

Agency Proposed Budget									
Budget Item	Base Budget Fiscal 2000	PL Adjustment Fiscal 2002	Base New Proposals Fiscal 2002	Total Exec. Budget Fiscal 2002	PL Adjustment Fiscal 2003	Base New Proposals Fiscal 2003	Total Exec. Budget Fiscal 2003	Total Exec. Budget Fiscal 02-03	
FTE	102.75	11.00	1.00	114.75	11.00	1.00	114.75	114.75	
Personal Services	7,467,094	1,136,871	38,256	8,642,221	1,186,339	38,256	8,691,689	17,333,910	
Operating Expenses	1,556,329	324,251	366,219	2,246,799	255,676	362,719	2,174,724	4,421,523	
Equipment	280,966	28,061	0	309,027	30,868	0	311,834	620,861	
Grants	434,371	201,822	100,000	736,193	199,969	100,000	734,340	1,470,533	
Debt Service	28,510	0	0	28,510	0	0	28,510	57,020	
Total Costs	\$9,767,270	\$1,691,005	\$504,475	\$11,962,750	\$1,672,852	\$500,975	\$11,941,097	\$23,903,847	
General Fund	8,204,056	1,429,528	245,750	9,879,334	1,402,107	242,250	9,848,413	19,727,747	
State/Other Special	1,488,214	181,477	0	1,669,691	190,745	0	1,678,959	3,348,650	
Federal Special	75,000	80,000	258,725	413,725	80,000	258,725	413,725	827,450	
Total Funds	\$9,767,270	\$1,691,005	\$504,475	\$11,962,750	\$1,672,852	\$500,975	\$11,941,097	\$23,903,847	

Agency Description

The Judicial Branch is authorized in Article III, Section I, and Article VII of the Constitution. The Supreme Court, consisting of a chief justice and six justices, has appellate jurisdiction for the state. The court also has original jurisdiction to issue, hear, and determine writs as provided by law, and has general supervisory control over all courts in the state. The Supreme Court establishes rules governing appellate procedure, other court practices and procedures, admission to the bar, and conduct of its members. The court also supervises reimbursement to district courts for certain criminal case costs, and administers the local Citizens Review Board Program for foster care placement.

Agency Discussion

Budget Overview

The request for the Judiciary is a 15 percent increase from the 2001 biennium. Major components of the request include:

- ?? Seven new law clerks for the Supreme Court Justices at a cost of \$714,062
- ?? Continuation of the Federal Court Assessment Program at a cost of \$289,950
- ?? Expansion of the Citizen Review Board Program at a cost of \$250,000
- ?? Continuation of the Court Appointed Special Advocate and Guardian programs at a cost of \$300,000

Each of these programs is discussed further in the individual program decision packages.

Elected Official New Proposals

The Clerk of the Court made requests for funding consideration by the legislature that were not fully funded by the Office of Budget and Program Planning (OBPP). These requests included support for additional Supreme Court records conversion, equipment, and four FTE's above the number recommended by the OBPP. These major differences result in an additional request for \$478,301 that is not reflected in the Executive Budget. The specific requests follow.

DP 6001 - Supreme Court Records Electronic Storage - The Clerk is responsible for the historical retention of Supreme Court records. Cases after 1937 have yet to be duplicated. The Clerk of Court requested a restricted appropriation to continue a practice that included a combination of microfilming, microfiching, and digital conversion. The Clerk's request is for \$155,356. The OBPP recommendation is for \$70,000. The difference lies in the amount of time considered necessary to complete the project. Under the clerk's proposal, the project will be completed in the 2003 biennium. Under the OBPP proposal the project would reach a stage of half completion in the 2003 biennium.

DP 6004 - Additional Staff - Courts filings have increased 29 percent during the last six years. The Clerk requested 5.0 FTE at a cost of \$472,100 to assist in managing this caseload. The Executive Budget recommended 1.0 FTE at a cost of \$94,420.

DP 6101 - Purchase Equipment to Convert Court Filings to Electronic Formats - The Clerk requested the funding to buy a scanner and the support equipment that would allow for the electronic filing of documents, thereby increasing court and public access to information. The Clerk requested \$18,765; the Executive Budget recommended \$3,500

These issues are discussed further in Program #6 of this agency proposal.

Biennium Budget Comparison								
Budget Item	Present Law Fiscal 2002	New Proposals Fiscal 2002	Total Exec. Budget Fiscal 2002	Present Law Fiscal 2003	New Proposals Fiscal 2003	Total Exec. Budget Fiscal 2003	Total Biennium Fiscal 00-01	Total Exec. Budget Fiscal 02-03
FTE	113.75	1.00	114.75	113.75	1.00	114.75	0.00	114.75
Personal Services	8,603,965	38,256	8,642,221	8,653,433	38,256	8,691,689	15,075,255	17,333,910
Operating Expenses	1,880,580	366,219	2,246,799	1,812,005	362,719	2,174,724	3,299,241	4,421,523
Equipment	309,027	0	309,027	311,834	0	311,834	531,744	620,861
Grants	636,193	100,000	736,193	634,340	100,000	734,340	1,027,397	1,470,533
Debt Service	28,510	0	28,510	28,510	0	28,510	57,020	57,020
Total Costs	\$11,458,275	\$504,475	\$11,962,750	\$11,440,122	\$500,975	\$11,941,097	\$19,990,657	\$23,903,847
General Fund	9,633,584	245,750	9,879,334	9,606,163	242,250	9,848,413	16,698,450	19,727,747
State/Other Special	1,669,691	0	1,669,691	1,678,959	0	1,678,959	3,142,208	3,348,650
Federal Special	155,000	258,725	413,725	155,000	258,725	413,725	149,999	827,450
Total Funds	\$11,458,275	\$504,475	\$11,962,750	\$11,440,122	\$500,975	\$11,941,097	\$19,990,657	\$23,903,847

New Proposals

The table below summarizes all new proposals requested by the executive. Descriptions and LFD discussion of each new proposal are included in the individual program narratives.

