

JUDICIAL BRANCH

Section D

JOINT SUBCOMMITTEE OF HOUSE APPROPRIATIONS AND SENATE FINANCE AND CLAIMS COMMITTEES

-----Agencies-----

Judicial Branch
Dept. of Justice
Public Service Commission

Office of Public Defender
Dept. of Corrections

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Agency Base Budget Comparison

The following table compares the base budget with the requested expenditures for the upcoming biennium by type of expenditure and source of funding.

Agency Base Budget Comparison					
Budget Item	Base Budget	Requested Budget		Biennium Change from Base	
	FY 2025	FY 2026	FY 2027	Amount	Percent
PB	470.39	479.89	486.89	16.50	1.8%
General Fund	59,204,945	64,557,161	65,701,077	11,848,348	10.0%
State/Other Special Rev. Funds	3,909,014	3,522,980	3,186,594	(1,108,454)	(14.2%)
Federal Spec. Rev. Funds	378,273	378,800	378,800	1,054	0.1%
Total Funds	63,492,232	68,458,941	69,266,471	10,740,948	8.5%
Personal Services	46,431,930	48,379,945	49,197,731	4,713,816	5.1%
Operating Expenses	10,232,683	12,444,756	12,476,907	4,456,297	21.8%
Equipment & Intangible Assets	183,116	291,699	183,116	108,583	29.6%
Grants	100,000	715,000	715,000	1,230,000	615.0%
Benefits & Claims	6,160,196	6,228,321	6,228,321	136,250	1.1%
Debt Service	384,307	399,220	465,396	96,002	12.5%
Total Expenditures	63,492,232	68,458,941	69,266,471	10,740,948	8.5%
Total Ongoing	63,492,232	68,058,941	69,266,471	10,340,948	8.1%
Total One-Time-Only	1,143,971	400,000		(1,887,942)	(82.5%)

Agency Highlights

Judicial Branch Major Budget Highlights
<p>The 2027 biennium HB 2 request for the Judicial Branch is \$10.7 million or 8.5% higher than FY 2025 base budget appropriations. Significant changes include:</p> <ul style="list-style-type: none"> • \$3.9 million in statewide present law adjustments to personal services and fixed costs • \$2.5 million for three new judge positions and accompanying staff for a total of 6.00 PB in FY 2026 and 12.00 PB in FY 2027 • \$1.7 million to continue the pre-trial diversion program in 8 counties • \$1.5 million to support contract increases for software programs

Executive Request

The following table shows the total executive request with the base budget and the statewide present law adjustments, present law adjustments, and new proposals by source of funding.

Judicial Branch 2027 Biennium Base Budget and Requested Adjustments										
	FY 2026					FY 2027				
	General Fund	State Special	Federal Special	Total Funds	% of Budget Request	General Fund	State Special	Federal Special	Total Funds	% of Budget Request
Base Budget	59,204,945	3,909,014	378,273	63,492,232	92.7%	59,204,945	3,909,014	378,273	63,492,232	91.7%
Statewide PL										
Personal Services	928,549	74,689	527	1,003,765	1.5%	999,548	80,086	527	1,080,161	1.6%
Fixed Costs	947,656	(1,450)	0	946,206	1.4%	878,138	(1,450)	0	876,688	1.3%
Inflation Deflation	(5,116)	0	0	(5,116)	(0.0%)	(3,459)	0	0	(3,459)	(0.0%)
Total Statewide PL	1,871,089	73,239	527	1,944,855	2.8%	1,874,227	78,636	527	1,953,390	2.8%
Present Law (PL)	612,691	50,000	0	662,691	1.0%	930,691	50,000	0	980,691	1.4%
New Proposals	2,868,436	(509,273)	0	2,359,163	3.4%	3,691,214	(851,056)	0	2,840,158	4.1%
Total HB 2 Adjustments	5,352,216	(386,034)	527	4,966,709	7.3%	6,496,132	(722,420)	527	5,774,239	8.3%
Total Requested Budget	64,557,161	3,522,980	378,800	68,458,941		65,701,077	3,186,594	378,800	69,266,471	

Statewide Present Law Adjustment for Personal Services

In order to explain the factors influencing personal services changes, the proposed statewide personal services present law adjustment (DP1) has been broken down into three categories, as follows:

- Legislative changes - This category includes adjustments explicitly approved by the legislature, such as, changes to benefit rates, longevity adjustments required by statute, and changes in rates for workers' compensation and unemployment insurance
- Management changes - This category includes agency management decisions that adjust personal services related to changes in pay. This includes changes such as hiring positions budgeted (PB) at a lower rate to replace senior staff and broadband pay adjustments for recruitment and retention
- Budget modifications - This category includes other modifications to the FY 2025 personal services base budget such as management decisions to transfer personal services funding between programs within an agency or movement of personal services funding to or from another expenditure category (e.g. moving funding from operating expenses to personal services)

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

Judicial Branch FY 2026 Statewide Present Law Adjustment for Personal Services - DP1				
Program	Legislative Changes	Management Decisions	Budget Modifications	Total DP1
01 Supreme Court Operations	\$164,180	\$210,686	(\$50,920)	\$323,946
03 Law Library	2,940	6,978	-	9,918
04 District Court Operations	265,969	354,525	-	620,494
05 Water Court	11,732	79,516	-	91,248
06 Clerk of Court	(20,121)	(21,720)	-	(41,841)
Total	\$424,700	\$629,985	(\$50,920)	\$1,003,765

Statewide present law adjustments to personal services total \$1.0 million in FY 2026 and nearly \$1.1 million in FY 2027. Increases are primarily the result of legislatively outlined pay changes for judges and judicial employees, rehiring vacant positions at different rates than when the position became vacant, changes in the number of overall vacant positions, pay adjustments for recruitment and retention, and other pay adjustments for employees.

Additionally, the branch is requesting 10.00 additional PB in FY 2026 and 17.00 in FY 2027. The majority of these positions relate to new judges and staff in Yellowstone County and are staggered so that some of these staff will start in FY 2026 and some in FY 2027. Total personal service authority for all requested staff is \$2.6 million for the biennium.

Funding

The following table shows proposed agency funding for all sources of authority.

Total Judicial Branch Funding by Source of Authority 2027 Biennium Budget Request						
Funds	HB2 Ongoing	HB2 OTO	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
01100 General Fund	130,258,238				130,258,238	94.2%
02431 Water Adjudication	3,430,865	400,000			3,830,865	2.8%
02562 Crt Appointed Special Advocate	1,327,898				1,327,898	1.0%
02961 State Grants to Drug Courts	573,030				573,030	0.4%
02373 Treatment Court Support Acct	491,890				491,890	0.4%
02536 Legal Assistance	258,774				258,774	0.2%
Other State Special Revenue	227,117				227,117	0.2%
State Special Revenue Total	6,309,574	400,000	-	-	6,709,574	4.9%
03240 Court Assessment Program	757,600				757,600	0.5%
Federal Special Revenue Total	757,600	-	-	-	757,600	0.5%
06019 Lexis Proprietary Account			570,522		570,522	0.4%
Proprietary Fund Total	-	-	570,522	-	570,522	0.4%
Total of All Funds	137,325,412	400,000	570,522	-	138,295,934	
Percent of All Sources of Authority	99.3%	0.3%	0.4%	0.0%		

The Judicial Branch is primarily supported by general fund in HB 2 at 94.2%. State special revenue authority supports specific functions, the largest of which is the Water Court with the water adjudication fund supporting over half of the funding for this court. Other sources of state special revenue include fines, fees, assessments for training events, and statutory authority from the youth court intervention and prevention account which receives revenue from the transfer of unexpended general fund juvenile placement funds. This statutory authority is not appropriated in HB 2.

