

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

SUBCOMMITTEE ON GENERAL GOVERNMENT & HIGHWAYS

Call to Order: By Chairman Quilici on January 16, 1991, at 8:03 a.m.

ROLL CALL

Members Present:

Rep. Joe Quilici, Chairman (D)
Sen. Larry Stimatz, Vice Chairman (D)
Sen. Harry Fritz (D)
Rep. Mary Lou Peterson (R)
Sen. Larry Tveit (R)
Rep. Tom Zook (R)

Staff Present: Lois Steinbeck, Associate Fiscal Analyst (LFA)
John Patrick, Budget Analyst (OBPP)
Arlene Carlson, Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: Chairman Quilici stated Judiciary would present their budget and each program will be presented separately.

HEARING ON JUDICIARY

Tape No. 1

Ms. Steinbeck stated the difference between the LFA current level budget and the Executive budget was the automation of the Court system. The District Court requested a budget of \$240,817. The majority of the request is included in the budget modification of the executive budget. The Judiciary collects revenue for services rendered--this revenue is deposited in the general fund which covers 4% of the total court operations except for the Water Court which is funded by the water development special fund. **EXHIBIT 1**

Supreme Court Operations

The Supreme Court Operations allocate money for salaries, travel and training expenses for elected district judges as well as for retired judges who are now called upon to sit on the bench when another judge removes himself/herself from a case or when their is a vacancy. It has only been since 1990 that retired judges are asked to replace another judge during the absence of a judge.

Under court operations, there is the need for printing of judge's bench book, car rental, training expenses and computer equipment.

In the 1989 Legislature, HB320 appropriated \$203,000 of general fund money to allow the Supreme Court to hire two FTEs for the development of court automation software. **EXHIBIT 2**

Ms. Steinbeck spoke on the up-grades of law clerks from a grade 13 to 14. All positions in the Judiciary are exempt and are not under the state's pay plan, however, in May 1990, the state's classification bureau released new classifications for attorneys in state government. All attorneys throughout state government are Grade 14, therefore, the Judiciary is requesting law clerks be given the same grade as other attorneys in state government.

J.A. Turnage, Chief Justice, Supreme Court, stated he was very grateful to the Office of Budget and Program Planning and to the Fiscal Analyst for all their hard work and for the technical information provided by his staff. The Montana Judiciary personal services requires a budget of 84.3%; operating expenses require 15.4% and equipment 0.4% of the FY91 budget. **EXHIBIT 3** The Commission on Practice investigates members of the Supreme Court and with them having their budget under Judiciary, he felt there was a conflict of interest since the Commission on Practice investigates Supreme Court members. He encouraged they have their own budget. The Law Library receives 13% of the budget; Supreme Court receives 28.6%, Water Court receives 8.1% and District Court receives 46.4%.

In 1989 and 1990, there was an increase of 10% in cases being filed with a record number of opinions issued by the Court. In addition to the number of opinions issued, the Court reduced the number of cases that were before the Supreme Court. There has been an increase in criminal cases with a greater number in the District Court dealing with substance abuse, drug cases and an alarming concern of sex abuse cases of minor children.

The Court of Limited Jurisdiction involves citizens who appear before city, municipal, justice and Justice of the Peace Courts. Due to the mandate by the Legislature for more training for the justices, the justices have been helped to handle the influx of criminal and civil cases.

Chief Justice Turnage stated the Department requested a bill to revise the judicial budget procedure as an independent third branch of government, whereupon, they are able to present their own budget since they are an executive branch of state government.

There is a request for more automation of the District Courts, Supreme Courts, and the Courts of Limited Jurisdiction which calls for an increase of \$1 on motor vehicle registration. With all the fees attached to the license plates, the \$1 fee would be one means of support for the court's automation program without impacting general fund appropriations.

Questions From Subcommittee Members: SEN. TVEIT asked for clarification of the Judicial Standards Commission and what jurisdiction the Judiciary have over the Commission? Chief Justice Turnage stated the Judicial Standards Commission was not under his jurisdiction, but due to the budgetary process the money is directed through his office. The Governor appoints two members of the Judicial Standards Commission and two are elected by District Court Judges. There are three standing committees: Commission on Courts of Limited Jurisdiction, Commission on Practice, and Judicial Standards Committee. The Supreme Court appoints the members to the Code of Professional Committee. The Commission makes its recommendation prior to the disbarment to the Supreme Court as to the removal or retirement of a Judge. The Supreme Court then reviews the case on appeal and makes their recommendation whether or not the judge should retire or be removed from office.

Jim Oppedahl, Administrator, Court Administration, Supreme Court, reviewed the issue of automation of all District Courts throughout Montana. The District Court of Lewis & Clark was the first court to become completely automated. The need for automation is essential throughout Montana. The large books that have been used for so many years are heavy, awkward and expensive. Automating the court system will alleviate duplication and provide easy access for all District Courts to research information throughout the judicial system that has been filed with the Court System. The \$1 registration fee on motor vehicles would provide around \$800,000 a year in revenue for the court automation program.

HB320 was enacted by the 1989 Legislature to appropriate funds for the purchase of hardware and software for court automation and for 2 FTE to develop a uniform software applications and computer training for district courts and limited jurisdiction. The money appropriated for court automation would be reverted back into general fund money.

Mr. Oppedahl gave an overview on upgrading law clerks from grade 13, step 2, to grade 14, step 2. Contracted services is money received from state bar examination filing fees. The data network service fees consists of \$18,240 which is for the Supreme Court. If the subcommittee approves the Department of Administration's proposal for network fees, the department will provide data cards for the District and Justice Courts throughout Montana.

Tape 1 Side 2

Clerk of Court training school is a new program for Clerks which provides training to improve operations of clerk offices.

Boards and Commissions:

Lois Steinbeck, LFA, presented an overview of each of the Boards and Commissions. EXHIBIT 4

She referred to **EXHIBIT 5**. The difference between the LFA and Executive Budget is the training for staff employed by courts of limited jurisdiction. The LFA holds the training expenses at FY90 actual, the Executive increased the training by \$12,300 each year. These funds are offset by registration fees deposited to the general fund.

Issue No. 2, **Ms. Steinbeck** stated that under technical adjustment, she reduced the cyclical cost by \$10,000 for the department to identify cyclical costs for training each four years with the next training being in FY94. The documentation should be the calendar year and the training will be in FY95.

Issue No. 3, the additional investigation expenses for Commission on Practice, which investigates complaints against attorneys, she held expenses at FY90 actual not including the supplemental appropriation for these activities.

Issue No. 4, Executive increased rent for the University of Montana rooms used by the Bar Examiners to administer the bar examinations.

Mr. Oppedahl, said the Boards and Commissions are programs overseen by the Supreme Court which are mandated either by the Legislature or by the Constitution. The Boards and Commissions investigate complaints that have been made with recommendation to the Supreme Court about disciplinary action, rules or admission to the State Bar. **EXHIBIT 6**

The Sentence Review Board consists of three judges who travel to Deer Lodge every fourth month to review the application by a convicted felony to have his/her case reviewed. Since the case is first heard by only one judge, the review panel may increase or decrease the sentence or affirm the original sentencing.

Mr. Oppedahl stated the Commission on Practice investigates complaints filed against members of the State Bar of Montana where they conduct hearings and formal disciplinary proceedings are administered and recommendations are made to the Supreme Court. They are requesting \$2,402 for personal services for the staff to handle the increase of complaints filed with the Commission on Practice.

The Commission on Courts of Limited Jurisdiction is requesting \$30,255 for training, food services, printing fee reimbursed expenses. The commission organizes and oversees training and certification of justices of the peace and city judges.

The Judicial Standards Commission is requesting \$8,000 for investigation of District Judges, which is a line-item issue so the Legislature can set out this budget if more money is needed.

The Commission on Practice is asking for an increase for postage and travel expenses due to the increase of cases filed.

The Board of Bar Examiners conducts two bar exams each year at the University of Montana. The expense of holding these exams is paid for by the fees that are paid by the attorneys taking the bar exam.

Law Library

Lois Steinbeck, gave an overview of the Law Library budget. The single issue between the LFA current level and the Executive Budget is the amount for automated legal data bases. This is the most fee reimbursed service the agency provides. There was a 73.27 percent increase since 1988. The growth between FY89 and 90 was very high but was based on the first quarter of FY91. The current level budget projects a modest growth in the cost of legal data bases over the coming biennium. In analyzing the base it is about \$148,472 by multiplying what was spent in the first half of the year by two. **EXHIBIT 7**

There were few base differences between the LFA and Executive budget. The Executive Budget included additional book purchases both years of the biennium. The Executive Budget included a personal computer which the LFA did not include. There was a request for microfiche cabinets in order to store federal documents, as well as instructional videos and miscellaneous equipment. An increase of \$40,000 was requested for books along with a request for compatible shelving to alleviate the over crowding in the circulation and technical services area of the library. The law library requested an additional FTE for a librarian position along with an automated book check out system. **Ms. Steinbeck** wished to establish a high level appropriation for automotive legal data bases to be included in the bill as a line-item budget. **EXHIBIT 8**

Judith Meadows, State Law Librarian, stated because there are new members on the committee she felt it best to state what each program consists of within the law library. The library consists of two categories, resources and services with services being their first priority. The law library has approximately 110,000 volumes of books and microfilm equipment and they are affiliated with the United States Government Depository library. They have presently six FTEs which is the same amount they have had for the last ten years. She also emphasized their book budget was at the same budget it was ten years ago. The law library is the only public law library within Montana, which means they provide documents, books, etc., to anyone who requests information from the library. There are workshop and classes in the area of automated research. In 1990, the automation was so very important due to the lack of resources to other counties. The Law Library has encouraged the use of computers to receive primary reading materials at the local government levels and for District Court Judges and County Attorneys and for all state government and for the practicing art.

Ms. Meadows presented Program 03, Law Library, in which she is requesting an upgrade for legal reference librarian. **EXHIBIT 9** This position is held by a graduate of law school and library school. They will receive experience from the Law Library and after they have completed their training they will transfer to another position. The average salary paid throughout the Northwest is \$30,000; the salary the legal reference librarian receives is \$24,000.

Ms. Meadows requested funding for an automatic book check-out system--this would be an ongoing database system. In the last biennium **Ms. Meadows** was able to automate the library's catalog out of current level funding through grants, swapping and borrowing money from the automated library catalog system. The request for material has doubled over the past year and there is the problem of locating the material that has been requested because of the amount of material that is removed from the library for research and the request for information. The number of telephone requests have doubled over the past year. **Ms. Meadows** is able to purchase off the shelf software and hire a student to bar-code the books for under \$30,000.

Ms. Meadows spoke on the photocopying expenses which are being funded at LFA current level. **Ms. Meadows** recently acquired photocopiers on a lease-purchase basis. The money received for photocopying is deposited in the general fund which makes a basic profit of \$7,000 a year. Other agencies are not charged for photocopying and the costs of photocopying is absorbed in the library's budget. Office supplies of \$1,495, were budgeted by the LFA; she requested more money for office supplies.

Ms. Meadows spoke about the critical areas of the Law Library relating to compact shelving by stating that legal documents and materials do not decrease but increase with the increased volume of judicial opinions, statutes that are activated by the Legislature and with regulations being accommodated, as well as new areas of the law being introduced all the time. The Law Library no longer is able to store all this documentation, therefore, by putting in compact shelving in one area of the library, it will create a larger amount of space for the need of aisles which takes a great deal of space. By installing these compact shelves, it will save space and be more cost effective.

Tape 2 Side 1

Ms. Meadows requested \$1000 more for maintenance contracts where LFA only budgeted \$2,000 for maintenance of computers. Under equipment was the funding for microfiche cabinets but she felt other items were more important such as a microfiche radar printer replaced in the next biennium and she would like another professional FTE for computer network. Allocating only \$1800 does not allow her to purchase any other items for the next biennium. She has always had money for equipment in the past and she would like to see it stay at \$9000 a year.

CHAIRMAN QUILICI referred to Issue No. 1, judicial requests for the upgrade of legal reference librarian, wasn't the amount of \$185,153 a bit high. **Ms. Meadows** responded by stating the \$185,153 is the total salary for the Law Library but the figures were not correct. The difference she was asking for was \$5,153.

There was clarification made by **Ms. Steinbeck**; there was a typo, it should read \$180,000 instead of \$18,000.

Ms. Meadows, presented her budget on book inflation and how expensive books are to obtain. She presented various books to the Subcommittee showing the difference of each book and the costs. Due to the enormous budget cuts, she can no longer allow books to be checked out of the law library. Under the Executive and LFA current budgets, they are proposing the library be given the inflation factor, but the inflation factor is 5%, which will not meet inflation rates. She stated she has lost 33% of purchasing power over the last five years. She requested the subcommittee approve the Executive Budget for books. She stated she could no longer cut any more selections of books. **EXHIBIT 10**

Referring to the automation of legal bases, she requested the removal of the \$16,000 from the databases and put in a new subject code and then line-item database for state and local government and private attorneys and with the line-item attach language that would protect the library so if the Department of Revenue or Dept of Justice has a lot of legal database usage, she would not have to borrow from her book money.

Ms. Steinbeck stated language in the appropriation cannot override the statute which states that when you have a supplemental you must supply all income the Legislature appropriates for the agency, which means if the legal databases were included as a line-item and was too low and if there was other income discretionary, it would have to be applied to the budget.

Ms. Meadows stated the law library coordinates all on-line legal research for the state of Montana, they do that to save people money. If they own their own subscription, they have to pay \$150 a month so every agency in state government will be paying that amount every single month. The law library pays a subscription amount for everybody for all state and local government and private agencies. She explained they all receive their own passwords, she coordinates the training and when the bills come to the law library she pays that bill but she has no control over the use by other agencies. She emphasized the need for the money to be in her budget to pay the bills.

District Court

Ms. Steinbeck stated the District Court operations allocate monies for salaries, travel and training expenses for 36 elected district judges throughout Montana. Other operational costs of

the district courts are paid by other state agencies and local governments. District courts are general jurisdiction trial courts having original jurisdiction in all criminal cases for felony cases and all civil matters on cases at law. **EXHIBIT 11**

Ms. Steinbeck gave an overview on all the issues relating to the District Court's budget. **EXHIBIT 12** under issue no. 1, there was a need to fund retired judges who are called to sit on a case when another judge removes himself/herself from the bench, or when the position is vacant. Under judge's bench book, the funds that are being requested are for the updating of judge's bench books. The lease of car rental is for the increased maintenance costs for high mileage lease cars. The training related expenses are for training for judges and computer equipment and software includes funding for computer equipment and software for three to four districts per year--the software is for future automation of all district courts throughout Montana.

