operating expenses and equipment and intangible assets were fully expended.

FY 2020 Appropriations Compared to FY 2021 Appropriations

The percentage change from FY 2020 appropriations to FY 2021 appropriations is 1.3%, mainly as a result of an increase in personal services.

Comparison of FY 2021 Legislative Budget to FY 2021 Base

Water Courts Supervision transferred approximately \$65,000 from personal services to operating expenses to adjust authority for year end expenditures.

Executive Request

Water Courts Supervision is requesting an increase in statewide present law adjustments for personal services.

Program Personal Services

Personal services in Water Courts Supervision increase by 7.0% or \$285,000 when compared to the 2021 biennium. Personal services increases include expected changes and broadband pay increases. Budget modifications include a transfer of approximately \$65,000 from personal services to operating expenses in Water Courts Supervision to cover year end expenditures.

Funding

The following table shows proposed program funding by source of authority.

Judicial Branch, 05-Water Court Funding by Source of Authority						
Funds	HB2 Ongoing	HB2 OTO	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
01100 General Fund	1,965,310	0	0	0	1,965,310	39.67 %
02431 Water Adjudication	2,988,433	0	0	0	2,988,433	100.00 %
State Special Total	\$2,988,433	\$0	\$0	\$0	\$2,988,433	60.33 %
Federal Special Total	\$0	\$0	\$0	\$0	\$0	0.00 %
Proprietary Total	\$0	\$0	\$0	\$0	\$0	0.00 %
Total All Funds	\$4,953,743	\$0	\$0	\$0	\$4,953,743	

General fund provides a little over a third of the funding for Water Court Supervision. The remaining funding is from the water adjudication state special revenue account.

Program Budget Summary by Category

The following table summarizes the total budget by base, present law adjustments, and new proposals. For a description of these categories, please see the [glossary](#).

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget
2021 Base Budget	972,916	972,916	1,945,832	99.01 %	2,368,637	2,368,637	4,737,274	95.63 %
SWPL Adjustments	8,682	10,796	19,478	0.99 %	106,463	110,006	216,469	4.37 %
PL Adjustments	0	0	0	0.00 %	0	0	0	0.00 %
New Proposals	0	0	0	0.00 %	0	0	0	0.00 %
Total Budget	\$981,598	\$983,712	\$1,965,310		\$2,475,100	\$2,478,643	\$4,953,743	

Present Law Adjustments

The "Present Law" Adjustments table shows the changes from the base appropriation to the proposed budget. "Statewide Present Law" adjustments (DP 1, DP 2, DP 3) are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies.

Present Law Adjustments										
	-----Fiscal 2022-----					-----Fiscal 2023-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	8,682	99,066	0	107,748	0.00	10,796	100,495	0	111,291
Grand Total All Present Law Adjustments	0.00	\$8,682	\$99,066	\$0	\$107,748	0.00	\$10,796	\$100,495	\$0	\$111,291

*"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The executive requests adjustments to the present law personal services budget. This request has been broken into the following categories, and further detail is shown in the agency summary:

- Expected changes
- Personal services management decisions
- Modifications made to the personal services budget in the 2021 biennium

Program Biennium Comparison

The following table compares the last full fiscal year actuals, previous biennium appropriations by year, and current annual biennium budget request by type of expenditure and source of funding.

Program Biennium Comparison				
Budget Item	Appropriated Budget 20-21	Requested Budget 22-23	Biennium Change	Biennium % Change
Personal Services	1,073,489	1,086,837	13,348	1.24 %
Operating Expenses	86,452	87,146	694	0.80 %
Debt Service	730	0	(730)	(100.00)%
Total Expenditures	\$1,160,671	\$1,173,983	\$13,312	1.15 %
General Fund	1,160,671	1,173,983	13,312	1.15 %
Total Funds	\$1,160,671	\$1,173,983	\$13,312	1.15 %
Total Ongoing	\$1,160,671	\$1,173,983	\$13,312	1.15 %
Total OTO	\$0	\$0	\$0	0.00 %

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.

Program Highlights

Clerk of Court Major Budget Highlights
Clerk of the Court's proposed 2023 biennium budget request is \$13,000 or 1.2% higher than the 2021 biennium budget and is entirely made up of present law adjustments.