Additionally, the branch receives a small amount of federal funding for grants supporting specific projects such as the Court Improvement Program. Some state special revenue will be described in more detail in different program sections below.

Agency Actuals and Budget Comparison

The following table compares FY 2024 actual expenditures, FY 2024 and FY 2025 appropriations, and the expenditures requested for FY 2026 and FY 2027 by type of expenditure and source of funding.

Agency Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2024	Approp. Fiscal 2024	Approp. Fiscal 2025	Request Fiscal 2026	Request Fiscal 2027
PB	0.00	470.39	470.39	479.89	486.89
Personal Services	41,566,986	44,732,958	46,708,177	48,379,945	49,197,731
Operating Expenses	8,626,282	10,427,671	10,485,407	12,444,756	12,476,907
Equipment & Intangible Assets	245,841	250,141	183,116	291,699	183,116
Grants	642,616	715,000	715,000	715,000	715,000
Benefits & Claims	949,970	1,440,268	6,160,196	6,228,321	6,228,321
Transfers	4,389,895	4,389,895	0	0	0
Debt Service	384,887	384,889	384,307	399,220	465,396
Total Expenditures	\$56,806,477	\$62,340,822	\$64,636,203	\$68,458,941	\$69,266,471
General Fund	53,669,958	58,476,684	60,348,916	64,557,161	65,701,077
State/Other Special Rev. Funds	2,994,157	3,484,840	3,909,014	3,522,980	3,186,594
Federal Spec. Rev. Funds	142,362	379,298	378,273	378,800	378,800
Total Funds	\$56,806,477	\$62,340,822	\$64,636,203	\$68,458,941	\$69,266,471
Total Ongoing	\$55,811,169	\$61,096,998	\$63,492,232	\$68,058,941	\$69,266,471
Total OTO	\$995,308	\$1,243,824	\$1,143,971	\$400,000	\$0

Agency Description

The Judicial Branch's (branch) 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.

Article III, Section I, and Article VII of the Montana Constitution authorizes the Judicial Branch. There are five programs within the branch: 1) Supreme Court Operations; 2) Law Library; 3) District Court Operations; 4) Water Court Supervision; and 5) Clerk of the Supreme Court.

Please refer to the agency profile at [Judicial Branch - Montana Legislature](#) for additional information about the agency's organization structure, historical expenditures, goals and objectives, and recent studies and audits.

FY 2024 Appropriation Compared to FY 2024 Actual Expenditures

In FY 2024, the Judicial Branch expended \$56.8 million or approximately 91.3% of its modified, ongoing HB 2 budget. Overall, this is slightly lower than the previous five-year average of 94.2%. Personal services were 95.1% expended, and operating expenses were 89.4% expended comprising the largest unexpended balances. Within operating expenses, there were two restricted line-item appropriations from the 2023 Session that provided for extending family mediation practices and for correctional program checklist evaluations. Authority of \$325,000 was 30.2% expended. These two line-items were provided biennially and can be spent in FY 2025 as well.

Additionally, within the Court Improvement Program, total authority of \$340,000 was 30.4% expended at the end of the fiscal year. In FY 2024, unexpended balances from HB 2 and other bill authority totaled approximately \$5.5 million of which 87.0% was general fund.

FY 2024 Appropriations Compared to FY 2025 Appropriations

When compared to FY 2024 appropriations, amounts in FY 2025 reflect an increase of \$2.3 million or 3.6%. These increases are almost entirely seen within personal service authority. FY 2025 contains additional HB 13 pay plan authority of \$1.6 million and an additional 3.00 PB for three additional drug courts that transitioned from federal grant funding to the state's dollar. Five courts transitioned in FY 2024 with three additional courts in FY 2025. The extra authority for these staff over FY 2024 totaled just over \$250,000.

Shifts between benefits & claims and transfers are due to statute which requires that remaining appropriation authority not utilized for juvenile placements be transferred to the youth court intervention and prevention state special revenue fund. In FY 2024, \$4.4 million was moved from benefits and claims to transfers. The amount of the transfer for FY 2025 will be determined in June 2025 and is not reflected in the preceding table.

Comparison of FY 2025 Legislative Budget to FY 2025 Base

The figure below illustrates the beginning FY 2025 budget as adopted by the 2023 Legislature compared to the FY 2025 base budget, which includes modifications as approved by the approving authority (as authorized in statute) during the interim. The FY 2025 base budget was agreed upon by the Office of Budget and Program Planning and the Fiscal Division to be the point from which any changes would be recorded for the 2027 biennium budgeting process.

Judicial Branch				
Comparison of the FY 2025 Legislative Budget to the FY 2025 Base Budget				
	Legislative Budget	Executive Modifications	Base Budget	% Change
01 SUPREME COURT OPERATIONS				
61000 Personal Services	9,722,985	(8,899)	9,714,086	-0.1%
62000 Operating Expenses	6,791,390	(213,563)	6,577,827	-3.1%
63000 Equipment & Intangible Assets	8,885		8,885	0.0%
66000 Grants	100,000		100,000	0.0%
67000 Benefits & Claims	6,294,225	(169,029)	6,125,196	-2.7%
69000 Debt Service		176,707	176,707	100.0%
Total	22,917,485	(214,784)	22,702,701	-0.9%
03 LAW LIBRARY				0.0%
61000 Personal Services	509,356		509,356	0.0%
62000 Operating Expenses	382,409		382,409	0.0%
63000 Equipment & Intangible Assets	88,221		88,221	0.0%
Total	979,986		979,986	0.0%
04 DISTRICT COURT OPERATIONS				0.0%
61000 Personal Services	33,102,743	59,819	33,162,562	0.2%
62000 Operating Expenses	2,978,282	154,965	3,133,247	5.2%
63000 Equipment & Intangible Assets	77,723		77,723	0.0%
67000 Benefits & Claims	35,000		35,000	0.0%
Total	36,193,748	214,784	36,408,532	0.6%
05 WATER COURT				0.0%
61000 Personal Services	2,437,155		2,437,155	0.0%
62000 Operating Expenses	302,164	(207,600)	94,564	-68.7%
63000 Equipment & Intangible Assets	8,287		8,287	0.0%
69000 Debt Service		207,600	207,600	100.0%
Total	2,747,606	-	2,747,606	0.0%
06 CLERK OF COURT				0.0%
61000 Personal Services	608,771		608,771	0.0%
62000 Operating Expenses	44,636		44,636	0.0%
Total	653,407		653,407	0.0%
Agency Total	63,492,232	-	63,492,232	0.0%

The Judicial Branch made a few modifications during the 2025 interim that affected the structure of the FY 2025 base budget for the 2027 biennium. More significant modifications performed are as follows:

- 1.00 PB and authority to cover higher jury trial costs was moved from Supreme Court Operations to District Court Operations
- A change was made within the Water Court to record lease expenses as debt services
- Other small changes to tie out account balances at fiscal-year-end (FYE)

Montana Drug Treatment Courts

There are currently over 40 drug treatment courts in the State of Montana that act as specialized court dockets, or portions of judges' calendars of cases, that generally target nonviolent offenders with substance-abuse problems. These programs provide offenders with intensive court supervision, mandatory drug testing, substance-abuse treatment, and other social services as an alternative to adjudication or incarceration.

