

Agency Proposed Budget								
Budget Item	Base Budget Fiscal 2000	PL Base Adjustment Fiscal 2002	New Proposals Fiscal 2002	Total Leg. Budget Fiscal 2002	PL Base Adjustment Fiscal 2003	New Proposals Fiscal 2003	Total Leg. Budget Fiscal 2003	Total Leg. Budget Fiscal 02-03
FTE	102.75	3.50	10.50	116.75	5.00	11.50	119.25	119.25
Personal Services	7,467,094	775,628	775,870	9,018,592	887,003	159,400	8,513,497	17,532,089
Operating Expenses	1,556,329	98,505	820,512	2,475,346	93,573	616,732	2,266,634	4,741,980
Equipment	280,966	28,061	33,750	342,777	30,868	0	311,834	654,611
Grants	434,371	201,822	0	636,193	199,969	0	634,340	1,270,533
Debt Service	28,510	0	0	28,510	0	0	28,510	57,020
Total Costs	\$9,767,270	\$1,104,016	\$1,630,132	\$12,501,418	\$1,211,413	\$776,132	\$11,754,815	\$24,256,233
General Fund	8,204,056	922,539	1,091,407	10,218,002	1,020,668	412,407	9,637,131	19,855,133
State/Other Special	1,488,214	181,477	150,000	1,819,691	190,745	75,000	1,753,959	3,573,650
Federal Special	75,000	0	388,725	463,725	0	288,725	363,725	827,450
Total Funds	\$9,767,270	\$1,104,016	\$1,630,132	\$12,501,418	\$1,211,413	\$776,132	\$11,754,815	\$24,256,233

Agency Description

The Judicial Branch is authorized by Article III, Section I, and Article VII of the Montana 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 the district courts and manages the majority of the District Court costs.

Summary of Legislative Action

The legislature approved a \$24.3 million budget for the Judiciary for the 2003 biennium. This is a \$4.3 million, or 21.3 percent increase over the 2001 biennium. From the fiscal 2000 base, the legislature added \$2.3 million in present law adjustments and \$2.4 million in new proposals, including 16.5 FTE.

Major additions to general fund include: 1) 8.5 FTE and \$800,500 over the biennium to administer assumption of district courts per SB 176 (discussed in the “Other Legislation” section); 2) \$301,426 to add 3.0 FTE law clerks for the Supreme Court; 3) \$975,195 for present law adjustments for district court operations to fund district judges’ salaries, training, and travel expenses; 4) \$505,314 to add 1.0 FTE additional district court judges (2.0 FTE in fiscal 2004 and after) and 1.0 FTE to establish an asbestos court; and 5) \$100,000 to expand the Court Appointed Special Advocate Program (CASA).

Major changes to other funds include: 1) \$401,791 state special revenue for court automation; 2) \$225,000 state special revenue for that portion of the marriage dissolution fee earmarked to provide legal assistance to indigent victims of domestic violence; and 3) \$407,450 federal funds for the CASA Program and the Court Assessment Program.

In addition to the 13.5 FTE described above, the legislature added: 1) 1.0 FTE to the Clerk of Court; 2) 1.0 FTE board coordinator to the Boards and Commissions Program; and 3) 1.0 FTE for the CASA Program.

Other Legislation

House Bill 124- HB 124, which has been signed into law, revises local government funding. As part of that change, the bill includes an appropriation to the Judiciary of up to \$25.0 million general fund for costs of the assumption of district courts as specified in SB 176. For a further discussion of district court assumption, see the SB 176 discussion below. For a further discussion of HB 124, see Volume 1 of this report.

House Bill 214- HB 214, which has been signed into law, adds funding for two new District Court Judges, one in Ravalli County and one in Cascade County. This funding includes travel, training, and initial office equipment funding for these judges. Funding is provided for these judges to take office in calendar year 2003 after being elected in the general election to be held in November 2002.

Senate Bill 176- SB 176, which has been signed into law, requires state assumption of the majority of the administrative responsibilities of the district courts, excluding elected officials (county attorneys, public defenders, and court clerks.) Approximately 265 FTE will become new state employees. The state will assume the cost of the district court staff, including secretaries, court reporters, juvenile probation officers, special masters to the judges, and law clerks at their current salaries. The state will also assume health insurance costs, professional services costs, and provide new supplies and equipment. The counties will continue providing the court space, including cleaning, utilities, and maintenance. An additional 8.5 FTE were added to the Judiciary in HB 2 (\$800,000 general fund biennial appropriation) to conduct administration, accounting, budgeting, and payroll for the 265 new state employees at the county district court level. HB 124 includes up to \$25.0 million for the costs of the courts.