There is a request for automation of 10 district courts per year which will include costs for equipment and software.

Jim Oppedahl, stated under the District Court's budget, 90% of the money is provided for personal services which goes for salaries for the 20 districts. Under the Department of Commerce, \$2.8 million is reimbursed for criminal costs for District Courts that are not presented in this budget. **EXHIBIT 13**

There was no issue regarding retired judges, but under Montana statute judges cannot retire until they reach the age of 65, and when they retire and receive any judicial retirement they must be available to serve as a retired judge. The agency has not historically spent much money in this area because it was not appropriated and the budget was based on actions of the past.

Mr. Oppedahl spoke on the various issues, the first being the training for judges. The money requested will help District Judges be trained to benefit themselves when they become new judges or when sitting on the District Bench.

Under travel, the agency divided it into two areas, one is for District Judges to travel to other District Courts for court business and to attend limited court training both for retired judges and newly elected judges.

Water Court

Ms. Steinbeck gave an overview on the Water Courts Supervision program which adjudicates claims of exiting water rights in Montana and supervises the distribution of water among the four water divisions of the state. **EXHIBIT 14**

The current level budget is a request for an additional FTE in the executive budget. The LFA did not request an additional FTE because the Governor increased a clerical FTE and reduced two

offsetting expenditures by reducing overtime in personal services and reduced contracted secretarial services. The LFA continued the fiscal contracted secretarial services and did not include overtime expenditures. If the subcommittee excepted the clerical FTE they would have to reduce the contracted secretarial services.

The third issue is the tele-conference and mailing expenses to inform persons involved with water right disputes of the decision made by the water master.

The fourth issue is the computer equipment and software -- the Water Court has a Honeywell computer, which is an older computer system. Both the Executive current level budget and the LFA included funds to replace the computer software. The executive budget replaced the equipment two years ago, where the LFA current budget replaced the computer system over a number of years within the lease amount. Ms. Steinbeck stated, what it means is the committee could move funds to debt service and purchase the equipment in one year and pay for the equipment over five years. There was a request by the LFA to replace an office recorder.

There were two modifications, one for the request of a salary increase for five water master positions, and two, a request for funds to replace word processing equipment.

CHAIRMAN QUILICI asked if the water masters received an increase in pay from the pay plan in the last biennium; was over and above what they received under the matrix. Mr. Oppedahl stated the water masters were below where they ought to be but they did receive the 2 1/2% increase.

CHAIRMAN QUILICI stated that in all of the budgets they are telling the committees everyone is below but everybody is receiving a certain increase under matrix and they are above matrix.

Jim Oppedahl introduced Judge Bruce Loble as the new Judge for the Water Courts.

Bruce Loble, Chief Water Judge, stated, except for the new District Court Judges in Montana, he is the rookie judge in Montana. He gave an overview of the Water Court program and its budget. EXHIBIT 15 In Montana there are eighty-five hydraulic bases. In 1982 everyone had to file their statement of water right claims which are reviewed by natural resources. The DNRC examines the claims in one basin in which they clarify them and correct all errors for water right users. The Water Court will then issue a decree which is mailed out and the water right users reviewed the decrees, if there is a disagreement with the decrees, then the water right users appear before water judges regarding their objections. After all objections are combined, the problem is discussed between the water right owners and

judges by telephone conference call to discuss any problems. If there is an agreement, then the water rights users are able to file their affidavits and stipulations to resolve the matter, but if the resolution cannot be resolved, there are several conferences held to resolve the problems that occurred. Telephone conferences are an important part of the budget in resolving the problems that arise from the decisions made by the water masters.

Tape 2 Side 2

Judge Loble stated he did not need the new FTE he requested but he could use a new water master. He felt LFA current level budget should be accepted. He said he could live within the budget for supplies. The reason for supplies being as high as they were was because he was confused as to the budget process.

The majority of the budget is spent on communications. LFA has reduced communication by \$5,000 and travel by \$2600 and he feels a need to increase the budget for communication and travel for the majority of the department's work in done by telephone conference calls and through the US mail.

Judge Loble requested five new computers for his office. They have a Honeywell system that is not compatible with other computers. The cost to maintain this system is costly to the department because of the maintenance fees paid to Honeywell. The agency does not have any control over the maintenance fees that Honeywell charges his department.

QUESTIONS FROM THE COMMITTEE:

SEN. FRITZ asked what are the duties of a water judge. **Judge Loble** stated there are five water judges all attorneys. They review the evidence presented to them by the water masters who previously have interviewed and met with the people who have a complaint on water rights in their area. If there is a dispute between the claimants and the objectors, the water judges become involved and review the decision made earlier by the water masters. The water users and water masters appear before the water judge where he/she reviews the case and makes the decision on the use of water rights.

CHAIRMAN QUILICI asked if the water judges have any experience before they are hired because the Water Courts wanted to up-grade the position of water judges to a grade 13, step, 3.

Judge Loble stated water judges are hired out of law school. None have experience, but they have received applications from persons who have actually worked in the water rights field.

CHAIRMAN QUILICI asked if all water masters were grade 17, step 2, would this be an incentive for water judges to stay once they have acquired the expertise in the field of water rights.

Clerk of Court

Ms. Steinbeck referred to **EXHIBIT 16**. The Clerk of Court is now an elected official and is separate from the Judiciary's budget. The Clerk of Court program performs several support and operational duties for the Supreme Court. The program keeps the court records and files, issues writs and certificates, approves bonds as required, files all papers and transcripts and performs other duties as required by law.

The percentage changes do not accurately reflect the change from the 1991 biennium. Funding is requested for contracted services costs, equipment and salary increase for one FTE position; microfilm costs and postage.

Ed Smith, Clerk of the Court, gave an overview of his office. **EXHIBIT 17** He stated that **Ralph Yaeger, Deputy Clerk of the Supreme Court**, would be presenting the budget, but he would also be speaking throughout the testimony regarding the budget.

Ralph Yaeger, Deputy Clerk of the Supreme Court, presented an overview of the Clerk of the Supreme Court's budget before the Subcommittee. **Mr. Yaeger** stated the Clerk's office collects fees for the Supreme Court, Character and Witness fees and examination fees for the Montana Bar Examination. All fees collected are deposited in general fund.

Mr. Smith stated he requested a four-step increase for his Deputy Clerk. He felt his deputy has provided outstanding service and he felt he deserves a raise.

Mr. Yaeger stated issue 2 is in the area of communications for the amount of \$4,925 for postage for the return of district court mail, these records are returned by certified mail. The previous Clerk of Court stopped returning the district court mail by certified mail, instead, she returned the mail by third class mail leaving no records showing the documents had been mailed back.

Issue 3, operating expenses, was a request for supplies and materials for photocopying orders and rules of Supreme Court Boards and Commissions.

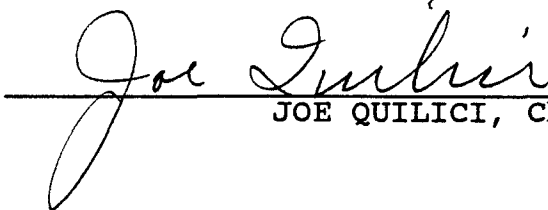
The Clerk of Court office has requested a computer and personnel training, office equipment and microfilming and storage of Supreme Court Records. There was a request for a fax machine because the court systems are moving towards fax filing.

Ed Smith stated microfilming was a big issues with the department due to the backup of records that have been stored in the vault. The records from Montana's territorial days to 1937 have been microfilmed but the records from the 1938 to the present have not been microfilmed. There have been requests to review records from 1983 to 1988, which are presently stored at Records

Management, which means one has to travel to records management and retrieve these records. Having all records microfilmed would eliminate the need for record retrieval and inconvenience to travel to Records and Management.

ADJOURNMENT

Adjournment: 12:01 a.m.



JOE QUILICI, Chair

JQ/amc

HOUSE OF REPRESENTATIVE
GENERAL GOVERNMENT AND HIGHWAYS SUBCOMMITTEE

ROLL CALL

DATE Jan. 16, 1991

NAME	PRESENT	ABSENT	EXCUSED
REP. JOE QUILICI, CHAIRMAN	✓		
SEN. LARRY STIMATZ, VICE-CHAIRMAN	✓		
REP. TOM ZOOK	✓		
SEN. LARRY TVEIT	✓		
REP. MARY LOU PETERSON	✓		
SEN. HARRY FRITZ	✓		

HR:1991
CS10DLRLCALED SUB

COMPARISON OF EXECUTIVE AND LFA CURRENT LEVELS

JUDICIARY

Budget Item	Executive Current Level		LFA Current Level		Executive Over (Under) LFA
	Fiscal 1992	Fiscal 1993	Fiscal 1992	Fiscal 1993	
FTE	89.50	89.50	88.50	88.50	1.00
Personal Services	4,170,427	4,158,888	4,151,723	4,140,298	37,294
Operating Expenses	1,085,209	1,083,342	973,447	977,671	217,433
Equipment	302,264	298,425	261,614	252,526	86,549
Total Agency	\$5,557,900	\$5,540,655	\$5,386,784	\$5,370,495	\$341,276
<u>Fund Sources</u>					
General Fund	5,082,807	5,067,623	4,925,259	4,915,056	310,115
State Revenue Fund	475,093	473,032	461,525	455,439	31,161
Total Funds	\$5,557,900	\$5,540,655	\$5,386,784	\$5,370,495	\$341,276

Executive Budget Comparison

The current level Executive Budget is \$341,276 higher than the LFA current level over the biennium. The largest difference is in contracted services, where the Executive Budget exceeds the LFA current level by \$156,525 over the biennium. Two of the significant increases in contracted services in the Executive Budget are \$70,000 for legal data bases and \$31,000 for network fees proposed by the Department of Administration. The Executive Budget is also higher than the LFA current level budget in travel (\$57,000) and training (\$28,000). Some of these increases are discussed in the following issues.

The LFA current level includes \$2,606 more in inflationary adjustments than the Executive Budget. Other cost differences between the two budgets are related to the Executive Budget's use of the fiscal 1991 appropriation as the base compared to the LFA's use of fiscal 1990 actual costs.

The Executive Budget equipment is \$86,549 higher than the LFA current level. The following items comprise the major differences: \$40,000 in computer equipment and software for district courts; \$20,000 in law library books; \$12,000 in computer equipment in other department programs; and \$8,400 in other office equipment.

New Current Level FTE

The Executive Budget contains 1.0 FTE not authorized by the last legislative session, accounting for the differences in personal services costs. The FTE is added to the Water Courts Supervision program and overtime expenditures and contracted legal services are reduced to fund the FTE. This additional FTE increases personal services costs in the Executive Budget by approximately \$30,000 over the biennium. The increase in personal services is funded from state special revenue funds, accounting for the differences between the Executive Budget and LFA current level state revenue funding.

Legal Data Bases

The Executive Budget includes about \$70,000 more in general fund for computer processing time for legal data bases. The Law Library charges for use of the data bases and deposits revenues to the general fund. The LFA current level budget for this item is based on the projected annual rate of growth between fiscal 1990 and 1991, while the Executive Budget allows for substantially higher growth. A more detailed discussion of this issue, including historic expenditures for legal data bases, is presented in the Law Library program narrative.

JUDICIARY

Increased Training Income and Expenses

The Executive Budget includes \$28,000 more for training than does the LFA current level budget. The cost of training is offset by tuition fees charged to judges and deposited to the general fund. The increase is reflected in travel, contracted services, supplies, and rent.

Montana Chiropractic Legal Panel

The Executive Budget contains \$26,000 of state special revenue authority over the biennium to fund the Montana Chiropractic Legal Panel, which is administratively attached to Judiciary. The LFA current level budget does not

include this program, as it is funded through a statutory appropriation. The Montana Chiropractic Legal Panel is presented as a separate agency in the Executive Budget and is not included in the above table.

Budget Modifications

In addition to the \$11.1 million included in the Executive Budget current level for the 1993 biennium, an additional 2.0 FTE and \$203,293 in general fund are included as budget modifications. The Judiciary will present 14 additional budget modifications totalling \$575,086 to the legislature. These budget modifications are discussed in the program narratives.

EXHIBIT 1DATE 1-16-91
Mr. Earl Swo

2110 00 00000

JUDICIARY

Budget Item	Actual Fiscal 1990	Appropriated Fiscal 1991	- - Current Fiscal 1992	Level - - Fiscal 1993	Change 1991-93 Biennium
FTE	88.50	88.50	88.50	88.50	.00
Personal Services	3,882,671	4,070,259	4,151,723	4,140,298	4.26%
Operating Expenses	936,054	964,470	973,447	977,671	2.66%
Equipment	<u>246,018</u>	<u>234,554</u>	<u>261,614</u>	<u>252,526</u>	<u>6.99%</u>
Total Agency	\$5,064,743	\$5,269,283	\$5,386,784	\$5,370,495	4.10%
Fund Sources					
General Fund	4,635,475	4,836,053	4,925,259	4,915,056	3.89%
State Revenue Fund	<u>429,268</u>	<u>433,230</u>	<u>461,525</u>	<u>455,439</u>	<u>6.31%</u>
Total Funds	\$5,064,743	\$5,269,283	\$5,386,784	\$5,370,495	4.10%

Agency Description

The judicial branch of state government is provided for in Article III, Section I, and Article VII of the 1972 Montana Constitution. The jurisdiction of the Supreme Court consists of all appellate and original jurisdiction in petitions for writs of habeas corpus and other such writs, general supervisory control over all courts, and rule making powers for Montana courts.

1990. Fiscal 1990 deposits to the general fund offset about 4 percent of agency general fund expenditures. With the exception of Water Court Supervision, all programs in the Judiciary are supported by general fund. The Water Court is funded from the water development state special revenue account.

Table 1
Revenues Collected by the
Judiciary
Fiscal 1990 Actual

Current Level Budget

The current level budget increases 4.1 percent. Budgeting the full salary of the Water Court judge, continuation of the fiscal 1991 pay plan increase into the 1993 biennium, and authorization of pay raises greater than 2.5 percent in fiscal 1990 for several positions cause current level personal services costs to increase by 4.3 percent. Operating costs increase due to adjustments for inflation and fixed costs. Equipment increases are mostly due to inflationary adjustments for Law Library book purchases. Fiscal 1992 equipment costs are higher than fiscal 1993 as several sets of the Montana Code Annotated are purchased for the code exchange among states.