The Judicial Branch monitors performance of state drug treatment courts and reports on several indicators of performance, including program completion rates, graduation rates, length of stay, retention rate, recidivism, and employment status from admission to discharge. The branch defines recidivism to mean a return to criminal activity by someone who has already been adjudicated guilty, delinquent, or has an open child abuse and neglect case. Montana tracks recidivism or re-offense rates using convictions for a three-year period following admission to the drug court. Reports prepared by the branch on drug court statistics and recidivism performance measures can be found at <https://courts.mt.gov/Courts/Treatment/About/reports> with a new report coming early in 2025.

Program Base Budget Comparison

The following table compares the base budget with the requested expenditures for the upcoming biennium by type of expenditure and source of funding.

Program Base Budget Comparison					
Budget Item	Base Budget	Requested Budget		Biennium Change from Base	
	FY 2025	FY 2026	FY 2027	Amount	Percent
PB	102.00	104.50	105.50	3.50	1.7%
General Fund	20,795,552	24,483,670	24,998,454	7,891,020	19.0%
State/Other Special Rev. Funds	1,528,876	684,718	684,559	(1,688,475)	(55.2%)
Federal Spec. Rev. Funds	378,273	378,800	378,800	1,054	0.1%
Total Funds	22,702,701	25,547,188	26,061,813	6,203,599	13.7%
Personal Services	9,714,086	10,263,206	10,319,653	1,154,687	5.9%
Operating Expenses	6,577,827	8,180,554	8,631,935	3,656,835	27.8%
Equipment & Intangible Assets	8,885	8,885	8,885		0.0%
Grants	100,000	715,000	715,000	1,230,000	615.0%
Benefits & Claims	6,125,196	6,193,321	6,193,321	136,250	1.1%
Debt Service	176,707	186,222	193,019	25,827	7.3%
Total Expenditures	22,702,701	25,547,188	26,061,813	6,203,599	13.7%
Total Ongoing	22,702,701	25,547,188	26,061,813	6,203,599	13.7%
Total One-Time-Only	1,143,971			(2,287,942)	(100.0%)

Program Highlights

Supreme Court Operations Major Budget Highlights
<p>The 2027 biennium HB 2 request for the Supreme Court Operations is \$6.2 million or 13.7% greater than the FY 2025 base budget. Significant changes include:</p> <ul style="list-style-type: none"> • \$2.5 million in statewide present law adjustments (primarily general fund) to personal services and fixed costs with fixed costs accounting for \$1.8 million of the increase • \$1.7 million general fund to continue the pre-trial diversion program being utilized in 8 counties • Almost \$1.5 million to support contract increases for software programs

Executive Request

The following table shows the total executive request with the base budget and the statewide present law adjustments, present law adjustments, and new proposals by source of funding.

Supreme Court Operations 2027 Biennium HB 2 Base Budget and Requested Adjustments										
	FY 2026					FY 2027				
	General Fund	State Special	Federal Special	Total Funds	% of Budget Request	General Fund	State Special	Federal Special	Total Funds	% of Budget Request
Base Budget	20,795,552	1,528,876	378,273	22,702,701	88.9%	20,795,552	1,528,876	378,273	22,702,701	87.1%
Statewide PL										
Personal Services	302,774	20,645	527	323,946	1.3%	316,522	21,648	527	338,697	1.3%
Fixed Costs	947,656	(132)	0	947,524	3.7%	878,138	(132)	0	878,006	3.4%
Inflation Deflation	(272)	0	0	(272)	(0.0%)	(184)	0	0	(184)	(0.0%)
Total Statewide PL	1,250,158	20,513	527	1,271,198	5.0%	1,194,476	21,516	527	1,216,519	4.7%
Present Law (PL)	612,691	50,000	0	662,691	2.6%	930,691	50,000	0	980,691	3.8%
New Proposals	1,825,269	(914,671)	0	910,598	3.6%	2,077,735	(915,833)	0	1,161,902	4.5%
Total HB 2 Adjustments	3,688,118	(844,158)	527	2,844,487	11.1%	4,202,902	(844,317)	527	3,359,112	12.9%
Total Requested Budget	24,483,670	684,718	378,800	25,547,188		24,998,454	684,559	378,800	26,061,813	

Funding

The following table shows proposed program funding for all sources 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	49,482,124	0	0	0	49,482,124	95.9%
02140 Consumer Education Settlement	(193,123)	0	0	0	(193,123)	(14.1%)
02151 YthCrt Intervention?evention	115,954	0	0	0	115,954	8.5%
02373 Treatment Court Support Acct	491,890	0	0	0	491,890	35.9%
02399 Judicial Education Conferences	122,752	0	0	0	122,752	9.0%
02536 Legal Assistance	258,774	0	0	0	258,774	18.9%
02961 State Grants to Drug Courts	573,030	0	0	0	573,030	41.8%
State Special Total	\$1,369,277	\$0	\$0	\$0	\$1,369,277	2.7%
03240 Court Assessment Program	757,600	0	0	0	757,600	100.0%
Federal Special Total	\$757,600	\$0	\$0	\$0	\$757,600	1.5%
Proprietary Total	\$0	\$0	\$0	\$0	\$0	0.0%
Total All Funds	\$51,609,001	\$0	\$0	\$0	\$51,609,001	

Within HB2, general fund supports 95.9% of requested authority within the program. State special revenue supports administration of juvenile delinquency intervention prevention funds, 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. Federal funding for grants supporting specific projects such as the Court Assessment Program.

Juvenile Placement Funds

The following figure outlines the appropriated budget for juvenile placement (JDP) funds for FY 2024 – FY 2027.

Judicial Branch				
Juvenile Placement Funds				
	Actuals	Appropriated	Requested	Requested
	FY 2024	FY 2025	FY 2026	FY 2027
Expenditures				
Personal Services	\$144,655	\$210,667	\$227,115	\$227,119
Operating Expenses	8,709	53,899	53,899	53,899
Benefits and Claims	4,265	4,426,648	4,426,648	4,426,648
Transfers	4,389,895	-	-	-
Total	\$4,547,524	\$4,691,214	\$4,707,662	\$4,707,666
Funding				
General Fund	\$4,535,271	\$4,654,461	\$4,670,909	\$4,670,913
State Special Revenue	12,253	36,753	36,753	36,753
Total	\$4,547,524	\$4,691,214	\$4,707,662	\$4,707,666

To establish a funding source for the Judicial Branch to provide alternatives to youth placement and early intervention strategies, any unexpended appropriations for juvenile placement remaining at the end of each fiscal year are transferred to the Youth Court Intervention and Prevention (YCIP) state special revenue fund as required by 41-5-2011, MCA. This fund receives:

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

By statute, the YCIP may be used by District Court Operations to:

- Establish or expand community prevention and intervention programs and services for youth
- Provide alternative funding methods for out-of-home placements
- Provide matching funds for federal money for intervention and prevention programs that provide services to youth

The process for this funding is as follows:

1. The legislature appropriates general fund as requested by the Judicial Branch
2. At the end of the fiscal year, the unused general fund is transferred to the YCIP
3. This is now statutorily appropriated state special funding to be used by District Court Operations for the next two fiscal years
4. Any unused authority after two years is transferred back to the general fund

The amount transferred to the Youth Court Intervention and Prevention account at the end of each fiscal year is about \$4.4 million. This account has been holding steady with a fund balance of just over \$9.0 million. It is projected to stay around this amount by the end of the 2027 biennium. Given revenues come from unspent general fund and are made available for two years, the ending fund balance is following expected trends.

