

MINUTES OF THE MEETING
GENERAL GOVERNMENT AND HIGHWAYS SUBCOMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

The meeting of the General Government and Highways Subcommittee was called to order by Chairman Rehberg on January 14, 1987, at 8:00 a.m. in Room 132 of the State Capitol.

ROLL CALL: All committee members were present except Sen. Stimatz. Also present were Flo Smith, Budget Analyst from the Office of Budget and Program Planning and Clayton Schenck, Senior Fiscal Analyst from the Office of the Legislative Fiscal Analyst. (LFA)

21A:0.00

JUDICIARY

Chief Justice of the Supreme Court, J.A. Turnage, addressed the committee. He told the committee he believed the budget to be a reasonable one and they are trying to be as conservative as possible. One problem the Judiciary has with the budget and any reductions is about ninety two percent of the budget is locked into constitutionally fixed salaries and there is no room for them to maneuver. He said the operations side has been slimmed down and two reductions have been made. Chief Justice Turnage referred to his letter to Governor Schwinden dated December 18, 1986. (Exhibit No. 1) The courts are constitutionally required and mandated and not a luxury.

Chief Justice Turnage reviewed the procedure for replacement of a Supreme Court Justice for the committee.

Flo Smith from the OBPP presented the budget (Exhibit No. 2). Four percent vacancy savings was applied to all personal services costs except those associated with elected offices of officials.

Supreme Court Operations Program

The change in FTE between FY 88 and FY 89 of 3.50 is the sunset of the two Associate Justices and their support staff for a six month period beginning January 1, 1989 and continuing until June 30, 1989. In equipment, the requested \$3,580 represents the balance of payment on the upgrade of computer system and the \$4,470 is for an IBM Personal Computer. The funding is 100% general fund in the amount of approximately \$1,300,000 in FY 88 and \$1,200,000 in FY 89. The modification request is to continue the associate justices and staff for the balance of the fiscal year. (Exhibit No. 3)

Boards and Commissions Program

The OBPP recommended continuing the FTE level of three. One position was held vacant to meet the budget reduction and the increases in contracted services represent the additional needs of the Commission of Practices. The funding is 100 percent general fund in the amount of approximately \$201,000 each year of the biennium.

District Court Operations Program

No vacancy savings was applied, the proposed budget allows this program to maintain at the current level. The agency requested the \$25,000 each year in other compensation be restricted to payments for retired district court judges called in to hear cases in the event of illness, death or disqualification.

Clayton Schenck presented the budget for the LFA. (Exhibit No. 4). The table reflects a 208% decrease from the 87 level due to the removal of 2 FTE, one in the Supreme Court and one in the Boards and Commission, and the removal of an additional 3.5 FTE, two supreme court justices and their staff in December of 1988 due to the sunset provision. The operating expenses for the overall agency decrease by seven percent.

Supreme Court Operation Program

The authorized expenditures show a decrease of 8.1% in the 89 biennium. The one position, judicial technician, deleted as vacant was withdrawn. To eliminate that position would take the agency below current level. In addition, after adjustments were made in the calculation of the salaries for the justices, Clayton said there were no significant differences in the two budgets. Personal services show an overexpenditure as termination pay was given on two positions and there were two replacements paid for secretaries on maternity leave. Only part of the vacancy savings assigned was realized. The shortfall was covered by a program transfer from the Boards and Commissions program. The current level adjustments in personal services reflect the sunset provision and no vacancy savings was taken on the judges' compensation, but was applied to the remaining staff. Clayton reviewed other increases and reductions, the equipment costs include \$3,580 for the balance of payments to upgrade the statewide judicial information system and \$4,470 for computer software.

Boards and Commissions Program

The overall decrease is 9.8% due to the deletion of one vacant position and some reductions in contracted services.

In operating expenses, consultant and professional services of over \$10,000 were removed from the FY 86 base due to annual increases of over \$10,000 per year since FY 85. Current level was increased approximately \$7,700 for training costs required by statute before a judge assumes office.

District Court Operations Program

The one percent increase is the result of a small increase in benefits under personal services. The adjustments to current level for salaries on elected officials changed the percentage of increase from 1.6% to 1.5%, making the figures in personal services for the two budgets identical. The over expenditure in personal services was due to an unanticipated high expense to retired judges to substitute for sitting judges. This increase was paid by reduction in expenditures for operating costs. To meet this, the agency had to forgo budget expenses of \$16,000 in continuing legal education for district judges and reduced travel expenses approximately \$12,000. There was no vacancy savings applied to this program.

Clayton reviewed other increases and reductions. With the adjustments made in personal services, the difference should be \$286,050. In terms of Table A, the only difference is \$52,000 in personal services and general fund is \$216,828. Clayton reviewed all other issues in the various categories for the three programs.

21B:0.00

Jim Oppedahl, Administrator of Court Administration, gave a brief overview of the three programs. Exhibit No.5 shows general fund support at the state level for the three programs and the district court portion within the Supreme Court's budget. Two other programs under the supervision of the Supreme Court are the Law Library and the Water Courts. The personal services portion of the budget submitted by the agency was based on the 87 pay matrix. The Court froze salaries at the 86 level. He said this could present problems in the long run in terms of keeping people. Jim gave a brief synopsis of requested changes to the three programs by the agency based on the differences between the two budgets with adjustments to be made to the LFA. (Exhibit No. 6)

Chairman Rehberg pointed out some of the requests by the agency will be considered as modifications.

(20.50)

Law Library

Flo Smith presented the budget for the OBPP. (Exhibit No. 7) There is no change in the FTE level and the budget included full insurance benefits for the .5 position. The equipment request of \$215,538 for each year of the biennium is the library book budget and was kept at the FY 86 level. The general fund is understated by \$23,600 and should be \$510,559 in FY 88. The total in general fund is approximately \$500,000 in each year of the biennium and state special is \$18,400 for each year. There is a modification of .38 library clerk to coordinate the rental of continuing legal education video tapes, approximately 15 hours per week, with a change in the rental fee structure to be deposited in the general fund to offset the modification. The amount of general fund is \$4,222 in FY 88 and \$4,812 in FY 89. (Exhibit No. 8)

Clayton Schenck presented the budget for the LFA. (Exhibit No. 9) There is a decrease of approximately 2.2% primarily in operating expenses. Personal services were overexpended by \$6,850 due to vacancy savings not being realized and operating expenses were underexpended by approximately \$22,000, largely due to contracted services for computerized research services. In equipment, the expenditure for books was approximately \$14,600 less than anticipated. Clayton reviewed other increases and reductions and the budget differences, 22A:0.00 Judy Meadows, Law Librarian, presented the budget. (Exhibits No. 10 and No. 11) She reviewed the functions of the State Law Library. The budget presented requested no major changes or increases and they have taken the cuts. There has also been a \$30,000 shortfall the last two years because of assignment of revenues generated. In salaries, she said it would be very expensive to replace employees and, due to the small staff, they are unable to absorb the four percent vacancy savings and requested a small percentage. During the Special Session the subcommittee recommended one percent.

Ms. Meadows told the committee that she had to take approximately \$16,000 out of the book budget during the last two years due to the shortfall. During the last session the budget was approved, but the revenues brought in through photocopying and video tape rentals were removed from the library's general fund appropriation and resulted in the shortfall of \$30,000. She would like to bring the book budget up to where it should have been two years ago. She also told the committee the law book price index figures are now in effect rather than anticipated and, if the committee should go with the LFA figures, this would result

in another \$10,000 cut in the book budget. (Exhibit No. 12)

Water Courts Supervision

Flo Smith presented the budget for the OBPP. (Exhibit No. 13) The total amount expended of the FY 86 budget was seventy-two percent. The program would have expended the entire budget, but a lawsuit prevented work in some areas. The agency felt the FY 88 and FY 89 budget is realistic.

The request for a full-time water master position has been pulled and is submitted as a modification. The OBPP recommended, therefore, an FTE level of thirteen. In equipment, the agency requested \$24,930 for the biennium to update their word processing system and \$5,035 for each year of the biennium to upgrade the phone system and office equipment. The funding is general fund in the amount of \$486,000 for each year. The modification requests a water master upon completion of the Compact Commission to be 100% state special Revenue funds.

Clayton Schenck presented the budget for the LFA. (Exhibit No. 14) There is a decrease in the 89 biennium of approximately three percent. The appropriation was underexpended by \$156,000. In personal services, overtime was not included as there were more authorized FTE hours vacant than the 8.00 hours paid for the overtime in FY 86, four percent vacancy savings was applied to the program.

The operating expenses were increased primarily as requested by the agency except for the added expenses of the additional staff not included in the current level budget. In contracted services, outside court reporting services for 50 days are provided in both fiscal years as the agency expects the number of hearings to increase. Communications and travel are increased. The building rent is inflated forward at the same rate as the rest of state government. Repairs and maintenance on vehicles was increased in proportion to the travel. The funding is Water Development State Special Revenue Fund.

The LFA current level does not make an allowance for equipment in view of the anticipated dissolution of the program in the near future and other options rather than purchase should be considered. The \$3,000 figure is in error. (Exhibit No. 14, page A-49)

(19.40)

Chris Jensen, Clerk of the Water Courts gave a brief overview of the Courts. The Courts were established to adjudi-

cate existing pre-1973 water rights. To date, forty river basins have been adjudicated, leaving forty five to be done. Because of litigation, the workload has stopped. If there is an excess at the end of a fiscal year, the money goes back into the Water Development Fund and is used by the Dept. of Natural Resources for the water development projects they have projected to be done in that year. Projections for the budget have been difficult due to two variables that will affect the amount of work to be done by the Courts. The Supreme Court is now hearing a case that will affect the number of decrees that can be issued by the Water Courts and the Compact Commission has a deadline of July 1, 1987 to complete its work. If this deadline is not extended by this Legislature, the Water Courts will be charged with accepting, examining and decreeing those tribal and federal claims to begin in FY 88. However, the proposed budget is based on the amount of work the agency feels they can do in one fiscal year.

Ms. Jensen addressed the budget differences. (Exhibit No. 15) She pointed out the modified request in rent. She said for the Bozeman area, the rent figure represents the lower end of rates charged for the type of space required by the Courts. There was discussion regarding the rate and the work area needs of the agency.

Tape 22B:0.00

There were questions from the committee regarding the reversion of the excess funds to DNRC.

Ms. Jensen continued with the budget differences. She said because of the concern expressed by the LFA, the agency had checked into the cost to lease a word processing system and found this method to be more expensive than the requested \$25,000. She again stated all of the budget projections are based on the amount of work the agency could do in a fiscal year if there were no delays.

Chairman Rehberg asked about the backlog on the Montana report. Jim Oppedahl said the statute requires up to 221 copies and they have been purchasing 175 to be mailed free of charge to District Court Judges, County Attorneys and the Supreme Court, along with some to exchange with libraries. Others are sold to private law firms.

Chairman Rehberg asked why the costs for continuing legal education for District Court Judges was paid by the state. Mr. Oppedahl said there were two reasons;

1. The requirement by the Supreme Court to have 15

hours of continuing judicial training each year: and,

2. The commitment to keeping judges informed and updated on their profession. The \$10,000 is requested to send judges to the Judicial College in Reno.

Mr. Oppedahl will provide a list of the constitutionally mandated boards as requested by Sen. Gage.

In answer to Sen. Gage's question regarding reductions in various categories in comparison to the staff reduction if the Supreme Court is reduced by two, Jim said the modified request simply puts the personal services back into the budget and the agency had not done an analysis of every single impact caused by the reduction. Clayton said the current level did not reflect these reductions as it would be only for a half year in the 89 biennium.

Jim said the budget financial officer position would permit a good, clean professional, long-term papertrail needed for the preparation of the budget and the ability to respond to the LFA. It was very frustrating from a management standpoint not to have the kind of fiscal budget information necessary. He said the Court needs the capability to look at its operations in order to have options to make decisions where adjustments must be made.

23 A:0.00

MODIFICATIONS SUPREME COURT OPERATIONS

Flo Smith presented the modifications. She said the modified request is technically on an elected official position and the OBPP did not take a position on this modified.

The agency requested salary and fringe benefits for two associate justices whose positions sunset December 31, 1988 and their support staff of law clerks and secretary. This modified covers a six-month period, January 1, 1989 to June 30, 1989, and would be general fund money. The amount is \$114,906 in FY 89 only.

Water Courts Supervision

The agency requested a Water Master to assist in issuing decrees, hearing objections and processing claims for Indian and federal reserve water rights when the Compact Commission has completed its work. The funding is State Special in the amount of \$27,468 in FY 88 and \$27,363 in FY 89.

Law Library

The agency requested an additional .38 Library Clerk to coordinate the rental of Continuing Legal Education video-tapes for 15 hours per week. With a change in structure of the rental fees, revenues of \$7,700 in FY 88 and \$8,350 in FY 89 are anticipated. All revenues would be deposited in the general fund to offset the cost of the modification. The cost would be \$4,822 in FY 88 and \$4,812 in FY 89.

(2.58)

Jim Oppedahl reviewed the request to maintain the two Supreme Court Associate Justice positions currently scheduled to sunset on January 1, 1989.

(5.03)

Judy Meadows explained the use of the video tapes. There is a requirement in Montana for every practicing attorney and every judge sitting on a bench to complete 15 hours of continuing legal education per year. Because of the size of the state, this rule was amended last year to allow the completion of the credits through videotapes. They are obtained from the Law Library and, since the change in the ruling, the library has been overwhelmed with rental requests. This position would assist in the handling of these tapes. As of now, there is a flat fee charged for the tape of \$20.00 and an increase would pay for the clerk. Ms. Meadows said she would set the increased fee to offset the cost of the clerk. Rep. Quilici suggested she have the concurrence of the committee or the Legislature before doing that.

