

HOUSE BILL 278

Introduced by Gilbert

1/19	Introduced
1/19	Referred to Appropriations
1/21	First Reading
1/22	Fiscal Note Requested
1/25	Fiscal Note Received
1/26	Fiscal Note Printed
3/07	Hearing
3/22	Tabled in Committee

1 House BILL NO. 278  
2 INTRODUCED BY Dillbert

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY TO  
5 THE SUPREME COURT TO PROVIDE SERVICES RELATING TO RULES  
6 REVIEW, TRAINING, EDUCATION, AND SPECIAL PROJECTS FOR COURTS  
7 OF LIMITED JURISDICTION; AMENDING SECTIONS 3-1-702 AND  
8 3-1-1502, MCA; AND PROVIDING AN EFFECTIVE DATE."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. Section 1. Appropriation. The following  
12 money is appropriated from the general fund to the supreme  
13 court to provide for operating expenses and a full-time  
14 staff to perform duties relating to rules review, training,  
15 education, and special projects for courts of limited  
16 jurisdiction:

17	Fiscal year 1992	\$44,684
18	Fiscal year 1993	45,243

19 **Section 2.** Section 3-1-702, MCA, is amended to read:  
20 "3-1-702. Duties. The court administrator is the  
21 administrative officer of the court. Under the direction of  
22 the supreme court, the court administrator shall:

- 23 (1) prepare and present judicial budget requests to the
- 24 legislature;
- 25 (2) collect, compile, and report statistical and other

- 1 data relating to the business transacted by the courts and
- 2 provide such information to the legislature upon request;
- 3 (3) recommend to the supreme court improvements in the
- 4 judiciary; and
- 5 (4) perform duties for the commission on courts of
- 6 limited jurisdiction related to rules review, training,
- 7 education, and special projects for courts of limited
- 8 jurisdiction; and
- 9 (4)(5) perform such other duties as the supreme court
- 10 may assign."

11 **Section 3.** Section 3-1-1502, MCA, is amended to read:  
12 "3-1-1502. Training and certification of judges. (1)  
13 Except as provided in 3-1-1503, no judge selected for a term  
14 of office commencing on or after January 6, 1986, may assume  
15 the functions of his office unless he has filed with the  
16 county clerk and recorder in his jurisdiction a certificate  
17 of completion of a course of education and training  
18 prescribed by the commission.

19 (2) The supreme court may collect fees for the training  
20 provided under 3-10-203, 3-11-204, and this section. The fee  
21 schedule adopted pursuant to this subsection must allow for  
22 a refund to the state general fund of an amount equal to 25%  
23 of the amount appropriated to the supreme court from the  
24 general fund for performance of the duties required under  
25 3-1-702(4)."

LC 1420/01

1        NEW SECTION.    **Section 4.**    **Future bienniums.**    In preparing  
2    the budget proposal for the 1995 and future bienniums, the  
3    operating expenses and full-time staff funded in [section 1]  
4    must be incorporated as a part of the general appropriation  
5    proposal process and must be treated as a part of the  
6    budgetary base.

7        NEW SECTION.    **Section 5.**    **Effective date.**    [This act] is  
8    effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0278, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


The bill would appropriate general fund money to the Supreme Court to provide services to courts of limited jurisdiction in the areas of rules review, training, education, and special projects.

ASSUMPTIONS:

1. Revenue from fees charged for limited jurisdiction court training sessions are deposited to the general fund. The increase in fees will equal 25% of the amount appropriated under this bill for each year of the biennium.
2. 1.00 FTE will be added to the Boards and Commissions program in the Judiciary to provide one-on-one training sessions to new judges, to coordinate and participate in annual statewide training sessions, and for other duties for the Commission on Courts of Limited Jurisdiction. This will be a new service and FTE devoted entirely to this particular Commission; the Supreme Court training officer currently organizes the statewide training sessions which are budgeted for in this program.
3. The Boards and Commissions program includes several Supreme Court boards and commissions in addition to the Commission on Courts of Limited Jurisdiction. The Commission on Courts of Limited Jurisdiction is responsible for recommending rules of practice and procedure to the Supreme Court in addition to overseeing the training and certification of justices of the peace and city judges in the state.
4. Current law is represented by the executive budget recommendation for the entire Boards and Commissions program in the Judiciary.

FISCAL IMPACT:

see next page.

  
ROD SUNDSTED, BUDGET DIRECTOR      1-25-91  
Office of Budget and Program Planning      DATE

  
BOB GILBERT, PRIMARY SPONSOR      1-26-91  
DATE

Fiscal Note for HB0278, as introduced

**HB 278**

Judiciary - Boards and Commissions

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
FTE	3.00	4.00	1.00	3.00	4.00	1.00
Personal Services	91,153	122,337	31,184	91,117	123,860	32,743
Operating Costs	153,140	166,640	13,500	149,746	162,246	12,500
Equipment	<u>800</u>	<u>800</u>	<u>0</u>	<u>800</u>	<u>800</u>	<u>0</u>
Total	245,093	289,777	44,684	241,663	286,906	45,243
<u>Funding:</u>						
General Fund	245,093	289,777	44,684	241,663	286,906	45,243
<u>Revenue:</u>						
Tuition/Admission Fees (01)	36,900	48,071	11,171	36,900	48,210	11,310
General Fund Impact			(33,513)			(33,933)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The increased fees will cost cities and counties approximately \$100 per year per justice of the peace or city judge, on the basis of two statewide training sessions per year. Some counties have more than one limited court judge and, therefore, the local impact will vary by county.

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