Program Actuals and Budget Comparison

The following table compares FY 2024 actual expenditures, FY 2024 and FY 2025 appropriations, and the expenditures requested for FY 2026 and FY 2027 by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2024	Approp. Fiscal 2024	Approp. Fiscal 2025	Request Fiscal 2026	Request Fiscal 2027
PB	0.00	102.00	102.00	104.50	105.50
Personal Services	8,680,454	9,345,324	9,990,333	10,263,206	10,319,653
Operating Expenses	5,537,444	6,860,680	6,830,551	8,180,554	8,631,935
Equipment & Intangible Assets	19,190	19,190	8,885	8,885	8,885
Grants	642,616	715,000	715,000	715,000	715,000
Benefits & Claims	932,436	1,405,268	6,125,196	6,193,321	6,193,321
Transfers	4,389,895	4,389,895	0	0	0
Debt Service	177,287	177,289	176,707	186,222	193,019
Total Expenditures	\$20,379,322	\$22,912,646	\$23,846,672	\$25,547,188	\$26,061,813
General Fund	19,506,494	21,372,209	21,939,523	24,483,670	24,998,454
State/Other Special Rev. Funds	730,466	1,161,139	1,528,876	684,718	684,559
Federal Spec. Rev. Funds	142,362	379,298	378,273	378,800	378,800
Total Funds	\$20,379,322	\$22,912,646	\$23,846,672	\$25,547,188	\$26,061,813
Total Ongoing	\$19,384,014	\$21,668,822	\$22,702,701	\$25,547,188	\$26,061,813
Total OTO	\$995,308	\$1,243,824	\$1,143,971	\$0	\$0

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 Improvement 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.

FY 2024 Appropriation Compared to FY 2024 Actual Expenditures

The Supreme Court Operations expended approximately 88.9% of its modified HB 2 modified budget in FY 2024. Personal services were 92.9% expended, operating expenses were expended at 80.7%, and benefits and claims were 66.4% expended. Within operating expenses, a few line-item appropriations provided by the 2023 Legislature described in the agency section above were under expended. Within benefits and claims, unexpended balances primarily relate to parole for youth in which \$200,000 was not expended. Overall spending of 88.9% was slightly lower than the average spending for the five previous fiscal years of 92.5%.

FY 2024 Appropriations Compared to FY 2025 Appropriations

When compared to appropriations in FY 2024, amounts in FY 2025 reflect an increase of about \$934,000 or 3.9%. This difference is almost entirely seen in personal services caused by the additional HB 13 pay plan funding. As described earlier, shifts between benefits and claims and transfers are due to statute which requires that remaining appropriation authority not utilized for juvenile placements be transferred to the youth court intervention and prevention state special revenue fund which happens at FYE.

Program Personal Services

Total personal services requests in the Supreme Court Operations for the 2027 biennium are nearly \$20.6 million which is \$1.2 million or 5.9% greater than FY 2025 base personal services. This increase is due to requests for 2.50 new PB to continue the Pretrial Diversion Program totaling about \$450,000 and due to statewide present law adjustments in personal services totaling \$663,000. These adjustments include elected official and judicial pay increases, promotion and retention pay adjustments for employees, and rehiring vacant positions at different rates than when the position became vacant.

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 2026					Fiscal 2027				
	PB	General Fund	State Special	Federal Special	Total Funds	PB	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	302,774	20,645	527	323,946	0.00	316,522	21,648	527	338,697
DP 2 - Fixed Costs	0.00	947,656	(132)	0	947,524	0.00	878,138	(132)	0	878,006
DP 3 - Inflation Deflation	0.00	(272)	0	0	(272)	0.00	(184)	0	0	(184)
DP 101 - IT Maintenance Contract Increases	0.00	578,176	0	0	578,176	0.00	889,379	0	0	889,379
DP 105 - Judicial Standards Contracted Services Support	0.00	25,000	0	0	25,000	0.00	25,000	0	0	25,000
DP 106 - OCA Park Ave rent increase	0.00	9,515	0	0	9,515	0.00	16,312	0	0	16,312
DP 107 - Drug Courts Additional Fees Authority	0.00	0	50,000	0	50,000	0.00	0	50,000	0	50,000
Grand Total All Present Law Adjustments	0.00	\$1,862,849	\$70,513	\$527	\$1,933,889	0.00	\$2,125,167	\$71,516	\$527	\$2,197,210

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

DP 1 - Personal Services -

The branch 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:

- Legislatively approved changes
- Management decisions
- Budget modifications made to the personal services budget in the 2025 biennium

Judicial Branch Supreme Court Operations FY 2026 Statewide Present Law Adjustment for Personal Services	
Legislative Changes	\$164,180
Management Decisions	210,686
Budget Modifications	(50,920)
Total	\$323,946

DP 2 - Fixed Costs -

The branch 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: audit fees, Capitol complex rent, information technology services, etc. The rates charged for these services are approved in the section of the budget that provides the services.

DP 3 - Inflation Deflation -

The branch requests adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include in-state state motor pool and motor pool leased vehicles.

DP 101 - IT Maintenance Contract Increases -

The branch requests general fund authority for a maintenance and support contract increases for the key software programs supporting the state’s appellate, district, and limited courts, including FullCourt, C-Trak, e-filing, and a jury management system.

DP 105 - Judicial Standards Contracted Services Support -

The branch requests general fund for the constitutionally mandated Judicial Standards Commission.

DP 106 - OCA Park Ave rent increase -

The branch requests additional general fund to cover the increase in lease payments for office space.

DP 107 - Drug Courts Additional Fees Authority -

The branch requests state special revenue to allow drug treatment courts the ability to pay for drug court related expenditures with participant fees.

New Proposals

The “New Proposals” table shows new proposals for spending.

New Proposals	-----Fiscal 2026-----					-----Fiscal 2027-----				
	PB	General Fund	State Special	Federal Special	Total Funds	PB	General Fund	State Special	Federal Special	Total Funds
DP 102 - Drug Court Funding Switch	0.00	952,171	(914,671)	0	37,500	0.00	953,333	(915,833)	0	37,500
DP 103 - Make Pretrial Program Permanent	2.50	873,098	0	0	873,098	2.50	873,247	0	0	873,247
DP 104 - Family Law Mediation Continuing	0.00	0	0	0	0	1.00	251,155	0	0	251,155
Total	2.50	\$1,825,269	(\$914,671)	\$0	\$910,598	3.50	\$2,077,735	(\$915,833)	\$0	\$1,161,902

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

DP 102 - Drug Court Funding Switch -

This branch requests general fund to offset authority for drug courts from state special revenue accounts.

LFD COMMENT The 2023 Legislature provided authority for eight total drug courts that were transitioning from federal funding but provided this authority from the Consumer Education Settlement state special revenue account which receives revenues from civil fines, settlement proceeds, and funds awarded in judgments. This fund is housed within the Department of Justice, and the branch is requesting this authority be moved to the general fund. The small increase associated with the fund switch pertains to the annualization of services for the three courts that received a partial year of funding in FY 2025 (12th Adult Treatment Court in Hill County, the 21st Adult Treatment Court in Ravalli County, and the 13th Indian Child Welfare Act Family Treatment Court in Billings).

DP 103 - Make Pretrial Program Permanent -

The branch requests 2.50 additional PB and general fund to continue the pilot Pre-trial Diversion Program currently being implemented in eight Montana counties.

LFD COMMENT The pilot pre-trial diversion project in Montana began through funding and resources from the 2017 Session. The program began with five pilot counties but has since increased to eight. Authority was originally provided as one-time-only and has been continued to be provided as one-time-only each legislative session since. This requests seeks to establish the funding for this program within the agency's base budget. Current programs are located in Yellowstone, Missoula, Butte Silver-Bow, Lewis and Clark, Lake, Big Horn, Broadwater, and Valley counties.