Several functions in the Judiciary collect fees which are deposited to the general fund. Table 1 shows the revenue collected from these functions in fiscal

Revenue	Fiscal 1990 Actual
General	
Tuition/Training	\$23,606
Bar Exam Fees	10,024
Attorney Character and Fitness Fees	<u>9,245</u>
Subtotal	<u>\$42,875</u>
Law Library	
Legal Database	\$121,376
Photocopy Receipts	17,236
Video Tape Rentals	<u>8,550</u>
Subtotal	<u>\$147,162</u>
Total	<u>\$190,037</u>

JUDICIARY

Increased Training Income and Expenses

The Executive Budget includes \$28,000 more for training than does the LFA current level budget. The cost of training is offset by tuition fees charged to judges and deposited to the general fund. The increase is reflected in travel, contracted services, supplies, and rent.

Montana Chiropractic Legal Panel

The Executive Budget contains \$26,000 of state special revenue authority over the biennium to fund the Montana Chiropractic Legal Panel, which is administratively attached to Judiciary. The LFA current level budget does not

include this program, as it is funded through a statutory appropriation. The Montana Chiropractic Legal Panel is presented as a separate agency in the Executive Budget and is not included in the above table.

Budget Modifications

In addition to the \$11.1 million included in the Executive Budget current level for the 1993 biennium, an additional 2.0 FTE and \$203,293 in general fund are included as budget modifications. The Judiciary will present 14 additional budget modifications totalling \$575,086 to the legislature. These budget modifications are discussed in the program narratives.

JUDICIARY

Issue

Court Automation

The 1989 legislature passed House Bill 320 which appropriated \$203,162 general fund over the biennium to hire 2.0 FTE and develop a pilot court automation project. The Judiciary has accomplished several tasks toward completion of the project. Two staff members were hired, completed an evaluation of existing court management computer systems, installed a data base system in the First Judicial District, and are developing court management software. The staff have conducted training for various courts on word processing, spreadsheet, calendaring, and case management programs. Equipment and operating system and word processing software have been purchased and installed to integrate the First Judicial District on a computer network. Additionally, civil case management, random jury selection, and citations software modules have been developed and installed for use and testing in the district.

The Judiciary has requested \$467,172 in the 1993 biennium for court automation. As shown in Table 2, most of these funds would be used to continue development of court management software and fund initial purchases of computer equipment for use in district courts. The planned software development for district courts and courts of limited jurisdiction includes criminal, juvenile, and probate case processing; fee collections and trust fund accounting; civil and small claims case tracking; and automated calendaring. Along with the software design and development, staff would continue to install equipment in district courts and provide on-site training for judges, clerks of district court, and limited jurisdiction judges. The Water Court is requesting \$41,391 to replace a word processing system with a personal computer (PC) system that could utilize the court management software being developed with House Bill 320 funds. The Law Library is requesting \$27,465 to install an automated book check-out system.

EXHIBIT 1DATE 1-16-911. Gen Gov Sub

JUDICIARY

Table 2
Court Automation Requests for All Programs

<u>Program</u>	<u>Personal Services</u>	<u>Operations</u>	<u>Equipment</u>	<u>Annual Total</u>	<u>Biennial Total</u>
Court Operations					
Fiscal 1992	\$63,844	\$13,767	\$41,545	\$119,156	
Fiscal 1993	63,720	13,767	44,174	121,661	\$240,817
Law Library					
Fiscal 1992		13,500	10,965	24,465	
Fiscal 1993			3,000	3,000	27,465
District Courts					
Fiscal 1992			77,762	77,762	
Fiscal 1993			79,737	79,737	157,499
Water Court Supervision					
Fiscal 1992			26,391	26,391	
Fiscal 1993			15,000	15,000	41,391
Total Request					
Fiscal 1992	\$63,844	\$27,267	\$156,663	\$247,774	
Fiscal 1993	63,720	13,767	141,911	219,398	\$467,172
Biennial Funding					
General Fund	\$127,564	\$41,034	\$257,183		\$425,781
State Special	<u>0</u>	<u>0</u>	<u>41,391</u>		<u>41,391</u>
Total Funds	\$127,564	\$41,034	\$298,574		\$467,172

As the following table shows, the Executive Budget includes \$203,293 of the requested \$240,817 for automation of court operations. The Judiciary has

indicated that it will present the additional modified budget requests listed in the "Elected Official Budget Modifications" table.

Executive Budget Modification

1993 Biennium

<u>Budget Modification</u>	<u>FTE FY92</u>	<u>FTE FY93</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
1) Court Automation--HB320	2.0	2.0	\$203,293	\$0	\$203,293

JUDICIARY

Issue

Court Automation

The 1989 legislature passed House Bill 320 which appropriated \$203,162 general fund over the biennium to hire 2.0 FTE and develop a pilot court automation project. The Judiciary has accomplished several tasks toward completion of the project. Two staff members were hired, completed an evaluation of existing court management computer systems, installed a data base system in the First Judicial District, and are developing court management software. The staff have conducted training for various courts on word processing, spreadsheet, calendaring, and case management programs. Equipment and operating system and word processing software have been purchased and installed to integrate the First Judicial District on a computer network. Additionally, civil case management, random jury selection, and citations software modules have been developed and installed for use and testing in the district.

The Judiciary has requested \$467,172 in the 1993 biennium for court automation. As shown in Table 2, most of these funds would be used to continue development of court management software and fund initial purchases of computer equipment for use in district courts. The planned software development for district courts and courts of limited jurisdiction includes criminal, juvenile, and probate case processing; fee collections and trust fund accounting; civil and small claims case tracking; and automated calendaring. Along with the software design and development, staff would continue to install equipment in district courts and provide on-site training for judges, clerks of district court, and limited jurisdiction judges. The Water Court is requesting \$41,391 to replace a word processing system with a personal computer (PC) system that could utilize the court management software being developed with House Bill 320 funds. The Law Library is requesting \$27,465 to install an automated book check-out system.

JUDICIARY

Elected Official Budget Modifications

1993 Biennium

<u>Budget Modifications</u>	<u>FTE</u> <u>FY92</u>	<u>FTE</u> <u>FY93</u>	<u>General</u> <u>Fund</u>	<u>Other</u> <u>Funds</u>	<u>Total</u>
1) Upgrades for Law Clerks			\$57,212	\$0	\$57,212
2) Software Upgrades			34,737	0	34,737
3) Retired Judge Training			5,000	0	5,000
4) Clerk of Court Training			8,000	0	8,000
5) Courts of Limited Jurisdiction Training			28,000	0	28,000
6) Law Library Book Purchases			78,973	0	78,973
7) Compactible Book Shelving			16,625	0	16,625
8) Position Upgrade Law Library			11,046	0	11,046
9) Automated Book Check Out			27,465	0	27,465
10) District Court Automation			157,499	0	157,499
11) Water Court Automation			0	41,391	41,391
12) Pay Increases for Water Masters			0	50,000	50,000
13) Clerk of Court Microfilm Costs			49,138	0	49,138
14) Clerk of Court Postage Costs			10,000	0	10,000
Total	0.0	0.0	\$483,695	\$91,391	\$575,086

SUPREME COURT OPERATIONS

Budget Item	Actual Fiscal 1990	Appropriated Fiscal 1991	- - Current Fiscal 1992	Level - - Fiscal 1993	Change 1991-93 Biennium
FTE	32.00	32.00	28.00	28.00	-4.00
Personal Services	971,058	1,140,902	1,031,721	1,029,752	-2.39%
Operating Expenses	276,304	296,630	302,501	305,343	6.09%
Equipment	11,951	16,116	11,060	8,295	-31.04%
Total Program	\$1,259,313	\$1,453,648	\$1,345,282	\$1,343,390	-.90%
Fund Sources					
General Fund	1,259,313	1,453,648	1,345,282	1,343,390	-.90%
Total Funds	\$1,259,313	\$1,453,648	\$1,345,282	\$1,343,390	-.90%

Program Description

The Supreme Court has appellate jurisdiction for the State of Montana. It has original jurisdiction to issue, hear, and determine writs of habeas corpus and such other writs as may be provided by law. In addition, it has general supervisory control over all other courts in the state. The Supreme Court is also charged with establishing rules governing appellate procedure, the practice and procedure for all other courts, admission to the bar, and the conduct of its members. The Supreme Court consists of a chief justice and

six justices. The Supreme Court Operations program manages day-to-day operations of the court.

Current Level Budget

The current level request for this program appears to be lower than the 1991 biennium. However, 4.0 FTE and operating expenses were reorganized into a new program, the Clerk of Court. When adjustments are made for that change, the current level for Supreme Court Operations actually increases approximately 5 percent over the two biennia.

Table 3
Comparison of 1991 Biennium to Current Level Budget for 1993 Biennium

Budget Item	FY90 Actuals	FY91 Budgeted	Clerk of Court Reorg.	FY91 Revised Budget	1991 Revised Biennium	1993 Biennium	1991-93 % Biennium Change
FTE	32.00	32.00	4.00	28.00	28.00	28.00	
Personal Services	\$971,058	\$1,140,902	\$128,051	\$1,012,851	\$1,983,909	\$2,061,473	3.91
Operating	276,304	296,630	21,480	275,150	551,454	607,844	10.23
Equipment	11,951	16,116	2,000	14,116	26,067	19,355	(25.75)
Total	\$1,259,313	\$1,453,648	\$151,531	\$1,302,117	\$2,561,430	\$2,688,672	4.97

Personal services rise due to vacancy savings in fiscal 1990 and fiscal 1991 pay plan increases continued in the 1993 biennium. Pay increases for exempt

staff averaged more than 2.5 percent. Three positions received raises of 20 percent or more.

EXHIBIT 2
DATE 1-16-91
Don Horvath

2110 01 00000

SUPREME COURT OPERATIONS

Budget Item	Actual Fiscal 1990	Appropriated Fiscal 1991	- - Current Fiscal 1992	Level - - Fiscal 1993	Change 1991-93 Biennium
FTE	32.00	32.00	28.00	28.00	-4.00
Personal Services	971,058	1,140,902	1,031,721	1,029,752	-2.39%
Operating Expenses	276,304	296,630	302,501	305,343	6.09%
Equipment	<u>11,951</u>	<u>16,116</u>	<u>11,060</u>	<u>8,295</u>	-31.04%
Total Program	\$1,259,313	\$1,453,648	\$1,345,282	\$1,343,390	-.90%
Fund Sources					
General Fund	<u>1,259,313</u>	<u>1,453,648</u>	<u>1,345,282</u>	<u>1,343,390</u>	-.90%
Total Funds	\$1,259,313	\$1,453,648	\$1,345,282	\$1,343,390	-.90%

Program Description

The Supreme Court has appellate jurisdiction for the State of Montana. It has original jurisdiction to issue, hear, and determine writs of habeas corpus and such other writs as may be provided by law. In addition, it has general supervisory control over all other courts in the state. The Supreme Court is also charged with establishing rules governing appellate procedure, the practice and procedure for all other courts, admission to the bar, and the conduct of its members. The Supreme Court consists of a chief justice and

six justices. The Supreme Court Operations program manages day-to-day operations of the court.

Current Level Budget

The current level request for this program appears to be lower than the 1991 biennium. However, 4.0 FTE and operating expenses were reorganized into a new program, the Clerk of Court. When adjustments are made for that change, the current level for Supreme Court Operations actually increases approximately 5 percent over the two biennia.

Table 3
Comparison of 1991 Biennium to Current Level Budget for 1993 Biennium

Budget Item	FY90 Actuals	FY91 Budgeted	Clerk of Court Reorg.	FY91 Revised Budget	1991 Revised Biennium	1993 Biennium	1991-93 % Biennium Change
FTE	32.00	32.00	4.00	28.00	28.00	28.00	
Personal Services	\$971,058	\$1,140,902	\$128,051	\$1,012,851	\$1,983,909	\$2,061,473	3.91
Operating	276,304	296,630	21,480	275,150	551,454	607,844	10.23
Equipment	<u>11,951</u>	<u>16,116</u>	<u>2,000</u>	<u>14,116</u>	<u>26,067</u>	<u>19,355</u>	(25.75)
Total	\$1,259,313	\$1,453,648	\$151,531	\$1,302,117	\$2,561,430	\$2,688,672	4.97

Personal services rise due to vacancy savings in fiscal 1990 and fiscal 1991 pay plan increases continued in the 1993 biennium. Pay increases for exempt

staff averaged more than 2.5 percent. Three positions received raises of 20 percent or more.

SUPREME COURT OPERATIONS

Operating costs rise due mainly to increases in audit fees, insurance, rent, grounds maintenance fees, and inflationary adjustments. Current level also includes: 1) costs for character and fitness examinations for applicants to the Montana Bar equal to the actual fiscal 1990 revenue generated for that activity; and 2) a small increase in training costs to facilitate law clerks' use of Westlaw, an automated legal database.

Current level equipment includes a PC, monitor, printer, and word processing software for each Supreme Court justice (four in fiscal 1992 and three in fiscal 1993).

Supreme Court Operations is funded entirely by general fund. However, the program collects fees for some services which are deposited to the general fund. Such collections offset about \$9,245 of its fiscal 1990 operating expenses.

Executive Budget Modifications

Data Processing Staff

House Bill 320 enacted by the 1989 legislature appropriated funds to purchase hardware and software for a pilot automation project and authorized 2.0 FTE to begin development of uniform software applications and computer training for district courts and courts of limited jurisdiction. This request continues the FTE and software development and support at a biennial cost of \$203,293 from the general fund. This modification is included in the court automation issue presented in the agency narrative.

Elected Official Budget Modifications

Salary Increase for Law Clerks

The program is requesting salary increases for 14 law clerks who assist the justices of the Supreme Court. Although all the positions are exempt

from classification on the state pay matrix, 12 of the positions are paid at a rate equivalent to a grade 13, step 2. The remaining two are paid the equivalent of a grade 15, step 7 and a grade 13, step 3. The agency modification would allow nine positions to be paid at a grade 14, step 2; four positions at a grade 14, step 3; and one position at a grade 16, step 7. The total cost of the increases would be \$57,212 general fund over the biennium.

