



MONTANA LEGISLATIVE BRANCH

Legislative Fiscal Division

Room 110 Capitol Building * P.O. Box 201711 * Helena, MT 59620-1711 * (406) 444-2986 * FAX (406) 444-3036

Legislative Fiscal Analyst
CLAYTON SCHENCK

September 18, 2002

TO: Legislative Finance Committee

FROM: Lynn Zanto

RE: District Court Assumption – Update

In accordance with Senate Bill 176 enacted by the 57th Legislature, the state Judiciary met its obligation to implement state assumption of the administrative and financial responsibility of Montana's 22 district courts by July 1, 2002.

The Legislative Finance Committee has heard from Chief Justice Karla Gray at past meetings regarding implementation progress and issues. Progress to date includes creation of a District Court Council to develop and adopt policies and procedures for administering the state-funded district courts, development of a judicial personnel plan, allocation of the fiscal 2003 budget, transferring approximately 265 FTE from county employment to state employment, and payroll, e-mail and internet connections in each court. On-going issues regarding unanticipated costs, information technology needs, and variable costs for indigent defense, jury costs, expert witness fees, and mental health evaluations continue to be major budgetary concerns.

Once again, the Chief Justice and her staff have been invited to brief the Committee on state court assumption efforts and fiscal issues. Items to be addressed include but are not limited to the following:

- Fiscal 2003 funding shortfalls – is a fiscal 2003 supplemental anticipated? If so, what is the amount needed and for what purposes? If not, how is the Branch addressing the SB 176 shortfall?
- 2005 Biennium budget needs and issues
- Proposed legislation
 - SB 176 Cleanup
 - User surcharge for court information technology
 - Resource allocation among counties
 - Water Masters
 - Other – not proposed by Branch but could have impacts
 - State assumption of Public Defenders (MACO)
 - Move youth transportation costs from county law enforcement to District Court (Justice)

- Increase amount of state assumed, civil jury trial costs (clerk of district courts)
- District Court Council update
 - Additional unanticipated costs, if any (i.e. Water Commissioners – workers compensation)
 - Progress of determining state responsibility for involuntary commitment and youth court costs
 - Other

S:\Legislative_Fiscal_Division\LFD_Finance_Committee\LFC_Reports\2002\October 3\district_court_oct02.doc