There was discussion regarding the state paying for the continuing legal education of judges.

Chairman Rehberg questioned the competing with free enterprise through the use of the tapes. Ms. Meadows said the only programs now available in Montana are through local bar associations and of poor quality.

Mr. Schenck said he did not believe the position to handle the tapes could be charged to contracted services. Sen. Keating suggested the librarian look for a part-time employee now on staff.

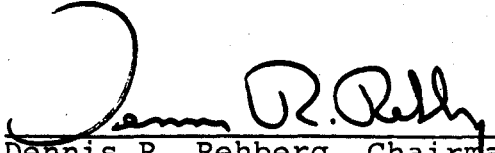
(25.85)

Chris Jensen said the modified request for a sixth water master in the water courts was based on the projection of work that can be done in the next biennium. This could be done through a budget amendment.

General Government and Highways Subcommittee
January 14, 1987
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There were no further questions from the committee.

ADJOURNMENT: The meeting was adjourned at 10:30 a.m.


Dennis R. Rehberg, Chairman

DAILY ROLL CALL

GENERAL GOVERNMENT & HIGHWAYS

SUBCOMMITTEE

DATE January 14, 1987

[illegible]

EXHIBIT 1
DATE 1-14-87
HB

THE SUPREME COURT OF MONTANA

J. A. TURNAGE
CHIEF JUSTICE



JUSTICE BUILDING
215 NORTH SANDERS
HELENA, MONTANA 59620
TELEPHONE (406) 444-2621

December 18, 1986

Honorable Ted Schwinden, Governor
State of Montana
State Capitol
Helena, Montana 59620

Dear Governor Schwinden:

The Judicial branch will make every effort to voluntarily comply with your Executive Order No. 18-86 to reduce spending by 2% in the remainder of Fiscal 1987.

While the Court will comply, I want to emphasize the difficulty the Judicial branch faces in reducing an already meager budget.

The budget within the Supreme Court has little flexibility to absorb significant reductions. This is so because the budget is small compared to many state agencies, because almost half the year is already gone which means major expenditures for training have already been incurred, and because the lion's share of personal services dollars within the budget pays for statutorily set judicial salaries. In the area of salaries, for example, 92% of the District Court budget pays for District Court Judge's salaries. The remaining 8% is largely devoted to travel -- an extremely important element in keeping courts open and the administration of justice moving.

As you can see, the Court has extremely limited options for meeting budget reduction and still meeting its constitutional duties to provide fair and equitable judicial services.

In view of the current revenue shortfalls and your call for budget reductions, the Court will make every reasonable effort to reduce spending in the remainder of FY 87.

Sincerely,

A handwritten signature in cursive script, reading "J. A. Turnage".
Jean A. Turnage
Chief Justice

REPORT EBSR99
DATE : 01/07/87
TIME : 17/23/43

OFFICE OF BUDGET & PROGRAM PLANNING
EXECUTIVE BUDGET SYSTEM
AGENCY/PROGRAM/CONTROL -- BUDGET DETAIL COMPARISONS

AGENCY : 2110 JUDICIARY
PROGRAM : 01 SUPREME COURT OPERATIONS
CONTROL : 00000

CURRENT LEVEL SERVICES ONLY

AE/OE	DESCRIPTION	ACTUAL FY 86	BUDGET FY 87	OBPP FY 88	LFA FY 88	DIFF FY 88	OBPP FY 89	LFA FY 89	DIFF FY 89
0000	FULL TIME EQUIVALENT (FTE)	32.00	32.00	32.00	31.00	1.00	28.50	27.50	1.00
1100	SALARIES	866,846.87	860,715	877,598	848,646	28,952	777,282	749,022	28,260
1400	EMPLOYEE BENEFITS	140,859.05	98,827	105,989	104,090	1,899	97,205	95,001	2,204
1500	HEALTH INSURANCE		40,242	44,160	42,780	1,380	39,330	37,950	1,380
1600	VACANCY SAVINGS		-9,765	-21,596	-21,692	96	-19,378	-19,434	56
	TOTAL LEVEL	1,007,705.92	990,019	1,006,151	973,824	32,327	894,439	862,539	31,900
2021	CONTRACTED SERVICES-INFLATI			-515	-262	-253	-1,030	-508	-522
2022	SUPPLIES & MATERIALS-INFLAT			5	-30	35	24		24
2023	COMMUNICATIONS-INFLATION			6	6	9			
2025	RENT-INFLATION				7,792	-7,792		10,819	-10,819
2100	CONTRACTED SERVICES	85,616.37	70,972	90,570	61,898	28,672	76,235	47,498	28,737
2200	SUPPLIES & MATERIALS	31,400.51	37,442	31,506	31,400	106	31,506	31,400	106
2300	COMMUNICATIONS	31,536.47	33,147	32,426	31,536	890	32,426	31,536	890
2400	TRAVEL	22,698.23	21,756	22,814	22,574	240	22,814	22,574	240
2500	RENT	90,558.85	96,492	90,810	88,028	2,782	94,427	88,028	6,399
2700	REPAIR & MAINTENANCE	6,828.84	11,636	12,725	6,828	5,897	12,185	6,828	5,357
2800	OTHER EXPENSES	38,100.45	11,514	41,796	41,275	521	43,908	43,381	527
	TOTAL LEVEL	306,739.72	282,959	322,143	291,045	31,098	312,504	281,565	30,939
3100	EQUIPMENT	29,118.68	5,163	8,050	8,050				
	TOTAL LEVEL	29,118.68	5,163	8,050	8,050				
	TOTAL PROGRAM	1,343,564.32	1,278,141	1,336,344	1,272,919	63,425	1,206,943	1,144,104	62,839
01100	GENERAL FUND	1,343,564.32	1,278,141	1,336,344	1,272,919	63,425	1,206,943	1,144,104	62,839
	TOTAL PROGRAM	1,343,564.32	1,278,141	1,336,344	1,272,919	63,425	1,206,943	1,144,104	62,839

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REPORT EBSR99
DATE : 01/07/87
TIME : 17/23/43

OFFICE OF BUDGET & PROGRAM PLANNING
EXECUTIVE BUDGET SYSTEM
AGENCY/PROGRAM/CONTROL -- BUDGET DETAIL COMPARISONS

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AGENCY : 2110 JUDICIARY
PROGRAM : 02 BOARDS AND COMMISSIONS
CONTROL : 00000

CURRENT LEVEL SERVICES ONLY

AE/OE	DESCRIPTION	ACTUAL FY 86	BUDGET FY 87	OBPP FY 88	LFA FY 88	DIFF FY 88	OBPP FY 89	LFA FY 89	DIFF FY 89
0000	FULL TIME EQUIVALENT (FTE)	3.00	3.00	3.00	2.00	1.00	3.00	2.00	1.00
1100	SALARIES	38,126.94	36,302	62,767	35,299	27,468	62,527	35,164	27,363
1400	EMPLOYEE BENEFITS	8,242.76	9,640	9,393	5,245	4,148	9,495	5,291	4,204
1500	HEALTH INSURANCE		3,773	4,140	2,760	1,380	4,140	2,760	1,380
1600	VACANCY SAVINGS			-3,067	-1,725	-1,342	-3,061	-1,721	-1,340
	TOTAL LEVEL	46,369.70	49,715	73,233	41,579	31,654	73,101	41,494	31,607
2022	SUPPLIES & MATERIALS-INFLAT				-4	4			
2023	COMMUNICATIONS-INFLATION			71	71		109	109	
2100	CONTRACTED SERVICES	73,667.21	80,126	84,670	70,846	13,824	84,670	70,846	13,824
2200	SUPPLIES & MATERIALS	10,992.34	16,683	10,988	10,993	-5	10,990	10,993	-3
2300	COMMUNICATIONS	6,331.88	4,235	6,332	6,332		6,332	6,332	
2400	TRAVEL	24,191.90	26,160	23,579	23,595	-16	23,579	23,595	-16
2500	RENT	979.00	2,093	980	980		980	980	
2700	REPAIR & MAINTENANCE	232.80		231	233	-2	231	233	-2
2800	OTHER EXPENSES	859.60	161	860	295	565	860	295	565
	TOTAL LEVEL	117,254.73	129,458	127,711	113,341	14,370	127,751	113,383	14,368
3100	EQUIPMENT	756.00							
	TOTAL LEVEL	756.00							
	TOTAL PROGRAM	164,380.43	179,173	200,944	154,920	46,024	200,852	154,877	45,975
01100	GENERAL FUND	164,380.43	179,173	200,944	154,920	46,024	200,852	154,877	45,975
	TOTAL PROGRAM	164,380.43	179,173	200,944	154,920	46,024	200,852	154,877	45,975

REPORT EBSR99
DATE : 01/07/87
TIME : 17/23/43

OFFICE OF BUDGET & PROGRAM PLANNING
EXECUTIVE BUDGET SYSTEM
AGENCY/PROGRAM/CONTROL -- BUDGET DETAIL COMPARISONS

AGENCY : 2110 JUDICIARY
PROGRAM : 04 DISTRICT COURT OPERATIONS
CONTROL : 00000

CURRENT LEVEL SERVICES ONLY

AE/OE	DESCRIPTION	FTE	ACTUAL FY 86	BUDGET FY 87	OBPP FY 88	LFA FY 88	DIFF FY 88	OBPP FY 89	LFA FY 89	DIFF FY 89
0000	FULL TIME EQUIVALENT (FTE)		36.00	36.00	36.00	36.00		36.00	36.00	
1100	SALARIES		1,766,604.81	1,778,472	1,784,006	1,770,408	13,598	1,777,197	1,770,408	6,789
1300	OTHER COMPENSATION		43,898.04	11,638	25,000		25,000	25,000		25,000
1400	EMPLOYEE BENEFITS		262,287.11	225,606	238,661	249,266	-10,605	247,865	258,910	-11,045
1500	HEALTH INSURANCE			45,272	49,680	49,680	-25,000	49,680	49,680	-25,000
1800						25,000			25,000	
	TOTAL LEVEL		2,072,789.96	2,060,988	2,097,347	2,094,354	2,993	2,099,742	2,103,998	-4,256
2022	SUPPLIES & MATERIALS-INFLAT					-391	391			
2100	CONTRACTED SERVICES		9,463.76	36,167	22,659	6,759	15,900	22,659	6,759	15,900
2200	SUPPLIES & MATERIALS		5,923.19	5,804	7,347	5,922	1,425	7,587	5,922	1,665
2300	COMMUNICATIONS		623.80	413	624	624		624	624	
2400	TRAVEL		108,756.02	113,686	110,552	110,561	-9	114,052	114,061	-9
2500	RENT		135.00		120	135	-15	120	135	-15
2700	REPAIR & MAINTENANCE		6,276.04	8,228	6,276	6,276		6,276	6,276	
2800	OTHER EXPENSES		12,676.17	5,875	12,670	12,676	-6	12,670	12,676	-6
	TOTAL LEVEL		143,853.98	170,173	160,248	142,562	17,686	163,988	146,457	17,531
	TOTAL PROGRAM		2,216,643.94	2,231,161	2,257,595	2,236,916	20,679	2,263,730	2,250,455	13,275
01100	GENERAL FUND		2,216,643.94	2,231,161	2,257,595	2,236,916	20,679	2,263,730	2,250,455	13,275
	TOTAL PROGRAM		2,216,643.94	2,231,161	2,257,595	2,236,916	20,679	2,263,730	2,250,455	13,275

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MODIFIED REQUEST
SUPREME COURT OPERATIONS

The Judiciary requests that the Subcommittee incorporate in its recommendation to the Appropriations Committee a modified budget proposal to maintain the two Supreme Court Associate Justice positions currently scheduled to sunset on January 1, 1989. The modified request would be contingent upon the passage and approval of legislation in the 50th Legislature removing the sunset provision.

	<u>SALARY</u>	<u>BENEFITS</u>	<u>INSURANCE</u>
Two Justices	50,647	6,972	1,380
Four Law Clerks	39,250	3,310	2,760
One Secretary	8,617	1,280	690

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JUDICIARY
COMPARISON OF EXECUTIVE BUDGET AND LFA CURRENT LEVEL

	FTE FY '89	- - - - - Biennium - - - - - General Fund	Total Funds
Executive Budget	87.00	\$8,464,877	\$9,497,403
LFA Current Level	<u>85.50</u>	<u>8,204,782</u>	<u>9,168,086</u>
Executive Over (Under) LFA	<u>-1.50</u>	<u>\$ 260,095</u>	<u>\$ 329,317</u>

The executive budget is \$329,317 higher than LFA current level. Primary reasons for the higher executive budget include 1.5 FTE more than LFA current level, budgeting for contract services in excess of \$120,000 over LFA current level, and a budget of \$35,000 for equipment for the District Water Courts not included in LFA current level. Table A indicates the difference by type of expenditure and funding source for the 1989 biennium.

Table A
Executive Budget Amounts Over LFA Current Level
1989 Biennium

<u>Budget Item</u>	<u>Increase Over LFA Current Level</u>
Personal Services	\$ 95,292
Operating Expenses	192,785
Equipment	<u>41,240</u>
Total Expenditures	<u>\$329,317</u>
<u>Funding Sources</u>	
General Fund	\$260,095
State Special Revenue	45,622
Federal and Other	<u>23,600</u>
Total Funding Difference	<u>\$329,317</u>

The following explanation of major differences has four sections: personal services, operating expenses, equipment, and funding.