Request for Computer Software

The Judiciary is requesting \$34,737 to purchase single-user software. The software would be distributed to different courts to insure compatibility between automated systems in all courts. This software will allow case management and calendar software developed through the court automation process to be used on PC's in different courts. This modification is included in the court automation issue presented in the agency narrative.

Retired Judge Training

The Judiciary is requesting \$5,000 general fund over the biennium to pay for travel, lodging, meals, and registration expenses for six to eight retired judges to attend the Fall Montana Judges' Conference and continuing legal education courses. Since retired judges are hired to handle court cases when active judges in the Supreme Court and district courts are unavailable or unable to preside on cases, the Judiciary seeks these funds to help retired judges keep their legal education current.

Clerk of Court Training

The Judiciary is requesting \$8,000 of general fund over the biennium for travel, meals, lodging, and materials for individuals presenting training during the annual Clerk of Court Training School, which provides training to improve operations of clerk offices.

BOARDS AND COMMISSIONS

Budget Item	Actual Fiscal 1990	Appropriated Fiscal 1991	- - Current Fiscal 1992	Level - - Fiscal 1993	Change 1991-93 Biennium
FTE	3.00	3.00	3.00	3.00	.00
Personal Services	87,082	88,808	91,245	91,290	3.78%
Operating Expenses	116,794	121,804	118,019	114,571	-2.52%
Equipment	491	800	0	0	-100.00%
Total Program	\$204,367	\$211,412	\$209,264	\$205,861	-.16%
Fund Sources					
General Fund	204,367	211,412	209,264	205,861	-.16%
Total Funds	\$204,367	\$211,412	\$209,264	\$205,861	-.16%

Program Description

The Boards and Commissions program oversees functions assigned to the Supreme Court either by legislative or constitutional mandate. Boards and commissions manage judicial discipline, rules, admission to the bar, and various other substantive issues aimed at improving and maintaining the administration of justice. Each commission or board and its duties are summarized below.

Judicial Standards Commission. The commission investigates complaints and makes recommendations regarding the conduct of judicial officers (Article VII, Section 11; Title 3, Chapter 1, Part 11, MCA).

Commission on the Use of Appropriate Technology in the Montana Judiciary. The commission is examining the use of computers in the judiciary and will recommend to the court changes and alternatives to improve the operation of the judicial system.

Sentence Review Division. The three-judge division reviews sentences imposed on convicted felons in the state. Upon application by an inmate, the division may increase, decrease, or affirm a prisoner's sentence (Section 46-15-904, MCA).

Board of Bar Examiners. This board conducts and assists in conducting the

examination of applicants for admission to the bar (Section 37-61-Part 1, MCA).

Judicial Nominations Commission. The seven-member commission provides a list of candidates to the Governor for appointment to fill any vacancy on the Supreme Court or District Court and to the Chief Justice of the Supreme Court for appointment to fill any vacancy for the chief water judge (Article VII, Section 8; and Title 3, Chapter 1, Part 10, MCA).

Commission on Courts of Limited Jurisdiction. The commission recommends to the Supreme Court rules of practice and procedure designed to improve the practices of courts of limited jurisdiction. The commission also organizes and oversees training and certification of justices of the peace and city judges (Article VII, Section 2; Title 3, Chapter 1, Part 15, Sections 3-10-203 and 3-11-204, MCA).

Commission on Practice. The commission investigates complaints filed against members of the State Bar of Montana, conducts hearings and formal disciplinary proceedings, administers admonitions, and makes disciplinary recommendations to the Supreme Court.

Advisory Commission on Rules of Civil Procedure and Appellate Procedure. The commission assists the court in considering and preparing rules to regulate the pleading, practice, procedure, and the forms thereof in

Budget Item	Actual Fiscal 1990	Executive Fiscal 1992	LFA Fiscal 1992	Difference Fiscal 1992	Executive Fiscal 1993	LFA Fiscal 1993	Difference Fiscal 1993
FTE	32.00	28.00	28.00	.00	28.00	28.00	.00
Personal Services	971,058	1,033,221	1,031,721	1,500	1,031,252	1,029,752	1,500
Operating Expenses	276,304	314,740	302,501	12,239	311,188	305,343	5,845
Equipment	11,951	14,836	11,060	3,776	14,836	8,295	6,541
Total Expend.	\$1,259,313	\$1,362,797	\$1,345,282	\$17,515	\$1,357,276	\$1,343,390	\$13,886
<u>Fund Sources</u>							
General Fund	1,259,313	1,362,797	1,345,282	17,515	1,357,276	1,343,390	13,886
Total Funds	\$1,259,313	\$1,362,797	\$1,345,282	\$17,515	\$1,357,276	\$1,343,390	\$13,886

Executive Over (Under) LFA

FTE FY92 FY93

ISSUES

RETIRED JUDGES CALL IN (PERSONAL SERVICES). When Supreme Court judges cannot sit on a case or a judge position is vacant, retired judges are called in to replace the judge. The LFA current level does not include funds as fiscal 1990 was the only other year when such expenses were incurred within the last five years.

CHARACTER AND FITNESS EXAMINATIONS. Candidates for the Montana Bar are reviewed for character and fitness before admission to the bar. The expenses for such review are offset by fees deposited to the general fund. The LFA current level maintains costs at the level of FY90 revenue collected.

TRAINING EXPENSES. The Executive Budget includes additional funds for judicial training. The LFA continues training at the fiscal 1990 expenditure level.

COMPUTER EQUIPMENT AND SOFTWARE. The Executive Budget funds additional computer equipment and software. The LFA funds purchase of a computer for each justice--four in fiscal 1992 and three in fiscal 1993.

BASE, INFLATION, AND NETWORK FEE DIFFERENCES.

TOTAL CURRENT LEVEL DIFFERENCES \$17,515 \$13,886

EXHIBIT 2
DATE 1-16-91
Jen Hoir Sw

B. AND INFLATION DIFFERENCES.

TOTAL CURRENT LEVEL DIFFERENCES

\$35,105 \$35,518

151 645

AGENCY MODIFICATIONS

. COURTS OF LIMITED JURISDICTION TRAINING. The Judiciary is requesting an increase in the appropriation authority for training for judges of courts of limited jurisdiction. The training is offset by registration fees deposited to the general fund.

\$14,000 \$14,000 general fund

LANGUAGE

The Supreme Court has requested that the Judicial Standards Commission be given a separate line item budget which cannot be used for other activities or expenditures.

EXHIBIT

2

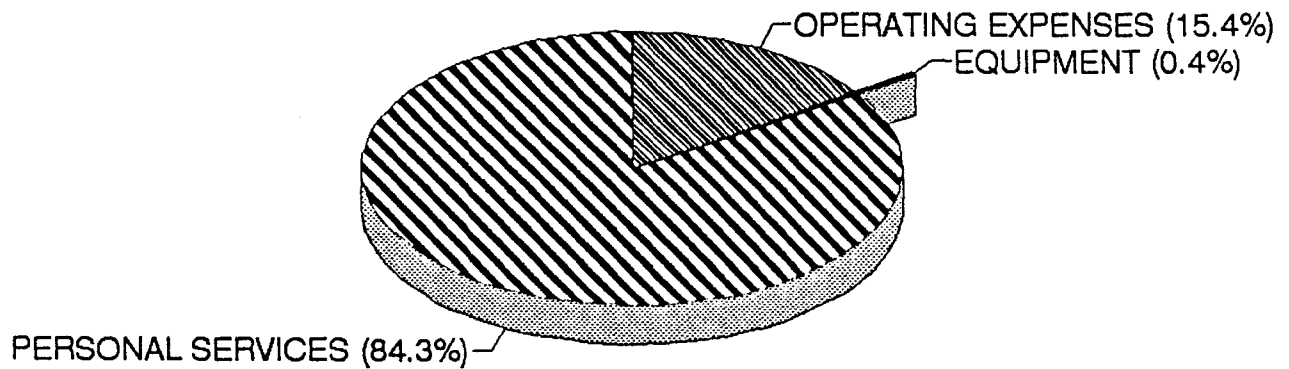
DATE

1/16-91

Ken Hoyt Duv

EXHIBIT 3
DATE JAN 16 1991
HB Sen. Hovis

MONTANA JUDICIARY STATE FUNDING FY 91



MONTANA JUDICIARY STATE FUNDING BY PROGRAM FY 91

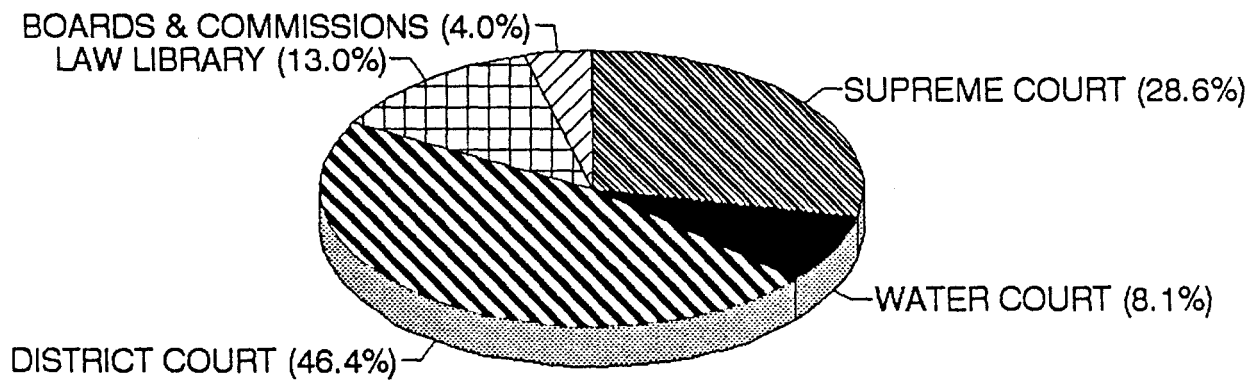
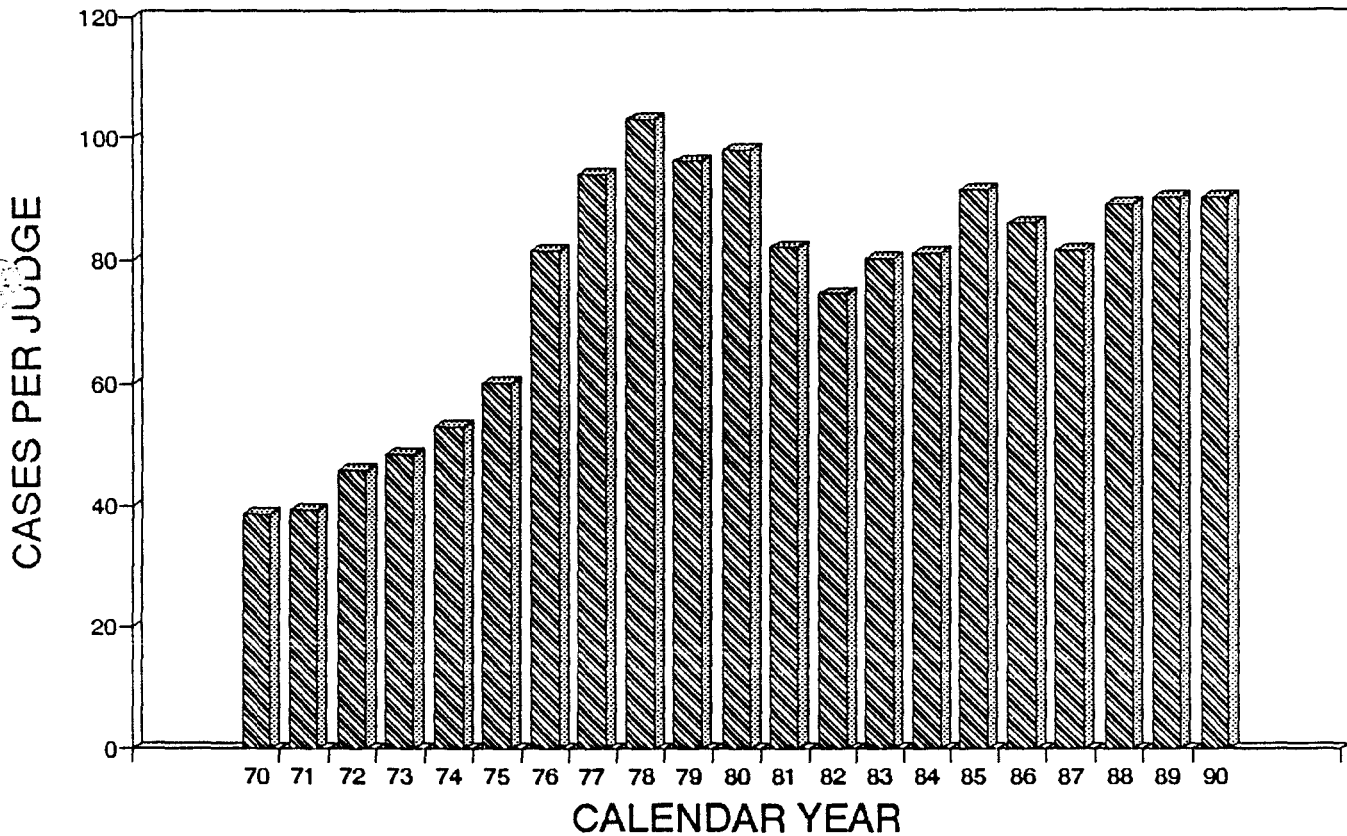