Program	FTE	Fiscal 2002				Fiscal 2003				
		General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1101 - Federal Court Assessment Program										
01	0.00	36,250	0	108,725	144,975	0.00	36,250	0	108,725	144,975
DP 1102 - Citizen Review Board Expansion										
01	0.00	25,000	0	100,000	125,000	0.00	25,000	0	100,000	125,000
DP 1103 - CASA/Guardian Ad Litem										
01	1.00	100,000	0	50,000	150,000	1.00	100,000	0	50,000	150,000
DP 1104 - Case Management System Equipment										
01	0.00	6,000	0	0	6,000	0.00	6,000	0	0	6,000
DP 1105 - State Reporter										
01	0.00	20,000	0	0	20,000	0.00	20,000	0	0	20,000
DP 2103 - Limited Court Auditor										
02	0.00	50,000	0	0	50,000	0.00	50,000	0	0	50,000
DP 3101 - Scanning										
03	0.00	5,000	0	0	5,000	0.00	5,000	0	0	5,000
DP 6101 - Equipment										
06	0.00	3,500	0	0	3,500	0.00	0	0	0	0
Total	1.00	\$245,750	\$0	\$258,725	\$504,475	1.00	\$242,250	\$0	\$258,725	\$500,975

Program Proposed Budget									
Budget Item	Base Budget Fiscal 2000	PL Adjustment Fiscal 2002	Base New Proposals Fiscal 2002	Total Exec. Budget Fiscal 2002	PL Adjustment Fiscal 2003	Base New Proposals Fiscal 2003	Total Exec. Budget Fiscal 2003	Total Exec. Budget Fiscal 02-03	
FTE	37.75	9.00	1.00	47.75	9.00	1.00	47.75	47.75	
Personal Services	2,280,357	446,757	38,256	2,765,370	460,407	38,256	2,779,020	5,544,390	
Operating Expenses	898,617	215,672	307,719	1,422,008	161,167	307,719	1,367,503	2,789,511	
Grants	434,371	201,822	100,000	736,193	199,969	100,000	734,340	1,470,533	
Total Costs	\$3,613,345	\$864,251	\$445,975	\$4,923,571	\$821,543	\$445,975	\$4,880,863	\$9,804,434	
General Fund	2,675,451	647,145	187,250	3,509,846	604,437	187,250	3,467,138	6,976,984	
State/Other Special	862,894	137,106	0	1,000,000	137,106	0	1,000,000	2,000,000	
Federal Special	75,000	80,000	258,725	413,725	80,000	258,725	413,725	827,450	
Total Funds	\$3,613,345	\$864,251	\$445,975	\$4,923,571	\$821,543	\$445,975	\$4,880,863	\$9,804,434	

Program Description

The Supreme Court Operations Program manages the day-to-day operations of the court and administers the local Citizen Review Board Program for foster care placements, the federal Court Assessment Program, and the district court Criminal Reimbursement Program.

Funding

This program is funded with a combination of general fund, state special revenue funds from assessments in district courts and courts of limited jurisdiction to upgrade electronic technology, and federal special revenue funds.

Present Law Adjustments									
-----Fiscal 2002-----					-----Fiscal 2003-----				
FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
Personal Services				61,277					73,563
Vacancy Savings				0					0
Inflation/Deflation				507					1,132
Fixed Costs				96,063					73,399
Total Statewide Present Law Adjustments				\$157,847					\$148,094
DP 1001 - Law Clerks for Supreme Court Justices	7.00	369,582	0	369,582	7.00	344,480	0	0	344,480
DP 1002 - Citizen Review Board Maintenance	2.00	40,000	0	80,000	2.00	40,000	0	80,000	120,000
DP 1003 - Judicial Branch Education/Equipment	0.00	15,000	0	15,000	0.00	9,000	0	0	9,000
DP 1004 - Court Automation	0.00	0	201,822	201,822	0.00	0	199,969	0	199,969
Total Other Present Law Adjustments	9.00	\$424,582	\$201,822	\$706,404	9.00	\$393,480	\$199,969	\$80,000	\$673,449
Grand Total All Present Law Adjustments				\$864,251					\$821,543

Executive Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget included in the executive present law. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items will be applied globally to all agencies. A description of each item is included in the "Agency Budget Analysis Roadmap" section that begins this volume. The other numbered adjustments in the table correspond to the narrative descriptions.