DP 104 - Family Law Mediation Continuing -

The branch requests 1.00 additional PB and general fund to for family law mediation.

LFD COMMENT The 2023 Legislature provided the branch with \$300,000 in authority to continue and expand on the Family Law Mediation program that originated through ARPA funds. The Judicial Branch estimates that ARPA funding will continue to be used for these services during FY 2026 and the first six months of FY 2027. This request seeks funding for the last part of FY 2027 when ARPA authority expires and would result in this funding being permanent in the agency's base.

Program Base Budget Comparison

The following table compares the base budget with the requested expenditures for the upcoming biennium by type of expenditure and source of funding.

Program Base Budget Comparison						
Budget Item	Base Budget	Requested Budget		Biennium Change from Base		
	FY 2025	FY 2026	FY 2027	Amount	Percent	
PB	6.75	6.75	6.75	0.00	0.0%	
General Fund	979,986	989,880	989,919	19,827	1.0%	
Total Funds	979,986	989,880	989,919	19,827	1.0%	
Personal Services	509,356	519,274	519,305	19,867	2.0%	
Operating Expenses	382,409	382,385	382,393	(40)	(0.0%)	
Equipment & Intangible Assets	88,221	88,221	88,221		0.0%	
Total Expenditures	979,986	989,880	989,919	19,827	1.0%	
Total Ongoing	979,986	989,880	989,919	19,827	1.0%	
Total One-Time-Only					0.0%	

Program Highlights

Law Library Major Budget Highlights
The 2027 biennium HB 2 request for the Law Library is an increase of nearly \$20,000 or 2.0% when compared to FY 2025 base appropriations. This increase is entirely attributable to statewide present law adjustments to personal services.

Executive Request

The following table shows the total executive request with the base budget and the statewide present law adjustments, present law adjustments, and new proposals by source of funding.

Law Library 2027 Biennium HB 2 Base Budget and Requested Adjustments										
	FY 2026					FY 2027				
	General Fund	State Special	Federal Special	Total Funds	% of Budget Request	General Fund	State Special	Federal Special	Total Funds	% of Budget Request
Base Budget	979,986	0	0	979,986	99.0%	979,986	0	0	979,986	99.0%
Statewide PL										
Personal Services	9,918	0	0	9,918	1.0%	9,949	0	0	9,949	1.0%
Fixed Costs	0	0	0	0	0.0%	0	0	0	0	0.0%
Inflation Deflation	(24)	0	0	(24)	(0.0%)	(16)	0	0	(16)	(0.0%)
Total Statewide PL	9,894	0	0	9,894	1.0%	9,933	0	0	9,933	1.0%
Present Law (PL)	0	0	0	0	0.0%	0	0	0	0	0.0%
New Proposals	0	0	0	0	0.0%	0	0	0	0	0.0%
Total HB 2 Adjustments	9,894	0	0	9,894	1.0%	9,933	0	0	9,933	1.0%
Total Requested Budget	989,880	0	0	989,880		989,919	0	0	989,919	

Funding

The following table shows proposed program funding for all sources 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	1,979,799	0	0	0	1,979,799	77.6%
State Special Total	\$0	\$0	\$0	\$0	\$0	0.0%
Federal Special Total	\$0	\$0	\$0	\$0	\$0	0.0%
06019 Lexis Proprietary Account	0	0	570,522	0	570,522	100.0%
Proprietary Total	\$0	\$0	\$570,522	\$0	\$570,522	22.4%
Total All Funds	\$1,979,799	\$0	\$570,522	\$0	\$2,550,321	

HB 2 funding for the Law Library comes entirely from 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 located here: <https://archive.legmt.gov/content/Publications/fiscal/2027-Biennium/Budget-and-Revenue/Budget-Analysis/Section-D/Section-D-Non-Budgeted-Proprietary-27Bi.pdf>

Program Actuals and Budget Comparison

The following table compares FY 2024 actual expenditures, FY 2024 and FY 2025 appropriations, and the expenditures requested for FY 2026 and FY 2027 by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2024	Approp. Fiscal 2024	Approp. Fiscal 2025	Request Fiscal 2026	Request Fiscal 2027
PB	0.00	6.75	6.75	6.75	6.75
Personal Services	386,373	480,592	509,356	519,274	519,305
Operating Expenses	323,330	351,704	382,409	382,385	382,393
Equipment & Intangible Assets	119,036	119,041	88,221	88,221	88,221
Total Expenditures	\$828,739	\$951,337	\$979,986	\$989,880	\$989,919
General Fund	828,739	951,337	979,986	989,880	989,919
Total Funds	\$828,739	\$951,337	\$979,986	\$989,880	\$989,919
Total Ongoing	\$828,739	\$951,337	\$979,986	\$989,880	\$989,919
Total OTO	\$0	\$0	\$0	\$0	\$0

Program Description

The State Law Library of Montana (22-1-501, MCA, et seq) provides access to the 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.

Library staff provide extensive training in legal research methods and access to the Montana court system. The library's website (<http://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. About 75.0% percent of the people the Law Library assists are nonlawyers who cannot afford attorneys.

FY 2024 Appropriation Compared to FY 2024 Actual Expenditures

The Law Library expended 87.1% of its HB 2 modified budget in FY 2024. Personal services were 80.4% expended, operating expenses were 91.9% expended, and equipment and intangible assets were fully expended. Lower expenditures in personal services are primarily due to position vacancies experienced during the interim.

FY 2024 Appropriations Compared to FY 2025 Appropriations

When compared to FY 2024 appropriations, amounts in FY 2025 are almost \$29,000 or 3.0% higher. Within personal services, this authority relates to additional HB 13 pay plan funding. Differences in operating expenses are the result of an operating change performed in FY 2024 but not in FY 2025 which moved \$31,000 worth of authority to equipment accounts.

Program Personal Services

Total personal services requests in the Law Library for the 2027 biennium are a little over \$1.0 million which is \$20,000 or 2.0% greater than FY 2025 base personal services. This increase is found entirely within statewide present law adjustments to personal services and are the result of increases to position benefits, promotion and retention pay adjustments for employees, and rehiring positions at lower rates than when they became vacant.

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 2026-----					-----Fiscal 2027-----				
	PB	General Fund	State Special	Federal Special	Total Funds	PB	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	9,918	0	0	9,918	0.00	9,949	0	0	9,949
DP 3 - Inflation Deflation	0.00	(24)	0	0	(24)	0.00	(16)	0	0	(16)
Grand Total All Present Law Adjustments	0.00	\$9,894	\$0	\$0	\$9,894	0.00	\$9,933	\$0	\$0	\$9,933

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

DP 1 - Personal Services -

The branch 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:

- Legislatively approved changes
- Management decisions
- Budget modifications made to the personal services budget in the 2025 biennium

Judicial Branch Law Library FY 2026 Statewide Present Law Adjustment for Personal Services	
Legislative Changes	\$2,940
Management Decisions	6,978
Budget Modifications	-
Total	\$9,918

DP 3 - Inflation Deflation -

The branch requests adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include in-state state motor pool and motor pool leased vehicles.

Program Base Budget Comparison

The following table compares the base budget with the requested expenditures for the upcoming biennium by type of expenditure and source of funding.