EXHIBIT 3
DATE 1-16-91
Gen. Court Sec

MONTANA SUPREME COURT

CASE FILINGS PER JUDGE 1970 - 1990



MONTANA SUPREME COURT

OPINIONS ISSUED 1970-1990

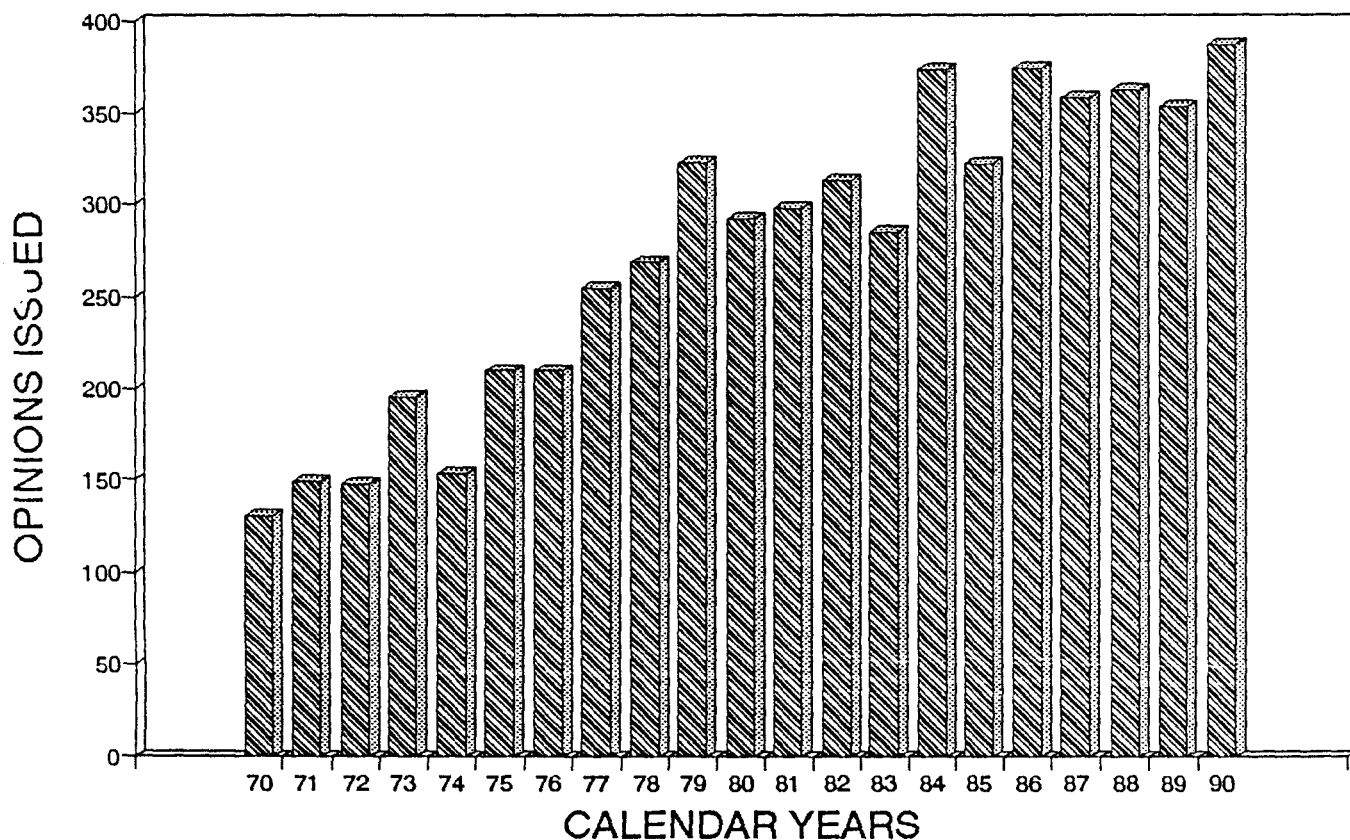
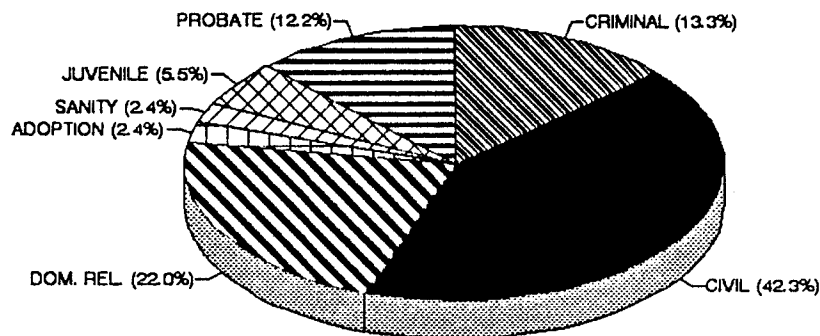


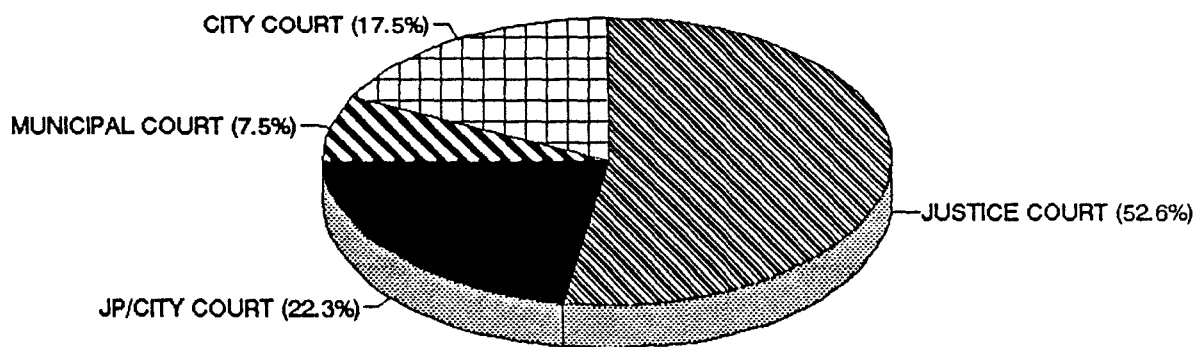
EXHIBIT 3
DATE 1-16-91
Ken Garber

MONTANA DISTRICT COURT

TOTAL CASES FILED - 1990



COURTS OF LIMITED JURISDICTION TOTAL CASES 1989



2110 02 00000

BOARDS AND COMMISSIONS

Budget Item	Actual Fiscal 1990	Appropriated Fiscal 1991	- - Current Fiscal 1992	Level - - Fiscal 1993	Change 1991-93 Biennium
FTE	3.00	3.00	3.00	3.00	.00
Personal Services	87,082	88,808	91,245	91,290	3.78%
Operating Expenses	116,794	121,804	118,019	114,571	-2.52%
Equipment	491	800	0	0	-100.00%
Total Program	\$204,367	\$211,412	\$209,264	\$205,861	-.16%
<u>Fund Sources</u>					
General Fund	204,367	211,412	209,264	205,861	-.16%
Total Funds	\$204,367	\$211,412	\$209,264	\$205,861	-.16%

Program Description

The Boards and Commissions program oversees functions assigned to the Supreme Court either by legislative or constitutional mandate. Boards and commissions manage judicial discipline, rules, admission to the bar, and various other substantive issues aimed at improving and maintaining the administration of justice. Each commission or board and its duties are summarized below.

Judicial Standards Commission. The commission investigates complaints and makes recommendations regarding the conduct of judicial officers (Article VII, Section 11; Title 3, Chapter 1, Part 11, MCA).

Commission on the Use of Appropriate Technology in the Montana Judiciary. The commission is examining the use of computers in the judiciary and will recommend to the court changes and alternatives to improve the operation of the judicial system.

Sentence Review Division. The three-judge division reviews sentences imposed on convicted felons in the state. Upon application by an inmate, the division may increase, decrease, or affirm a prisoner's sentence (Section 46-15-904, MCA).

Board of Bar Examiners. This board conducts and assists in conducting the

examination of applicants for admission to the bar (Section 37-61-Part 1, MCA).

Judicial Nominations Commission. The seven-member commission provides a list of candidates to the Governor for appointment to fill any vacancy on the Supreme Court or District Court and to the Chief Justice of the Supreme Court for appointment to fill any vacancy for the chief water judge (Article VII, Section 8; and Title 3, Chapter 1, Part 10, MCA).

Commission on Courts of Limited Jurisdiction. The commission recommends to the Supreme Court rules of practice and procedure designed to improve the practices of courts of limited jurisdiction. The commission also organizes and oversees training and certification of justices of the peace and city judges (Article VII, Section 2; Title 3, Chapter 1, Part 15, Sections 3-10-203 and 3-11-204, MCA).

Commission on Practice. The commission investigates complaints filed against members of the State Bar of Montana, conducts hearings and formal disciplinary proceedings, administers admonitions, and makes disciplinary recommendations to the Supreme Court.

Advisory Commission on Rules of Civil Procedure and Appellate Procedure. The commission assists the court in considering and preparing rules to regulate the pleading, practice, procedure, and the forms thereof in

BOARDS AND COMMISSIONS

civil actions in all Montana courts (Section 3-2-702, MCA).

Commission on the Rules of Criminal Procedure. The commission prepares for consideration by the Supreme Court proposed criminal procedure guidelines that courts, lawyers, and defendants must follow.

Commission on Uniform District Court Rules. The commission monitors, reviews, and proposes revisions to uniform district court rules for consideration by the Supreme Court.

Current Level Budget

The current level budget remains at the 1991 biennium level.

Personal services increase 3.8 percent. A pay raise granted to one position accounts for about half of the change in personal services between the biennia.

Vacancy savings experienced in fiscal 1990 and continuation of fiscal 1991 pay plan increases in the 1993 biennium account for the remainder of the increase.

Operating costs decrease slightly due to the removal of certification training costs that will not reoccur until fiscal 1994. Fiscal 1992 operating costs are higher than fiscal 1990 actual expenditures due to an increase in contracted services to update judge's bench books to reflect legislative changes.

Table 4 shows actual expenditures for each commission and board in this program for the last three years. The Commission on Practice investigated a high number of complaints against attorneys, necessitating a supplemental appropriation of \$11,500 in fiscal 1990 which is not reflected in the main table.

Table 4
Fiscal 1988 to 1990 Actual Expenditures for Boards and Commissions

<u>Title of Board or Commission</u>	<u>--- Expenditures ---</u>		
	<u>FY88</u>	<u>FY89</u>	<u>FY90</u>
Judicial Standards	\$1,358	\$2,425	\$1,925
Sentence Review Board	26,933	26,755	27,336
Board of Bar Examiners	49,493	54,702	47,790
Judicial Nominations Commission	2,159	710	1,800
Commission on Courts of Limited Jurisdiction	42,224	43,134	44,460
Commission on Practice*	45,591	45,397	68,527
Commission on Rules Concerning the the Admission to Practice of Law	182	0	218
Commission on Court Technology	9,627	7,983	921
Training	213	98	22,279
Evidence	0	0	611
Civil Procedure	<u>0</u>	<u>413</u>	<u>0</u>
Total	\$177,780	\$181,617	\$215,867

*This Board received a supplemental appropriation of \$11,500 in fiscal 1990.

BOARDS AND COMMISSIONS

Elected Official Budget Modifications

Courts of Limited Jurisdiction Training

The Judiciary is requesting an additional \$28,000 general fund over the biennium for increased training for staff employed by courts of limited jurisdiction. Funds would be used to contract for professional presenters and for travel expenses, and copying and office supply costs. Fees are charged for the training and deposited to the

general fund. Fiscal year 1990 actual expenditures for training were \$21,850 and training revenue deposited to the general fund was \$22,186.

Line-Item Budget for Judicial Standards Commission

The Judiciary has asked that the appropriation for the Judicial Standards Commission be segregated in a line-item budget to reflect its constitutionally mandated status.

BOARDS AND COMMISSIONS

Elected Official Budget Modifications

Courts of Limited Jurisdiction Training

The Judiciary is requesting an additional \$28,000 general fund over the biennium for increased training for staff employed by courts of limited jurisdiction. Funds would be used to contract for professional presenters and for travel expenses, and copying and office supply costs. Fees are charged for the training and deposited to the

general fund. Fiscal year 1990 actual expenditures for training were \$21,850 and training revenue deposited to the general fund was \$22,186.

Line-Item Budget for Judicial Standards Commission

The Judiciary has asked that the appropriation for the Judicial Standards Commission be segregated in a line-item budget to reflect its constitutionally mandated status.

EXHIBIT 3

DATE 1-16-91

Don Bower

Budget Item	Actual Fiscal 1990	Executive Fiscal 1992	LFA Fiscal 1992	Difference Fiscal 1992	Executive Fiscal 1993	LFA Fiscal 1993	Difference Fiscal 1993
FTE	3.00	3.00	3.00	.00	3.00	3.00	.00
Personal Services	87,082	91,153	91,245	92-	91,117	91,290	173-
Operating Expenses	116,794	153,140	118,019	35,121	149,746	114,571	35,175
Equipment	491	800	0	800	800	0	800
Total Expend.	\$204,367	\$245,093	\$209,264	\$35,829	\$241,663	\$205,861	\$35,802
Fund Sources							
General Fund	204,367	245,093	209,264	35,829	241,663	205,861	35,802
Total Funds	\$204,367	\$245,093	\$209,264	\$35,829	\$241,663	\$205,861	\$35,802

Executive Over (Under) LFA

FTE FY92 FY93

ISSUES

TRAINING FOR JUDGES OF COURTS OF LIMITED JURISDICTION. The Commission on Courts of Limited Jurisdiction holds training conferences which are funded by registration fees deposited to the general fund. The LFA holds such costs to the fiscal 1990 expenditure.

TECHNICAL ADJUSTMENT. Courts of Limited Jurisdiction Judges are certified once every four years. Agency documentation identified fiscal 1994 as the next certification cycle. However, the next cycle is in fiscal 1995, so the cyclical cost reduction taken from fiscal 1990 base needs to be added back to the current level budget.

ADDITIONAL INVESTIGATION EXPENSES FOR THE COMMISSION ON PRACTICE. The LFA holds such expenses at fiscal 1990 actual not including the supplemental appropriation for the activities. The Executive Budget increases the costs.

BAR EXAMINERS RENT. LFA holds rental costs at the fiscal 1990 actual levels. The Executive increases rent for the University of Montana rooms used by the Bar Examiners to administer the bar exam.

JUDICIAL STANDARDS COMMISSION. The LFA maintains fiscal 1990 actual expenditures while the Executive includes an increase.

LONGEVITY DIFFERENCES (PERSONAL SERVICES).

. HB 320--COURT AUTOMATION PROJECT. House Bill 320 passed by the 1989 legislature authorized 2.0 FTE and \$203,162 general fund over the biennium to develop software and implement a pilot court automation project. This modified request continues software development, provide some training, and limited automation support for courts.

2.00 \$101,646 \$101,647

AGENCY MODIFICATIONS

. UPGRADES FOR LAW CLERKS. The Court has requested salary increases for law clerks. Currently, the exempt positions are paid at the equivalent of grade 13 for newly hired clerks. This modification would increase the entry salary to the equivalent of a grade 14.

\$28,606 \$28,606 general fund

. COMPUTER SOFTWARE. The Judiciary is requesting funds to purchase software and distribute it to courts in order to assure uniformity and compatibility between courts.