Senate Bill 282- SB 282, which has been signed into law, added an Asbestos Claims court to adjudicate asbestos claims in Libby related to the former W.R. Grace vermiculite mining operation. The court includes a contract judge, a contract court reporter, and a 1.0 FTE secretary/law clerk. The bill also provides leased transportation and computer hardware and software.

Agency Budget Comparison								
Budget Item	Base Budget Fiscal 2000	Executive Budget Fiscal 2002	Legislative Budget Fiscal 2002	Leg – Exec. Difference Fiscal 2002	Executive Budget Fiscal 2003	Legislative Budget Fiscal 2003	Leg – Exec. Difference Fiscal 2003	Biennium Difference Fiscal 02-03
FTE	102.75	106.75	116.75	10.00	111.25	119.25	8.00	
Personal Services	7,467,094	8,276,608	9,018,592	741,984	8,525,115	8,513,497	(11,618)	730,366
Operating Expenses	1,556,329	2,026,905	2,475,346	448,441	2,003,619	2,266,634	263,015	711,456
Equipment	280,966	309,027	342,777	33,750	311,834	311,834	0	33,750
Grants	434,371	636,193	636,193	0	634,340	634,340	0	0
Debt Service	28,510	28,510	28,510	0	28,510	28,510	0	0
Total Costs	\$9,767,270	\$11,277,243	\$12,501,418	\$1,224,175	\$11,503,418	\$11,754,815	\$251,397	\$1,475,572
General Fund	8,204,056	9,168,827	10,218,002	1,049,175	9,385,734	9,637,131	243,473	1,300,572
State/Other Special	1,488,214	1,669,691	1,819,691	150,000	1,678,959	1,753,959	75,000	225,000
Federal Special	75,000	438,725	463,725	25,000	438,725	363,725	(75,000)	(50,000)
Total Funds	\$9,767,270	\$11,277,243	\$12,501,418	\$1,224,175	\$11,503,418	\$11,754,815	\$243,473	\$1,475,572

Executive Budget Comparison

In addition to global adjustments made to all agencies, the legislature took other actions that resulted in an increase of 8.0 FTE, \$1.3 million general fund, and \$1.5 million total funds not initially recommended by the executive.

The increase of 8.0 FTE is due to the net of the following: 1) addition of 8.5 FTE (\$800,500 general fund) for administration of assumption of district court operations, 2.0 FTE for the new asbestos and district courts (\$505,314 general fund), and 0.50 FTE for the Clerk of Court (the Governor recommended 0.50 FTE while the legislature funded 1.0 FTE); and 2) a reduction of 1.0 FTE law clerk in fiscal 2003 from the executive recommended 4.0 FTE (the legislature funded the FTE for the entire biennium, while the executive had recommended delayed hire), and a reduction of a net 2.0 FTE from the recommended level for the CASA Program and Citizens Review Board.

The legislature made reductions to general fund in a collaborative effort with the Judiciary and the executive, including: 1) provision of a 2 percent vacancy savings rate on all non-elected and non-exempt positions; 2) a reduction of \$31,680 in the Board and Commissions Program to reflect a delayed hire; and 3) reductions of \$8,995 in the Law Library, \$12,646 in District Court Operations, and \$4,800 in the Clerk of Court to fund other priorities.

The increase in state special revenue is due to the provision of spending authority for the program that provides legal representation for indigent victims of domestic violence.

Program Proposed Budget								
Budget Item	Base Budget Fiscal 2000	PL Base Adjustment Fiscal 2002	New Proposals Fiscal 2002	Total Leg. Budget Fiscal 2002	PL Base Adjustment Fiscal 2003	New Proposals Fiscal 2003	Total Leg. Budget Fiscal 2003	Total Leg. Budget Fiscal 02-03
FTE	37.75	3.00	1.00	41.75	3.00	1.00	41.75	41.75
Personal Services	2,280,357	167,874	76,512	2,524,743	180,495	0	2,460,852	4,985,595
Operating Expenses	898,617	64,551	554,463	1,517,631	44,377	455,975	1,398,969	2,916,600
Grants	434,371	201,822	0	636,193	199,969	0	634,340	1,270,533
Total Costs	\$3,613,345	\$434,247	\$630,975	\$4,678,567	\$424,841	\$455,975	\$4,494,161	\$9,172,728
General Fund	2,675,451	297,141	92,250	3,064,842	287,735	92,250	3,055,436	6,120,278
State/Other Special	862,894	137,106	150,000	1,150,000	137,106	75,000	1,075,000	2,225,000
Federal Special	75,000	0	388,725	463,725	0	288,725	363,725	827,450
Total Funds	\$3,613,345	\$434,247	\$630,975	\$4,678,567	\$424,841	\$455,975	\$4,494,161	\$9,172,728