DP 1001 - Law Clerks for Supreme Court Justices - This proposed present law adjustment would provide funding for an additional law clerk (and associated support equipment) for each Supreme Court Justice. The Montana Supreme Court must accept jurisdiction for all appeals entered in district courts without refusal. This adjustment would allow each justice a third law clerk to reduce the current delay of 6-12 months (and increasing) in hearing cases.

LFD COMMENT Supreme Court cases have increased 29 percent in the last five years, from 633 in 1994, to 731 in 1996, to 726 in 1998, to 900 in 2000. Comparison with adjoining states show Washington with nine justices and three clerks each, Oregon with seven justices and three clerks each, and Idaho with five justices and three clerks each. All adjoining states also have special staff under Supreme Court Operations who research specific issues by request of the Supreme Court justices, but who are not assigned to a particular justice. The agency stated that the Supreme Court caseload increase has caused sufficient delay in hearing cases so as to affect the court's ability to provide prompt justice.

DP 1002 - Citizen Review Board Maintenance - The 1999 Legislature authorized expansion of the Citizen Review Board. Funding was used to hire additional staff and establish an additional review board. This proposal requests authority to maintain 2.0 FTE (\$160,000 of federal authority and \$80,000 of general fund).

LFD COMMENT The Citizen Review Board was formed as a pilot project by the 1997 legislature, and expanded to two review boards by the 1999 legislature. The mission of these boards is to conduct regular reviews of the current status of every child placed in foster care in the state of Montana, in order to ensure child progress and safety. The boards also provide for the regular review of the necessity and adequacy of current foster care. The Supreme Court requests maintenance of the additional FTE authorized by the 1999 legislature, and the provision of funding for the continued service of the board. Instructions from the 1999 legislature required court operations to maximize use of federal funding for this program under Title IV-E reimbursements. This funding request contains the required mix of federal and state funds.

DP 1003 - Judicial Branch Education/Equipment - This proposal would fund registration and travel costs to allow Supreme Court Justices to attend educational conferences on current statutes, precedence, and judicial procedures. This type of training is not available in Montana. This proposal also includes funding for two printers and one computer table for use by the Supreme Court Justices.

DP 1004 - Court Automation - HB 176 established a surcharge on court filings of \$5. Funds collected are used to support and improve the data and information systems of district and limited jurisdiction courts. HB 41 extended the surcharge through fiscal year 2003. The surcharge generates \$800,000 to \$1 million per year. This proposal requests state special revenue authority to begin use of these funds.

New Proposals										
Program	FTE	-----Fiscal 2002-----				-----Fiscal 2003-----				
		General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
DP 1101 - Federal Court Assessment Program										
01	0.00	36,250	0	108,725	144,975	0.00	36,250	0	108,725	144,975
DP 1102 - Citizen Review Board Expansion										
01	0.00	25,000	0	100,000	125,000	0.00	25,000	0	100,000	125,000
DP 1103 - CASA/Guardian Ad Litem										
01	1.00	100,000	0	50,000	150,000	1.00	100,000	0	50,000	150,000
DP 1104 - Case Management System Equipment										
01	0.00	6,000	0	0	6,000	0.00	6,000	0	0	6,000
DP 1105 - State Reporter										
01	0.00	20,000	0	0	20,000	0.00	20,000	0	0	20,000
Total	1.00	\$187,250	\$0	\$258,725	\$445,975	1.00	\$187,250	\$0	\$258,725	\$445,975

New Proposals

DP 1101 - Federal Court Assessment Program - The Court Assessment Program evaluates the handling of child abuse and neglect proceedings within the Montana legal system. The program started in June 1995 with an anticipated four-year life span. The federal government continues to extend this program. This proposal requests matching funding to continue federal authority.

LFD COMMENT

The Court Assessment Program is a federal program developed to provide assistance to local governments and courts, and to improve the effectiveness of child welfare law. During the last biennium, at the state level, the program has:

- 1) provided training to county attorneys, judges' conferences, the State Bar, and the Department of Health and Human Services;
- 2) developed and taught child advocacy law at the University of Montana;
- 3) sponsored specialized training in abuse and neglect mediation for local programs throughout the state;
- 4) developed a resource directory web page; and
- 5) made progress on changes to federal legislation intended to improve child welfare law.

This program receives federal funding at a matching rate of 75 percent federal and 25 percent state funds. Federal funding for the next biennium is already established at \$108,725 per year. This funding, if approved, would provide authority to spend the annual federal grants funding, and would provide the \$36,250 general fund necessary to qualify the state for the federal grant.

DP 1102 - Citizen Review Board Expansion - This proposal requests federal and general fund authority at a 4:1 ratio over the biennium to expand the Citizen Review Board Program. Multiple federal funding sources are available. Some require general fund expenditures followed by a federal reimbursement, and some require matching funds. This proposal, if funded, would allow the Supreme Court to expand the Citizen Review Board Program to other areas of the state.

LFD ISSUE

The agency has indicated that Supreme Court initiated reviews that were randomly conducted by the state exhibited a larger need for closer review by each judicial district. This decision package proposes funding a requirement that each judicial district in the state form a Citizen Review Board and subsequently review the foster care status of each child in the district every six months. Eighty (80) percent of this program would be funded with federal dollars (within federal limits). The issues for legislative consideration include:

- ?? deciding whether to continue the program beyond its pilot program stage;
- ?? determining what portions of the proposed legislation the legislature may wish to modify; and
- ?? determining what cap (if any) to place on the total program costs, either statewide or by individual jurisdictional district.