PERSONAL SERVICES

The executive budget has 1.50 more FTE and \$95,292 more total funds for personal services than LFA current level. The differences are explained in the following issues.

ISSUE 1: FTE REDUCTION, BOARDS AND COMMISSIONS

The executive budget includes a 1.0 FTE budget finance officer position in the Boards and Commissions Program that has been vacant over two years. The duties of that position were assumed by an existing employee in an accounting technician position. The biennial cost of the position is \$63,260. The position was deleted from LFA current level.

ISSUE 2: FTE REDUCTION, SUPREME COURT OPERATIONS

The executive budget includes 1.0 FTE judicial technician in Supreme Court Operations that was vacant all of fiscal 1986. The biennial cost of the position is \$44,530. The position was deleted from LFA current level.

ISSUE 3: FTE REDUCTION, DISTRICT WATER COURTS

The executive budget reduced the District Water Courts 0.5 FTE by deleting a 1.0 FTE paraprofessional for a cost reduction of \$45,850 but adding a clerical position at a cost of \$13,560.

Other minor adjustments in personal services resulted in funding in the executive budget of \$19,790 over LFA current level.

OPERATING EXPENSES

The executive budget has \$192,785 more in operating expenses than LFA current level. Table B provides a brief description of the major differences.

Table B
Executive Budget Operating Expenses Over LFA Current Level
1989 Biennium

<u>Program/Title</u>	<u>Description</u>	<u>Increase Over LFA Current Level</u>
<u>Supreme Court Operations</u>		
Computer Services Costs	The executive budget includes one-time computer systems development costs for the Statewide Judicial Information System.	\$13,700
Montana Reports Backlog	The executive budget includes funding for printing eight volumes of the Montana Reports, including four volumes to reduce a prior year backlog. LFA current level includes funding only for the four current volumes.	42,200
<u>Boards and Commissions</u>		
Contract Services	The executive budget includes funding for an increase in contract services of over \$20,000 per year above the fiscal 1986 appropriation. The expenditures have increased \$10,000 each year for the last three years.	22,300
Legal Fees	The executive budget includes an increase in legal fees of over 100 percent for investigative work by the Judicial Standards Commission and the Commission on Practice.	5,300
<u>Law Library</u>		
Computer Service Fees	The executive budget includes an increase of \$7,300 over current level for computer processing charges including online service fees for databases for legal research.	7,300
Supplies	The executive budget includes an increase above current level for supplies and materials. LFA current level is at actual fiscal 1986 expenditures.	11,600
<u>District Courts</u>		
Training	The executive budget includes \$16,000 per year for continuing legal education for district court judges. Training was held in fiscal 1986 at a cost of \$100.	31,800
<u>Water Courts</u>		
Travel	The executive budget includes increases for travel of new staff not included in current level.	23,700
Building Rent	The water courts rent non-state buildings. The executive budget includes a rent increase of 30 percent from fiscal 1986 to 1988, and an additional 7.8 percent increase in fiscal 1989. LFA current level allows inflation at the state rate of negative 1 percent, 7 percent, and 3.4 percent in fiscal years 1987, 1988, and 1989, respectively.	13,500
Other Misc. Adjustments		21,400
Total Operating Expense Differences		\$192,800 =====

EQUIPMENT

The executive budget has \$41,240 more in equipment than LFA current level. The executive budget also has an additional \$3,660 included in operating expenses that LFA current level has in equipment. The differences are explained in the following issues.

ISSUE 4: LAW LIBRARY - BOOKS

The executive budget includes \$9,900 more for book and reference material purchases than LFA current level. The executive provides funding at the fiscal 1986 actual expense rate for each year of the 1989 biennium. LFA current level reduces fiscal 1989 by \$9,900 for the cost of a set of codes purchased every other year.

ISSUE 5: EQUIPMENT FOR WATER COURTS

The executive budget includes \$35,000 for the purchase of \$12,465 of word processing equipment and \$5,035 of office equipment during each year of the biennium. LFA current level makes no allowance for equipment in view of an anticipated dissolution of the program in less than two years. Options other than purchases could be considered.

FUNDING

The executive budget includes \$260,095 more general fund and \$45,622 more state special revenue funds, which are proportionate to the overall increases in the executive budget over LFA current level. The executive budget also includes \$23,600 of funds from a private foundation to the law library to set up an electronic document transfer system in Montana. The funds are part of a grant of \$134,000 for which \$111,000 was approved in the 1987 biennium by budget amendment. The LFA did not consider this project to be current level.

JUDICIARY

Budget Item	Actual	Appropriated	- - Current Level - -		% Change 1987-89 Biennium
	Fiscal 1986	Fiscal 1987	Fiscal 1988	Fiscal 1989	
F.T.E.	91.00	91.00	89.00	85.50	(5.50)
Personal Service	\$3,593,338	\$3,589,026	\$3,595,910	\$3,493,237	(1.3)
Operating Expense	806,339	963,053	823,991	822,062	(7.0)
Equipment	257,569	218,878	227,248	205,638	(9.1)
Total Expenditures	\$4,657,246 =====	\$4,770,957 =====	\$4,647,149 =====	\$4,520,937 =====	(2.8) =====
Fund Sources					
General Fund	\$4,223,721	\$4,202,353	\$4,165,759	\$4,039,023	(2.6)
State Special	424,667	568,604	481,390	481,914	(3.0)
Federal Revenue	8,858	-0-	-0-	-0-	(100.0)
Total Funds	\$4,657,246 =====	\$4,770,957 =====	\$4,647,149 =====	\$4,520,937 =====	(2.8) =====

The judicial branch of state government is provided for in Article III, Section I and Article VII of the Montana Constitution. In Section II of Article VII, the jurisdiction of the Supreme Court is defined. That jurisdiction consists of all appellate jurisdiction and original jurisdiction in petitions for writs of habeas corpus and other such writs, general supervisory control over all courts, and rule making powers of Montana's courts.

Current level decreases 2.8 percent from the 1987 biennium level. Personal services decrease primarily due to (1) the removal of a 1.0 FTE budget and fiscal officer position in the 1989 biennium in the Boards and Commissions Program which has been vacant two years, (2) the removal of a 1.0 FTE judicial technician position in Supreme Court Operations which had been vacant all of fiscal 1986, and (3) the removal of 3.5 FTE in fiscal 1989 for the elimination of two supreme court justices and their staffs in December, 1988 due to the sunset provision contained in Section 3-2-101, MCA.

Operating expenses decrease due to removal of one-time systems development costs in the Supreme Court Operations Program, reduction of contract services in the Boards and Commissions Program, inclusion of higher estimates in the fiscal 1987 appropriation for law library computer research service expenditures than was included in the 1989 biennium current level, and current level in the Water Courts Program for the 1989 biennium that is higher than actual costs incurred in fiscal 1986, but is substantially less than the fiscal 1987 appropriation.

SUPREME COURT OPERATIONS

Budget Item	Actual	Appropriated	- - Current Level - -		% Change 1987-89 Biennium
	Fiscal 1986	Fiscal 1987	Fiscal 1988	Fiscal 1989	
F.T.E.	32.00	32.00	31.00	27.50	(4.50)
Personal Service	\$1,007,703	\$ 990,019	\$ 973,824	\$ 862,539	(8.1)
Operating Expense	306,738	292,011	291,045	281,565	(4.4)
Equipment	29,118	5,163	8,050	-0-	(76.5)
Total Expenditures	<u>\$1,343,559</u>	<u>\$1,287,193</u>	<u>\$1,272,919</u>	<u>\$1,144,104</u>	<u>(8.1)</u>
Fund Sources					
General Fund	<u>\$1,343,559</u>	<u>\$1,287,193</u>	<u>\$1,272,919</u>	<u>\$1,144,104</u>	<u>(8.1)</u>

The Supreme Court is the appellate court in the State of Montana. The Supreme Court also has original jurisdiction to issue, hear, and determine writs of habeas corpus and other writs as provided by law. The Supreme Court Operations Program relates specifically to the day-to-day operations of the court.

Authorized expenditures decrease 8.1 percent in the 1989 biennium, primarily due to removal of a 1.0 FTE judicial technician position, a reduction of two associate justices and their staffs in January 1989, as well as minor reductions in operating expenses and a lower requirement for equipment.

Fiscal 1986: Comparison of Actual Expenses to the Appropriation

The following table compares fiscal 1986 actual expenditures and funding to appropriations as anticipated by the 1985 legislature.

Table 1
Comparison of the Appropriation to Actual Expenses - Fiscal 1986

Budget Item	Legislature	Actual	Difference
F.T.E.	32.00	32.00	0.00
Personal Service	\$ 986,359	\$1,007,703	\$(21,344)
Operating Expense	306,390	306,738	(348)
Equipment	28,659	29,118	(459)
Total Exp. and Gen. Fund	<u>\$1,321,408</u>	<u>\$1,343,559</u>	<u>\$(22,151)</u>

Personal services were overspent for two reasons: 1) termination pay was paid in excess of \$14,000, and 2) two secretaries were on maternity leave during the fiscal

year in a paid status while replacements were brought in on a temporary basis. In addition, vacancy savings of \$9,744 were only partially realized. The shortfall in funds for personal services was covered by a program transfer from the Boards and Commissions Program.

In operating expenses, contract services were overspent by \$21,595, largely due to unbudgeted costs of systems development for a new computer system. The overexpenditure in contract services was offset by supplies and materials being \$9,200 less than appropriated due to lower than anticipated requirements for office supplies, books and reference materials; telephone expenses being \$4,435 less than budgeted; rent being down \$3,300 primarily due to reduced building rent; and repairs and maintenance being down \$5,815 due to a reduced cost for maintenance contracts for equipment replaced.

Equipment expenditures were for a new computer system for the Statewide Judicial Information System.

Current Level Adjustments

Personal services are reduced by a 1.0 FTE judicial technician position, and by 3.5 FTE in fiscal 1989 for 2 justice positions, 4 law clerks, and 1 secretarial position for one-half year due to the sunset of those positions by law on December 31, 1988. No vacancy savings were taken on the judges' compensations.

Operating expenses are reduced \$34,322 for one-time systems development costs, \$825 for reduced anticipated Westlaw costs, \$124 for out of state travel, \$1,561 for rental of computer equipment due to the purchase of a new system, \$970 for lower building rental expense, and \$521 for reduced subscription costs. Current level is increased for expected increases in dues to the National Center for State Courts of \$3,695 in fiscal 1988 and an additional \$2,106 in fiscal 1989. The biennial audit cost of \$14,400 is included in fiscal 1988. Audit fees for the 1987 biennium were \$11,963, of which only \$2,911 was expended in fiscal 1986. Minor adjustments to operating expenses result in a net reduction in fiscal 1988 current level of \$40, while inflation adds \$7,506.

Equipment costs include \$3,580 for the balance of the payment for the upgrade of the Statewide Judicial Information System and \$4,470 for a computer and software to be used for word processing and budget analysis in court administration.

BOARDS AND COMMISSIONS

<u>Budget Item</u>	Actual	Appropriated	- - Current Level - -		% Change 1987-89 Biennium
	Fiscal 1986	Fiscal 1987	Fiscal 1988	Fiscal 1989	
F.T.E.	3.00	3.00	2.00	2.00	(1.00)
Personal Service	\$ 46,369	\$ 49,715	\$ 41,579	\$ 41,494	(13.5)
Operating Expense	117,258	129,458	113,341	113,383	(8.1)
Equipment	756	-0-	-0-	-0-	---
Total Expenditures	<u>\$164,383</u>	<u>\$179,173</u>	<u>\$154,920</u>	<u>\$154,877</u>	<u>(9.8)</u>
<u>Fund Sources</u>					
General Fund	<u>\$164,383</u>	<u>\$179,173</u>	<u>\$154,920</u>	<u>\$154,877</u>	<u>(9.8)</u>

The Montana Constitution assigns a number of duties to the Supreme Court. These duties include, but are not limited to, supervision over all other courts, development of rules for appellate procedure, establishment of appropriate practice and procedure for all other courts, plus rule making for admissions to the bar and member conduct. The majority of these duties are accomplished by 11 active boards and commissions which are a part of the Supreme Court. Other duties are accomplished by the Supreme Court staff and by temporary boards and commissions.

Current level decreases 9.8 percent in the 1989 biennium, primarily due to the deletion of one vacant position and reductions in contracted services.

Table 2 lists the names, duties, and expenditures in fiscal 1986 for the boards and commissions.

Table 2
Judiciary Boards and Commissions

<u>Name</u>	<u>Duties</u>	<u>Fiscal 1986 Expenditures</u>
Judicial Standards Commission	Possesses investigative, prosecutorial, and adjudicative functions, with the goal of protecting the public, preserving integrity of the judicial process, maintain public confidence in the judiciary, and update judicial rules of procedure.	\$ 729
Sentence Review Board	To ensure uniformity in sentences of a similar nature statewide.	13,402
Board of Bar Examiners	Examines applicants for the bar to determine if they are qualified to practice law in Montana.	55,492
Judicial Nominations Commission	Nominates candidates for Governor's approval as a replacement on the supreme court or district court.	132
Civil Procedure	Recommends to Montana Supreme Court modifications to Montana rules of civil procedure based upon changes in federal rules of civil procedure.	3,107
Commission on Courts of Limited Jurisdiction	Oversees the training and certification of justices of the peace and city judges in Montana.	41,954
Commission on Practice	Ensures expeditious and fair handling of complaints of citizens against attorneys.	33,084
Commission on Rules Concerning Admission to Practice of Law	Determines rules for admission to the practice of law in Montana.	2,917
Civil Jury Instruction Guidelines Commission	Prepares proposed civil jury instruction guidelines for consideration by the supreme court and to review and propose revisions to the court.	*
Commission on Uniform District Court Rules	Prepares proposed uniform district court rules for consideration by the supreme court.	*
Criminal Procedure Commission	Prepares proposed criminal procedure guidelines for courts, lawyers, and defendants to follow.	*
Other Staff/Temporary	Probate review, rules of evidence, sentencing guidelines.	13,566
Boards and Commissions, Fiscal 1986 Total		<u>\$164,383</u> =====

*Expenditures included in \$3,107 for Civil Procedure listed above.

