



MONTANA LEGISLATIVE BRANCH

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March 12, 2002

TO: Legislative Finance Committee

FROM: Taryn Purdy

RE: Questions to the Supreme Court

Under SB 176 passed by the 2001 legislature, the district courts, with the primary exception of the clerks of court and the provision of office space, became a state-funded function. The state Judiciary is now responsible for oversight and administration of the courts beginning in fiscal 2003. Among the major duties of the Judiciary (and the newly formed District Court Council) are:

- 1) Establishment of a judicial branch personnel system for the approximately 265 FTE who will become state employees on July 1, 2002
- 2) Adoption of policies and procedures to administer the district courts
- 3) Allocation of the fiscal 2003 budget
- 4) Preparation and presentation of a district court budget to the legislature

The court was invited to appear before the Legislative Finance Committee to provide an update on court assumption efforts. The purpose of the appearance is to update the committee on the fiscal aspects of the project, and fiscal issues pertinent to and resulting from this effort.

The following is a list of questions that were submitted to the court administrator to address during the court's presentation.

1. The court has a number of responsibilities to implement the provisions of SB 176, including allocating the 2003 biennium appropriation. How is the court approaching this task?
 - a. What information have you identified as necessary to determine the allocation?
 - b. How is the allocation being made?
 - c. How will this information be used to construct your 2005 budget request?
 - d. What budget and budgetary control implications do you see in this and the next biennium?

2. The primary expenditure of the district courts is in personal services. Your experience in gathering information has revealed inconsistencies among the courts in tracking and accounting for this expense.
 - a. What process is the court following to compile and standardize this information?
 - b. What has the court discovered in this compilation?
 - c. What are the major issues facing the court in standardizing this information?
 - d. What salary control mechanisms are you contemplating?

3. After your initial assessment, what areas of concern does the court have concerning:
 - a. Aspects of court assumption not addressed or ambivalent in the original legislation?
 - b. Areas of potential cost adjustments, and the court's potential response or control mechanisms?

4. The court was provided a biennial appropriation of \$800,500 general fund for the costs of administering the district courts and for transition expenses.
 - a. How did you determine staffing and other needs?
 - b. What long-term costs of continued assumption of the courts do you foresee?