The legislature may also wish to ask the Judiciary to provide a review of the measurable impacts of child progress, child safety, foster care necessity, and adequacy as found by the Citizen Review Board during the pilot program assessment.

DP 1103 - CASA/Guardian Ad Litem - Special Advocacy is a state program providing support services to local programs. The state program coordinator assists local programs in start-up and provides on-going training to volunteers, board members, and local directors. The coordinator also screens, trains and supervises volunteer lay advocates appointed to child abuse and neglect cases by district courts. All programs are court sanctioned. The state program is historically funded with a federal grant appropriated through a budget amendment to the Supreme Court. This proposal puts \$100,000 of federal authority in HB2, adds 1.0 FTE to the program, and requests \$200,000 of general fund over the biennium to assist with established local programs that can no longer receive the competitive, nonrenewable two-year federal grants.

LFD ISSUE

The Court Appointed Special Advocate travels to local communities and provides assistance in developing local programs to reduce child abuse and neglect. This is done by developing the community volunteer base of trained assistants, by training local community advocates, developing local fundraising programs, and ensuring that local lay assistants maintain knowledge relative to the latest federal and state law changes pertinent to child abuse and neglect issues. This funding request proposes to replace federal funding at local levels for communities that

**LFD ISSUE
(Continued)**

will no longer be eligible for the competitive nonrenewable two-year federal grants. This request replaces federal funding at local levels with state funding in order to continue providing this service to those communities that no longer qualify for federal funds.

When asked to provide quantifiable evidence that the Special Advocate reduces incidence of child abuse and neglect at the local level, the Judiciary was not able to do so. If the legislature determines that it wishes to make general fund contributions to this effort, it may wish to make the appropriation a one-time-only and require the Judiciary to provide the next legislature with quantifiable evidence of positive results.

DP 1104 - Case Management System Equipment - The Clerk of Court has a new database case-management system. This system will not operate using current computer equipment without an upgrade.

**LFD
COMMENT**

This request includes two workstations and a common server to link existing computers. Costs fall within the Information Services Division guidelines for purchase of computer hardware.

DP 1105 - State Reporter - This proposal would provide funds to purchase an electronic version of all Montana Supreme Court opinions since inception of the Court. These opinions would be used for legal research by Supreme Court Justices and their law clerks, as well as by District Court judges and their law clerks.

**LFD
COMMENT**

This is the equivalent of a purchase rather than a lease. The Supreme Court currently has access to this data through WestLaw and Lexis. However, they have limited control on customized use, and no archival capability. There is potential cost savings to the multiple court systems if the Supreme Court can make the database available statewide through website access to lower courts.

Program Proposed Budget									
Budget Item	Base Budget Fiscal 2000	PL Adjustment Fiscal 2002	Base New Proposals Fiscal 2002	Total Exec. Budget Fiscal 2002	PL Adjustment Fiscal 2003	Base New Proposals Fiscal 2003	Total Exec. Budget Fiscal 2003	Total Exec. Budget Fiscal 02-03	
FTE	2.00	1.00	0.00	3.00	1.00	0.00	3.00	3.00	
Personal Services	73,129	46,667	0	119,796	47,073	0	120,202	239,998	
Operating Expenses	127,547	30,910	50,000	208,457	29,556	50,000	207,103	415,560	
Total Costs	\$200,676	\$77,577	\$50,000	\$328,253	\$76,629	\$50,000	\$327,305	\$655,558	
General Fund	200,676	77,577	50,000	328,253	76,629	50,000	327,305	655,558	
Total Funds	\$200,676	\$77,577	\$50,000	\$328,253	\$76,629	\$50,000	\$327,305	\$655,558	

Program Description

The Boards and Commissions staff assists with functions assigned to the Supreme Court by legislative or constitutional mandate. The program manages judicial discipline, rules, bar admissions, and substantive matters relative to improving and maintaining the administration of justice. The program includes the Judicial Standards Commission, Sentence Review Division, Commission on Practice, Board of Bar Examiners, Commission on Courts of Limited Jurisdiction, and the Judicial Nominations Commission.

Funding

This program is funded from the general fund. Minimal costs are recovered through a fee imposed by the Courts of Limited Jurisdiction for training and attorney investigation repayments, which are subsequently deposited to the general fund.

Present Law Adjustments										
	-----Fiscal 2002-----					-----Fiscal 2003-----				
	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
Personal Services					4,963					5,223
Vacancy Savings					0					0
Inflation/Deflation					37					116
Fixed Costs					(156)					(156)
Total Statewide Present Law Adjustments					\$4,844					\$5,183
DP 2001 - Commission Support	1.00	63,430	0	0	63,430	1.00	62,143	0	0	62,143
DP 2002 - Judicial Standards Commission	0.00	9,303	0	0	9,303	0.00	9,303	0	0	9,303
Total Other Present Law Adjustments	1.00	\$72,733	\$0	\$0	\$72,733	1.00	\$71,446	\$0	\$0	\$71,446
Grand Total All Present Law Adjustments					\$77,577					\$76,629

Executive Present Law Adjustments

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DP 2001 - Commission Support - This proposal would provide funding for an additional 1.00 FTE to support the Commission to Eliminate Gender Bias in the Courts (an internal Supreme Court commission), the Commission on Self-Represented Litigants (an internal Supreme Court commission for those who proceed without an attorney), and the Commission on Practice (to review complaints alleging unethical conduct by Montana attorneys).