Fiscal 1986: Comparison of Actual Expenses to the Appropriation

The following table compares fiscal 1986 actual expenditures and funding to appropriations as anticipated by the 1985 legislature.

Table 3
Comparison of the Appropriation to Actual Expenses - Fiscal 1986

<u>Budget Item</u>	<u>Legislature</u>	<u>Actual</u>	<u>Difference</u>
F.T.E.	3.00	2.00	1.00
Personal Service	\$ 79,682	\$ 46,369	\$33,313
Operating Expense	124,045	117,258	6,787
Equipment	-0-	756	(756)
Total Exp. and Gen. Fund	<u>\$203,727</u>	<u>\$164,383</u>	<u>\$39,344</u>

Personal services were less than appropriated as 1.0 FTE budget and finance officer was vacant in fiscal 1986. The funds were transferred to the Supreme Court Operations Program.

Operating expenses were \$6,787 less than budgeted as supplies decreased \$6,608. Instate travel, primarily aircraft rental, decreased \$3,504, and meeting room rent decreased \$1,294. Items which were more than budgeted were contract services of \$1,730, communications of \$1,970 for long distance calls and postage, repair and maintenance of \$233, and other expenses of \$686 for training conference registration fees.

Current Level Adjustments

One FTE budget and finance officer position was deleted from current level. The position has been vacant for over two years, and the majority of the position responsibilities were assumed by an existing accounting technician position. In operating expenses, consulting and professional services of \$10,350 were removed from the fiscal 1986 base due to excessive annual increases of over \$10,000 per year since fiscal 1985, which could not be fully justified. At the agency's request, out-of-state travel costs were reduced \$597. Unbudgeted registration fees of \$565 were removed from the base. Current level was increased \$7,690 for statutorily mandated training costs for the courts of limited jurisdiction. The training was conducted in the fiscal 1986 base year, but no instructors were hired, nor were new materials purchased due to budget constraints. Inflation and other minor adjustments to operating expenses resulted in a net decrease of \$95. There was no request for equipment in the 1989 biennium.

LAW LIBRARY

<u>Budget Item</u>	Actual	Appropriated	- - Current Level - -		% Change
	Fiscal 1986	Fiscal 1987	Fiscal 1988	Fiscal 1989	1987-89 Biennium
F.T.E.	6.50	6.50	6.50	6.50	0.00
Personal Service	\$168,319	\$156,465	\$157,212	\$156,904	(3.3)
Operating Expense	141,918	171,840	142,669	145,120	(8.3)
Equipment	215,538	196,215	219,198	205,638	3.2
Total Expenditures	\$525,775 =====	\$524,520 =====	\$519,079 =====	\$507,662 =====	(2.2) =====
<u>Fund Sources</u>					
General Fund	\$499,136	\$504,826	\$501,004	\$489,587	(1.3)
State Special	17,781	19,694	18,075	18,075	(3.5)
Federal Revenue	8,858	-0-	-0-	-0-	(100.0)
Total Funds	\$525,775 =====	\$524,520 =====	\$519,079 =====	\$507,662 =====	(2.2) =====

The Law Library is a reference source for the Montana Supreme Court, district courts, and all attorneys who practice law in the state. The inventory of books and materials on hand can be classified into the following categories: treatises, law reviews, reports, microfilm, and video tapes for continuing legal education. The law library also maintains a collection of all state codes.

Fiscal 1986: Comparison of Actual Expenses to the Appropriation

The following table compares fiscal 1986 actual expenditures and funding to appropriations as anticipated by the 1985 legislature.

Table 4
Comparison of the Appropriation to Actual Expenses - Fiscal 1986

<u>Budget Item</u>	<u>Legislature</u>	<u>Actual</u>	<u>Difference</u>
F.T.E.	6.50	6.50	0.00
Personal Service	\$156,089	\$162,939	\$(6,850)
Operating Expense	160,742	138,440	22,302
Equipment	230,176	215,538	14,638
Total Expenditures	<u>\$547,007</u>	<u>\$516,917</u>	<u>\$30,090</u>
<u>Funding</u>			
General Fund	\$499,686	\$499,136	\$ 550
State Special	47,321	17,781	29,540
Total Funds	<u>\$547,007</u>	<u>\$516,917</u>	<u>\$30,090</u>
<u>Additions</u>			
Budget Amendments	\$ -0-	\$ 8,858	\$(8,858)

Overall, the Law Library budget was underspent by \$30,090, or 5.5 percent of the total budget. Personal services were overspent because vacancy savings budgeted for the program were not realized. Operating expenses were underexpended by \$22,302, largely due to contracted services for computerized research services, including Westlaw, being less than anticipated. A 158 percent increase in the 1987 biennium budget for the research services had been granted for an anticipated increased service use, but the usage fell well short of expectations and was underspent by approximately \$16,200. Expenditures for supplies and materials were \$5,100 less than budgeted. Postage and mailing costs exceeded the budget by \$1,700, while telephone costs were underexpended by \$2,700. In equipment, the expenditure for books was \$14,638 less than anticipated.

A \$111,000 budget amendment was approved for the Helena Faxnet Project, funded by a private charitable trust. The funds are to be used to establish a rapid document delivery system in Montana, using telephone transfer terminals to transmit documents. Only \$8,858 of the amount authorized was expended in fiscal 1986.

Current Level Adjustments

Job candidate expenses of \$2,279 were removed from the fiscal 1986 base. Other minor adjustments to operating expenses resulted in a net increase in current level of \$213. The fiscal 1989 book budget was reduced \$9,900 for the cost of codes that are purchased only in the even years. An additional \$3,660 was added in fiscal 1988 for the upgrade of the cataloging system terminal.

DISTRICT COURTS

Budget Item	Actual	Appropriated	- - Current Level - -		% Change 1987-89 Biennium
	Fiscal 1986	Fiscal 1987	Fiscal 1988	Fiscal 1989	
F.T.E.	36.00	36.00	36.00	36.00	0.00
Personal Service	\$2,072,790	\$2,060,988	\$2,094,354	\$2,103,998	1.6
Operating Expense	143,853	170,173	142,562	146,457	(8.0)
Total Expenditures	<u>\$2,216,643</u>	<u>\$2,231,161</u>	<u>\$2,236,916</u>	<u>\$2,250,455</u>	<u>0.9</u>
<u>Fund Sources</u>					
General Fund	<u>\$2,216,643</u>	<u>\$2,231,161</u>	<u>\$2,236,916</u>	<u>\$2,250,455</u>	<u>0.9</u>

The District Court Operations Program allocates monies to pay salaries, travel, and training expenses for district judges.

Current level increases less than 1 percent in the 1989 biennium, primarily due to a small increase in benefits for judges.

Fiscal 1986: Comparison of Actual Expenses to the Appropriation

The following table compares fiscal 1986 actual expenditures and funding to appropriations as anticipated by the 1985 legislature.

Table 5
Comparison of the Appropriation to Actual Expenses - Fiscal 1986

Budget Item	Legislature	Actual	Difference
F.T.E.	36.00	36.00	0.00
Personal Service	\$2,052,888	\$2,072,790	\$(19,902)
Operating Expense	164,578	143,853	20,725
Total Expenses	<u>\$2,217,466</u>	<u>\$2,216,643</u>	<u>\$ 823</u>
<u>Funding</u>			
General Fund	<u>\$2,217,466</u>	<u>\$2,216,643</u>	<u>\$ 823</u>

Personal services were overspent due to an unanticipated high expense for salaries to retired judges who substituted while sitting judges were absent for extended illness or other reasons. The increase in personal service costs was paid for by reduced expenditures for operating costs. Operating costs were reduced by

foregoing budgeted expenses of \$16,000 for district judge continuing legal education training, and by reducing travel expenses nearly \$12,000 below the appropriation. Operating costs exceeded the budget by \$2,500 in insurance costs and by over \$4,000 in unbudgeted registration fees for judges.

Current Level Adjustments

No vacancy savings were taken in this program. Included in current level is \$25,000 as requested by the agency for payment of salaries to retired judges who substitute for sitting judges. Actual expenditure in fiscal 1986 was \$43,898. Operating expenses are increased by \$632 for insurance costs and by \$1,467 in fiscal 1988 and \$4,967 in fiscal 1989 for out-of-state travel by district judges for continuing legal education. The increase in travel in fiscal 1989 consists of training for newly elected district judges prior to assuming their judicial post. Current level is reduced \$3,337 at the agency's request for one-time expenditures for honorariums, computer processing, and printing costs.

WATER COURTS SUPERVISION

Budget Item	Actual	Appropriated	- - Current Level - -		% Change 1987-89 Biennium
	Fiscal 1986	Fiscal 1987	Fiscal 1988	Fiscal 1989	
F.T.E.	13.50	13.50	13.50	13.50	0.00
Personal Service	\$298,157	\$331,839	\$328,941	\$328,302	4.3
Operating Expense	96,572	199,571	134,374	135,537	(8.9)
Equipment	12,157	17,500	-0-	-0-	(100.0)
Total Expenditures	<u>\$406,886</u>	<u>\$548,910</u>	<u>\$463,315</u>	<u>\$463,839</u>	<u>(3.0)</u>
<u>Fund Sources</u>					
State Special Revenue	<u>\$406,886</u>	<u>\$548,910</u>	<u>\$463,315</u>	<u>\$463,839</u>	<u>(3.0)</u>

The Water Courts Supervision Program staff is responsible for the adjudication of claims of existing water rights in Montana and for supervision of the distribution of water among the four water divisions.

Fiscal 1986: Comparison of Actual Expenses to the Appropriation

The following table compares fiscal 1986 actual expenditures and funding to appropriations as anticipated by the 1985 legislature.

Table 6
Comparison of the Appropriation to Actual Expenses - Fiscal 1986

Budget Item	Legislature	Actual	Difference
F.T.E.	13.50	13.50	0.00
Personal Service	\$331,469	\$298,157	\$ 33,312
Operating Expenses			
Contracted Services	74,616	1,926	72,690
Supplies and Materials	20,000	14,461	5,539
Communications	20,000	35,801	(15,801)
Travel	50,000	5,265	44,735
Rent	31,175	32,112	(937)
Repairs and Maintenance	15,000	4,853	10,147
Other Expenses	3,000	2,154	846
Total Operating Expenses	\$213,791	\$ 96,572	\$117,219
Equipment	18,000	12,157	5,843
Total Exp. and Funding	<u>\$563,260</u>	<u>\$406,886</u>	<u>\$156,374</u>

The budget for fiscal 1986 was not based on past expenditure patterns. The water court representatives said the 1983 and 1985 bienniums were difficult ones to base the fiscal 1986 and 1987 appropriations upon because they were just getting the process working. The comparison table shows that the expenditures for fiscal 1986 were again considerably under budget and varied significantly from the water courts' requested budget.

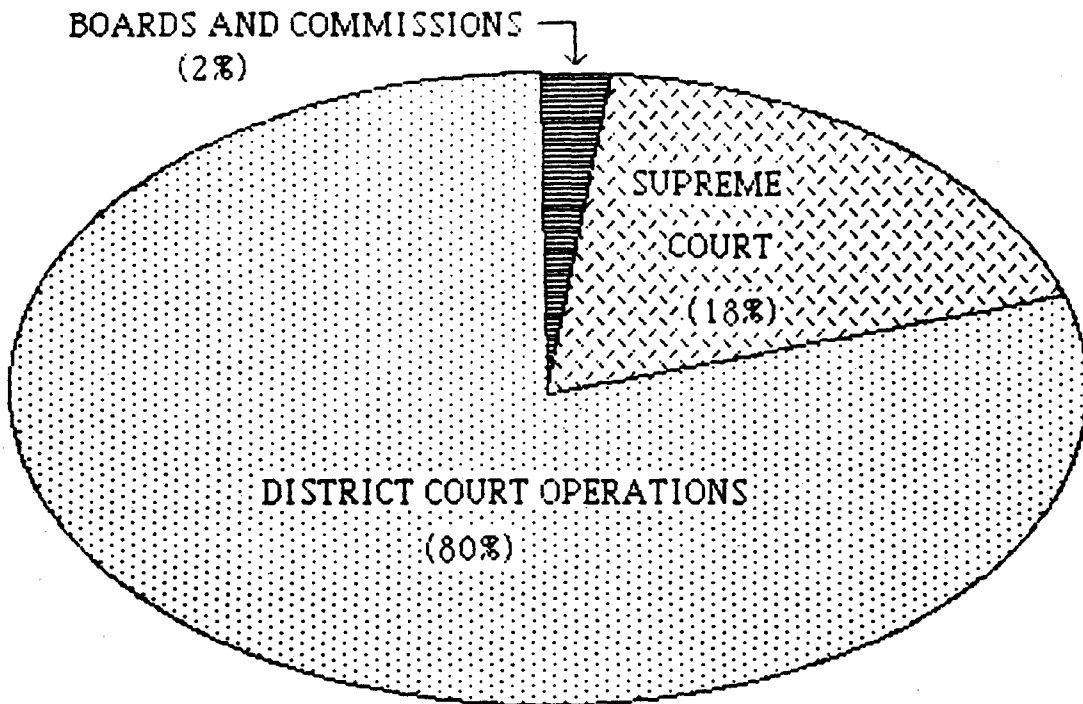
Personal services are less than the appropriation as the 2.0 FTE paraprofessional positions were only used about 30 percent of the fiscal year. The water masters' hours were down about 15 percent. The clerical positions were not fully utilized, but the water court paid overtime for 800 hours, which almost approximated the cost of having all clerical staff full time.