17,369 17,369 general fund

. RETIRED JUDGE TRAINING. The Judiciary is requesting funds to pay registration, travel, lodging, and meals for six to eight retired judges to attend the Fall Montana Judges' Conference.

2,500 2,500 general fund

. CLERK OF COURT TRAINING. The Court request would fund expenses of individuals who presenting training for the annual Clerk of Court Training School.

4,000 4,000 general fund

TOTAL AGENCY MODIFICATIONS

\$52,475 \$52,475 general fund

MONTANA SUPREME COURT

SCHEDULE OF FISCAL 92 & 93 APPROPRIATION REQUEST

BOARDS AND COMMISSIONS PROGRAM 02

SCHEDULE NAME=93RB&D.WK1

PRINT DATE 01/14/91

REVISED SCHEDULE DATE 1-11-91

EXHIBIT 12
DATE Jan. 16, 1991
IB
EXP. 6
DATE 1-16-91
Gen. Court Sup

EXPEND CODE	APPROP ALLOC FISCAL 90	ACTUAL FY 90	JUDICIAL REQUEST FY 92	LFA RECOMMEND DIFFERENCE FY 92	JUDICIAL REQUEST FY 93	LFA RECOMMEND DIFFERENCE FY 93
1100 SALARIES	\$70,713	\$71,822	\$76,811	\$74,538 (\$2,273)	\$76,671	\$74,476 (\$2,195)
1400 BENEFITS	\$16,680	\$15,260	\$16,836	\$16,707 (\$129)	\$16,935	\$16,814 (\$121)
TOTAL	\$87,393	\$87,082	\$93,647	\$91,245 (\$2,402)	\$93,606	\$91,290 (\$2,316)
2100 CONTRACT SERV	\$74,925	\$71,771	\$93,984	\$65,567 (\$28,417)	\$94,104	\$62,147 (\$31,957)
2200 SUPPLIES	\$13,440	\$11,621	\$13,463	\$11,687 (\$1,776)	\$13,510	\$11,668 (\$1,842)
2300 COMMUNICATIONS	\$7,061	\$6,696	\$8,355	\$7,581 (\$774)	\$8,317	\$7,572 (\$745)
2400 TRAVEL	\$29,467	\$37,403	\$45,327	\$40,023 (\$5,304)	\$45,327	\$40,023 (\$5,304)
2500 RENT	\$2,205	\$2,944	\$7,000	\$2,554 (\$4,446)	\$7,000	\$2,554 (\$4,446)
2700 REPAIR & MAINT	\$50	\$427	\$114	\$427 (\$313)	\$114	\$427 (\$313)
2800 OTHER EXPENSES	\$500	\$180	\$2,024	\$180 (\$1,844)	\$2,024	\$180 (\$1,844)
TOTAL	\$127,648	\$131,042	\$170,267	\$128,019 (\$42,248)	\$170,396	\$124,571 (\$45,825)
3100 EQUIPMENT	\$3,600	\$491	\$4,400	\$0 (\$4,400)	\$4,400	\$0 (\$4,400)
TOTAL	\$3,600	\$491	\$4,400	\$0 (\$4,400)	\$4,400	\$0 (\$4,400)
GR TOTAL	\$218,641	\$218,614	\$268,314	\$219,264 (\$49,050)	\$268,402	\$215,861 (\$52,541)

JUDICIAL REQUEST FY 92	LFA RECOMMEND DIFFERENCE FY 92	ACTION YES/NO	JUDICIAL REQUEST FY 93	LFA RECOMMEND DIFFERENCE FY 93	ACTION YES/NO
\$2,402	\$0 (\$2,402)		\$2,316	\$0 (\$2,316)	
\$28,540	\$10,000 (\$18,540)		\$28,540	\$10,000 (\$18,540)	
\$30,255	\$20,378 (\$9,877)		\$30,255	\$16,838 (\$13,417)	
\$3,000	\$944 (\$2,056)		\$3,000	\$944 (\$2,056)	
\$8,355	\$7,581 (\$774)		\$8,317	\$7,572 (\$745)	
\$15,958	\$13,680 (\$2,278)		\$15,958	\$13,680 (\$2,278)	
\$7,000	\$3,974 (\$3,026)		\$7,000	\$3,974 (\$3,026)	
\$4,000	\$1,554 (\$2,446)		\$4,000	\$1,554 (\$2,446)	
\$2,000	\$0 (\$2,000)		\$2,000	\$0 (\$2,000)	
\$2,024	\$180 (\$1,844)		\$2,024	\$180 (\$1,844)	
\$4,400	\$0 (\$4,400)		\$4,400	\$0 (\$4,400)	

ISSUES:

- 1) Personal Services:
 - Commission on Practice Staff increase
- 2) Contract Services:
 - Commission On Practice Investigators
 - Comm. On Limited Courts - training
 - food services, printing, presenters
 - (fee reimbursed expenses)
 - Judicial Standards (Request line item budget)
- 3) Communications:
 - postage expense for COP & CCOLJ
- 4) Travel:
 - Commission On Practice
 - Limited Court Training - fee reimbursed
- 5) Rent:
 - Board of Bar Examiners
 - Limited Court Training - fee reimbursed
- 6) Other Expenses - Limited Court Training - fee reimbursed
- 7) Equipment: Comm On Practice

2110 03 00000

LAW LIBRARY

Budget Item	Actual Fiscal 1990	Appropriated Fiscal 1991	- - Current Fiscal 1992	Level - - Fiscal 1993	Change 1991-93 Biennium
FTE	6.50	6.50	6.50	6.50	.00
Personal Services	169,526	178,069	180,000	179,825	3.52%
Operating Expenses	268,812	299,626	282,574	285,715	-.03%
Equipment	<u>225,243</u>	<u>215,638</u>	<u>235,347</u>	<u>234,424</u>	<u>6.55%</u>
Total Program	\$663,581	\$693,333	\$697,921	\$699,964	3.02%
<u>Fund Sources</u>					
General Fund	<u>663,581</u>	<u>693,333</u>	<u>697,921</u>	<u>699,964</u>	<u>3.02%</u>
Total Funds	\$663,581	\$693,333	\$697,921	\$699,964	3.02%

Program Description

The State Law Library is a reference source for members and staff of the Supreme Court, lower courts, members and staff of the legislature, state officers and employees, members of the bar, and the general public. The inventory of books and materials on-hand can be classified into the following categories: treatises, law reviews, reports, microfilm, and video/audio tapes for continuing legal education. The State Law Library is governed by a Board of Trustees consisting of the justices of the Supreme Court. The board appoints the Law Librarian.

clude \$6,000 per year for video tape replacement and two microform cabinets per year. Personal services costs rise due to allocation of pay plan to exempt positions resulting in pay increases averaging 5.8 percent annually, compared to a 5.1 percent average included in the pay plan bill.

Operating costs in fiscal 1992 and 1993 are higher than fiscal 1990 due to increases in the use of automated legal data bases. The Law Library recoups almost the entire cost of such services from user fees, which are deposited to the general fund. The program is entirely funded from the general fund.

Current Level Budget

The current level program budget increases 3.02 percent above the 1991 biennium. Most of the growth is due to inflation in book costs, which are included in the equipment category. Fiscal 1992 equipment is higher than fiscal 1993 due to a cyclical adjustment for the cost (\$12,175 in fiscal 1990) of purchasing copies of the Montana Code Annotated for the code exchange with other states. Equipment costs also in-

Issues

Automated Legal Data Bases

Table 5 shows the actual and estimated cost of automated legal data bases. The current level budget includes \$151,725 in fiscal 1992 and \$153,698 in fiscal 1993 for legal data bases, compared to the agency request of \$218,000 and \$220,000 for these years.

LAW LIBRARY

Table 5
Budgeted and Actual Expenditures for Automated Data Bases

<u>Fiscal Year</u>	<u>Budgeted Amount</u>	<u>Expenditures</u>	<u>Difference</u>	<u>Annual Percentage Rate of Change</u>
1988	\$67,025	\$71,971	\$(4,946)	NA
1989	162,175	124,702	37,473	73.27
1990	176,202	145,942	30,260	17.03
1991	176,202	149,778	26,424	2.63
1992	151,725	NA		1.30
1993	153,698	NA		1.30

Note: Fiscal 1991 expenditures estimated from first quarter experience.
NA means not available.

As can be seen from Table 5, the expenditures from legal data bases expanded rapidly between fiscal 1988 and 1989. Growth between fiscal 1989 and 1990 was still high, but based on the first quarter of fiscal 1991, the expansion in use of legal data bases appears to be slowing. With the exception of fiscal 1988, the actual expenditures were below the level appropriated in recent fiscal years. The current level budget projects a modest growth in the cost of legal data bases over the coming biennium. If the annual rate of increase for use of legal data bases proves to be difficult to project, the legislature could consider using a line-item appropriation to fund this activity.

Elected Official Budget Modifications

Book Budget

The program is requesting a \$78,973 general fund increase over the biennium to support book purchases. The request is an increase to the current level budget prior to application of inflation. Adding inflation to the request would increase the modification by \$5,806 general fund over the biennium.

Compactible Shelving

The Judiciary is requesting \$16,625 in general fund during the biennium to purchase moveable shelving. The shelving would require less space than conventional open stack book storage, alleviating crowding in the circulation and technical services area of the library.

Position Upgrade

The program is requesting funding for a pay increase for a reference librarian position. The program has conducted informal salary surveys with other western states to arrive at the requested increase. The biennial cost of the upgrade would be \$11,046 general fund.

Library Automation

The Law Library is requesting \$27,465 in general fund to purchase and install an automated book check-out system. The program estimates that there would be an ongoing database support cost of \$1,500 annually. This modification is included in the court automation issue presented in the agency narrative.

Budget Item

FTE	6.50	Actual Fiscal 1990	Executive Fiscal 1992	LFA Fiscal 1992	Difference Fiscal 1992	Executive Fiscal 1993	LFA Fiscal 1993	Difference Fiscal 1993
Personal Services		169,526	180,000	180,000	0	179,825	179,825	0
Operating Expenses		268,812	317,592	282,574	35,018	321,476	285,715	35,761
Equipment		225,243	252,128	235,347	16,781	247,789	234,424	13,365
Total Expend.		\$663,581	\$749,720	\$697,921	\$51,799	\$749,090	\$699,964	\$49,126

Fund Sources

General Fund		663,581	749,720	697,921	51,799	749,090	699,964	49,126
Total Funds		\$663,581	\$749,720	\$697,921	\$51,799	\$749,090	\$699,964	\$49,126

Executive Over (Under) LFA

FTE FY92 FY93

ISSUES

1. AUTOMATED LEGAL DATA BASES. The Law Library offers access to Nexis and Westlaw--two automated legal data bases. The cost of the service is offset by fees from users (state agencies and private law firms) which are deposited to the general fund. The LFA allows for a smaller increase over fiscal 1990 actual expenditures (\$145,942) than the Executive.

2. BASE DIFFERENCES.

210 (2,574)

3. EQUIPMENT. The Executive Budget includes additional book purchases both years of the biennium. The Executive funds more office equipment both years of the biennium and a personal computer in fiscal 1992.

10,581 10,165

3,200 3,200

3,000

TOTAL CURRENT LEVEL DIFFERENCES

\$51,799 \$49,126

AGENCY MODIFICATIONS

1. BOOK BUDGET. The Judiciary is requesting an increase in the book budget for the law library.

\$39,487 \$39,487

general fund

2. COMPACTIBLE SHELVING. The Judiciary is requesting funds to purchase movable shelving to alleviate space problems.

16,625

general fund

3. UPGRADE FOR LIBRARIAN POSITION. The Judiciary is requesting an upgrade for a librarian position. The position is an exempt position (not classified on the state pay matrix).

5,523 5,523 general fund

4. AUTOMATED BOOK CHECK OUT SYSTEM. The Judiciary is requesting funds for an automated book checkout system.

13,733 13,733 general fund

TOTAL AGENCY MODIFICATIONS

\$75,367 \$58,742 general fund

LANGUAGE

The committee may wish to establish a line item appropriation for legal data bases and stipulate that funds may not be expended for any other purpose.

EXHIBIT 8

DATE 1-16-91

HB Sen. Bob Swo

MONTANA SUPREME COURT

SCHEDULE OF FISCAL 92 & 93 APPROPRIATION REQUEST

LAW LIBRARY PROGRAM 03

EXHIBIT

SCHEDULE NAME=93RLL.WK1

PRINT DATE 01/15/91

REVISED SCHEDULE DATE 1-15-91

DATE

HB

EXPEND CODE	ACTUAL FY 90
1100 SALARIES	\$137,913
1400 BENEFITS	\$31,613
TOTAL	\$971,057
2100 CONTRACT SERV	\$150,979
2200 SUPPLIES	\$14,199
2300 COMMUNICATIONS	\$15,738
2400 TRAVEL	\$3,714
2500 RENT	\$67,864
2700 REPAIR & MAINT	\$8,997
2800 OTHER EXPENSES	\$7,315
TOTAL	\$268,806
3100 EQUIPMENT	\$225,244
TOTAL	\$225,244
GR TOTAL	\$1,465,107

JUDICIAL REQUEST FY 92	LFA RECOMMEND DIFFERENCE FY 92	JUDICIAL REQUEST FY 93	LFA RECOMMEND DIFFERENCE FY 93	JUDICIAL REQUEST FY 93	LFA RECOMMEND DIFFERENCE FY 93
\$150,191	\$145,351	\$149,821	\$145,003	\$149,821	\$145,003
\$34,962	\$34,649	\$35,140	\$34,822	\$35,140	\$34,822
\$185,153	\$180,000	\$184,961	\$179,825	\$184,961	\$179,825
\$251,497	\$154,982	\$244,514	\$153,954	\$244,514	\$153,954
\$19,196	\$14,205	\$19,313	\$14,194	\$19,313	\$14,194
\$17,220	\$16,970	\$17,939	\$16,818	\$17,939	\$16,818
\$3,735	\$3,691	\$3,766	\$3,691	\$3,766	\$3,691
\$72,969	\$72,859	\$74,301	\$74,191	\$74,301	\$74,191
\$16,625	\$12,552	\$16,625	\$15,552	\$16,625	\$15,552
\$7,944	\$7,315	\$8,444	\$7,315	\$8,444	\$7,315
\$389,186	\$282,574	\$384,902	\$285,715	\$384,902	\$285,715
\$313,299	\$235,347	\$280,014	\$234,424	\$280,014	\$234,424
\$313,299	\$235,347	\$280,014	\$234,424	\$280,014	\$234,424
\$887,638	\$697,921	\$849,877	\$699,964	\$849,877	\$699,964

ISSUES:

- 1) Upgrade Legal Ref Librarian
- 2) Automatic book circulation
- 3) Line item other entities automated research, allow for 5% growth
- 4) Move library's various databases to expenses #2191
- 5) Increased photocopying expenses offset by deposits to General Fund
- 6) Office supplies
- 7) Compact Shelving
- 8) Maintenance Contracts
- 9) Equipment - Microfiche cabinets, Fiche reader printer, computer
- 10) Book Inflation

JUDICIAL REQUEST FY 92	LFA RECOMMEND DIFFERENCE FY 92	JUDICIAL REQUEST FY 93	LFA RECOMMEND DIFFERENCE FY 93	JUDICIAL REQUEST FY 93	LFA RECOMMEND DIFFERENCE FY 93	ACTION YES/NO
\$185,153	\$18,000	\$184,961	\$179,825	\$184,961	\$179,825	
\$27,465	\$0	\$1,500	\$0	\$1,500	\$0	
\$165,000	\$135,725	\$173,250	\$153,698	\$173,250	\$153,698	
\$16,000						
\$13,000	\$9,520	\$13,000	\$9,520	\$13,000	\$9,520	
\$1,495	\$475	\$1,495	\$475	\$1,495	\$475	
\$16,625	\$0	\$0	\$0	\$0	\$0	
\$2,000	\$970	\$2,000	\$970	\$2,000	\$970	
\$9,000	\$1,800	\$9,000	\$1,800	\$9,000	\$1,800	
\$241,428	\$230,872	\$239,789	\$229,924	\$239,789	\$229,924	

EXHIBIT 10DATE 1-16-91HB Don. Horst Sw.