LFD ISSUE The Boards and Commissions Program currently has two FTE to coordinate the six commissions currently in place. This request, if approved, would add a third FTE in support of three new commissions. All of the current boards and commissions have seen expanded activity during the biennium, most notably a 40 percent increase in activity in the Commission on Practice. The legislature may wish to add language indicating that this position, if approved, would assist the court in supporting all of their boards and commissions rather than confine support to the three new commissions.

DP 2002 - Judicial Standards Commission - This proposal would provide a restricted general fund appropriation for the constitutionally-mandated Judicial Standards Commission, for use in investigating complaints and making recommendations with regard to the conduct of judicial officers. Funds are allocated to support investigative contracts and travel costs.

New Proposals										
Program	FTE	-----Fiscal 2002-----				-----Fiscal 2003-----				
		General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
DP 2103 - Limited Court Auditor 02	0.00	50,000	0	0	50,000	0.00	50,000	0	0	50,000
Total	0.00	\$50,000	\$0	\$0	\$50,000	0.00	\$50,000	\$0	\$0	\$50,000

New Proposals

DP 2103 - Limited Court Auditor - This proposal, if approved, would provide the funds necessary to contract with an individual or a company to provide audits of the limited courts throughout Montana. The occurrence of fraud and theft in limited courts is increasing, as demonstrated by a theft of \$10,000 in January 2000. Most courts have few staff members and must rely on manual accounting systems, the controls of which are easily circumvented. Funding this proposal would allow an auditor to travel to the courts, assess and test controls, audit court records, and make recommendations for improvement.

LFD ISSUE The legislature may wish to direct the agency to define, in quantifiable terms, the number of courts that will be audited for this \$100,000 request. The legislature may also wish to consider this a one-time-only appropriation with specific biennial goals and program measurements. Cost-benefit analysis is also indicated, as the expenditure of \$50,000 annually to identify what may amount to a \$10,000 diversion indicates the potential for a limited return on investment.

Program Proposed Budget									
Budget Item	Base Budget Fiscal 2000	PL Adjustment Fiscal 2002	Base New Proposals Fiscal 2002	Total Exec. Budget Fiscal 2002	PL Adjustment Fiscal 2003	Base New Proposals Fiscal 2003	Total Exec. Budget Fiscal 2003	Total Exec. Budget Fiscal 02-03	
FTE	7.50	0.00	0.00	7.50	0.00	0.00	7.50	7.50	
Personal Services	281,861	52,187	0	334,048	53,851	0	335,712	669,760	
Operating Expenses	102,306	17,586	5,000	124,892	8,623	5,000	115,929	240,821	
Equipment	280,966	28,061	0	309,027	30,868	0	311,834	620,861	
Debt Service	28,510	0	0	28,510	0	0	28,510	57,020	
Total Costs	\$693,643	\$97,834	\$5,000	\$796,477	\$93,342	\$5,000	\$791,985	\$1,588,462	
General Fund	693,643	97,834	5,000	796,477	93,342	5,000	791,985	1,588,462	
Total Funds	\$693,643	\$97,834	\$5,000	\$796,477	\$93,342	\$5,000	\$791,985	\$1,588,462	

Program Description

The Law Library maintains the extensive legal reference materials used by the court system, the legislature, state officers and employees, members of the bar, and the general public. Access to much of this material is provided via the Internet. A Board of Trustees consisting of the Supreme Court Justices governs the library.

Funding

This program is funded through the general fund. Minimal costs are recovered through fees charged for copies, faxes, and rental of audio/video cassettes. These fees are subsequently deposited into the general fund.

Present Law Adjustments										
	-----Fiscal 2002-----				-----Fiscal 2003-----					
	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
Personal Services					42,187					43,851
Vacancy Savings					0					0
Inflation/Deflation					(30)					2
Fixed Costs					(379)					(379)
Total Statewide Present Law Adjustments					\$41,778					\$43,474
DP 3001 - Chair Replacement	0.00	9,000	0	0	9,000	0.00	9,000	0	0	9,000
DP 3002 - Upgrade Web Server	0.00	8,995	0	0	8,995	0.00	0	0	0	0
DP 3003 - Legal Information Inflation	0.00	28,061	0	0	28,061	0.00	30,868	0	0	30,868
DP 3004 - Comparable Wage	0.00	10,000	0	0	10,000	0.00	10,000	0	0	10,000
Total Other Present Law Adjustments	0.00	\$56,056	\$0	\$0	\$56,056	0.00	\$49,868	\$0	\$0	\$49,868
Grand Total All Present Law Adjustments					\$97,834					\$93,342

Executive Present Law Adjustments

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DP 3001 - Chair Replacement - This request would fund the purchase of new chairs for the library. Current chairs are 18 years old and in poor condition. This request would provide one-time funding to replace all the chairs in the library and conference room.

DP 3002 - Upgrade Web Server - Since the Internet is used to provide public access to Supreme Court opinions and legal information, this request would fund an upgrade of the web server in the Law Library.