Current Level Adjustments

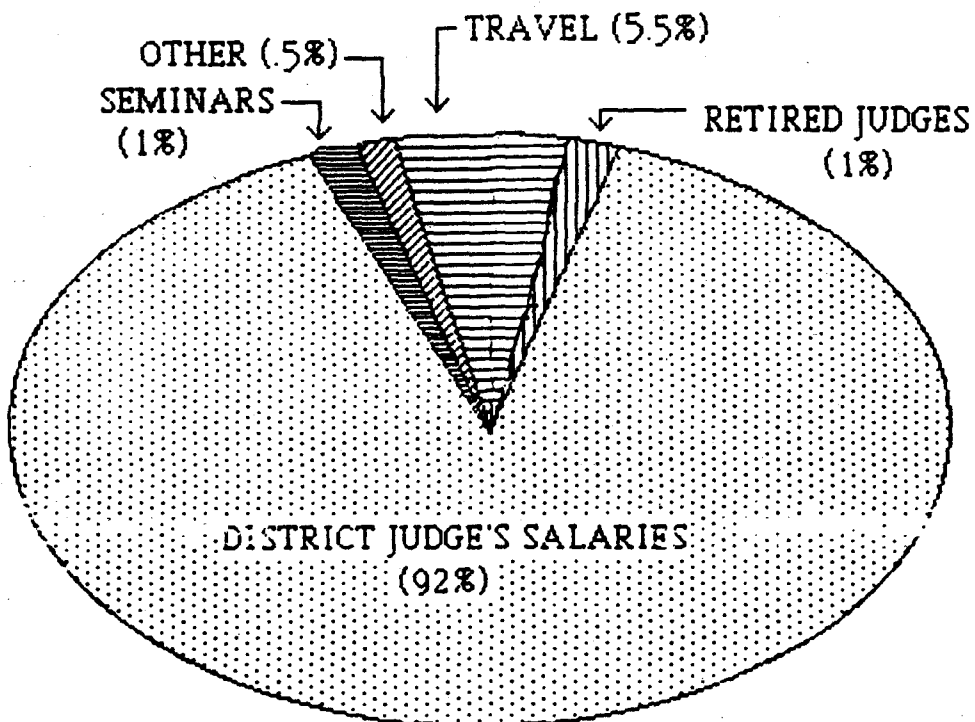
The following table indicates five years of appropriations for the water courts.

STATE GENERAL FUND APPROPRIATIONS
FOR FISCAL YEAR 1987

5
1-14-87



DISTRICT COURT OPERATIONAL BUDGET
FOR FISCAL YEAR 1987



SUPREME COURT OPERATIONS

AF/OE	DESCRIPTION	ACTUAL FY 86	BUDGET FY 87	OBPP FY 88	LFA FY 88	DIFF FY 88	OBPP FY 89	LFA FY 89	DIFF FY 89
0000	FULL TIME EQUIVALENT (FTE)	32.00	32.00	32.00	31.00	1.00	28.50	27.50	1.00
1100	SALARIES	866,846.87	860,715	877,598	848,646	28,952	777,282	49,022	28,260
1400	EMPLOYEE BENEFITS	140,859.05	98,827	105,989	104,090	1,899	97,205	35,001	2,204
1500	HEALTH INSURANCE		40,242	44,160	42,780	1,380	39,330	17,950	1,380
1600	VACANCY SAVINGS		-9,765	-21,596	-21,692	96	-19,378	19,434	56
	TOTAL LEVEL	1,007,705.92	990,019	1,006,151	973,824	32,327	894,439	62,539	31,900
2021	CONTRACTED SERVICES-INFLAT			-515	-262	-253	-1,030	-508	-522
2022	SUPPLIES & MATERIALS-INFLAT			5	-30	35	24	9	24
2023	COMMUNICATIONS-INFLAT			6	7,792	-7,792	76,235	10,819	-10,819
2100	RENT-INFLATION	85,616.37	70,972	90,570	61,898	28,672	31,506	47,498	28,737
2200	CONTRACTED SERVICES	31,400.51	37,442	31,506	31,506	106	32,426	31,400	106
2300	SUPPLIES & MATERIALS	31,536.47	33,147	32,426	31,536	890	32,426	31,536	890
2400	COMMUNICATIONS	22,598.23	21,756	22,814	22,574	240	22,814	22,574	240
2500	TRAVEL	90,558.85	96,492	90,810	88,028	2,762	94,427	88,028	6,399
2600	RENT	6,828.84	11,636	12,725	6,828	5,897	12,185	6,828	5,357
2700	REPAIR & MAINTENANCE	38,100.45	11,514	41,796	41,275	521	43,908	43,381	527
2800	OTHER EXPENSES								
	TOTAL LEVEL	306,739.72	282,959	322,143	291,045	31,098	312,504	281,565	30,939
3100	EQUIPMENT	29,118.68	5,163	8,050	8,050				
	TOTAL LEVEL	29,118.68	5,163	8,050	8,050				
	TOTAL PROGRAM	1,343,564.32	1,278,141	1,336,344	1,272,919	63,425	1,206,943	1,144,104	62,839
	TOTAL PROGRAM	1,343,564.32	1,278,141	1,336,344	1,272,919	63,425	1,206,943	1,144,104	62,839
01100	GENERAL FUND	1,343,564.32	1,278,141	1,336,344	1,272,919	63,425	1,206,943	1,144,104	62,839

REQUESTED ADJUSTMENTS TO LFA BUDGET

CATEGORY	Amount FY 88	Amount FY 89	Comments
1. Personal Services	\$22,424	\$22,384	Restore deleted FTE Judicial Technician. This portion has been filled in FY 86 and FY 87 but is mis-coded on the executive position control document.
2. Personal Services	\$ 7,816	\$ 7,698	Adjustment for upgrade of two secretarial positions made to position control and not included in LFA figures.
3. Personal Services	\$ 2,760	\$ 2,760	Adjustment for insurance benefits on 2 FTE which have 4 half-time people. This is not included in either OBPP or LFA.
4. Personal Services	\$ 6,798	\$ 6,790	The requested vacancy savings would require a substantial decrease in operating expenses. The Judiciary requests vacancy savings be applied at 1.25% which is closer to the actual vacancy savings.
5. Contracted Services	\$21,100	\$21,100	Four volumes of Montana Reports to catch up on backlog.

#6
1-14-87

BOARDS AND COMMISSIONS

AE/OE	DESCRIPTION	ACTUAL FY 86	BUDGET FY 87	ORPP FY 88	LFA FY 88	DIFF FY 88	ORPP FY 89	LFA FY 89	DIFF FY 89
0000	FULL TIME EQUIVALENT (FTE)	3.00	3.00	3.00	2.00	1.00	3.00	2.00	1.00
1100	SALARIES	38,126.94	36,302	62,767	35,299	27,468	62,527	35,164	27,363
1400	EMPLOYEE BENEFITS	8,242.76	9,640	9,393	5,245	4,148	9,495	5,291	4,204
1500	HEALTH INSURANCE		3,773	4,140	2,760	1,380	4,140	2,760	1,380
1600	VACANCY SAVINGS			-3,067	-1,725	-1,342	-3,061	-1,721	-1,340
	TOTAL LEVEL	46,369.70	49,715	73,233	41,579	31,654	73,101	41,494	31,607
2022	SUPPLIES & MATERIALS-INFLAT				-4	4			
2023	COMMUNICATIONS-INFLATION			71	71		109	109	
2100	CONTRACTED SERVICES	73,667.21	80,126	84,670	70,846	13,824	84,670	70,846	13,824
2200	SUPPLIES & MATERIALS	10,992.34	16,683	10,988	10,993	-5	10,990	10,993	-3
2300	COMMUNICATIONS	6,331.88	4,235	6,312	6,332	-16	6,312	6,332	-16
2400	TRAVEL	24,191.90	26,160	23,519	23,595	-16	23,519	23,595	-16
2500	RENT	979.00	2,093	980	980	-2	980	980	-2
2700	REPAIR & MAINTENANCE	232.80	161	231	233	-2	231	233	-2
2800	OTHER EXPENSES	859.60		860	295	565	860	295	565
	TOTAL LEVEL	117,254.73	129,458	127,711	113,341	14,370	127,751	113,383	14,368
3100	EQUIPMENT	756.00							
	TOTAL LEVEL	756.00							
	TOTAL PROGRAM	164,380.43	179,173	200,944	154,920	46,024	200,852	154,877	45,975
01100	GENERAL FUND	164,380.43	179,173	200,944	154,920	46,024	200,852	154,877	45,975
	TOTAL PROGRAM	164,380.43	179,173	200,944	154,920	46,024	200,852	154,877	45,975

REQUESTED ADJUSTMENTS TO LFA BUDGET

CATEGORY	Amount FY 88	Amount FY 89	Comments
1. Personal Services	\$32,959	\$32,898	Budget/Financial Officer position for adequate, timely control and planning related to budget and financial issues
2. Personal Services	\$ 958	\$ 957	The requested vacancy savings would require a substantial decrease in operating expenses. The Judiciary requests vacancy savings be applied at 1.25% which is closer to actual vacancy savings.
3. Contracted Services	\$ 654	\$ 2,654	Judicial Standards and Commission on Practice for investigative work.
4. Contracted Services	\$10,440	\$10,440	Secretary for Commission on Practice.

DISTRICT COURT OPERATIONS

AC/OE	DESCRIPTION	ACTUAL FY 86	BUDGET FY 87	QUPP FY 88	LFA FY 88	DIFF FY 88	QBPP FY 89	LFA FY 89	DIFF FY 89
0000	FULL TIME EQUIVALENT (FTE)	36.00	36.00	36.00	36.00		36.00	36.00	
1100	SALARIES	1,766,604.81	1,778,472	1,784,006	1,770,408	13,598	1,777,197	1,770,408	6,789
1300	OTHER COMPENSATION	43,898.04	11,638	24,000		25,000	25,000		25,000
1400	EMPLOYEE BENEFITS	262,287.11	225,606	234,661	249,266	-10,605	247,865	258,910	-11,045
1500	HEALTH INSURANCE		45,272	49,680	25,000	-25,000	49,680	25,000	-25,000
1800									
	TOTAL LEVEL	2,072,789.96	2,060,988	2,097,347	2,094,354	2,993	2,099,742	2,093,998	-4,256
2022	SUPPLIES & MATERIALS-INFLAT	9,463.76	36,167	22,659	-391	391	22,659	6,759	-4
2100	CONTRACTED SERVICES	5,923.19	5,804	7,347	6,759	15,900	7,587	5,922	15,900
2200	SUPPLIES & MATERIALS	623.80	413	624	624	1,425	624	624	1,665
2300	COMMUNICATIONS	108,756.02	113,686	110,552	110,561	-9	114,052	114,061	-9
2400	TRAVEL	135.00		120	135	-15	120	135	-15
2500	RENT		8,228	6,276	6,276	-6	6,276	6,276	-6
2700	REPAIR & MAINTENANCE	12,676.17	5,875	12,670	12,676		12,670	12,676	
2800	OTHER EXPENSES								
	TOTAL LEVEL	143,853.98	170,173	160,248	142,562	17,686	163,988	146,457	17,531
	TOTAL PROGRAM	2,216,643.94	2,231,161	2,257,595	2,236,916	20,679	2,263,730	2,350,455	13,275
01100	GENERAL FUND								
	TOTAL PROGRAM	2,216,643.94	2,231,161	2,257,595	2,236,916	20,679	2,263,730	2,350,455	13,275
	TOTAL PROGRAM	2,216,643.94	2,231,161	2,257,595	2,236,916	20,679	2,263,730	2,350,455	13,275

REQUESTED ADJUSTMENTS TO LFA BUDGET

CATEGORY	Amount FY 88	Amount FY 89	Comments
1- Personal Services	-	-	Benefits need to be recalculated?
2- Contracted Services	\$15,900	\$15,900	To provide in-state judicial education for Montana Judges in order for them to meet continuing judicial education credit requirements.