Program Base Budget Comparison					
Budget Item	Base Budget	Requested Budget		Biennium Change from Base	
	FY 2025	FY 2026	FY 2027	Amount	Percent
PB	332.39	339.39	345.39	13.00	2.0%
General Fund	35,653,739	37,312,596	37,937,376	3,942,494	5.5%
State/Other Special Rev. Funds	754,793	754,716	754,716	(154)	(0.0%)
Total Funds	36,408,532	38,067,312	38,692,092	3,942,340	5.4%
Personal Services	33,162,562	34,502,132	35,254,738	3,431,746	5.2%
Operating Expenses	3,133,247	3,343,874	3,324,631	402,011	6.4%
Equipment & Intangible Assets	77,723	186,306	77,723	108,583	69.9%
Benefits & Claims	35,000	35,000	35,000		0.0%
Total Expenditures	36,408,532	38,067,312	38,692,092	3,942,340	5.4%
Total Ongoing	36,408,532	38,067,312	38,692,092	3,942,340	5.4%
Total One-Time-Only					0.0%

Program Highlights

District Court Operations Major Budget Highlights
<p>The 2027 biennium HB 2 request for the District Court Operations is nearly \$4.0 million or 5.4% higher than FY 2025 base appropriations. Significant changes include:</p> <ul style="list-style-type: none"> • \$2.5 million for three new judge positions and accompanying staff for a total of 6.00 PB in FY 2026 and 12.00 PB in FY 2027 • \$1.3 million for statewide present law adjustments to personal services

Executive Request

The following table shows the total executive request with the base budget and the statewide present law adjustments, present law adjustments, and new proposals by source of funding.

District Court Operations 2027 Biennium HB 2 Base Budget and Requested Adjustments										
	FY 2026					FY 2027				
	General Fund	State Special	Federal Special	Total Funds	% of Budget Request	General Fund	State Special	Federal Special	Total Funds	% of Budget Request
Base Budget	35,653,739	754,793	0	36,408,532	95.6%	35,653,739	754,793	0	36,408,532	94.1%
Statewide PL										
Personal Services	620,494	0	0	620,494	1.6%	673,406	0	0	673,406	1.7%
Fixed Costs	0	(77)	0	(77)	(0.0%)	0	(77)	0	(77)	(0.0%)
Inflation Deflation	(4,804)	0	0	(4,804)	(0.0%)	(3,248)	0	0	(3,248)	(0.0%)
Total Statewide PL	615,690	(77)	0	615,613	1.6%	670,158	(77)	0	670,081	1.7%
Present Law (PL)	0	0	0	0	0.0%	0	0	0	0	0.0%
New Proposals	1,043,167	0	0	1,043,167	2.7%	1,613,479	0	0	1,613,479	4.2%
Total HB 2 Adjustments	1,658,857	(77)	0	1,658,780	4.4%	2,283,637	(77)	0	2,283,560	5.9%
Total Requested Budget	37,312,596	754,716	0	38,067,312		37,937,376	754,716	0	38,692,092	

Funding

The following table shows proposed program funding for all sources 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	75,249,972	0	0	0	75,249,972	98.0%	
02141 Fines & Fees Fund	181,534	0	0	0	181,534	12.0%	
02562 Crt Appointed Special Advocate	1,327,898	0	0	0	1,327,898	88.0%	
State Special Total	\$1,509,432	\$0	\$0	\$0	\$1,509,432	2.0%	
Federal Special Total	\$0	\$0	\$0	\$0	\$0	0.0%	
Proprietary Total	\$0	\$0	\$0	\$0	\$0	0.0%	
Total All Funds	\$76,759,404	\$0	\$0	\$0	\$76,759,404		

The majority of funding for District Court Operations comes from the general fund. State special revenues supporting the program comes from court-imposed fines and fees.

Program Actuals and Budget Comparison

The following table compares FY 2024 actual expenditures, FY 2024 and FY 2025 appropriations, and the expenditures requested for FY 2026 and FY 2027 by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2024	Approp. Fiscal 2024	Approp. Fiscal 2025	Request Fiscal 2026	Request Fiscal 2027
PB	0.00	332.39	332.39	339.39	345.39
Personal Services	29,713,931	31,981,669	33,162,562	34,502,132	35,254,738
Operating Expenses	2,644,566	3,072,482	3,133,247	3,343,874	3,324,631
Equipment & Intangible Assets	107,615	107,615	77,723	186,306	77,723
Benefits & Claims	17,534	35,000	35,000	35,000	35,000
Total Expenditures	\$32,483,646	\$35,196,766	\$36,408,532	\$38,067,312	\$38,692,092
General Fund	31,785,215	34,442,620	35,653,739	37,312,596	37,937,376
State/Other Special Rev. Funds	698,431	754,146	754,793	754,716	754,716
Total Funds	\$32,483,646	\$35,196,766	\$36,408,532	\$38,067,312	\$38,692,092
Total Ongoing	\$32,483,646	\$35,196,766	\$36,408,532	\$38,067,312	\$38,692,092
Total OTO	\$0	\$0	\$0	\$0	\$0

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 51 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.

FY 2024 Appropriation Compared to FY 2024 Actual Expenditures

The District Court Operations expended 92.3% of its modified HB 2 budget in FY 2024. Personal services were 92.9% expended, while operating expenses were 86.1% expended. Unspent authority in District Court Operations mostly occurred in personal services where vacancies were higher than expected during the biennium.

FY 2024 Appropriations Compared to FY 2025 Appropriations

Appropriations in FY 2025 reflect an increase of 3.4% or \$1.2 million when compared to FY 2024 amounts. The majority of this difference is seen in personal services and is the result of the additional HB 13 pay plan funding that was provided for FY 2025.

Program Personal Services

Total requested personal services for the 2027 biennium within District Court Operations is \$69.8 million which reflects an increase of \$3.4 million or 5.2% when compared to FY 2025 base personal services. This increase is the result of requests for new PB and in statewide present law adjustments to personal services.

The branch is requesting 7.00 new PB in FY 2026 and 13.00 PB in FY 2027. The largest portion relates to a request for three new judge positions and accompanying staff for the 2027 biennium. These starting times for these judge positions and staff are January of 2026. Therefore, each position is requested as a 0.50 PB for FY 2026. This results in 6.-00 PB in the first year and 12.00 PB in the second year.

Increases related to statewide present law adjustments are primarily the result of legislatively outlined pay changes or judges and judicial employees, promotion and retention adjustments for employees, rehiring vacant positions at different rates, and changes in the number of overall vacant positions.

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 2026-----					-----Fiscal 2027-----				
	PB	General Fund	State Special	Federal Special	Total Funds	PB	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	620,494	0	0	620,494	0.00	673,406	0	0	673,406
DP 2 - Fixed Costs	0.00	0	(77)	0	(77)	0.00	0	(77)	0	(77)
DP 3 - Inflation Deflation	0.00	(4,804)	0	0	(4,804)	0.00	(3,248)	0	0	(3,248)
Grand Total All Present Law Adjustments	0.00	\$615,690	(\$77)	\$0	\$615,613	0.00	\$670,158	(\$77)	\$0	\$670,081

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

DP 1 - Personal Services -

The branch 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:

- Legislatively approved changes
- Management decisions
- Budget modifications made to the personal services budget in the 2025 biennium

Judicial Branch District Court Operations FY 2026 Statewide Present Law Adjustment for Personal Services	
Legislative Changes	\$265,969
Management Decisions	354,525
Budget Modifications	-
Total	\$620,494

DP 2 - Fixed Costs -

The branch 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: audit fees, Capitol complex rent, information technology services, etc. The rates charged for these services are approved in the section of the budget that provides the services.

DP 3 - Inflation Deflation -

The branch requests adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include in-state state motor pool and motor pool leased vehicles.

New Proposals

The "New Proposals" table shows new proposals for spending.