Program Description

The Supreme Court Operations Program manages day-to-day operations of the Supreme Court and subordinate courts, and administers multiple programs including the Federal Court Assessment Program (CAP), the Court Appointed Special Advocate Program (CASA), the Citizens Review Board Program (CRB), 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.

	-----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 696 - Data Network Fixed Cost Reduction	0.00	(1,004)	0	0	(1,004)	0.00	(1,004)	0	0	(1,004)
DP 698 - Rent Reduction - Use of Capitol Land Grant	0.00	(52,865)	0	0	(52,865)	0.00	(53,041)	0	0	(53,041)
DP 699 - Vacancy Savings at 2 Percent	0.00	(29,004)	0	0	(29,004)	0.00	(29,152)	0	0	(29,152)
DP 1001 - Law Clerks for Supreme Court Justices	3.00	147,451	0	0	147,451	3.00	153,975	0	0	153,975
DP 1003 - Court Justice Education and Equipment	0.00	10,000	0	0	10,000	0.00	6,000	0	0	6,000
DP 1004 - Court Automation	0.00	0	201,822	0	201,822	0.00	0	199,969	0	199,969
Total Other Present Law Adjustments	3.00	\$74,578	\$201,822	\$0	\$276,400	3.00	\$76,778	\$199,969	\$0	\$276,747
Grand Total All Present Law Adjustments					\$434,247					\$424,841

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget made by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

DP 696 - Data Network Fixed Cost Reduction - The legislature approved fees and charges for data network support provided by the Information Services Division of the Department of Administration at a level lower than that proposed by the executive and used to develop the associated fixed cost budget requests. This adjustment removes the corresponding fixed costs from the agency budget.

DP 698 - Rent Reduction - Use of Capitol Land Grant - The legislature approved using Capitol Land Grant funds to augment rent payments made by tenants. Capital Land Grant funds are to be used for qualified maintenance and debt service payments of the General Services Program for state-owned facilities on the Capitol complex.

DP 699 - Vacancy Savings at 2 Percent - The legislature approved application of a vacancy savings rate of 2 percent (as opposed to a 4 percent rate applied to legislative and executive branch agencies). Vacancy savings was not applied to elected officials.

DP 1001 - Law Clerks for Supreme Court Justices - The legislature provided \$301,426 general fund for an additional 3.0 FTE law clerks for Supreme Court Justices in the 2003 biennium. These funds were provided to allow the Supreme Court Justices to reduce the current delay in hearing cases. The legislature designated this appropriation as one-time-only.

DP 1003 - Court Justice Education and Equipment - The legislature provided \$16,000 general fund in the 2003 biennium for registration and travel costs to allow Supreme Court Justices to attend educational conferences on current statutes, precedence, and judicial procedures. This appropriation includes funding for two printers and a computer table for the Supreme Court Justices.

DP 1004 - Court Automation - The legislature provided authority to spend \$401,791 state special revenue generated by a \$5 surcharge on court filings. These funds will be used to support and improve the data and information systems of district and limited jurisdiction courts.

New Proposals	-----Fiscal 2002-----					-----Fiscal 2003-----					
	Prgm	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
DP 523 - CASA Program Adjustment											
01	0.00	(32,182)	0	90,000	57,818	0.00	(32,182)	0	180,000	147,818	
DP 1101 - Matching Court Assessment Program (CAP) funding											
01	0.00	36,250	0	108,725	144,975	0.00	36,250	0	108,725	144,975	
DP 1103 - Court Appointed Special Advocate (CASA) Program											
01	1.00	82,182	0	190,000	272,182	1.00	82,182	0	0	82,182	
DP 1104 - Case Management System Equipment											
01	0.00	6,000	0	0	6,000	0.00	6,000	0	0	6,000	
DP 1111 - Legal Assistance for Domestic Violence Victims											
01	0.00	0	150,000	0	150,000	0.00	0	75,000	0	75,000	
Total	1.00	\$92,250	\$150,000	\$388,725	\$630,975	1.00	\$92,250	\$75,000	\$288,725	\$455,975	