REPORT EBSR99
DATE : 01/07/87
TIME : 17/23/43

OFFICE OF BUDGET & PROGRAM PLANNING
EXECUTIVE BUDGET SYSTEM
AGENCY/PROGRAM/CONTROL -- BUDGET DETAIL COMPARISONS

PAGE 14

AGENCY : 2110 JUDICIARY
PROGRAM : 03 LAW LIBRARY
CONTROL : 00000

CURRENT LEVEL SERVICES ONLY

AE/OE	DESCRIPTION	ACTUAL FY 86	BUDGET FY 87	OBPP FY 88	LFA FY 88	DIFF FY 88	OBPP FY 89	LFA FY 89	DIFF FY 89
0000	FULL TIME EQUIVALENT (FTE)	6.50	6.50	6.50	6.50		6.50	6.50	
1100	SALARIES	135,155.36	131,762	134,610	134,613	-3	134,274	134,098	176
1400	EMPLOYEE BENEFITS	27,782.82	19,113	20,089	20,167	-78	20,330	20,361	-31
1500	HEALTH INSURANCE		8,803	9,660	8,970	690	9,660	8,970	690
1600	VACANCY SAVINGS		-3,213	-6,574	-6,538	-36	-6,571	-6,525	-46
	TOTAL LEVEL	162,938.18	156,465	157,785	157,212	573	157,693	156,904	789
2022	SUPPLIES & MATERIALS-INFLAT			1	-4	5	4		4
2023	COMMUNICATIONS-INFLATION			2	2		3		
2025	RENT-INFLATION				6,297	-6,297		8,743	-8,743
2100	CONTRACTED SERVICES	30,428.93	60,167	37,860	30,541	7,319	34,200	30,541	3,659
2200	SUPPLIES & MATERIALS	14,139.12	17,732	18,813	14,139	4,674	21,055	14,139	6,916
2300	COMMUNICATIONS	12,140.11	10,866	13,790	12,825	965	13,790	12,825	965
2400	TRAVEL	2,317.20	2,507	2,317	2,318	-1	2,317	2,318	-1
2500	RENT	65,947.35	68,860	67,083	65,637	1,446	69,971	65,637	4,334
2700	REPAIR & MAINTENANCE	6,371.54	7,621	10,839	6,130	4,709	10,408	6,130	4,278
2800	OTHER EXPENSES	7,091.94	4,087	4,931	4,784	147	4,931	4,784	147
	TOTAL LEVEL	138,436.19	171,840	155,636	142,669	12,967	156,679	145,120	11,559
3100	EQUIPMENT	215,537.98	196,215	215,538	219,198	-3,660	215,538	205,638	9,900
	TOTAL LEVEL	215,537.98	196,215	215,538	219,198	-3,660	215,538	205,638	9,900
	TOTAL PROGRAM	516,912.35	524,520	528,959	519,079	9,880	529,910	507,662	22,248
01100	GENERAL FUND	499,131.48	504,826	486,959	501,004	-14,045	511,510	489,587	21,923
02093	WESTLAW	17,780.87	19,694	18,400	18,075	325	18,400	18,075	325
03940	HELENA FAXNET PROJECT			23,600		23,600			
	TOTAL PROGRAM	516,912.35	524,520	528,959	519,079	9,880	529,910	507,662	22,248

1-14-87

1-14-87

REQUEST FOR MODIFICATION

FTE .38 Library Clerk

FY 88 \$4,822

FY 89 \$4,812 To coordinate rental of Continuing
Legal Education (C.L.E.) videotapes.

Increased Revenue

FY 88 \$7,700

FY 89 \$8,350 Will be generated with a modification
in our fee structure. Revenues are
deposited in the general fund.

REPORT EBSR99
DATE : 01/07/87
TIME : 17/26/09

OFFICE OF BUDGET & PROGRAM PLANNING
EXECUTIVE BUDGET SYSTEM
AGENCY/PROGRAM/CONTROL -- BUDGET DETAIL COMPARISONS

PAGE 1

AGENCY : 2110 JUDICIARY
PROGRAM : 03 LAW LIBRARY
CONTROL : 00000

AE/OE	DESCRIPTION	ACTUAL FY 86	BUDGET FY 87	OBPP FY 88	LTA FY 88	DIFF FY 88	OBPP FY 89	LTA FY 89	DIFF FY 89
0000	FULL TIME EQUIVALENT (FTE)	.24							
1100	SALARIES	4,376.98							
1400	EMPLOYEE BENEFITS	1,002.59							
	TOTAL LEVEL	5,379.57							
2100	CONTRACTED SERVICES	1,869.50							
2200	SUPPLIES & MATERIALS	535.03							
2300	COMMUNICATIONS	438.82							
2400	TRAVEL	299.40							
2800	OTHER EXPENSES	334.09							
	TOTAL LEVEL	3,476.84							
	TOTAL PROGRAM	8,856.41							
03940	HELENA FAXNET PROJECT	8,856.41							
	TOTAL PROGRAM	8,856.41							

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1-14-87

LAW LIBRARY

Budget Item	Actual	Appropriated	- - Current Level - -		% Change 1987-89 Biennium
	Fiscal 1986	Fiscal 1987	Fiscal 1988	Fiscal 1989	
F.T.E.	6.50	6.50	6.50	6.50	0.00
Personal Service	\$168,319	\$156,465	\$157,212	\$156,904	(3.3)
Operating Expense	141,918	171,840	142,669	145,120	(8.3)
Equipment	215,538	196,215	219,198	205,638	3.2
Total Expenditures	<u>\$525,775</u>	<u>\$524,520</u>	<u>\$519,079</u>	<u>\$507,662</u>	<u>(2.2)</u>
Fund Sources					
General Fund	\$499,136	\$504,826	\$501,004	\$489,587	(1.3)
State Special	17,781	19,694	18,075	18,075	(3.5)
Federal Revenue	8,858	-0-	-0-	-0-	(100.0)
Total Funds	<u>\$525,775</u>	<u>\$524,520</u>	<u>\$519,079</u>	<u>\$507,662</u>	<u>(2.2)</u>

The Law Library is a reference source for the Montana Supreme Court, district courts, and all attorneys who practice law in the state. The inventory of books and materials on hand can be classified into the following categories: treatises, law reviews, reports, microfilm, and video tapes for continuing legal education. The law library also maintains a collection of all state codes.

Fiscal 1986: Comparison of Actual Expenses to the Appropriation

The following table compares fiscal 1986 actual expenditures and funding to appropriations as anticipated by the 1985 legislature.

Fiscal 1986: Comparison of Actual Expenses to the Appropriation

The following table compares fiscal 1986 actual expenditures and funding to appropriations as anticipated by the 1985 legislature.

Table 3
Comparison of the Appropriation to Actual Expenses - Fiscal 1986

<u>Budget Item</u>	<u>Legislature</u>	<u>Actual</u>	<u>Difference</u>
F.T.E.	3.00	2.00	1.00
Personal Service	\$ 79,682	\$ 46,369	\$33,313
Operating Expense	124,045	117,258	6,787
Equipment	-0-	756	(756)
Total Exp. and Gen. Fund	<u>\$203,727</u>	<u>\$164,383</u>	<u>\$39,344</u>

Personal services were less than appropriated as 1.0 FTE budget and finance officer was vacant in fiscal 1986. The funds were transferred to the Supreme Court Operations Program.

Operating expenses were \$6,787 less than budgeted as supplies decreased \$6,608. Instate travel, primarily aircraft rental, decreased \$3,504, and meeting room rent decreased \$1,294. Items which were more than budgeted were contract services of \$1,730, communications of \$1,970 for long distance calls and postage, repair and maintenance of \$233, and other expenses of \$686 for training conference registration fees.

Current Level Adjustments

One FTE budget and finance officer position was deleted from current level. The position has been vacant for over two years, and the majority of the position responsibilities were assumed by an existing accounting technician position. In operating expenses, consulting and professional services of \$10,350 were removed from the fiscal 1986 base due to excessive annual increases of over \$10,000 per year since fiscal 1985, which could not be fully justified. At the agency's request, out-of-state travel costs were reduced \$597. Unbudgeted registration fees of \$565 were removed from the base. Current level was increased \$7,690 for statutorily mandated training costs for the courts of limited jurisdiction. The training was conducted in the fiscal 1986 base year, but no instructors were hired, nor were new materials purchased due to budget constraints. Inflation and other minor adjustments to operating expenses resulted in a net decrease of \$95. There was no request for equipment in the 1989 biennium.

Table 4
Comparison of the Appropriation to Actual Expenses - Fiscal 1986

<u>Budget Item</u>	<u>Legislature</u>	<u>Actual</u>	<u>Difference</u>
F.T.E.	6.50	6.50	0.00
Personal Service	\$156,089	\$162,939	\$(6,850)
Operating Expense	160,742	138,440	22,302
Equipment	230,176	215,538	14,638
Total Expenditures	<u>\$547,007</u>	<u>\$516,917</u>	<u>\$30,090</u>
<u>Funding</u>			
General Fund	\$499,686	\$499,136	\$ 550
State Special	47,321	17,781	29,540
Total Funds	<u>\$547,007</u>	<u>\$516,917</u>	<u>\$30,090</u>
<u>Additions</u>			
Budget Amendments	\$ -0-	\$ 8,858	\$(8,858)

Overall, the Law Library budget was underspent by \$30,090, or 5.5 percent of the total budget. Personal services were overspent because vacancy savings budgeted for the program were not realized. Operating expenses were underexpended by \$22,302, largely due to contracted services for computerized research services, including Westlaw, being less than anticipated. A 158 percent increase in the 1987 biennium budget for the research services had been granted for an anticipated increased service use, but the usage fell well short of expectations and was underspent by approximately \$16,200. Expenditures for supplies and materials were \$5,100 less than budgeted. Postage and mailing costs exceeded the budget by \$1,700, while telephone costs were underexpended by \$2,700. In equipment, the expenditure for books was \$14,638 less than anticipated.

A \$111,000 budget amendment was approved for the Helena Faxnet Project, funded by a private charitable trust. The funds are to be used to establish a rapid document delivery system in Montana, using telephone transfer terminals to transmit documents. Only \$8,858 of the amount authorized was expended in fiscal 1986.

Current Level Adjustments

Job candidate expenses of \$2,279 were removed from the fiscal 1986 base. Other minor adjustments to operating expenses resulted in a net increase in current level of \$213. The fiscal 1989 book budget was reduced \$9,900 for the cost of codes that are purchased only in the even years. An additional \$3,660 was added in fiscal 1988 for the upgrade of the cataloging system terminal.

DISTRICT COURTS

<u>Budget Item</u>	<u>Actual Fiscal 1986</u>	<u>Appropriated Fiscal 1987</u>	<u>- - Current Level - - Fiscal 1988</u>	<u>Fiscal 1989</u>	<u>% Change 1987-89 Biennium</u>
F.T.E.	36.00	36.00	36.00	36.00	0.00
Personal Service	\$2,072,790	\$2,060,988	\$2,094,354	\$2,103,998	1.6
Operating Expense	<u>143,853</u>	<u>170,173</u>	<u>142,562</u>	<u>146,457</u>	<u>(8.0)</u>
Total Expenditures	<u>\$2,216,643</u>	<u>\$2,231,161</u>	<u>\$2,236,916</u>	<u>\$2,250,455</u>	<u>0.9</u>
<u>Fund Sources</u>					
General Fund	<u>\$2,216,643</u>	<u>\$2,231,161</u>	<u>\$2,236,916</u>	<u>\$2,250,455</u>	<u>0.9</u>

The District Court Operations Program allocates monies to pay salaries, travel, and training expenses for district judges.

Current level increases less than 1 percent in the 1989 biennium, primarily due to a small increase in benefits for judges.

Fiscal 1986: Comparison of Actual Expenses to the Appropriation

The following table compares fiscal 1986 actual expenditures and funding to appropriations as anticipated by the 1985 legislature.

Table 5
Comparison of the Appropriation to Actual Expenses - Fiscal 1986

<u>Budget Item</u>	<u>Legislature</u>	<u>Actual</u>	<u>Difference</u>
F.T.E.	36.00	36.00	0.00
Personal Service	\$2,052,888	\$2,072,790	\$(19,902)
Operating Expense	<u>164,578</u>	<u>143,853</u>	<u>20,725</u>
Total Expenses	<u>\$2,217,466</u>	<u>\$2,216,643</u>	<u>\$ 823</u>
<u>Funding</u>			
General Fund	<u>\$2,217,466</u>	<u>\$2,216,643</u>	<u>\$ 823</u>

Personal services were overspent due to an unanticipated high expense for salaries to retired judges who substituted while sitting judges were absent for extended illness or other reasons. The increase in personal service costs was paid for by reduced expenditures for operating costs. Operating costs were reduced by

REQUESTED ADJUSTMENTS TO LFA BUDGET

CATEGORY	AMOUNT FY 88	AMOUNT FY 89	COMMENTS
1100 Salaries	2,986	2,977	We request that salaries be based on the 1987 pay matrix, so that our employees not be asked to sacrifice twice as often as the rest of state government. Neither pay raises or step increases were given in FY 87, in response to the Governor's request.
1600 Vacancy Savings	5,162	5,154	We request that the Subcommittee remember how small our staff is, how much our workload has grown (see accompanying diagrams), and how few actual vacancy savings we can realistically take. During the last Session the Subcommittee recommended 1%.
2100 Contracted Services	7,319	3,659	We request that the Subcommittee fully fund our cataloging expenses, and the expenses for database searching, which we do not bill out.
2200 Supplies and Materials	4,674	6,916	Requests for this category include a 15% increase for photocopying (which is off-set by revenues), reprinting of library manual, and badly needed restocking of supply cabinet.
2300 Communications	1,200	1,200	We respectfully request that we be funded sufficiently to be able to absorb the announced rate increase for long distance data circuits.

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1-14-87

CATEGORY	AMOUNT FY 88	AMOUNT FY 89	COMMENTS
3100 Equipment (Books)	20,865	24,525	This category includes our entire book budget which has taken cuts of \$14,638 in FY 86 and \$13,054 in FY 87. These cuts were necessitated because of inadequate general fund dollars appropriated last session, despite full House Appropriations and Senate Finance Committee approvals of the book budget. We respectfully request that the committee approve the law book price index figures, which are in effect now rather than anticipated.

