Supreme Court

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Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #730

Office of the Marshals of the Supreme Court (Supreme Court)

[LFB 2025-27 Budget Summary: Page 647, #2]

CURRENT LAW

The Supreme Court has utilized 1.6 GPR positions for a civilian marshal (1.0 GPR position) and a deputy marshal (0.6 GPR position). The positions are currently funded under the Supreme Court proceedings general program operations appropriation [s. 20.680(1)(a)]. The marshal has attended the public sittings of the court and performed the duties assigned by the Chief Justice, the Supreme Court, and the Director of State Courts, while the deputy marshal has assisted in the marshal duties. Neither position has law enforcement powers.

Beginning in late 2023, the Department of Administration (DOA) assigned a Capitol Police officer to the Supreme Court to provide police and protective services to the court system. The Supreme Court is currently assigned 3.0 DOA employees classified as courts protection officers and 1.0 DOA Capitol Police sergeant position that started in late 2024/early 2025. All 4.0 positions are funded by the American Rescue Plan Act (ARPA). According to the Administration, the positions were created to provide police and security services to the Supreme Court and the Wisconsin court system. Specifically, the police sergeant supervises the officers, whose duties include monitoring and controlling access to courtrooms, conducting security screenings, responding to any threats or disturbances, monitoring the metal detectors, removing unwanted guests when appropriate, coordinating additional law enforcement resources for larger events, and accompanying justices for events outside of the hearing room. The positions are set to expire on August 31, 2026.

DISCUSSION POINTS

1. There have been a number of recent attacks and threats to members of federal and state judiciaries. The Wisconsin Supreme Court marshal tracks credible, identified threats against

Wisconsin justices and judges that are referred for formal law enforcement investigation. In 2022, there were 30 such incidents, 46 in 2023, 29 in 2024, and 22 from January through March, 2025.

- 2. Senate Bill 45/Assembly Bill 50 would provide \$1,184,300 GPR in 2025-26, \$1,092,600 GPR in 2026-27, and 8.4 GPR positions annually for the creation of an Office of the Marshals of the Supreme Court to serve as a law enforcement agency, as defined under current law, for the Wisconsin court system. Staff for the office would total 10.0 FTE, including 1.6 GPR positions currently authorized under the appropriation for Supreme Court proceedings general program operations.
- 3. As introduced under the bill, the Office would be under the direction and supervision of the chief marshal of the Supreme Court, and would include the following personnel: (a) 8.0 law enforcement officers (1.0 chief marshal, 1.0 chief deputy marshal, and 6.0 deputy marshals); and (b) 2.0 civilian staff positions (0.4 new and 1.6 existing). Funding would include: (a) \$695,900 in 2025-26 and \$928,100 in 2026-27 for salaries and fringe benefits; and (b) \$488,400 in 2025-26 and \$164,500 in 2026-27 for supplies and services. The law enforcement officers would serve as peace officers with statewide jurisdiction, arresting authority, and permission to carry firearms. The civilian staff would be responsible for administrative functions.
- 4. The bill additionally would provide statutory language to create a biennial GPR appropriation under a newly-created Program 4 under the Supreme Court for the Office of Supreme Court Marshal [s. 20.680(4)(a)]. The 1.6 positions and associated funding (\$148,400 GPR annually) would be transferred from the Supreme Court's program 1 general program operations appropriation to the newly-created program 4 general program operations appropriation. As a result, including the transferred funding amounts, the total cost of the Office would be \$1,332,700 in 2025-26 and \$1,241,000 in 2026-27.
- 5. Other statutory changes would include defining "marshal of the Supreme Court" to mean an individual employed by the Office of the marshals of the Supreme Court whose principal duties are detecting and preventing crime and enforcing laws or ordinances of the state. In addition, statute would specify that a marshal of the Supreme Court is a "protective occupation participant," a "law enforcement officer," and a "peace officer" under current law. Further, the bill specifies that each participant who is a marshal of the Supreme Court and who is classified as a protective service occupation participant must be granted creditable service as a protective occupation participant for all covered service while a marshal of the Supreme Court that was earned on or after the effective date of the provision. Such employees would not be entitled to duty disability benefits for an injury or disease occurring before the effective date of these provisions.
- 6. Under s. 165.85(2)(c), a law enforcement officer means any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed and sworn to enforce. All law enforcement officers must complete Law Enforcement Standards Board requirements as specified under current law.
- 7. Duties of the Office would include providing police services to the state court system, detecting and preventing crime, and enforcing laws and ordinances. The marshals would have statewide jurisdiction, would be authorized to make arrests, and must agree to accept the duties and

requirements of a law enforcement officer and the Law Enforcement Standards Board for officer certification, police pursuit, recruitment, and firearms training as specified under current law. The bill would specify that marshals of the Supreme Court have concurrent police power with other authorized peace officers over any jurisdiction in which the marshals are performing official duties. However, as specified under the bill, this concurrent power is not to be construed to reduce or lesson the authority of the police power in the communities in which the marshals may be performing his or her duties. Marshals must cooperate with and be responsive to the local police authorities.

