

MINUTES OF THE MEETING  
GENERAL GOVERNMENT AND HIGHWAYS SUBCOMMITTEE  
49th LEGISLATURE-SPECIAL SESSION III

June 18, 1986

The meeting of the General Government and Highways Subcommittee was called to order by Chairman Quilici on June 18, 1986 at 8:30 a.m.

ROLL CALL: All members were present. Also present was Cliff Roessner, Senior Analyst from the LFA Office and Lois Steinbeck from the Governor's Office of Budget and Program Planning.

JUDICIAL

(A:1:004) Chief Justice Jean A. Turnage, Montana Supreme Court, presented an overview of the constitutional provision of Article Seven, Section Seven. Turnage stated the law concerning judicial salaries dates back to 1889 statutes. This law states that judicial salaries cannot be diminished during the term of the individual judge's term of office: district and supreme court judges. The supreme court personal service budget of \$966,000 consists of the elected official salaries in the amount of \$442,000. The judicial department proposes that the budget be cut from the \$524,000 balance that is not constitutionally locked in. (Exhibit A)

(A:1:047) The proposed cuts would include a FTE position, which is a vacancy savings of \$30,000, and would include a partial payment for the National Center dues, which is a savings of \$22,140.70. Turnage stated that this cut would be acceptable. The cut consists of a five (5%) percent cut of \$52,140.70 taken from the supreme court budget amount of \$1,042,000. On the district court level, the available operating expense amount of non-salaried funds is \$170,000. Five (5%) percent of this available amount is \$8,000, although the five percent cut amount is reached by the due reduction and the vacancy savings. (Exhibit B)

(A:1:064) Turnage stated that the judicial department encourages the subcommittee to not delete the law clerk positions from the budget. Explaining the exceptionally valuable services performed by the law clerks, Turnage stated that the internal operating procedure of the appeal process would be radically changed should the law clerk positions be deleted; resulting in a situation that would quadruple appeal time and drastically delay court opinions.

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(A:1:073) Turnage described in detail the procedure of the appeal process and described the job description of the law clerks.

(A:1:146) Chairman Quilici asked Cathy Reardon, supreme court accounting technician, whether the proposed cuts of \$52,140.70 are operationally acceptable. Reardon confirmed that the figure is acceptable.

(A:1:160) Senator Keating acknowledged that the full appropriation committee found it difficult to know where to ask the judiciary to cut the budget. The acceptable areas in which to cut are strictly limited.

(A:1:190) Representative Lory asked if \$524,628 is the personal service budget for salaries of employees other than elected officials. Reardon replied that the amount was correct for non-elected officials. This figure is the same as FY 86, and the assumption is that the pay will stay the same as last year. The pay plan had been adopted as a guide.

(A:1:203) Making comments concerning the district courts, Turnage addressed health care financial impacts of the previous year and itemized several examples. Other circumstances that have proved to be costly have been the Van Dyke case which is still pending, disqualification of judges replaced by retired judges, health benefits expenses, and deaths.

(A:1:226) Representative Lory asked if the \$8,508 figure include the operating expense of the district courts. Reardon replied that the \$52,140 is for Program 01 and Program 02.

(A:1:233) Representative Connelly asked if the number of appeals is limited constitutionally. Turnage stated the provision that directs all issues must be raised in one appeal, but sometime error may develop in the trial, or there may be juror misconduct. In 1984, there were 567 cases filed in the supreme court, in 1985, there were 639 cases filed in the supreme court. The projected 1986 figure is running at a 12% increase over 1985.

(A:1:257) Representative Lory asked for a rundown concerning the judicial cuts. Reardon identified the cuts to be a Program 02 vacancy savings in the amount of \$30,000 and a cut in the National Center for State Court's dues. The amount that will be paid is \$22,140.70.

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(A:1:272) Chairman Quilici asked what the classification was of the FTE position being cut. Reardon replied the classification was a budget and finance officer.

EXECUTIVE ACTION

(A:1:280) Representative Lory moved to cut the judicial budget in the amount of \$52,140.70. This included a cut of a FTE Program 02 position in the amount of \$30,000 and a reduction in the amount of the National Center dues in the amount of \$22,140.70. The substituted tentative motion PASSED unanimously.

ADJOURN: There being no further business before the subcommittee, Chairman Quilici adjourned the meeting.

  
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CHAIRMAN JOE QUILICI