State Law Library of Montana



Justice Building • 215 North Sanders
Helena, MT 59620 • (406) 444-3660

8/13/86

FY 88 OCLC PROJECT COSTS

2173/ Computer Processing

Membership/ BCR	\$ 500
System Service Fee	396
Modem Rental	912
Computer tapes	1000
COM Catalog	3600
Cataloging records	2400
Display holdings	120
Catalog cards	430
Interlibrary loan	150
Searching over threshold	40
Acquisitions List	<u>420</u>

\$9770

2380/ Leased Line Telecommunications

@297 (+ 10%)	\$3954
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2750/ Maintenance Fee	\$ 492
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2822/ Freight	\$ 160
Postage for Card shipment	

3106/ Upgrade of workstation	\$3596
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State Law Library of Montana



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CANCELLATIONS	FY 86	\$2670.38
	FY 87 (to date)	<u>4561.86</u>
Total 1/86 through 1/87		\$7232.24

Cancellations FY 86

Library Software Review.....	\$75.00
State Legislatures.....	49.00
Washington State Bar News.....	24.00
Illinois Bar Journal.....	15.00
M300 & PC Report.....	29.00
Chronicle of Higher Education.....	48.00
Scott Report.....	187.00
Advertising Compliance Service.....	345.00
Law Office Economics Management.....	66.00
Journal of Labor Economics.....	60.00
Depaul Law Review.....	11.50
Legal Notes & Viewpoints.....	35.00
Southwestern Univ Law Review (only received 1 issue)	
Nat'l Journal of Criminal Defense.....	25.00
Appellate Court Admin Review (sub lapsed did not renew)	
Online Magazine.....	78.00
Review of Securities & Commodities Reporter.....	325.00
Trial Lawyer's Guide.....	106.50
Banking Law Journal Digest.....	46.90
Legal Periodicals in English.....	90.00
Lawyers Alert.....	89.00
Criminal Procedure: Canadian Law & Practice.....	78.00
Arizona Bar Journal.....	Free
Canadian Bar Record.....	74.00
Chicago Bar Record.....	Free
Massachusetts Law Review.....	20.00
Michigan Bar Journal.....	Free
Oregon State Bar Bulletin.....	18.00
Pennsylvania Bar Assoc Qtrly.....	Free
Pennsylvania Lawyer.....	Free
Texas Bar Journal.....	22.00
Illinois Citations.....	175.00
Florida Citations.....	362.50

Cancellations FY 86

Page 2

International Review Law & Eco Jou.....	34.48
American Bank Attorneys.....	85.00
Information America.....	84.50
City & State.....	12.00
Total	2,670.38

Cancellations FY 87

July

National Legal Bibliography (Hein).....	202.49	
California Uninsured Motorist.....	122.97	
Total		325.46

August

Information Management Review.....	60.00	
Directory of Corporate Affiliations.....	356.90	
Law Office Management & Admin Report.....	195.00	
Helena City Directory.....	85.00	
Osgoode Hall Law Journal.....	40.00	
Oregon State Bar Bulletin.....	18.00	
Total		754.90

September

Justice Policies.....	175.00	
Internat'l Jrnl Sociology of Law.....	82.00	
Total		257.00

October

Law & Legal Info Dev.....	271.50	
Montana Law Week.....	165.00	
Clip Book.....	199.50	
CLE Register.....	50.00	
Total		686.00

November

Idaho State Bar (Adcovate).....	25.00	
Guide to U.S. Government Pub.....	270.00	
Electronic Library.....	65.00	
Billings Gazette.....	154.50	
Montana Standard.....	124.00	
Missoulain.....	124.00	

Bozeman Daily Chronicle.....	84.00	
National & Federal Legal Employment Report.....	120.00	
Legal Technician.....	150.00	
	Total	1,116.50

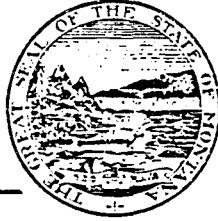
December

Federal Tax Coordinator 2d.....	1,059.00	
Federal Bar News & Journal.....	23.00	
Attorneys Computer Report.....	119.00	
C.B. Review.....	78.00	
National.....	44.00	
	Total	1,323.00

January

Audio Lawyer.....	99.00	
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State Law Library of Montana



Justice Building • 215 North Sanders
Helena, MT 59620 • (406) 444-3660

MEMO

TO: Law Library Patrons

FROM: Judy Meadows

DATE: November 19, 1986

RE: Current Awareness Service

I regret to tell you that the State Law Library will no longer be providing a current awareness service to our patrons. The cost of providing you with copies of the tables of contents of various publications is well over \$1,000 per year. This is an expense that we no longer can afford, particularly now that the Governor has requested an additional 2% cutback of operational costs.

Please understand that we are unhappy that our services have to be decreased. When our resources, in both staff and operational funding, are fully restored we will reactivate the current awareness service.

STATE OF MONTANA
NARRATIVE DOCUMENTATION FORM
EXECUTIVE BUDGET SYSTEM

AGENCY NUMBER: 2110 AGENCY NAME: JUDICIARY
FISCAL YEAR: FY 88 & continuing
PROGRAM NUMBER: 03 (If Applicable) PROGRAM NAME: State Law Library (If Applicable)
CONTROL VARIABLE: _____ CONTROL VARIABLE NAME: _____ (If Applicable)

Purpose: Identify areas of impact of primary concerns:

 / Agency / / Program / X / FTE / X / Revenue

All attorneys and judges in Montana are now required to meet Continuing Legal Education requirements established by the State Bar of Montana in order to practice law in the state. Recently these C.L.E. requirements were modified in order to allow the requirements to be completely satisfied by watching videotapes of legal seminars, workshops, and symposia. The State Law Library is the only library in Montana which lends these legal videotapes.

The circulation rate for our videotape collection increased 152% between FY85 and FY86. The rental fees generated through this program went from \$1,185 to \$3,870, a 227% increase. Our revenue estimate for FY88 is \$7,700, based on increased circulation, and a change in the fee structure.

The Law Library's videotape program is more labor intensive than any other circulation activity. All tapes that are mailed out of the Library are shipped via United Parcel Service, and insured for their full purchase price, which can be as high as \$2,010 per title. A calendar is maintained for tracking circulation and reserves, and overdues are closely monitored.

The Law Library is requesting an additional .375 library clerk to attend to the videotape activity for 15 hours per week. The cost for this part-time position will be \$4,822, which is more than offset by the increased revenue of \$7,700 the program will add to the General Fund.

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1-14-87

Price Index for Legal Publications 1984/85*

Bettie Scott**

The cost of legal publications increased in 1984/85.¹ Monographs have gone up 16.67 percent, and the price of serials increased 6.72 percent.

The Rothman green slip service was used as the source for selection of monograph titles. Serial titles and juvenile and library literature were excluded, as they have been in previous years.

For a complete listing of serial titles included, consult the appendix for this year and the basic list in the 1976 price index.²

Monographs

(Law and law-related texts and treatises published in English)

	Mean cost per title	Percentage increase over previous year	Index	Number of titles included
1973/74	\$11.16	—	100.00	2534
1974/75	\$12.24	9.68%	109.68	2840
1975/76	\$12.64	3.27%	113.26	2997
1976/77	\$14.89	17.80%	133.42	2551
1977/78	\$14.08	-9.46%	126.16	2881
1978/79	\$16.84	19.60%	150.90	1573
1979/80	\$26.25	55.88%	235.22	1449
1980/81	\$26.39	0.53%	236.47	2407
1981/82	\$31.52	19.44%	282.44	1877
1982/83	\$34.25	8.66%	306.90	1532
1983/84	\$35.16	2.66%	315.05	2681
1984/85	\$41.02	16.67%	367.56	2657

*© Bettie Scott, 1986.

** Associate Director, CUNY Law School at Queens College, Flushing, New York.

1. Definitions for each category can be found in Scott, *Price Index for Legal Publications*, 69 LAW LIBR. J. 1 (1976).

2. For a complete list, see *id.*

All Serials Included in Other Price Indexes

(Legal periodicals, looseleaf services, commercially published court reporters, and legal continuations)

	Mean cost per title	Percentage increase over previous year	Index	Number of titles included
1973/74	\$ 50.08	—	100.00	719
1974/75	\$ 54.60	9.03%	109.03	726
1975/76	\$ 62.46	14.40%	124.72	738
1976/77	\$ 70.35	12.63%	140.48	738
1977/78	\$ 77.55	10.23%	154.85	744
1978/79	\$ 83.63	7.84%	166.99	752
1979/80	\$ 96.94	15.92%	193.57	767
1980/81	\$106.44	9.80%	212.54	785
1981/82	\$114.78	7.83%	229.19	802
1982/83	\$134.61	17.28%	268.79	830
1983/84	\$143.47	6.59%	286.48	823
1984/85	\$153.11	6.72%	305.73	850

Legal Periodicals

	Mean cost per title	Percentage increase over previous year	Index	Number of titles included
1973/74	\$11.95	—	100.00	345
1974/75	\$12.90	7.95%	107.95	345
1975/76	\$13.92	7.91%	116.49	363
1976/77	\$14.74	5.89%	123.35	370
1977/78	\$15.99	8.48%	133.81	372
1978/79	\$17.20	7.57%	143.93	385
1979/80	\$18.96	10.23%	158.66	391
1980/81	\$21.07	11.13%	176.32	406
1981/82	\$21.29	1.04%	178.16	418
1982/83	\$22.53	5.82%	188.54	435
1983/84	\$23.82	5.73%	199.33	440
1984/85	\$25.02	5.04%	209.37	456

Looseleaf Services

	Mean cost per title	Percentage increase over previous year	Index	Number of titles included
1973/74	\$181.80	—	100.00	92
1974/75	\$220.59	21.34%	121.34	93
1975/76	\$236.94	7.14%	130.33	93
1976/77	\$268.92	13.50%	147.92	92
1977/78	\$285.15	6.04%	156.85	92
1978/79	\$294.03	3.11%	161.73	90
1979/80	\$352.74	19.97%	194.03	97
1980/81	\$374.65	6.21%	206.08	92
1981/82	\$427.12	14.01%	234.94	89
1982/83	\$492.52	15.31%	270.91	103
1983/84	\$538.27	9.29%	296.08	103
1984/85	\$578.29	7.43%	318.09	98

Commercially Published Court Reporters

	Mean cost per title	Percentage increase over previous year	Index	Number of titles included
1973/74	\$173.63	—	100.00	14
1974/75	\$194.87	12.23%	112.23	14
1975/76	\$220.51	13.16%	127.00	14
1976/77	\$273.42	23.99%	157.47	14
1977/78	\$275.60	1.00%	158.73	14
1978/79	\$288.54	4.70%	166.18	13
1979/80	\$308.32	6.86%	177.57	14
1980/81	\$326.19	5.80%	187.86	16
1981/82	\$386.40	18.46%	222.54	16
1982/83	\$440.25	13.94%	253.56	16
1983/84	\$441.55	.30%	254.31	16
1984/85	\$504.73	14.31%	290.69	16

Legal Continuations

	Mean cost per title	Percentage increase over previous year	Index	Number of titles included
1973/74	\$ 44.07	—	100.00	268
1974/75	\$ 49.19	11.62%	111.62	274
1975/76	\$ 59.41	20.78%	134.81	268
1976/77	\$ 68.30	14.96%	154.98	262
1977/78	\$ 82.14	20.26%	186.39	267
1978/79	\$ 97.96	19.26%	222.28	263
1979/80	\$116.13	18.55%	263.51	275
1980/81	\$130.32	12.22%	295.71	271
1981/82	\$139.64	7.15%	316.86	279
1982/83	\$159.97	14.56%	362.99	276
1983/84	\$178.80	11.77%	405.72	264
1984/85	\$199.20	11.41%	452.01	271

Appendix

(Titles added to the Price Index, 1977-1985)

Commercially Published Court Reporters

West's Bankruptcy Reporter
West's Military Justice Reporter

Legal Continuations

American Law Reports Annotated, 4th Series
Anderson, American Law of Zoning
Casner, Estate Planning, 4th ed.
Closely Held Corporations: Tax, Financial, and Estate Planning
Crestol, The Consolidated Tax Return
Davis, Administrative Law Treatise, 2d ed.
Federal Procedural Forms, Lawyers' ed.
Federal Procedure, Lawyers' ed.
Indiana Code
Kentucky Revised Statutes Annotated, Official ed.
Kerchensteiner, Examination before Trial and Other Disclosure Devices
Louisell, Federal Evidence
Maine Key Number Digest
Shepard's Bankruptcy Citations
Shepard's California Reporter Citations
Shepard's Criminal Justice Citations
Shepard's Code of Federal Regulations Citations