LFD COMMENT This upgrade meets the Information Services Division's four-year replacement standard, and indicates that additional upgrades will not be necessary before 2006. The legislature may wish to consider a one-time-only appropriation, as this is not a recurring need.

DP 3003 - Legal Information Inflation - Legal books are subject to inflation beyond the Consumer Price Index. Costs for American Library Association legal books have risen 17.44 percent since 1999. This funding would allow the Law Library to maintain parity in its current collection.

DP 3004 - Comparable Wage - This request would provide funding for a pay increase for library clerks. Court justices support paying their library clerks \$10 per hour, as compared to the current rate of \$8 per hour. Library clerks hold exempt positions and their wages have not kept pace with adjustments provided to like-classified positions. This is especially true at the entry level, where pay has not been adjusted for inflation for over ten years. This request would fund an increase in clerk's wages to \$10 per hour, which is comparable to the wages paid library clerks who hold like responsibilities in like agencies.

LFD COMMENT The agency will make the research justifying this request available to the legislature upon request.

New Proposals										
Prgm	FTE	Fiscal 2002				Fiscal 2003				
		General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
DP 3101 - Scanning 03	0.00	5,000	0	0	5,000	0.00	5,000	0	0	5,000
Total	0.00	\$5,000	\$0	\$0	\$5,000	0.00	\$5,000	\$0	\$0	\$5,000

New Proposals

DP 3101 - Scanning - Part of the 2001 biennial appropriation was invested in hardware, software, and the contract labor necessary to scan thousands of legal documents for addition to the law library website, making them available for public access. These included Supreme Court briefs and opinions, court rules, legislative histories, and minutes of the Montana Constitutional Convention. This proposal, if approved, would fund students, working as independent contractors, to continue this process. This funding would provide the capacity to scan documents for approximately 700 hours per fiscal year.

Proprietary Rates

Program Description

Law Library Search/Research Enterprise Fund

The Law Library is billed by the on-line provider for air time; the library in turn bills requesting entities for the cost of the search performed.

Revenues and Expenses

Law Library staff performs on-line searches and does research for public and private entities. The library is billed by the on-line provider for airtime. The library, in turn, bills the requesting entity for the search/research, collects the remuneration and pays the provider.

Report on Internal Service & Enterprise Funds, 2003 Biennium

Fund Number 06019	Fund Name w Library Searches/Resea	Agency Number 2110	Agency Name Judiciary	Program Name Law Library
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Fund Balance Information

	FY96	FY97	FY98	FY99	FY00	Estimated FY01	Estimated FY02	Estimated FY03
Beginning Retained Earnings	N/A	N/A	N/A	-	-	2,937	2,937	2,937
Increases								
Fee Revenue	-	-	-	-	-	-	-	-
Investment Earnings	-	-	-	-	-	-	-	-
Transfers In	-	-	-	-	-	-	-	-
Miscellaneous, operating	-	-	-	26,033	39,899	40,000	40,000	40,000
Miscellaneous, other	-	-	-	-	-	-	-	-
Total Increases	N/A	N/A	N/A	26,033	39,899	40,000	40,000	40,000
(Decreases)								
Personal Services	-	-	-	-	-	-	-	-
Operations	-	-	-	26,033	36,962	40,000	40,000	40,000
Transfers Out	-	-	-	-	-	-	-	-
Miscellaneous, operating	-	-	-	-	-	-	-	-
Miscellaneous, other	-	-	-	-	-	-	-	-
Total Decreases	N/A	N/A	N/A	26,033	36,962	40,000	40,000	40,000
Adjustments to Beginning Retained Earnings	-	-	-	-	-	-	-	-
Ending Retained Earnings	N/A	N/A	N/A	-	2,937	2,937	2,937	2,937
Total Contributed Capital	-	-	-	-	-	-	-	-
Total Fund Equity	N/A	N/A	N/A	-	2,937	2,937	2,937	2,937
Unreserved Fund Balance								
60 Days of Expenses (i.e. total of personnel services, operations, and miscellaneous operating divided by 6)	N/A	N/A	N/A	4,339	6,160	6,667	6,667	6,667

Fee/Rate Information for Legislative Action:

Requested Rates for Internal Service Funds	xxxx	-----Estimated-----	Authority							
Agency Charges (Provided as Information Only for both types of funds -- i.e. the Internal Service Funds [primary service to agencies within state government] and to Enterprise funds [primary service to outside state government]). If applicable, provide authority for the charge.										
<p>The law library performs on-line searches/resaeareh for public & private entities. The law library is billed by the on-line provider for the air time; the library, in turn, bills the requestor, collects the money and pays the provider.</p>										

Program Proposed Budget									
Budget Item	Base Budget Fiscal 2000	PL Adjustment Fiscal 2002	Base New Proposals Fiscal 2002	Total Exec. Budget Fiscal 2002	PL Adjustment Fiscal 2003	Base New Proposals Fiscal 2003	Total Exec. Budget Fiscal 2003	Total Exec. Budget Fiscal 02-03	
FTE	40.00	0.00	0.00	40.00	0.00	0.00	40.00	40.00	
Personal Services	4,076,004	489,946	0	4,565,950	513,186	0	4,589,190	9,155,140	
Operating Expenses	283,536	13,301	0	296,837	13,408	0	296,944	593,781	
Total Costs	\$4,359,540	\$503,247	\$0	\$4,862,787	\$526,594	\$0	\$4,886,134	\$9,748,921	
General Fund	4,359,540	503,247	0	4,862,787	526,594	0	4,886,134	9,748,921	
Total Funds	\$4,359,540	\$503,247	\$0	\$4,862,787	\$526,594	\$0	\$4,886,134	\$9,748,921	

Program Description

The District Court Operations Program funds salaries, travel, and training costs for the state's district judges. District courts have original jurisdiction for cases in criminal felony, civil, and administrative law.