	-----Fiscal 2026-----					-----Fiscal 2027-----				
	PB	General Fund	State Special	Federal Special	Total Funds	PB	General Fund	State Special	Federal Special	Total Funds
DP 401 - New Judges & Staff in the 13th Judicial District	6.00	956,105	0	0	956,105	12.00	1,529,155	0	0	1,529,155
DP 402 - Floating Law Clerk	1.00	87,062	0	0	87,062	1.00	84,324	0	0	84,324
Total	7.00	\$1,043,167	\$0	\$0	\$1,043,167	13.00	\$1,613,479	\$0	\$0	\$1,613,479

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

DP 401 - New Judges & Staff in the 13th Judicial District -

The branch requests three additional judge positions and accompanying staff positions for the 2027 biennium.

LFD COMMENT	Three additional positions accompany a judge .The new judge positions and all staff are scheduled to start in January of 2026. Therefore, all twelve positions comprise 0.50 PB each in FY 2026 and a full 1.00 PB in FY 2027.
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DP 402 - Floating Law Clerk -

The branch requests 1.00 additional floating law clerk position within the 4th Judicial District (Missoula County).

Program Base Budget Comparison

The following table compares the base budget with the requested expenditures for the upcoming biennium by type of expenditure and source of funding.

Program Base Budget Comparison					
Budget Item	Base Budget	Requested Budget		Biennium Change from Base	
	FY 2025	FY 2026	FY 2027	Amount	Percent
PB	23.75	23.75	23.75	0.00	0.0%
General Fund	1,122,261	1,159,465	1,161,359	76,302	3.4%
State/Other Special Rev. Funds	1,625,345	2,083,546	1,747,319	580,175	17.8%
Total Funds	2,747,606	3,243,011	2,908,678	656,477	11.9%
Personal Services	2,437,155	2,528,403	2,534,691	188,784	3.9%
Operating Expenses	94,564	493,323	93,323	397,518	210.2%
Equipment & Intangible Assets	8,287	8,287	8,287		0.0%
Debt Service	207,600	212,998	272,377	70,175	16.9%
Total Expenditures	2,747,606	3,243,011	2,908,678	656,477	11.9%
Total Ongoing	2,747,606	2,843,011	2,908,678	256,477	4.7%
Total One-Time-Only		400,000		400,000	0.0%

Program Highlights

Water Court Major Budget Highlights
<p>The 2027 biennium HB 2 request for the Water Court is just over \$650,000 or 11.9% greater than FY 2025 base budget appropriations. Significant changes include:</p> <ul style="list-style-type: none"> • \$400,000 in one-time-only state special revenue to cover costs of digitizing of case filings. • Almost \$189,000 (\$76,000 general fund and \$112,000 state special revenue) for statewide present law adjustments to personal services

Executive Request

The following table shows the total executive request with the base budget and the statewide present law adjustments, present law adjustments, and new proposals by source of funding.

Water Court 2027 Biennium HB 2 Base Budget and Requested Adjustments										
	FY 2026					FY 2027				
	General Fund	State Special	Federal Special	Total Funds	% of Budget Request	General Fund	State Special	Federal Special	Total Funds	% of Budget Request
Base Budget	1,122,261	1,625,345	0	2,747,606	84.7%	1,122,261	1,625,345	0	2,747,606	94.5%
Statewide PL										
Personal Services	37,204	54,044	0	91,248	2.8%	39,098	58,438	0	97,536	3.4%
Fixed Costs	0	(1,241)	0	(1,241)	(0.0%)	0	(1,241)	0	(1,241)	(0.0%)
Inflation Deflation	0	0	0	0	0.0%	0	0	0	0	0.0%
Total Statewide PL	37,204	52,803	0	90,007	2.8%	39,098	57,197	0	96,295	3.3%
Present Law (PL)	0	0	0	0	0.0%	0	0	0	0	0.0%
New Proposals	0	405,398	0	405,398	12.5%	0	64,777	0	64,777	2.2%
Total HB 2 Adjustments	37,204	458,201	0	495,405	15.3%	39,098	121,974	0	161,072	5.5%
Total Requested Budget	1,159,465	2,083,546	0	3,243,011		1,161,359	1,747,319	0	2,908,678	

Funding

The following table shows proposed program funding for all sources 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	2,320,824	0	0	0	2,320,824	37.7%	
02431 Water Adjudication	3,430,865	400,000	0	0	3,830,865	100.0%	
State Special Total	\$3,430,865	\$400,000	\$0	\$0	\$3,830,865	62.3%	
Federal Special Total	\$0	\$0	\$0	\$0	\$0	0.0%	
Proprietary Total	\$0	\$0	\$0	\$0	\$0	0.0%	
Total All Funds	\$5,751,689	\$400,000	\$0	\$0	\$6,151,689		

General fund provides a little over a third of the funding for Water Court Supervision. The remaining funding is from the water adjudication account established within the state special revenue account created in 17-2-102, MCA. However, if amounts appropriated by the legislature to fund the Water Court Program exceed the available and unencumbered fund balance within the water adjudication account, statute requires that general fund be transferred into the account at the beginning of each fiscal year to fully fund legislative appropriations to the program.

Program Actuals and Budget Comparison

The following table compares FY 2024 actual expenditures, FY 2024 and FY 2025 appropriations, and the expenditures requested for FY 2026 and FY 2027 by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2024	Approp. Fiscal 2024	Approp. Fiscal 2025	Request Fiscal 2026	Request Fiscal 2027
PB	0.00	23.75	23.75	23.75	23.75
Personal Services	2,233,468	2,338,106	2,437,155	2,528,403	2,534,691
Operating Expenses	98,244	98,243	94,564	493,323	93,323
Equipment & Intangible Assets	0	4,295	8,287	8,287	8,287
Debt Service	207,600	207,600	207,600	212,998	272,377
Total Expenditures	\$2,539,312	\$2,648,244	\$2,747,606	\$3,243,011	\$2,908,678
General Fund	974,052	1,078,689	1,122,261	1,159,465	1,161,359
State/Other Special Rev. Funds	1,565,260	1,569,555	1,625,345	2,083,546	1,747,319
Total Funds	\$2,539,312	\$2,648,244	\$2,747,606	\$3,243,011	\$2,908,678
Total Ongoing	\$2,539,312	\$2,648,244	\$2,747,606	\$2,843,011	\$2,908,678
Total OTO	\$0	\$0	\$0	\$400,000	\$0

Program Description

The Water Court 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.

FY 2024 Appropriation Compared to FY 2024 Actual Expenditures

The division expended 95.9% of its modified HB2 budget in FY 2024. Personal services were 95.5% expended, and operating expenses were fully expended.

FY 2024 Appropriations Compared to FY 2025 Appropriations

When compared to FY 2024, appropriations in FY 2025 increased by approximately \$100,000 or 3.8%. This increase is seen in personal service and is the result of additional HB 13 pay plan funding in FY 2025.

Program Personal Services

Total personal services requests in the Water Court for the 2027 biennium are almost \$5.1 million which is \$189,000 or 3.9% greater than FY 2025 base personal services. This increase is found entirely within statewide present law adjustments to personal services and are the result of increases to position retirement and longevity in addition to career ladder pay adjustments and lower overall position vacancies at the time of the snapshot compared to the previous biennium.