New Proposals

DP 523 - CASA Program Adjustment - The legislature reinstated funding to the Citizen's Review Board Program that had been transferred to the Court Appointed Special Advocate Program and the Department of Public Health and Human Services. This adjustment provides a reduction of general fund and an increase in federal funds during the 2003 biennium for the CASA Program for funding which had been transferred from the CRB Program.

DP 1101 - Matching Court Assessment Program (CAP) funding - The legislature approved \$72,500 general fund and \$217,450 federal funds for the 2003 biennium for the Court Assessment Program (CAP) to continue evaluation of the effectiveness of child abuse and neglect proceedings within the Montana legal system. This funding will be used as matching funds to continue federal authority.

DP 1103 - Court Appointed Special Advocate (CASA) Program - The legislature approved \$100,000 general fund and \$190,000 federal funds for the 2003 biennium, to establish court supervised special advocacy programs to prevent child abuse and neglect in local communities. This funding is intended to assist local communities in establishing, maintaining, and developing their own local programs. This DP and DP 523 provide the net program funding for the 2003 biennium.

DP 1104 - Case Management System Equipment - The legislature approved \$12,000 general fund for the 2003 biennium for the Clerk of Court to upgrade their database case management system including two workstations and a common server to link existing computers.

DP 1111 - Legal Assistance for Domestic Violence Victims - The 1999 legislature established an account to provide legal assistance to indigent victims of domestic abuse. The account is funded with \$9 distributed from the marriage dissolution fee. The legislature approved \$225,000 state special revenue funds accrued under the program.

Program Proposed Budget								
Budget Item	Base Budget Fiscal 2000	PL Base Adjustment Fiscal 2002	New Proposals Fiscal 2002	Total Leg. Budget Fiscal 2002	PL Base Adjustment Fiscal 2003	New Proposals Fiscal 2003	Total Leg. Budget Fiscal 2003	Total Leg. Budget Fiscal 02-03
FTE	2.00	0.50	0.00	2.50	1.00	0.00	3.00	3.00
Personal Services	73,129	25,570	0	98,699	44,669	0	117,798	216,497
Operating Expenses	127,547	18,313	0	145,860	29,556	0	157,103	302,963
Total Costs	\$200,676	\$43,883	\$0	\$244,559	\$74,225	\$0	\$274,901	\$519,460
General Fund	200,676	43,883	0	244,559	74,225	0	274,901	519,460
Total Funds	\$200,676	\$43,883	\$0	\$244,559	\$74,225	\$0	\$274,901	\$519,460

Program Description

The Boards and Commissions Program staff support functions assigned to the Supreme Court by legislative, judicial, or constitutional mandate. The program manages judicial discipline, rules, bar admissions, and substantial matters relative to improving and maintaining the administration of justice. The program includes the Judicial Standards Commission, the Sentence Review Division, the Commission on Practice, the Board of Bar Examiners, the Commission on Courts of Limited Jurisdiction, the Judicial Nominations Commission, the Commission to Eliminate Gender Bias in the Courts, and the Commission on Self-Represented Litigants.

Program Reorganization

The Commission on Practice, the Commission to Eliminate Gender Bias in the Courts, and the Commission on Self-Represented Litigants were added to the Boards and Commissions Program by directive of the Chief Justice of the Supreme Court. These additional commissions resulted in the legislature supporting an additional 1.0 FTE for the Boards and Commissions Program.

Funding

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

	-----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 699 - Vacancy Savings at 2 Percent	0.00	(2,014)	0	0	(2,014)	0.00	(2,404)	0	0	(2,404)
DP 2001 - Commission Support	0.50	31,750	0	0	31,750	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	0.50	\$39,039	\$0	\$0	\$39,039	1.00	\$69,042	\$0	\$0	\$69,042
Grand Total All Present Law Adjustments					\$43,883					\$74,225

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget made by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions

on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

DP 699 - Vacancy Savings at 2 Percent - The legislature approved application of a vacancy savings rate of 2 percent (as opposed to a 4 percent rate applied to legislative and executive branch agencies).