REPORT EBSR99
DATE : 01/07/87
TIME : 17/23/43

OFFICE OF BUDGET & PROGRAM PLANNING
EXECUTIVE BUDGET SYSTEM
AGENCY/PROGRAM/CONTROL -- BUDGET DETAIL COMPARISONS

PAGE 16

AGENCY : 2110 JUDICIARY
PROGRAM : 05 WATER COURTS SUPERVISION
CONTROL : 00000

AE/OE	DESCRIPTION	ACTUAL FY 86	BUDGET FY 87	OBPP FY 88	LFA FY 88	DIFF FY 88	OBPP FY 89	LFA FY 89	DIFF FY 89
0000	FULL TIME EQUIVALENT (FTE)	13.50	13.50	13.00	13.50	-.50	13.00	13.50	-.50
1100	SALARIES	247,623.21	271,190	263,519	277,323	-13,804	262,512	276,262	-13,750
1300	OTHER COMPENSATION	76.70	5,000	5,000	5,000	5,000	5,000	5,000	5,000
1400	EMPLOYEE BENEFITS	50,456.37	38,142	38,425	41,471	-3,046	38,855	41,867	-3,012
1500	HEALTH INSURANCE		17,507	18,630	18,630		18,630	18,630	
1600	VACANCY SAVINGS			-12,823	-13,483	660	-12,800	-13,457	657
1800					5,000	-5,000		5,000	-5,000
	TOTAL LEVEL	298,156.28	331,839	312,751	328,941	-16,190	312,197	328,302	-16,105
2021	CONTRACTED SERVICES-INFLATI			-14	-13	-1	-27	-25	-2
2022	SUPPLIES & MATERIALS-INFLAT				-118	118		1	-1
2023	COMMUNICATIONS-INFLATION			17	17		26	26	
2100	CONTRACTED SERVICES	1,925.98	57,568	12,000	11,988	12	12,000	11,977	23
2200	SUPPLIES & MATERIALS	14,460.68	19,223	19,837	18,731	1,106	19,914	18,731	1,183
2300	COMMUNICATIONS	35,799.49	20,287	46,400	46,400		45,288	46,400	-1,112
2400	TRAVEL	5,263.90	51,652	30,000	17,576	12,424	28,887	17,576	11,311
2500	RENT	32,112.01	30,965	36,975	31,120	5,855	39,875	32,178	7,697
2700	REPAIR & MAINTENANCE	4,852.74	17,138	7,500	6,519	981	7,500	6,519	981
2800	OTHER EXPENSES	2,154.21	2,738	3,000	2,154	846	3,000	2,154	846
	TOTAL LEVEL	96,569.01	199,571	155,715	134,374	21,341	156,463	135,537	20,926
3100	EQUIPMENT	12,157.72	17,500	17,500		17,500	17,500		17,500
	TOTAL LEVEL	12,157.72	17,500	17,500		17,500	17,500		17,500
	TOTAL PROGRAM	406,883.01	548,910	485,966	463,315	22,651	486,160	463,839	22,321
02435	WATER DEVELOPMENT	406,883.01	548,910	485,966	463,315	22,651	486,160	463,839	22,321
	TOTAL PROGRAM	406,883.01	548,910	485,966	463,315	22,651	486,160	463,839	22,321

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1-14-87

14
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foregoing budgeted expenses of \$16,000 for district judge continuing legal education training, and by reducing travel expenses nearly \$12,000 below the appropriation. Operating costs exceeded the budget by \$2,500 in insurance costs and by over \$4,000 in unbudgeted registration fees for judges.

Current Level Adjustments

No vacancy savings were taken in this program. Included in current level is \$25,000 as requested by the agency for payment of salaries to retired judges who substitute for sitting judges. Actual expenditure in fiscal 1986 was \$43,898. Operating expenses are increased by \$632 for insurance costs and by \$1,467 in fiscal 1988 and \$4,967 in fiscal 1989 for out-of-state travel by district judges for continuing legal education. The increase in travel in fiscal 1989 consists of training for newly elected district judges prior to assuming their judicial post. Current level is reduced \$3,337 at the agency's request for one-time expenditures for honorariums, computer processing, and printing costs.

WATER COURTS SUPERVISION

<u>Budget Item</u>	<u>Actual</u>	<u>Appropriated</u>	<u>- - Current Level - -</u>		<u>% Change</u>
	<u>Fiscal</u>	<u>Fiscal</u>	<u>Fiscal</u>	<u>Fiscal</u>	<u>1987-89</u>
	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>Biennium</u>
F.T.E.	13.50	13.50	13.50	13.50	0.00
Personal Service	\$298,157	\$331,839	\$328,941	\$328,302	4.3
Operating Expense	96,572	199,571	134,374	135,537	(8.9)
Equipment	12,157	17,500	-0-	-0-	(100.0)
Total Expenditures	\$406,886	\$548,910	\$463,315	\$463,839	(3.0)
	=====	=====	=====	=====	=====
<u>Fund Sources</u>					
State Special Revenue	\$406,886	\$548,910	\$463,315	\$463,839	(3.0)
	=====	=====	=====	=====	=====

The Water Courts Supervision Program staff is responsible for the adjudication of claims of existing water rights in Montana and for supervision of the distribution of water among the four water divisions.

Fiscal 1986: Comparison of Actual Expenses to the Appropriation

The following table compares fiscal 1986 actual expenditures and funding to appropriations as anticipated by the 1985 legislature.

Table 6
Comparison of the Appropriation to Actual Expenses - Fiscal 1986

<u>Budget Item</u>	<u>Legislature</u>	<u>Actual</u>	<u>Difference</u>
F.T.E.	13.50	13.50	0.00
Personal Service	\$331,469	\$298,157	\$ 33,312
Operating Expenses			
Contracted Services	74,616	1,926	72,690
Supplies and Materials	20,000	14,461	5,539
Communications	20,000	35,801	(15,801)
Travel	50,000	5,265	44,735
Rent	31,175	32,112	(937)
Repairs and Maintenance	15,000	4,853	10,147
Other Expenses	<u>3,000</u>	<u>2,154</u>	<u>846</u>
Total Operating Expenses	\$213,791	\$ 96,572	\$117,219
Equipment	<u>18,000</u>	<u>12,157</u>	<u>5,843</u>
Total Exp. and Funding	<u>\$563,260</u>	<u>\$406,886</u>	<u>\$156,374</u>

The budget for fiscal 1986 was not based on past expenditure patterns. The water court representatives said the 1983 and 1985 bienniums were difficult ones to base the fiscal 1986 and 1987 appropriations upon because they were just getting the process working. The comparison table shows that the expenditures for fiscal 1986 were again considerably under budget and varied significantly from the water courts' requested budget.

Personal services are less than the appropriation as the 2.0 FTE paraprofessional positions were only used about 30 percent of the fiscal year. The water masters' hours were down about 15 percent. The clerical positions were not fully utilized, but the water court paid overtime for 800 hours, which almost approximated the cost of having all clerical staff full time.

Current Level Adjustments

The following table indicates five years of appropriations for the water courts.

Table 7
Comparison of Water Court Budget to Actual Expenditures
Fiscal 1982 Through Fiscal 1986

	<u>FY 82</u>	<u>FY 83</u>	<u>FY 84</u>	<u>FY 85</u>	<u>FY 86</u>	<u>Total</u>
Budgeted	\$235,522	\$276,023	\$418,330	\$929,875	\$563,260	\$2,423,010
Expended	<u>119,710</u>	<u>192,397</u>	<u>239,038</u>	<u>551,145</u>	<u>406,886</u>	<u>1,509,176</u>
Difference	<u>\$115,812</u>	<u>\$ 83,626</u>	<u>\$179,292</u>	<u>\$378,730</u>	<u>\$156,374</u>	<u>\$ 913,834</u>
Percent Expended	51	70	57	59	72	62

The appropriated amount has been consistently more than expenditures. For the last five years expenditures have averaged 62 percent of the appropriation. The current level budget for the 1989 biennium is based on a combination of the court's request for an appropriation increase that is not dependent upon past expenditures and upon fiscal 1986 actual costs.

Personal services continue the 13.50 FTE, including the water judge, 5.0 FTE water masters, 2.0 FTE paraprofessionals, and 5.50 FTE clerical positions. No overtime was included as there were more authorized FTE hours vacant than the 800 hours paid for overtime. Vacancy savings of 4 percent has been taken for this program. As the agency requested, there is \$5,000 of compensation for other water judges.

Operating expenses were increased essentially as requested by the agency, except for added expenses of additional staff who are not in the current level budget. Contract services provides for outside court reporting services for 50 days of both fiscal years as the agency expects the number of hearings to increase. Supplies increase for photocopying, gas, and office supplies. Communications increased \$10,600 for advertising legal notices for filings, and travel was increased from \$5,263 to \$15,789. This increase allows a considerable increase in travel, but is still below the \$30,000 requested. Building rent is inflated forward at the same rate as the rest of state government. Repairs and maintenance on vehicles was increased in proportion to the travel increase. Other expenses are not changed.

Equipment is budgeted at \$3,000 in each year. The agency represents that the work will be completed in the 1989 biennium so it did not seem prudent to purchase the large amount of equipment requested.

Funding

The water courts are funded from the water development state special revenue fund.

GOVERNOR'S OFFICE
COMPARISON OF EXECUTIVE BUDGET AND LFA CURRENT LEVEL

	FTE FY '89	----- Biennium ----- General Fund	----- Total Funds
Executive Budget	61.90	\$4,483,611	\$8,547,804
LFA Current Level	62.90	4,259,910	8,703,325
Executive Over (Under) LFA	<u>(1.00)</u>	<u>\$ 223,701</u>	<u>\$ (155,521)</u>

The executive recommendation includes 1.0 less FTE, \$223,701 more general fund and \$155,521 less total funds than LFA current level. The differences occur primarily in the Executive Office, Mansion Maintenance, the Office of Budget and Program Planning, the Northwest Power Planning Council, and the Lieutenant Governor's Office. The differences are described below in 8 issues.

ISSUE 1: UNFORESEEN EMERGENCIES

The executive budget includes \$76,000 of general fund in the Governor's Office budget for unforeseen emergencies. This is \$39,458 more than the amount included in the LFA current level.

ISSUE 2: MANSION MAINTENANCE

LFA current level transfers rent and grounds maintenance costs to the mansion maintenance budget from the general services budget in the Department of Administration in the 1989 biennium. This adds \$21,700 in fiscal 1988 and \$21,475 in fiscal 1989 general fund to the mansion budget, but removes approximately \$58,100 in the 1989 biennium from general services' budget for a statewide general fund savings of \$14,925.

The executive recommends keeping the executive residence costs in the general services budget.

ISSUE 3: STATEWIDE AUDIT COSTS

LFA current level assigns the costs of the statewide audit to the Office of Budget and Program Planning. This is expected to cost \$271,200 in the 1989 biennium. The funding for this audit is budgeted to be recovered from state agencies.

In the executive budget the legislative auditor is given general fund to cover the costs of the statewide audit.

In the 1987 biennium, the costs of the statewide audit were recovered partly from billing other state agencies and partly from the general fund.

FY88-FY89 Biennium Budget Comparison - Water Courts

	Fiscal Year 1988				Fiscal Year 1989			
	FY 1986 Actual	Agency Request	Executive Budget	LFA Budget	Exec.-LFA Difference	Agency Request	Executive Budget	LFA Budget
FTE's	11.00	14.00	13.00	13.50	0.50	14.00	13.00	13.50
PERSONAL SERVICES:	298,157	362,220	325,574	342,424	16,850	361,576	324,997	341,759
Vacancy Savings:	0	0	(12,823)	(13,483)	(660)	0	(12,800)	(13,457)
Sub-Total:	298,157	362,220	312,751	328,941	16,190	361,576	312,197	328,302
OPERATING EXPENSES:								
Contracted Services:	1,926	12,000	12,000	11,988	(12)	12,000	12,000	11,977
Supplies & Materials	14,461	20,000	19,837	18,731	(1,106)	20,000	19,914	18,731
Communications:	35,801	46,400	46,400	46,400	0	45,288	45,288	46,400
Travel:	5,265	30,000	30,000	17,576	(12,424)	28,887	28,887	17,576
Rent:	32,112	36,975*	36,975	31,120	(5,855)	39,875*	39,875	32,178
Repair & Maintenance:	4,853	7,500	7,500	6,519	(981)	7,500	7,500	6,519
Other Expenses:	2,154	3,000	3,000	2,154	(846)	3,000	3,000	2,154
Inflation:		0	3	(114)	(117)	0	(1)	2
Sub-Total:	96,572	155,875	155,715	134,374	(21,341)	156,550	156,463	135,537
EQUIPMENT:	12,157	17,500	17,500	0	(17,500)	17,500	17,500	0
TOTAL PROGRAM:	406,886	535,595	485,966	463,315	(22,651)	535,626	486,160	463,839
FUNDING:								
Water Development Special Account								

FUNDING: Water Development Special Account

REQUESTED ADJUSTMENTS TO LFA BUDGET

CATEGORY	AMOUNT FY88	AMOUNT FY89	Comments
PERSONAL SERVICES:	approx. 1FTE - 31,000	1FTE - approx. 31,000	Water Master needed to assist in issuing decrees, hearing objections, and processing claims for Indian and Federal rights should Compact Commission end. Judge projecting another 45 decrees out by end of 1989.
SUPPLIES & MATERIALS:	\$1,106	\$1,183	Full amount requested if full staff is funded.
TRAVEL:	\$12,424	\$11,311	Full amount needed if full staff funded. When Master or Judge travels, a clerk also travels to record proceedings. FY86 not good year to base travel due to lawsuit preventing travel for seven months. Based upon Judge's projections.

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Page Two - Requested Adjustments to LFA Budget for Water Courts

CATEGORY	AMOUNT FY88	AMOUNT FY 89	Comments
RENT:	\$2,200	\$2,200	*Modify request FY88 from 36,975 to 33,350 and FY89 from 39,875 to 36,250. Due to negotiations with lessor - no rent increase from present to FY88 end. FY89 increase from 11.50/sq.ft. to 12.50/sq.ft.
REPAIR & MAINTENANCE:	\$ 981	981	Have two more state automobiles than in FY86. Increase maintenance costs not only because have more vehicles but as there are more hearings to travel to.
EQUIPMENT:	\$17,500	\$17,500	Office equipment necessary if additional Master funded and due to increase in basins being adjudicated (additional claim files, objections). Phone system has reached capacity. \$2,600 needed to update to provide for Master and additional local phone lines for increase in conference calling. Word processing system also at maximum. \$25,000.00 over two years to add new system to old to allow all clerks access to stored information - fewer mistakes, allow clerks more time to do other tasks, speedier. Leasing equipment possible but far more expensive.

GENERAL GOVERNMENT & HIGHWAYS SUB COMMITTEE

DATE Jan. 14, 1987

SPONSOR _____

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.