Funding

This program is supported by the general fund.

Present Law Adjustments										
-----Fiscal 2002-----					-----Fiscal 2003-----					
FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds	
Personal Services				476,396					499,636	
Vacancy Savings				0					0	
Inflation/Deflation				192					299	
Fixed Costs				(664)					(664)	
Total Statewide Present Law Adjustments				\$475,924					\$499,271	
DP 4001 - District Court Judicial Education	0.00	10,000	0	0	10,000	0.00	10,000	0	0	10,000
DP 4002 - Multi-County Jurisdictions	0.00	3,773	0	0	3,773	0.00	3,773	0	0	3,773
DP 4003 - Retired Judges Compensation	0.00	13,550	0	0	13,550	0.00	13,550	0	0	13,550
Total Other Present Law Adjustments	0.00	\$27,323	\$0	\$0	\$27,323	0.00	\$27,323	\$0	\$0	\$27,323
Grand Total All Present Law Adjustments				\$503,247					\$526,594	

Executive Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget included in the executive present law. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items will be applied globally to all agencies. A description of each item is included in the "Agency Budget Analysis Roadmap" section that begins this volume. The other numbered adjustments in the table correspond to the narrative descriptions.

DP 4001 - District Court Judicial Education - Due to turnover among judges, there is a need for training. Reno, Nevada is the closest training facility; costs range from \$2,000 to \$3,500 per judge. This proposal, if funded, would provide training for eight district court judges at an average cost of \$2,500.

DP 4002 - Multi-County Jurisdictions - The Supreme Court provides a lease vehicle for judges who preside over multi-county jurisdictions. This request, which meets standard reimbursement rates, provides a 4 percent increase for vehicle leases, travel expenses, and vehicle maintenance for judges who have multi-county jurisdictions.

DP 4003 - Retired Judges Compensation - Judges must often excuse themselves from hearing a case. Retired judges are frequently called to serve temporarily as substitutes. Compensation for these judges is statutorily determined, but is not included in the base. This request provides funding to compensate retired judges who are called to temporary duty.

**LFD
COMMENT**

This request falls within the average expenditure for the last five years.

Program Proposed Budget									
Budget Item	Base Budget Fiscal 2000	PL Adjustment Fiscal 2002	Base New Proposals Fiscal 2002	Total Exec. Budget Fiscal 2002	PL Adjustment Fiscal 2003	Base New Proposals Fiscal 2003	Total Exec. Budget Fiscal 2003	Total Exec. Budget Fiscal 02-03	
FTE	11.00	0.00	0.00	11.00	0.00	0.00	11.00	11.00	
Personal Services	519,441	44,167	0	563,608	53,435	0	572,876	1,136,484	
Operating Expenses	105,879	204	0	106,083	204	0	106,083	212,166	
Total Costs	\$625,320	\$44,371	\$0	\$669,691	\$53,639	\$0	\$678,959	\$1,348,650	
State/Other Special	625,320	44,371	0	669,691	53,639	0	678,959	1,348,650	
Total Funds	\$625,320	\$44,371	\$0	\$669,691	\$53,639	\$0	\$678,959	\$1,348,650	

Program Description

The Water Courts Operations staff adjudicates claims relative to existing water rights and supervises the distribution of water among the four water divisions of the state, as defined in 3-7-102, MCA.

Funding

This program is funded with state special revenue funds from the Renewable Resource Grant and Loan Account. These accounts include the Resource Indemnity and Ground Water Assessment (RIGWA) Tax, as well as interest earnings on the Resource Indemnity Tax (RIT) Trust.

Present Law Adjustments										
-----Fiscal 2002-----					-----Fiscal 2003-----					
	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
Personal Services					36,567					39,835
Vacancy Savings					0					0
Inflation/Deflation					(408)					(408)
Fixed Costs					(332)					(332)
Total Statewide Present Law Adjustments					\$35,827					\$39,095
DP 5001 - Water Masters	0.00	0	6,000	0	6,000	0.00	0	12,000	0	12,000
DP 5002 - Overtime for Travel	0.00	0	1,600	0	1,600	0.00	0	1,600	0	1,600
DP 5003 - Telephone System Warranty	0.00	0	944	0	944	0.00	0	944	0	944
Total Other Present Law Adjustments	0.00	\$0	\$8,544	\$0	\$8,544	0.00	\$0	\$14,544	\$0	\$14,544
Grand Total All Present Law Adjustments					\$44,371					\$53,639

Executive Present Law Adjustments

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DP 5001 - Water Masters - This request, if funded, would provide for an increase in the base salary of the three lowest-paid watermasters, all of whom joined the Court in 1999. According to the agency, the loss of three watermasters during 1998-1999 was due to the fact that the private sector provided higher compensation levels. Insufficient retention has caused extension of adjudication from 12 to 18 months.