Program Actuals and Budget Comparison

The following table compares FY 2020 actual expenditures to the 2021 biennium appropriated budget and the 2023 biennium budget request by type of expenditure and source of funding.

Program Actuals and Budget Comparison						
Budget Item	Actuals Fiscal 2020	Approp. Fiscal 2020	Approp. Fiscal 2021	Request Fiscal 2022	Request Fiscal 2023	
FTE	0.00	5.50	5.50	5.50	5.50	5.50
Personal Services	533,656	533,810	539,679	542,982		543,855
Operating Expenses	39,692	42,858	43,594	43,568		43,578
Debt Service	727	730	0	0		0
Total Expenditures	\$574,075	\$577,398	\$583,273	\$586,550		\$587,433
General Fund	574,075	577,398	583,273	586,550		587,433
Total Funds	\$574,075	\$577,398	\$583,273	\$586,550		\$587,433
Total Ongoing	\$574,075	\$577,398	\$583,273	\$586,550		\$587,433
Total OTO	\$0	\$0	\$0	\$0		\$0

Program Discussion -

FY 2020 Appropriations Compared to FY 2020 Actual Expenditures

Clerk of Court expended 99.4% of its \$577,000 HB 2 modified budget in FY 2020. Personal services were nearly 100.0% expended. Operating expenses were expended at 92.6%.

FY 2020 Appropriations Compared to FY 2021 Appropriations

The percentage change from FY 2020 appropriations to FY 2021 appropriations is 1.0%, mainly as a result of an increase in personal services.

Executive Request

The Clerk of Court is requesting increases in statewide present law adjustments.

Program Personal Services

Personal services in the Clerk of Court increase by 1.2% or \$13,000 when compared to the 2021 biennium. Personal services increases include expected changes and broadband pay increases.

Funding

The following table shows proposed program funding by source of authority.

Judicial Branch, 06-Clerk of Court Funding by Source of Authority						
Funds	HB2 Ongoing	HB2 OTO	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
01100 General Fund	1,173,983	0	0	0	1,173,983	100.00 %
State Special Total	\$0	\$0	\$0	\$0	\$0	0.00 %
Federal Special Total	\$0	\$0	\$0	\$0	\$0	0.00 %
Proprietary Total	\$0	\$0	\$0	\$0	\$0	0.00 %
Total All Funds	\$1,173,983	\$0	\$0	\$0	\$1,173,983	

The Clerk of Court Program is funded entirely from general fund.

Program Budget Summary by Category

The following table summarizes the total budget by base, present law adjustments, and new proposals. For a description of these categories, please see the [glossary](#).

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget
2021 Base Budget	583,273	583,273	1,166,546	99.37 %	583,273	583,273	1,166,546	99.37 %
SWPL Adjustments	3,277	4,160	7,437	0.63 %	3,277	4,160	7,437	0.63 %
PL Adjustments	0	0	0	0.00 %	0	0	0	0.00 %
New Proposals	0	0	0	0.00 %	0	0	0	0.00 %
Total Budget	\$586,550	\$587,433	\$1,173,983		\$586,550	\$587,433	\$1,173,983	

Present Law Adjustments

The "Present Law" Adjustments table shows the changes from the base appropriation to the proposed budget. "Statewide Present Law" adjustments (DP 1, DP 2, DP 3) are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies.

Present Law Adjustments	-----Fiscal 2022-----					-----Fiscal 2023-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	3,303	0	0	3,303	0.00	4,176	0	0	4,176
DP 3 - Inflation Deflation	0.00	(26)	0	0	(26)	0.00	(16)	0	0	(16)
Grand Total All Present Law Adjustments	0.00	\$3,277	\$0	\$0	\$3,277	0.00	\$4,160	\$0	\$0	\$4,160

**"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The executive requests adjustments to the present law personal services budget. This request has been broken into the following categories, and further detail is shown in the agency summary:

- Expected changes
- Personal services management decisions
- Modifications made to the personal services budget in the 2021 biennium

DP 3 - Inflation Deflation -

The executive requests adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.