194

Law Library Journal

[Vol. 82:193]

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
1985/86	\$157.62	2.95%	314.74	888
1986/87	\$176.40	11.91%	352.24	1,202
1987/88	\$192.09	8.89%	383.57	1,222
1988/89	\$197.49	2.81%	394.35	1,246

33.2870

2110 04 00000

DISTRICT COURT OPERATIONS

Budget Item	Actual Fiscal 1990	Appropriated Fiscal 1991	- - Current Fiscal 1992	Level - - Fiscal 1993	Change 1991-93 Biennium
FTE	36.00	36.00	36.00	36.00	.00
Personal Services	2,210,597	2,334,646	2,375,089	2,366,809	4.33%
Operating Expenses	134,330	143,014	136,300	137,953	-1.12%
Equipment	5,796	0	0	0	-100.00%
Total Program	\$2,350,723	\$2,477,660	\$2,511,389	\$2,504,762	3.89%
<u>Fund Sources</u>					
General Fund	2,350,723	2,477,660	2,511,389	2,504,762	3.89%
Total Funds	\$2,350,723	\$2,477,660	\$2,511,389	\$2,504,762	3.89%

Program Description

The District Court Operations program allocates monies to pay salaries, travel, and training expenses for 36 elected district judges throughout Montana's 20 judicial districts. Other operational costs of the district courts are paid by other state agencies and local governments. District courts are general jurisdiction trial courts having original jurisdiction in all criminal cases for felony cases and all civil matters and cases at law.

Current Level Request

Current level for the 1993 biennium is 3.89 percent higher than the 1991 biennium. The entire increase is in personal services costs, resulting from pay plan increases and vacancy savings in fiscal 1990. Increased contracted services to update and print revisions to the judge's bench book are included

in fiscal 1992 and increased repair and maintenance for high-mileage lease cars in fiscal 1993. Operating costs decline overall as the amount budgeted in 1993 is higher than the fiscal 1990 actual expenditures. In fiscal 1990, operating expense authority was reallocated to buy computer equipment and software. The 1989 legislature did not provide an appropriation for equipment for this program in either year of the 1991 biennium.

Elected Official Budget Modifications

Court Automation

The Judiciary is requesting \$157,499 in general fund over the biennium for court automation. The equipment request would fund purchase and installation of 12 PC's per year for district court judges. Such equipment would allow judges to use court management software being developed with House Bill 320 funds. This request is discussed in the agency overview.

211 JICIARY
04 DISTRICT COURT OPERATIONS
00000

DATE : 01/08/91
TIME : 21/29/24
CURRENT LEVEL COMPARISONS

EXHIBIT 12

DATE JAN 16, 1991

HB Sen. Blair Sen

Budget Item	Actual Fiscal 1990	Executive Fiscal 1992	LFA Fiscal 1992	Difference Fiscal 1992	Executive Fiscal 1993	LFA Fiscal 1993	Difference Fiscal 1993
FTE	36.00	36.00	36.00	.00	36.00	36.00	.00
Personal Services	2,210,597	2,377,200	2,375,089	2,111	2,368,920	2,366,809	2,111
Operating Expenses	134,330	167,665	136,300	31,365	168,638	137,953	30,685
Equipment	5,796	20,000	0	20,000	20,000	0	20,000
Total Expend.	\$2,350,723	\$2,564,865	\$2,511,389	\$53,476	\$2,557,558	\$2,504,762	\$52,796
Fund Sources							
General Fund	2,350,723	2,564,865	2,511,389	53,476	2,557,558	2,504,762	52,796
Total Funds	\$2,350,723	\$2,564,865	\$2,511,389	\$53,476	\$2,557,558	\$2,504,762	\$52,796

Executive Over (Under) LFA

FTE FY92 FY93

ISSUES

1. RETIRED JUDGES CALL IN (PERSONAL SERVICES). Retired judges are called in to sit on a case when a judge recuses him or her self or a judge position is vacant. The LFA current level includes the five year average cost for this item. The Executive Budget includes additional funds.

	\$2,111	\$2,111
--	---------	---------
2. JUDGE'S BENCH BOOK. The Executive includes additional funds for compiling and updating a judge's bench book. The LFA current level includes \$3,500 for this expense in fiscal 1992.

	4,480	2,980
--	-------	-------
3. LEASE CAR RENTAL. The Executive Budget includes additional funds for lease car rental. The LFA funds increased maintenance costs for high mileage lease cars at trade in, but does not fund increased mileage expense.

	12,821	12,821
--	--------	--------
4. TRAINING RELATED EXPENSES. The Executive Budget includes additional funds for judges training. The LFA maintains expenses at fiscal 1990 levels.

	13,864	13,864
--	--------	--------
5. COMPUTER EQUIPMENT AND SOFTWARE. The Executive Budget includes funding for computer equipment and software for three to four district courts per year. The LFA brings court automation as an issue for legislative consideration.

	20,000	20,000
--	--------	--------

EXHIBIT 12

DATE 1-16-91

HB Don. S. Jones

6. BASE DIFFERENCES.

200 1,000

TOTAL CURRENT LEVEL DIFFERENCES

\$53,476 \$52,776

AGENCY MODIFICATIONS

1. COURT AUTOMATION. The Court has requested funds to automate 10 district courts per year. The costs include equipment and software.

\$78,750 \$78,750

general fund

MONTANA SUPREME COURT

SCHEDULE OF FISCAL 92 & 93 APPROPRIATION REQUEST DISTRICT COURT PROGRAM 04

EXHIBIT

DATE

SCHEDULE NAME=93RDCT.WH
PRINT DATE 01/16/91
REVISED SCHEDULE DATE 1-15-91

EXPEND CODE	APPROP ALLOC FISCAL 90	ACTUAL FY 90	JUDICIAL REQUEST FY 92	LFA RECOMMEND DIFFERENCE FY 92	JUDICIAL REQUEST FY 93	LFA RECOMMEND DIFFERENCE FY 93
1100 SALARIES	\$1,903,372	\$1,894,535	\$2,031,708	\$2,029,597	\$2,024,040	\$2,021,929
1400 BENEFITS	\$307,621	\$316,061	\$345,492	\$345,492	\$344,880	\$344,880
TOTAL	\$2,210,993	\$2,210,596	\$2,377,200	\$2,375,089	\$2,368,920	\$2,366,809
2100 CONTRACT SERV	\$8,307	\$6,124	\$17,389	\$10,409	\$16,634	\$6,154
2200 SUPPLIES	\$6,365	\$7,652	\$8,104	\$8,938	\$8,493	\$8,421
2300 COMMUNICATIONS	\$1,489	\$1,547	\$2,486	\$1,853	\$2,486	\$1,853
2400 TRAVEL	\$108,483	\$94,157	\$130,061	\$96,696	\$130,399	\$96,696
2500 RENT	\$0	\$0	\$0	\$0	\$0	\$0
2700 REPAIR & MAINT	\$3,993	\$8,831	\$2,586	\$2,388	\$9,015	\$8,813
2800 OTHER EXPENSES	\$11,562	\$16,016	\$20,662	\$16,016	\$20,662	\$16,016
TOTAL	\$140,199	\$134,328	\$181,288	\$136,300	\$187,689	\$137,953
3100 EQUIPMENT	\$0	\$5,796	\$77,762	\$0	\$79,737	\$0
TOTAL	\$0	\$5,796	\$77,762	\$0	\$79,737	\$0
GR TOTAL	\$2,351,192	\$2,350,720	\$2,636,250	\$2,511,389	\$2,636,346	\$2,504,762

JUDICIAL REQUEST FY 92	LFA RECOMMEND DIFFERENCE FY 92	JUDICIAL REQUEST FY 93	LFA RECOMMEND DIFFERENCE FY 93	ACTION YES/NO
\$5,000	\$3,500	\$5,000	\$0	
\$3,000	\$0	\$3,000	\$0	
\$47,935	\$24,791	\$2,600	\$24,791	
\$32,822	\$22,601	\$32,822	\$22,601	
\$20,662	\$16,016	\$20,662	\$16,016	
\$77,762	\$0	\$79,737	\$0	
\$2,500	\$0	\$2,500	\$0	

ISSUES:

- 1) Contracted Services:
Judge Benchbook
In State Conference instructors
- 2) Travel:
Travel for Judges, (Meals, room, mileage)
Lease of District Court Cars
- 3) Other Expenses:
Training Conference fees
- 4) Equipment:
Personal Computers (12 per year)
- 5) Training for Retired Judges

2110 05 00000

WATER COURTS SUPERVISION

<u>Budget Item</u>	Actual Fiscal 1990	Appropriated Fiscal 1991	- - Current Fiscal 1992	Level - - Fiscal 1993	Change 1991-93 Biennium
FTE	11.00	11.00	11.00	11.00	.00
Personal Services	316,962	327,834	343,601	342,860	6.46%
Operating Expenses	110,859	103,396	102,717	102,772	-4.09%
Equipment	1,447	2,000	15,207	9,807	625.67%
Total Program	\$429,268	\$433,230	\$461,525	\$455,439	6.31%
<u>Fund Sources</u>					
State Revenue Fund	429,268	433,230	461,525	455,439	6.31%
Total Funds	\$429,268	\$433,230	\$461,525	\$455,439	6.31%

Program Description

The Water Courts Supervision program adjudicates claims of existing water rights in Montana and supervises the distribution of water among the four water divisions of the state as defined in Section 3-7-102, MCA. The program goal is to expedite the adjudication of water rights established prior to 1973 and of existing water rights in all 85 water basins.

Current Level Budget

The 1993 biennium current level is 6.3 percent higher than the 1991 biennium, due mainly to increased personal services costs. There are four factors influencing personal services growth: 1) vacancy savings in fiscal 1990; 2) full implementation of the pay plan in fiscal 1992 and 1993; 3) a higher number of work hours in the 1993 biennium; and 4) budgeting the salary of the Water Court judge position at the statutorily mandated level (Section 3-7-222, MCA). The last legislature appropriated only part of the salary for that position as it was held by a retired judge, who received supplemental retirement pay.

Operating expenses decline as maintenance costs are reallocated to equipment purchases. Equipment includes one office recorder in fiscal 1992 and funds for purchase of PC's, monitors, software, and printers. The PC equipment is financed by discontinuing

the current level cost to maintain the existing word processing system which will be replaced. The program is funded from the water development state special revenue account, which receives revenue from resource indemnity trust interest and water development project revenues.

The program is budgeted for the same level of activity as in the 1991 biennium. Water Court activity is dependent to some degree on the number of water rights that the Department of Natural Resources and Conservation (DNRC) can review and process. Once DNRC has processed all water rights in a basin, the court issues a temporary preliminary decree for that basin and begins its work of resolving contested water rights. DNRC estimates that it will conclude its work in five basins in the 1993 biennium, compared to a planned completion of three basins in the 1991 biennium. There are 85 basins in the state and the Water Court has issued eight temporary preliminary decrees.

Elected Official Budget Modifications

Court Automation

This program requested \$41,391 for PC's and software over the biennium to replace its existing mini-computer and terminal system. The current level includes \$9,807 of computer equipment and software each year of the biennium through an internal reallocation of the fiscal 1990 cost to maintain the mini-computer system that will be replaced.

WATER COURTS SUPERVISION

If such an approach were adopted, the entire program request could be funded within current level appropriation authority over four years. A complete discussion of court automation is included in the agency overview.

Pay Increases for Water Masters

The program is requesting a pay increase for its five water master positions,

which are exempt from the state pay matrix. The current starting salary for a water master is \$26,880 (equivalent to a grade 17, step 1). The requested pay increase would raise the starting salary about 10 percent a year to \$29,625 (equivalent to a grade 17, step 3). The total cost of the increase would be about \$50,000 over the biennium. The program has experienced high turnover in these positions.