**LFD
COMMENT**

Watermaster turnover averages one per year in a staff of six; there are significant training requirements for replacements.

DP 5002 - Overtime for Travel - Water Court personnel from Bozeman must travel to hearings throughout Montana, which results in the use of overtime. During the next biennium, the Water Court will hold hearings and conferences in several communities including Hamilton, Billings, Red Lodge, Havre, and Glasgow.

**LFD
COMMENT**

The Water Court conducts annual hearings in 15 state locations, and averages over 51 days in so doing. The overtime funding in this request falls within the five-year average.

DP 5003 - Telephone System Warranty - The two-year warranty on the Court's Norstar telephone system expires in October 2001. This request would provide funds for an annual maintenance contract amounting to \$944, which will come due at that time.

Program Proposed Budget									
Budget Item	Base Budget Fiscal 2000	PL Adjustment Fiscal 2002	Base New Proposals Fiscal 2002	Total Exec. Budget Fiscal 2002	PL Adjustment Fiscal 2003	Base New Proposals Fiscal 2003	Total Exec. Budget Fiscal 2003	Total Exec. Budget Fiscal 02-03	
FTE	4.50	1.00	0.00	5.50	1.00	0.00	5.50	5.50	
Personal Services	236,302	57,147	0	293,449	58,387	0	294,689	588,138	
Operating Expenses	38,444	46,578	3,500	88,522	42,718	0	81,162	169,684	
Equipment	0	0	0	0	0	0	0	0	
Total Costs	\$274,746	\$103,725	\$3,500	\$381,971	\$101,105	\$0	\$375,851	\$757,822	
General Fund	274,746	103,725	3,500	381,971	101,105	0	375,851	757,822	
Total Funds	\$274,746	\$103,725	\$3,500	\$381,971	\$101,105	\$0	\$375,851	\$757,822	

Program Description

The Clerk of Court provides operational support for the Supreme Court, as outlined in 3-2-4, MCA. Duties include maintaining court records and files, issuing writs and certificates, approving bonds, and filing papers and transcripts.

Funding

This program is supported by the general fund.

Present Law Adjustments									
-----Fiscal 2002-----					-----Fiscal 2003-----				
FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
Personal Services				11,947					13,027
Vacancy Savings				0					0
Inflation/Deflation				(84)					(84)
Fixed Costs				(298)					(298)
Total Statewide Present Law Adjustments				\$11,565					\$12,645
DP 6001 - Supreme Court Records									
0.00	35,000	0	0	35,000	0.00	35,000	0	0	35,000
DP 6002 - Records Storage									
0.00	3,300	0	0	3,300	0.00	3,300	0	0	3,300
DP 6003 - Clerk of Court Operations									
0.00	4,800	0	0	4,800	0.00	4,800	0	0	4,800
DP 6004 - Additional Staff									
1.00	49,060	0	0	49,060	1.00	45,360	0	0	45,360
Total Other Present Law Adjustments	1.00	\$92,160	\$0	\$92,160	1.00	\$88,460	\$0	\$0	\$88,460
Grand Total All Present Law Adjustments				\$103,725					\$101,105

Executive Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget included in the executive present law. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items will be applied globally to all agencies. A description of each item is included in the "Agency Budget Analysis Roadmap" section that begins this volume. The other numbered adjustments in the table correspond to the narrative descriptions.

DP 6001 - Supreme Court Records - By law, the Clerk is responsible for the historical retention of Supreme Court records. Cases after 1937 have yet to be duplicated. The Clerk of Court is requesting a restricted appropriation to continue a practice that includes microfilming, microfiching, and digital conversion of these records.

LFD COMMENT

An estimate to complete historical retention for years 1937 to 2000 amounts to \$155,000 over a two-year period. This request would allow project completion in just over four years. If the legislature would prefer incremental progress over a longer period of time, they may wish to partially fund this request.

DP 6002 - Records Storage - In fiscal 2000, storage room in the vault was exhausted and additional records were transferred to Records Management. The records manager indicates that there will be an increase of \$3,256 per year in storage costs. The Clerk of Court is requesting funding in each budget year to cover these costs.

DP 6003 - Clerk of Court Operations - In calendar year 2000, the Clerk averaged over 75 new cases per month, resulting in over 900 annual docketed cases. To address the increase, the Clerk requests additional funding for supplies and materials. The increased caseload will impact mail volume. Additionally, postage rates will increase during the next biennium. To offset this, the Clerk is requesting additional funding to meet the costs of postage and mailing.

DP 6004 - Additional Staff - The Clerk's Office manages the entire Supreme Court caseload with a staff of 4.5 FTEs. Court filings have increased 29 percent in six years. The Clerk is requesting additional staff to assist in caseload management.

New Proposals		-----Fiscal 2002-----				-----Fiscal 2003-----				
Program	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
DP 6101 - Equipment 06	0.00	3,500	0	0	3,500	0.00	0	0	0	0
Total	0.00	\$3,500	\$0	\$0	\$3,500	0.00	\$0	\$0	\$0	\$0

New Proposals

DP 6101 - Equipment - This proposal requests funding for a scanner and the support equipment that would allow electronic filing of documents, thereby increasing court and public access to information.