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 2026-----					-----Fiscal 2027-----				
	PB	General Fund	State Special	Federal Special	Total Funds	PB	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	37,204	54,044	0	91,248	0.00	39,098	58,438	0	97,536
DP 2 - Fixed Costs	0.00	0	(1,241)	0	(1,241)	0.00	0	(1,241)	0	(1,241)
Grand Total All Present Law Adjustments	0.00	\$37,204	\$52,803	\$0	\$90,007	0.00	\$39,098	\$57,197	\$0	\$96,295

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

DP 1 - Personal Services -

The branch 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:

- Legislatively approved changes
- Management decisions
- Budget modifications made to the personal services budget in the 2025 biennium

Judicial Branch Water Court FY 2026 Statewide Present Law Adjustment for Personal Services	
Legislative Changes	\$11,732
Management Decisions	79,516
Budget Modifications	-
Total	\$91,248

DP 2 - Fixed Costs -

The branch 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: audit fees, Capitol complex rent, information technology services, etc. The rates charged for these services are approved in the section of the budget that provides the services.

New Proposals

The "New Proposals" table shows new proposals for spending.

New Proposals	-----Fiscal 2026-----					-----Fiscal 2027-----				
	PB	General Fund	State Special	Federal Special	Total Funds	PB	General Fund	State Special	Federal Special	Total Funds
DP 501 - Water Court Rent Increase	0.00	0	5,398	0	5,398	0.00	0	64,777	0	64,777
DP 502 - Water Court Digitization (Bien, OTO)	0.00	0	400,000	0	400,000	0.00	0	0	0	0
Total	0.00	\$0	\$405,398	\$0	\$405,398	0.00	\$0	\$64,777	\$0	\$64,777

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

DP 501 - Water Court Rent Increase -

The branch requests additional revenue from the water adjudication state special revenue account to cover an increase in rent payments.

LFD COMMENT	The current lease for the Water Court expires in May of 2026. The FY 2026 amount reflects one month at the higher renewal rate, the FY 2027 request reflects 12 months at the higher renewal rate.
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DP 502 - Water Court Digitization (Bien, OTO) -

The branch requests one-time only biennial state special revenue from the water adjudication account to cover costs related to the digitization of case filings.

Program Base Budget Comparison

The following table compares the base budget with the requested expenditures for the upcoming biennium by type of expenditure and source of funding.

Program Base Budget Comparison						
Budget Item	Base Budget	Requested Budget		Biennium Change from Base		
	FY 2025	FY 2026	FY 2027	Amount	Percent	
PB	5.50	5.50	5.50	0.00	0.0%	
General Fund	653,407	611,550	613,969	(81,295)	(6.2%)	
Total Funds	653,407	611,550	613,969	(81,295)	(6.2%)	
Personal Services	608,771	566,930	569,344	(81,268)	(6.7%)	
Operating Expenses	44,636	44,620	44,625	(27)	(0.0%)	
Total Expenditures	653,407	611,550	613,969	(81,295)	(6.2%)	
Total Ongoing	653,407	611,550	613,969	(81,295)	(6.2%)	
Total One-Time-Only					0.0%	

Program Highlights

Clerk of Court Major Budget Highlights
The 2027 biennium HB 2 request for the Clerk of Court is \$81,000 or 6.2% less than FY 2025 base budget appropriations. This reduction is attributed to statewide present law reductions to personal services and overall inflation/deflation.

Executive Request

The following table shows the total executive request with the base budget and the statewide present law adjustments, present law adjustments, and new proposals by source of funding.

Clerk of Court 2027 Biennium HB 2 Base Budget and Requested Adjustments										
	FY 2026					FY 2027				
	General Fund	State Special	Federal Special	Total Funds	% of Budget Request	General Fund	State Special	Federal Special	Total Funds	% of Budget Request
Base Budget	653,407	0	0	653,407	106.8%	653,407	0	0	653,407	106.4%
Statewide PL										
Personal Services	(41,841)	0	0	(41,841)	(6.8%)	(39,427)	0	0	(39,427)	(6.4%)
Fixed Costs	0	0	0	0	0.0%	0	0	0	0	0.0%
Inflation Deflation	(16)	0	0	(16)	(0.0%)	(11)	0	0	(11)	(0.0%)
Total Statewide PL	(41,857)	0	0	(41,857)	(6.8%)	(39,438)	0	0	(39,438)	(6.4%)
Present Law (PL)	0	0	0	0	0.0%	0	0	0	0	0.0%
New Proposals	0	0	0	0	0.0%	0	0	0	0	0.0%
Total HB 2 Adjustments	(41,857)	0	0	(41,857)	(6.8%)	(39,438)	0	0	(39,438)	(6.4%)
Total Requested Budget	611,550	0	0	611,550		613,969	0	0	613,969	

Funding

The following table shows proposed program funding for all sources 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	1,225,519	0	0	0	1,225,519	100.0%
State Special Total	\$0	\$0	\$0	\$0	\$0	0.0%
Federal Special Total	\$0	\$0	\$0	\$0	\$0	0.0%
Proprietary Total	\$0	\$0	\$0	\$0	\$0	0.0%
Total All Funds	\$1,225,519	\$0	\$0	\$0	\$1,225,519	

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

Program Actuals and Budget Comparison

The following table compares FY 2024 actual expenditures, FY 2024 and FY 2025 appropriations, and the expenditures requested for FY 2026 and FY 2027 by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2024	Approp. Fiscal 2024	Approp. Fiscal 2025	Request Fiscal 2026	Request Fiscal 2027
PB	0.00	5.50	5.50	5.50	5.50
Personal Services	552,760	587,267	608,771	566,930	569,344
Operating Expenses	22,698	44,562	44,636	44,620	44,625
Total Expenditures	\$575,458	\$631,829	\$653,407	\$611,550	\$613,969
General Fund	575,458	631,829	653,407	611,550	613,969
Total Funds	\$575,458	\$631,829	\$653,407	\$611,550	\$613,969
Total Ongoing	\$575,458	\$631,829	\$653,407	\$611,550	\$613,969
Total OTO	\$0	\$0	\$0	\$0	\$0

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.

FY 2024 Appropriations Compared to FY 2024 Actual Expenditures

The Clerk of Court expended 91.1% of its modified HB 2 budget in FY 2024. Personal services were 94.1% expended, while operating expenses were expended at 50.9%. Overall, operating expenses comprise small portions of the overall budget.

FY 2024 Appropriations Compared to FY 2025 Appropriations

When compared to FY 2024 amounts, appropriations in FY 2025 are about \$22,000 higher. For all intents and purposes, appropriations levels and structures are practically identical between the two years.

Program Personal Services

Total personal services requested for the 2027 biennium are just over \$1.1 million which reflects a decrease of \$81,000 or 6.7% when compared to FY 2025 base personal services. This decrease is entirely attributable to statewide present law adjustments. These adjustments are comprised of reductions in position benefits such as retirement and longevity in addition to the branch rehiring vacant positions at lower rates than when the positions became vacant.

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 2026-----					-----Fiscal 2027-----				
	PB	General Fund	State Special	Federal Special	Total Funds	PB	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	(41,841)	0	0	(41,841)	0.00	(39,427)	0	0	(39,427)
DP 3 - Inflation Deflation	0.00	(16)	0	0	(16)	0.00	(11)	0	0	(11)
Grand Total All Present Law Adjustments	0.00	(\$41,857)	\$0	\$0	(\$41,857)	0.00	(\$39,438)	\$0	\$0	(\$39,438)

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

DP 1 - Personal Services -

The branch 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:

- Legislatively approved changes
- Management decisions
- Budget modifications made to the personal services budget in the 2025 biennium

Judicial Branch Clerk of Court FY 2026 Statewide Present Law Adjustment for Personal Services	
Legislative Changes	(\$20,121)
Management Decisions	(21,720)
Budget Modifications	-
Total	(\$41,841)

DP 3 - Inflation Deflation -

The branch requests adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include in-state state motor pool and motor pool leased vehicles.