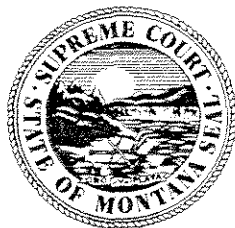


State of Montana



DISTRICT COURT COUNCIL

Minutes of the Regular District Court Council Meeting February 15, 2002

DCC Voting Members Present:

Chief Justice Karla M. Gray, Montana Supreme Court, Helena
The Honorable Diane Barz, District Court Judge, 13th Judicial District, Billings
The Honorable Thomas McKittrick, District Court Judge, 8th Judicial District, Great Falls
The Honorable Ed McLean, District Court Judge, 4th Judicial District, Missoula
The Honorable John Warner, District Court Judge, 12th Judicial District, Havre

DCC Non-voting Members Present:

Tim Callahan for Glen Welch, Juvenile Probation Officers Association, Missoula
Mike Hutchins, Lake County Commissioner, Polson
Lori Maloney, Silver Bow County Clerk of District Court, Butte
Tim Smith, Court Reporters Association, Billings

Staff:

Rick Lewis, Supreme Court Administrator
Beverley Boyd, Court Services Director
Beth McLaughlin, Human Resource Director
Lisa Smith, Administrative Services Director
Greg Whipple, District Court Program Manager
Jane M. Hayden, Program Specialist

Guests:

Audrey Allums, Juvenile Justice Bureau, Dept. of Justice, Helena
Matt Bugni, Office of Budget and Program Planning, Governor's Office, Helena
Doug Dellwo, Court Appointed Special Advocates, Office of the Court Administrator, Helena
Connie Erickson, Legislative Services Division, Legislative Branch, Helena
Larry Finch, Tax Policy Research Division, Dept. of Revenue, Helena
Sandra Oitzinger, MJPOA, Helena
Bonnie Olson, Court Administrator, 11th Judicial District, Kalispell
Dawn M. Pizzini, Information Technology Services Division, Dept. of Administration, Helena

The Montana Supreme Court District Court Council met in regular session on Friday, February 15, 2002, at 8:00 a.m. at 1310 East Lockey, Helena, Montana.

Chairperson Chief Justice Karla M. Gray called the meeting to order. There being a quorum present, the meeting duly convened and business was transacted as follows:

(Item No. 1)

APPROVAL OF JANUARY 25, 2002, MINUTES

The Chairperson presented the January 25, 2002, minutes. Minor corrections were discussed.

WHEREAS, The District Court Council has reviewed the January 25, 2002, Minutes and requested changes.

THEREFORE BE IT RESOLVED BY THE DISTRICT COURT COUNCIL

THAT, The District Court Council hereby approves the January 25, 2002, minutes.

Motion to adopt the January 25, 2002, minutes with changes and corrections was requested by Judge McKittrick. Motion to adopt was seconded by Judge Barz. No further discussion.

Ayes: Chief Justice Karla M. Gray
Judge Diane Barz
Judge Thomas McKittrick
Judge Ed McLean
Judge John Warner

Nays: None

The Chairperson thereupon declared said motion carried and adopted.

(Item No. 2a)

**COURT REPORTER ELECTION FORMS, EQUIPMENT POLICY AND
TRANSCRIPT FEES POLICY**

Beth McLaughlin proposed that court reporters either elect to be state employees or independent contractors. Ms. McLaughlin presented samples of the two election forms. Chief Justice Gray stated that the Supreme Court will need to review the two election forms, but otherwise they were a good idea.

Judge McLean proposed a policy for travel costs incurred for court reporter expenses when a district judge travels outside their district. Judge McKittrick recommended that the judicial district in which the trial is occurring be responsible for providing and paying the cost of the court reporter services. Judge McLean also recommends that this new travel policy be placed as the second statement under Court Reporter's 1.0 Transcript Fees Procedures and that the same travel policy be added to the two election forms. Tim Smith proposed adding language in the Election Forms that states, "I do not want to sell equipment to the State".

Tim Smith requested to change the Transcription Fee Policy to read: "... transcription preparation duties are not counted toward regular work hours for purposes of overtime and are separately compensated." (Page 3, *Court Reports, Number 2. Transcript Fee Policy*)

WHEREAS, The District Court Council has reviewed the Court Reporter Election Forms, Equipment Policy, and Transcript Fee Policy as amended.

THEREFORE BE IT RESOLVED BY THE DISTRICT COURT COUNCIL

THAT, The District Court Council hereby approves the Court Reporter Election Forms, Equipment Policy, and Transcript Fee Policy as amended.

Motion to adopt the Court Reporter Election Forms, Equipment Policy, and Transcript Fee Policy as amended was requested by Judge McLean. Motion to adopt was seconded by Judge McKittrick. No further discussion. Ayes: Chief Justice Karla M. Gray

Judge Diane Barz
Judge Thomas McKittrick
Judge Ed McLean
Judge John Warner

Nays: None

The Chairperson thereupon declared said motion carried and adopted.