DP 2001 - Commission Support - The legislature provided \$93,893 general fund for the 2003 biennium for an additional 1.0 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.) In fiscal 2002, funds are provided to add this FTE either halfway through the 2002 budget year as a 1.0 FTE, or as a 0.5 FTE for the entire fiscal 2002. In fiscal 2003 the position will be a 1.0 FTE.

DP 2002 - Judicial Standards Commission - The legislature provided \$18,606 general fund for the constitutionally mandated Judicial Standards Commission, for use in investigating complaints and making recommendations with regard to the conduct of judicial officers. These funds also support investigative contracts and travel costs related to this constitutionally mandated issue.

Program Proposed Budget								
Budget Item	Base Budget Fiscal 2000	PL Base Adjustment Fiscal 2002	New Proposals Fiscal 2002	Total Leg. Budget Fiscal 2002	PL Base Adjustment Fiscal 2003	New Proposals Fiscal 2003	Total Leg. Budget Fiscal 2003	Total Leg. 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	45,706	0	327,567	47,337	0	329,198	656,765
Operating Expenses	102,306	(409)	5,000	106,897	(377)	5,000	106,929	213,826
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	\$73,358	\$5,000	\$772,001	\$77,828	\$5,000	\$776,471	\$1,548,472
General Fund	693,643	73,358	5,000	772,001	77,828	5,000	776,471	1,548,472
Total Funds	\$693,643	\$73,358	\$5,000	\$772,001	\$77,828	\$5,000	\$776,471	\$1,548,472

Program Description

The Law Library maintains 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 with general fund. Minimal costs are recovered through fees charged for copies, faxes, and rental of audio/video cassettes. These fees are deposited to the general fund.

	-----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 699 - Vacancy Savings at 2 Percent	0.00	(6,481)	0	0	(6,481)	0.00	(6,514)	0	0	(6,514)
DP 3003 - Legal Book Purchases for Public Use	0.00	28,061	0	0	28,061	0.00	30,868	0	0	30,868
DP 3004 - Comparable Compensation for Library Clerks	0.00	10,000	0	0	10,000	0.00	10,000	0	0	10,000
Total Other Present Law Adjustments	0.00	\$31,580	\$0	\$0	\$31,580	0.00	\$34,354	\$0	\$0	\$34,354
Grand Total All Present Law Adjustments					\$73,358					\$77,828

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget made by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

DP 699 - Vacancy Savings at 2 Percent - The legislature approved application of a vacancy savings rate of 2 percent (as opposed to a 4 percent rate applied to legislative and executive branch agencies).

DP 3003 - Legal Book Purchases for Public Use - The legislature provided \$58,929 general fund in the 2003 biennium to continue legal book purchases based on current legal book cost inflation levels. These funds allow the Law Library to maintain parity in the current law library collection.

DP 3004 - Comparable Compensation for Library Clerks - The legislature approved \$20,000 general fund in the 2003 biennium for the Judicial Branch to provide a pay increase for exempt library clerks. This funding will allow the Judicial Branch to compensate library clerks at approximately \$10 per hour. This is comparable to the compensation provided library clerks with like responsibilities in other like agencies.

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 - Legal Document Additions to Library Website										
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 - Legal Document Additions to Library Website - The legislature provided \$10,000 general fund in the 2003 biennium for students to work as independent contractors scanning thousands of legal documents for addition to the law library website for public access. This includes Supreme Court briefs and opinions, court rules, legislative histories, and minutes of the Montana Constitutional Convention. This funding provides the capacity to scan documents for approximately 1400 hours during the 2003 biennium.

Program Proposed Budget								
Budget Item	Base Budget Fiscal 2000	PL Base Adjustment Fiscal 2002	New Proposals Fiscal 2002	Total Leg. Budget Fiscal 2002	PL Base Adjustment Fiscal 2003	New Proposals Fiscal 2003	Total Leg. Budget Fiscal 2003	Total Leg. Budget Fiscal 02-03
FTE	40.00	0.00	9.50	49.50	0.00	10.50	50.50	50.50
Personal Services	4,076,004	483,896	699,358	5,259,258	507,136	159,400	4,742,540	10,001,798
Operating Expenses	283,536	10,528	257,549	551,613	10,635	155,757	449,928	1,001,541
Equipment	0	0	33,750	33,750	0	0	0	33,750
Total Costs	\$4,359,540	\$494,424	\$990,657	\$5,844,621	\$517,771	\$315,157	\$5,192,468	\$11,037,089
General Fund	4,359,540	494,424	990,657	5,844,621	517,771	315,157	5,192,468	11,037,089
Total Funds	\$4,359,540	\$494,424	\$990,657	\$5,844,621	\$517,771	\$315,157	\$5,192,468	\$11,037,089

