



# MONTANA LEGISLATIVE BRANCH

## Legislative Fiscal Division

Room 110 Capitol Building \* P.O. Box 201711 \* Helena, MT 59620-1711 \* (406) 444-2986 \* FAX (406) 444-3036

Director  
AMY CARLSON

DATE: September 2, 2010

TO: Reference Book Subcommittee – Judicial Branch, Law Enforcement, Justice

FROM: Pat Gervais, Senior Analyst

RE: September 8, 2010 meeting  
Meeting at 1:00 pm in Room 152 of the Capitol

The enclosed packet includes the minutes from the July meeting, information for subcommittee review at its September meeting, and information collected in response to subcommittee discussion at its July meeting. Each of the items enclosed in this packet (except the minutes) is described briefly in the following list.

### Information for review at the September meeting

Item 1 - Agency 5 Percent Reduction Plans. 17-7-111 (3)(f) MCA specifies that agencies with more than 20 FTE submit a plan to reduce the proposed base budget for the general appropriations act and the proposed state pay plan to 95 percent of the current base budget and provides some exceptions to this requirement. Agency 5 percent reduction plans as submitted to the Office of Budget and Program Planning (OBPP) are included with this memo. The Legislative Finance Committee (LFC) has adopted a motion recommending to the legislature that the starting point for budget deliberations during the 2011 session include the agency 5 percent reduction plan items.

Item 2 – Agency Budget Submission. Summary information about agency budget request as submitted to the OBPP is included for subcommittee review. It is important to remember that this information is as submitted by the agency and is likely to be modified by the OBPP. Thus, it may not represent the executive budget request that will be submitted to the legislature.

Item 3 – Agency Legislation Request. Information regarding legislation that will be requested by the Office of Public Defender (OPD) on two topics related to the reference book is included for subcommittee review.

### Information Collected in Response to Subcommittee Discussion in July

Attachments 4 through 14 represent information that has been gathered to date in response to subcommittee discussion at its July meeting. The gathering of information related to

subcommittee discussion and reference book items will be ongoing during the fall and 2011 session.

Item 4 is an email and letter from the Office of Court Administrator regarding selected budget reduction items related to the Judicial Branch.

Item 5 provides information about the personal services (salary) budget of the District Court Operations Program, excluding elected officials (District Court judges) based upon budgeted information for the current (2011) biennium. At the end of the report an average salary per FTE is calculated and the estimated dollars associated with a 20 percent reduction in costs for 120 FTE (based upon the calculated average cost per FTE). This LFD staff calculation is consistent with the dollar impact calculated by the Judicial Branch.

Item 6: provides information, based upon budgeted information for the current (2011) biennium, about the personal services (salary) budget of the District Court Operation Program within the Judicial Branch for positions with the classification title of Law Clerk. Per FY 2011 budgeted information about \$2.3 million was budgeted to support law clerks within the District Court Operations Program. The LFD staff calculation is about \$250,000 less than the dollar impact calculated by the Judicial Branch.

Item 7 and 8 are excerpts from the 2007 Biennium Fiscal Report for the Department of Corrections and the 2007 biennium general appropriations act (HB 2). This information indicates that \$1.5 million per year was transferred from the budget for secure adult prison facilities to the juvenile placement program. Additionally, the general appropriations act included language about the conditions that if met would permit the reversal of this transfer. The executive determined that these conditions had been met and this \$1.5 million was transferred from the juvenile placement appropriation to the appropriation for adult prisons. At this time, legislative staff has not identified other situations where funding was transferred from juvenile corrections to adult corrections programs.

Items 9 and 10 include email correspondence and a graph related to the Department of Corrections. The email from Department of Corrections staff indicates that in FY 2010, of 1,395 offenders entering the system 273 or 19.6 percent were committed to prison and the balance of 1,122 or 80.4 percent were commitments to the Department of Corrections. The graph provided by the Department of Corrections illustrates by year the initial placement of offenders committed to the department (“DOC Commits”).

Items 11 and 12 provide information about the dollar amount of entitlement share reductions for counties and cities/towns that were included in legislation creating the statewide public defender system.

Items 13 and 14 are information provided by the Department of Corrections about juvenile placement funding.

Please contact me by email at [pagervais@mt.gov](mailto:pagervais@mt.gov) or phone (406) 444-1795 if you have questions or need clarification of any of the information included in this packet.