(Item No. 2b)

COURT REPORTER WORKERS COMPENSATION INSURANCE

Tim Smith led a discussion on "pro tem" court reporters related to insurance coverage. Chief Justice Gray asked Beth McLaughlin to provide the Council with an assessment and recommendations on workers compensation costs for the Council to discuss at the next DCC meeting, scheduled for March 15, 2002.

Assignment: Ms. McLaughlin will provide the District Council with an assessment and recommendations on workers compensation costs.

(Item No. 3)

HUMAN RESOURCES

Beth McLaughlin presented an overview of the Human Resources Department's work plan for the District Court Assumption. The work plan includes quantifiable timeframes for policy development, compensation needs, payroll implementation and the development of an employee communication packet. Ms. McLaughlin also explained that the National Center for State Courts (NCSC) has been sub-contracted by the Office of the Court Administrator to compile an employee list, job descriptions and classifications.

(Item No. 4)

ANNUAL BUDGETS – ADOPTION OF SABHRS

Greg Whipple stated that this would be a general overview presentation on the District Court budgeting system. Mr. Whipple introduced Larry Finch, Senior Auditor, Montana Department of Revenue.

FY2001 and FY2003 Budgets - Mr. Finch discussed HB176 and explained how the FY2001 and FY2003 budgets were determined from the county budgets. The discussion

also included the entitlement share process and that future entitlement payments will take the base year calculations plus the growth rate to calculate the increase.

State of Montana's Financial System - Matt Bugni explained how the budgets were entered into the State of Montana's FY2003 budgeting system (MBARS). The overall district court budget is separated into the 22 judicial district budgets in accordance with the State of Montana's budget submission requirements.

SABHRS - Lisa Smith explained the Statewide Accounting Budgeting and Human Resource System (SABHRS). There are three components in SABHRS: 1) Human Resource System, 2) Budget System (MBARS), and 3) Finance System.

Rick Lewis proposed the District Court Council to adopt SABHRS as the official accounting and budgeting system for the district courts.

WHEREAS, The District Court Council has reviewed the State of Montana's budgeting and accounting system (SABHRS).

THEREFORE BE IT RESOLVED BY THE DISTRICT COURT COUNCIL

THAT, The District Court Council hereby approves adopting the State of Montana's budgeting and accounting system.

Judge McLean requested a motion to adopt the State of Montana's budgeting and accounting system (SABHRS). Motion to adopt was seconded by Judge Warner. No further discussion.

Ayes: Chief Justice Karla M. Gray
Judge Diane Barz
Judge Thomas McKittrick
Judge Ed McLean
Judge John Warner

Nays: None

The Chairperson thereupon declared said motion carried and adopted.

(Item No. 5)

GRANTS

Audrey Allums provided an overview of the Montana Board of Crime Control and Youth Justice Court grants. Ms. Allums stated that just because there is a change in state policy or a change in organization does not mean that the federal grant rules change. These grants are not an entitlement to make up for lost state monies or supplant things that the state should be paying for anyway.

Assignment: Ms. Allums stated that she would determine how many full-time employees are on existing grants.

(Item No. 6)

INVENTORY

Lisa Smith discussed the State of Montana's inventory requirements that only require items whose original purchase value was \$5000 or more to be inventoried. Computers are a separate issue. Judge McKittrick led a discussion on the "earmarked account balances". Chief Justice Gray thought these balances come over to the State at FY2003.

Assignment: Lisa Smith was assigned to find out whether these accounts show up on the accounting systems and the definition of "earmarked". Staff will research each county about the balances on these accounts and provide a report at the next District Council meeting.

(Item No. 7)

INFORMATION TECHNOLOGY

Dawn Pizzini provided an overview of the State of Montana's information technology services. Ms. Pizzini discussed some of the advantages to adopting these services:

- 1) PC connections to the LANs (includes hardware and software support and maintenance);
- 2) Ability to use client server applications;
- 3) Have Internet and Intranet connections;
- 4) A "fire wall" that protects the State information from unauthorized Internet access;
- 5) Access to training and automatic upgrades;
- 6) Desktop software including word processing, spreadsheet, presentation manager, and e-mail;
- 7) Full-time security staff, software selection and support, and virus scanning.

NON-AGENDA ITEMS

Lori Maloney discussed the Clerks of District Court concerns about payment of juries. Rick Lewis and Beverley Boyd responded that reimbursement for jury costs would probably continue as it already exists.

Assignment: Ms. Maloney will collect consensus from Clerks of District Court for Beverley Boyd. Ms Boyd will provide an analysis for the District Council.

Schedule

Next meeting scheduled for March 15, 2002.

There being no further business come before the District Court Council, upon motion made, seconded, and carried, the meeting was adjourned.

Chief Justice Karla M. Gray
Chairperson, District Court Council

Jane M. Hayden
Custodian and Recorder of Records