Program Description

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

Program Reorganization

The legislature made three organizational changes in District Court Operations for the 2003 biennium resulting in an additional 10.5 FTE. This includes: 1) the addition of two District Court judges in fiscal 2003 (a total 1.0 FTE due to phase-in in fiscal 2003) in HB 214. Total costs are \$129,000 general fund in fiscal 2003; 2) 8.5 FTE to prepare the District Court to assume most costs and current county employees of the district courts as state employees (including a 1.0 FTE administrator, 2.0 FTE personnel managers, a 1.0 FTE accountant, 3.5 FTE payroll technicians, and a 1.0 FTE secretary) due to the passage of SB 176. Total Costs are \$800,500 general fund over the biennium. HB 124 (which revised local government funding) includes an appropriation of up to \$25.0 million general fund to assume district court costs; and 3) 1.0 FTE related to establishing an Asbestos Court due to the passage of SB 282 at a cost of \$376,314 general fund over the biennium.

Funding

This program is funded with general fund.

	-----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 Judge Education and Travel	0.00	11,000	0	0	11,000	0.00	11,000	0	0	11,000
DP 4003 - Compensation for Recalled Judges	0.00	7,500	0	0	7,500	0.00	7,500	0	0	7,500
Total Other Present Law Adjustments	0.00	\$18,500	\$0	\$0	\$18,500	0.00	\$18,500	\$0	\$0	\$18,500
Grand Total All Present Law Adjustments					\$494,424					\$517,771

Present Law Adjustments

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DP 4001 - District Court Judge Education and Travel - The legislature approved \$22,000 general fund for the 2003 biennium for new judge training. Reno, Nevada is the closest training facility, and costs range from \$2,000 to \$3,500 per judge depending upon the length of the course attended. This appropriation funds training for approximately eight district court judges at an average cost of \$2,500. Appropriate portions of this appropriation are also intended to be used for vehicle leases, travel expenses, and leased vehicle maintenance for district court judges with multi-county jurisdictions. The legislature also encouraged the use of closer, more cost effective locations if they should become available during the biennium.

DP 4003 - Compensation for Recalled Judges - The legislature approved \$15,000 general fund for the 2003 biennium for statutory compensation of retired judges called to temporarily serve as a substitute judge.

New Proposals	-----Fiscal 2002-----					-----Fiscal 2003-----				
	Prgm	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special
DP 506 - New District Court Judges- Ravalli/Cascade Co. 04	0.00	0	0	0	0	1.00	129,000	0	0	129,000
DP 507 - SB 282 - Special Asbestos Court 04	1.00	190,157	0	0	190,157	1.00	186,157	0	0	186,157
DP 528 - SB 176 - State Assumption of District Courts 04	8.50	800,500	0	0	800,500	8.50	0	0	0	0
Total	9.50	\$990,657	\$0	\$0	\$990,657	10.50	\$315,157	\$0	\$0	\$315,157

New Proposals

DP 506 - New District Court Judges - Ravalli/Cascade Co. - The legislature approved \$129,000 general fund in fiscal 2003 to add a new District Court Judge in Ravalli and Cascade counties. This funding includes salary and benefits as required by statute, \$4,000 for initial training costs, \$10,000 for travel expenses, and \$6,000 for computer hardware and software.

DP 507 - SB 282 - Special Asbestos Court - The legislature approved funds for a Special Asbestos Court. This includes \$376,314 general fund and 1.0 FTE in the 2003 biennium. This special court includes a contracted judge and court reporter and a 1.0 FTE secretary/law clerk. The program contains funds for two computers, a printer, and a fax machine in fiscal 2002 and a leased vehicle in both years of the 2003 biennium.

DP 528 - SB 176 - State Assumption of District Courts - The legislature provided \$800,500 general fund in the 2003 biennium as a restricted biennial appropriation to administer assumption of most district court operation costs. This appropriation includes 8.50 FTE. For further information on this issue, see the “Other Legislation” section at the beginning of this narrative.