MONTANA SUPREME COURT

SCHEDULE OF FISCAL 92 & 93 APPROPRIATION REQUEST

MONTANA WATER COURT PROGRAM 05

SCHEDULE NAME=93RWCT.WK1
 PRINT DATE 01/15/91
 REVISED SCHEDULE DATE 1-10-91

EXHIBIT 15
 DATE JAN. 16, 1991
 HB Mr. Blair

EXPEND CODE	APPROP ALLOC FISCAL 90	ACTUAL FY 90
1100 SALARIES	\$269,847	\$263,510
1400 BENEFITS	\$46,738	\$53,451
TOTAL	\$316,585	\$316,961
2100 CONTRACT SERV	\$2,441	\$8,455
2200 SUPPLIES	\$15,461	\$8,703
2300 COMMUNICATIONS	\$34,833	\$32,683
2400 TRAVEL	\$5,000	\$2,346
2500 RENT	\$33,350	\$48,359
2700 REPAIR & MAINT	\$13,264	\$6,561
2800 OTHER EXPENSES	\$1,365	\$3,753
TOTAL	\$105,714	\$110,859
3100 EQUIPMENT	\$9,500	\$1,447
TOTAL	\$9,500	\$1,447
GR TOTAL	\$431,799	\$429,267

JUDICIAL REQUEST FY 92	LFA RECOMMEND FY 92	DIFFERENCE FY 92	JUDICIAL REQUEST FY 93	LFA RECOMMEND FY 93	DIFFERENCE FY 93
\$306,512	\$284,253	(\$22,259)	\$305,454	\$283,280	(\$22,174)
\$63,663	\$59,348	(\$4,315)	\$63,918	\$59,580	(\$4,338)
\$370,175	\$343,601	(\$26,574)	\$369,372	\$342,860	(\$26,512)
\$11,874	\$8,801	(\$3,073)	\$11,882	\$8,817	(\$3,065)
\$15,723	\$8,932	(\$6,791)	\$16,049	\$8,950	(\$7,099)
\$45,087	\$33,743	(\$11,344)	\$45,030	\$33,764	(\$11,266)
\$5,000	\$2,375	(\$2,625)	\$5,000	\$2,375	(\$2,625)
\$50,500	\$38,552	(\$11,948)	\$51,500	\$38,552	(\$12,948)
\$13,264	\$6,561	(\$6,703)	\$13,264	\$6,561	(\$6,703)
\$7,180	\$3,753	(\$3,427)	\$7,180	\$3,753	(\$3,427)
\$148,628	\$102,717	(\$45,911)	\$149,905	\$102,772	(\$47,133)
\$31,791	\$15,207	(\$16,584)	\$18,400	\$9,807	(\$8,593)
\$31,791	\$15,207	(\$16,584)	\$18,400	\$9,807	(\$8,593)
\$550,594	\$461,525	(\$89,069)	\$537,677	\$455,439	(\$82,238)

ISSUES:

- 1) Water Masters salary adjustment
- 2) New FTE for filing, office work
- 3) Supplies:
- 4) Photo Copies, paper for correspondence
- 5) Communications:
- 6) Postage, Advertising, Tele-Conference
- 7) Travel
- 8) Education Fees & subscriptions
- 9) Equipment

JUDICIAL REQUEST FY 92	LFA RECOMMEND FY 92	DIFFERENCE FY 92	ACTION YES/NO	JUDICIAL REQUEST FY 93	LFA RECOMMEND FY 93	DIFFERENCE FY 93	ACTION YES/NO
\$11,420	\$0	(\$11,420)		\$11,420	\$0	(\$11,420)	
\$15,154	\$0	(\$15,154)		\$15,154	\$0	(\$15,154)	
\$15,723	\$8,932	(\$6,791)		\$15,723	\$8,932	(\$6,791)	
\$38,743	\$33,743	(\$5,000)		\$38,743	\$33,764	(\$5,000)	
\$5,000	\$2,375	(\$2,625)		\$5,000	\$2,375	(\$2,625)	
\$7,180	\$3,753	(\$3,427)		\$7,180	\$3,753	(\$3,427)	
\$31,791	\$15,207	(\$16,584)		\$18,400	\$9,807	(\$8,593)	

EXHIBIT 16DATE 1-16-91
Sen. York

2110 06 00000

CLERK OF COURT

Budget Item	Actual Fiscal 1990	Appropriated Fiscal 1991	- - Current Fiscal 1992	Level - - Fiscal 1993	Change 1991-93 Biennium
FTE	.00	.00	4.00	4.00	4.00
Personal Services	127,446	0	130,067	129,762	103.87%
Operating Expenses	28,955	0	31,336	31,317	116.38%
Equipment	<u>1,090</u>	<u>0</u>	<u>0</u>	<u>0</u>	-100.00%
Total Program	\$157,491	\$0	\$161,403	\$161,079	104.76%
Fund Sources					
General Fund	<u>157,491</u>	<u>0</u>	<u>161,403</u>	<u>161,079</u>	104.76%
Total Funds	\$157,491	\$0	\$161,403	\$161,079	104.76%

Program Description

The Clerk of Court program performs several support and operational duties for the Supreme Court. The program keeps the court records and files, issues writs and certificates, approves bonds as required, files all papers and transcripts, and performs such other duties as required by law and the rules and practice of the Supreme Court (Title 3, Chapter 2, Part 4, MCA).

Current Level Budget

The percentage changes in the main table for the Clerk of Court program do not accurately reflect the change from the 1991 biennium because the table does not include the \$151,531 general fund fiscal 1991 appropriation transferred from the Supreme Court Operations program to the Clerk of Court. When the fiscal 1991 appropriation is included, there is a 4.4 percent increase in the 1993 biennium cost of the program.

Table 6
Comparison of 1991 Biennium Budget to Current Level
1993 Biennium

Budget Item	Actual Fiscal 1990	Approp. Fiscal 1991	-Current Level- Fiscal 1992	Fiscal 1993	% Change 1991-93 Biennium
FTE	4.00	4.00	4.00	4.00	
Personal Services	\$127,446	\$128,051	\$130,067	\$129,762	1.70
Operating	28,955	21,480	31,336	31,317	24.23
Equipment	<u>1,090</u>	<u>2,000</u>	<u>0</u>	<u>0</u>	-100.00
Total Program	\$157,491	\$151,531	\$161,403	\$161,079	4.36

Personal services shows a slight increase due to the higher number of work hours in the 1993 biennium and

continuation of the fiscal 1991 pay increase. Operating costs rise due to increases in fixed costs and inflation, primarily in postage.

WATER COURTS SUPERVISION

If such an approach were adopted, the entire program request could be funded within current level appropriation authority over four years. A complete discussion of court automation is included in the agency overview.

Pay Increases for Water Masters

The program is requesting a pay increase for its five water master positions,

which are exempt from the state pay matrix. The current starting salary for a water master is \$26,880 (equivalent to a grade 17, step 1). The requested pay increase would raise the starting salary about 10 percent a year to \$29,625 (equivalent to a grade 17, step 3). The total cost of the increase would be about \$50,000 over the biennium. The program has experienced high turnover in these positions.

EXHIBIT 16
DATE 1-16-91
J. Ben H. Swo

CLERK OF COURT

Elected Official Budget Modifications

Increased Microfilm Costs

The Clerk of Court stores Supreme Court cases, including all supporting documentation filed with such cases. The program is requesting \$49,138 general fund over the biennium to microfilm documents to forestall an anticipated shortage of storage space and facilitate public access to the documents.

Increase in Postage and Mailing

The Clerk of Court eliminated the practice of returning district court records by certified mail as a cost cutting measure. The program has requested \$10,000 general fund over the biennium to reinstate such functions. The modified request would also fund postage for an anticipated increase in the number of documents that must be mailed to boards and commissions.



ED SMITH
CLERK

State of Montana
Office of Clerk of the Supreme Court
Helena 59620
406-444-3858

EXHIBIT 17
DATE JAN 16 1991
HB _____

January 16, 1991

TO: MEMBERS OF THE GENERAL GOVERNMENT AND HIGHWAYS SUBCOMMITTEE
FROM: ED SMITH, CLERK OF THE SUPREME COURT

Attached you will find a brief summary of the Supreme Court caseload for 1990, as well as fees and taxes collected by the Clerk's office during the past calendar year. Also attached are budget requests for fiscal years 1992 and 1993.

If I can be of further assistance, please contact me.

SUPREME COURT CLERK'S OFFICE
FEES AND TAXES COLLECTED - 1990

COURT FEES	\$36,514
BAR EXAMINATION FEES	53,598
ATTORNEY LICENSE TAX	<u>68,415</u>
TOTAL	\$158,527

1990 DEPOSITS TO GENERAL FUND	\$149,398.50
1990 DEPOSITS TO JUDGES' RETIREMENT	\$9,128.50

The Supreme Court Clerk's office collects all fees for the Supreme Court, as well as all Character and Fitness fees and examination fees for the Montana Bar Examination. The Clerk is also charged with collecting the annual Attorney License Tax.

Court Fees are comprised of the \$75 appearance fees paid for Supreme Court appeals and original proceedings, \$50 enrollment fees paid at the time attorneys are admitted to the Court, \$5 fees for Certificates of Good Standing, and photocopies at 15 cents per page. Court fees are divided between the general fund which receives 75% of the fees, and the Judges' Retirement Program which receives 25%.

Bar examination fees are comprised of the initial character and fitness review fees paid by all applicants, and the actual examination fees paid by all examinees just prior to the February and July examinations. All character and fitness fees and bar examination fees are deposited in the state general fund. Following the conclusion of each bar examination, the State Bar's Committee on Character and Fitness is reimbursed from the general fund for the total amount of character and fitness fees collected.

The Attorney License Tax is paid by every practicing Montana attorney. The \$25 tax is levied annually on approximately 2800 attorneys. All taxes collected are deposited in the general fund.

EXHIBIT 17
DATE 1-14-91
Ben Gair Sub

SUPREME COURT CASELOAD - 1990

	1989	1990	PERCENT DIFFERENCE
New Filings	633	633	-0-%
Civil	471	435	- 7.6
Criminal	161	198	+22.0
Filings Carried over from Previous Calendar Year	334	349	+ 4.5
Civil	261	255	- 2.3
Criminal	73	94	+28.8
Total Cases Docketed	967	982	+ 1.6
Civil	732	690	- 5.7
Criminal	235	292	+24.3
Dispositions	618	621	+ .5
Civil	477	425	-11.9
Criminal	141	199	+41.0
Cases Pending as of December 31	349	358	+ 3.2
Civil	255	265	+ 4.0
Criminal	73	94	+ 1.1%

Statistics compiled by the office of the Clerk of the Supreme Court

SUPREME COURT CLERK'S OFFICE
ISSUES FOR SUBCOMMITTEE ACTION

	FY92	FY93
1. PERSONAL SERVICES		
1100 & 1400 SALARIES & BENEFITS		
Four-step Increase for Deputy Clerk	3,323	3,323
2. OPERATING EXPENSES		
2300 COMMUNICATIONS		
Postage for Return of District Court Records by Certified Mail		
Currently, these records are returned by third class mail;		
Amount also Includes Funding Necessary for Postage for Orders of Supreme Court Boards and Commissions	4,925	4,925
3. OPERATING EXPENSES		
2200 SUPPLIES & MATERIALS		
Photocopying Orders and Rules of Supreme Court Boards and Commissions	815	815
4. OPERATING EXPENSES		
2400 TRAVEL		
This Amount is Necessary for Travel to Two Annual Conferences of the National Conference of Appellate Courts Clerks, In-state Travel for Two Bar Examinations Annually, In-state Travel Associated with Court Hearings Four Times Annually, and Travel to Annual Conference of Montana Association of District Court Clerks	1,038	1,038
5. OPERATING EXPENSES		
2800 OTHER EXPENSES		
Computer and Personnel Training	698	698
7. EQUIPMENT & INTANGIBLE ASSETS		
3100 EQUIPMENT		
Office	1,581	2,000
6. OPERATING EXPENSES		
2100 CONSULT & PROF SERVICES		
Microfilming and Storage of Supreme Court Records	26,055	26,055
Storage of Records 1983-87	1,237	1,237

EXHIBIT 17

DATE 1-16-91

1 Gen. Govt. Sec.

7. " One additional consideration of the Clerk's office is the inclusion of authorization of a temporary FTE during the remainder of FY91 supplemental. The temporary FTE would assist the office while an assistant clerk is on maternity leave. No additional funding would be attached to the 4 temporary FTE.

SUPREME COURT CLERK'S OFFICE

**PROPOSAL FOR STORAGE OF SUPREME COURT RECORDS FOR YEARS
1983 THROUGH 1989, AND FOR MICROFILMING OF RECORDS FOR YEARS
1986 THROUGH 1988**

	FY92	FY93
STORAGE COSTS FOR RECORDS - 1983	\$233	\$233
- 1984	244	244
- 1985	251	251
- 1986	261	261
- 1987	247	247
- 1988	299	299
MICROFILMING FOR 1986-88 RECORDS	24,520	24,520
TRANSPORTATION COSTS FOR RETRIEVAL	96	96
TOTALS -	\$26,151	\$26,151
TOTAL FOR BIENNIUM -	\$52,302	

Currently, the Clerk of the Supreme Court stores records for years 1983 through 1989 in the office vault. The vault is completely full--no additional records past 1990 can be stored. This proposal would transfer all Supreme Court records for years 1983 through 1988 to Records Management for storage. Additionally, the proposal calls for Records Management to microfilm the record for years 1986 through the 1988 (the records most often requested by the public). Although microfilming would eliminate the need for record retrieval for these particular years, it would be necessary for office staff to travel to Records Management to retrieve prior years' documents. Therefore, a transportation cost is included to pay staff for personal car mileage. The cost would allow for two trips weekly of approximately four miles each, reimbursable at 23 cents per mile.

Supreme Court records from Montana's territorial days to 1937 have been microfilmed. Records from 1938 to the present have not been microfilmed. The Montana Historical Society currently stores records through 1982, the remainder of the Court's records (1983 to the present) are stored in the Supreme Court Clerk's vault. The Historical Society has indicated that no additional Supreme Court records can be stored in its archives.

EXHIBIT 17
DATE 1-16-91
JL Gen. Court Sec

SUPREME COURT CLERK'S OFFICE

**PROPOSAL FOR STORAGE OF SUPREME COURT RECORDS FROM YEAR
1983 THROUGH 1987**

	FY92	FY93
STORAGE COST FOR RECORDS - 1983	\$233.16	\$233.16
- 1984	243.60	243.60
- 1985	250.56	250.56
- 1986	261.00	261.00
- 1987	247.08	247.08
TRANSPORTATION COSTS FOR RETRIEVAL -	95.68	95.68
TOTALS -	\$1,333.08	\$1,333.08
TOTAL FOR BIENNIUM -	\$2,666.16	

Currently, the Clerk of the Supreme Court stores records for years 1983 to 1987 in the office vault. The vault is completely full--no additional records past 1990 can be stored. This proposal would transfer the office's oldest files (1983 through 1987) from the office vault to Records Management where they can be easily retrieved. The proposal is broken down by the cost of each year's records (these costs were developed by Records Management), and by the amount of personal car mileage necessary for clerk's who travel to Records Management to retrieve documents. Transportation costs would allow for two trips weekly of approximately four miles each, reimbursable at 23 cents per mile.