Program Proposed Budget								
Budget Item	Base Budget Fiscal 2000	PL Base Adjustment Fiscal 2002	New Proposals Fiscal 2002	Total Leg. Budget Fiscal 2002	PL Base Adjustment Fiscal 2003	New Proposals Fiscal 2003	Total Leg. Budget Fiscal 2003	Total Leg. 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 on 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 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 - Watermaster Base Salary Increase	0.00	0	6,000	0	6,000	0.00	0	12,000	0	12,000
DP 5002 - Compensation During Travel	0.00	0	1,600	0	1,600	0.00	0	1,600	0	1,600
DP 5003 - Telephone System Maintenance Contract	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	

Present Law Adjustments

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DP 5001 - Watermaster Base Salary Increase - The legislature approved \$18,000 state special revenue funds in the 2003 biennium to provide the Water Court authority to increase the base salary of the three lowest-paid watermasters that joined the court in 1999. This will maintain equity with private sector compensation levels. Retention of current watermasters will reduce the 18-month adjudication time to 12 months.

DP 5002 - Compensation During Travel - The legislature provided \$3,200 state special revenue funds in the 2003 biennium to compensate eligible Water Court personnel when traveling to hearings throughout Montana.

DP 5003 - Telephone System Maintenance Contract - The legislature provided \$1,888 state special revenue funds in the 2003 biennium for a two-year maintenance contract on the Water Court's Norstar telephone system.

Program Proposed Budget								
Budget Item	Base Budget Fiscal 2000	PL Base Adjustment Fiscal 2002	New Proposals Fiscal 2002	Total Leg. Budget Fiscal 2002	PL Base Adjustment Fiscal 2003	New Proposals Fiscal 2003	Total Leg. Budget Fiscal 2003	Total Leg. Budget Fiscal 02-03
FTE	4.50	0.00	0.00	4.50	1.00	0.00	5.50	5.50
Personal Services	236,302	8,415	0	244,717	53,931	0	290,233	534,950
Operating Expenses	38,444	5,318	3,500	47,262	9,178	0	47,622	94,884
Equipment	0	0	0	0	0	0	0	0
Total Costs	\$274,746	\$13,733	\$3,500	\$291,979	\$63,109	\$0	\$337,855	\$629,834
General Fund	274,746	13,733	3,500	291,979	63,109	0	337,855	629,834
Total Funds	\$274,746	\$13,733	\$3,500	\$291,979	\$63,109	\$0	\$337,855	\$629,834

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 legal papers and transcripts.

Funding

This program is funded with 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 699 - Vacancy Savings at 2 Percent	0.00	(3,532)	0	0	(3,532)	0.00	(4,456)	0	0	(4,456)
DP 6002 - Records Storage	0.00	3,300	0	0	3,300	0.00	3,300	0	0	3,300
DP 6003 - Supply Increases	0.00	2,400	0	0	2,400	0.00	2,400	0	0	2,400
DP 6004 - Additional Staff	0.00	0	0	0	0	1.00	49,220	0	0	49,220
Total Other Present Law Adjustments	0.00	\$2,168	\$0	\$0	\$2,168	1.00	\$50,464	\$0	\$0	\$50,464
Grand Total All Present Law Adjustments				\$13,733					\$63,109	

Present Law Adjustments

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DP 699 - Vacancy Savings at 2 Percent - The legislature approved application of a vacancy savings rate of 2 percent (as opposed to a 4 percent rate applied to legislative and executive branch agencies). Vacancy savings was not applied to elected officials.

DP 6002 - Records Storage - The legislature provided \$6,600 general fund in the 2003 biennium for storage costs related to Clerk of Court records transferred to Records Management.

DP 6003 - Supply Increases - The legislature provided \$4,800 general fund in the 2003 biennium for additional supplies, materials, and postage based on the Supreme Court's increased caseload.

DP 6004 - Additional Staff - The legislature approved \$49,200 general fund in fiscal 2003 for an additional 1.0 FTE clerk to assist in caseload management and reduce backlogged Supreme Court case levels.

New Proposals										
Prgm	FTE	-----Fiscal 2002-----				-----Fiscal 2003-----				
		General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
DP 6101 - Scanner and Supporting 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 - Scanner and Supporting Equipment - The legislature provided \$3,500 general fund in fiscal 2002 for a scanner and necessary support equipment to allow the Clerk of Court to electronically file documents and make them available for public access. The legislature designated this appropriation as one-time-only.