- 8. In addition to providing police services to the state court system, the Office would provide security assessments for the justices, judges, and facilities of the state court system, and provide safety and security support services and advance security planning for circuit court proceedings. According to the Director of State Courts Office (DSCO), specific duties may also include providing in-person support in high-risk or high-visibility circuit court proceedings, when requested.
- 9. As structured under the bill, the Committee could provide \$1,184,300 GPR in 2025-26, \$1,092,600 GPR in 2026-27, and 8.4 GPR positions annually for the creation of an appropriation and an Office of the Marshals of the Supreme Court to serve as a law enforcement agency. Staff for the office would total 10.0 FTE, including 1.6 GPR positions currently authorized under the Supreme Court. [Alternative 1] Under this alternative, DOA may choose to utilize the existing 4.0 ARPA Capitol Police positions currently providing protection for the courts for purposes other than court protection until their expiration.
- 10. However, the state currently has several law enforcement agencies that in-part serve to provide security for state employees, including DOA's Capitol Police and the Department of Transportation's (DOT) state troopers. If the Committee does not wish to create a new law enforcement agency (as structured under Alternative 1), DSCO indicated that it could alternatively benefit from the utilization of 4.0 law enforcement staff from an existing law enforcement agency for court protection purposes, as well as civilian staff for court protection-related duties under the Supreme Court.
- 11. The DSCO identified a need of 4.4 additional GPR civilian staff positions. A 0.4 position would allow the current, already-authorized 0.6 deputy marshal position to become a full-time position, which is often easier to fill (as of April, 2025, the 0.6 deputy marshal position is vacant). The 0.4 civilian position is also part of the Governor's recommendation. An additional 4.0 civilian staff (plus the 0.4 position to make the deputy position full-time) would bring the total court protection civilian staff under the Supreme Court to six positions. With the added 4.0 law enforcement positions (discussed later), the total staff performing court security under DSCO's alternative proposal would be 10.0 (6.0 civilian (including 1.6 existing staff), and 4.0 law enforcement), which is equal to the number of positions recommended by the Governor for the proposed Office.
- 12. While Senate Bill 45/Assembly Bill 50 includes fewer civilian staff and more law enforcement staff, DSCO indicated that the civilian staff could perform many of the same responsibilities as was identified in the Governor's recommendation. For example, the six civilian staff would be able to conduct security assessments at county courthouses and judge and justice residences statewide (and for district court administrators, county officials, or local law enforcement,

upon request), on a scheduled, approximate four-year cycle. Currently, the 1.6 civilian staff only conduct security assessments as requested, and not on a statewide or scheduled basis. A security assessment includes a detailed in-person assessment of a physical space to identify security vulnerabilities and potential security enhancements. In addition to security assessments, increased civilian staff would provide advance security planning for high-profile or high-risk circuit court proceedings and educational presentations and training on security and threat management.

- The civilian staff responsibilities described in discussion points 11 and 12 would be in addition to the duties already performed by the current 1.6 marshal and deputy marshal positions, which include providing safe, secure and sound administration of the proceedings and operation of the Supreme Court before, during, and following sessions, along with being the chief contact regarding safety and security matters of the court system. The marshal additionally secures files, records, and exhibits; ensures the integrity of incoming and outgoing mail/records; oversees the disposal of confidential materials; coordinates access to the Court; sorts and delivers briefs to justices; orders office supplies; arranges for the procurement of larger-scale purchases; and coordinates all official events for the Supreme Court (including oral arguments and conferences, state board admission ceremonies, and Justice on Wheels events, in addition to others). According to DSCO, providing an additional 4.4 civilian GPR positions to the Supreme Court would cost \$283,900 GPR in 2025-26 (including \$48,000 in one-time costs) and \$314,500 GPR in 2026-27. Alternatively, providing an additional 0.4 civilian GPR position to the Supreme Court would cost \$9,100 GPR in 2025-26 and \$12,100 GPR in 2026-27. Note that these costs are annual amounts and recruitment would begin after the budget is enacted (which differs from the alternatives identified below, which would not begin until the current ARPA positions expire).
- 14. As it relates to additional law enforcement positions, it is important to note that the state currently has 5.6 positions related to court protection, including 4.0 Capitol Police law enforcement ARPA positions (see current law section, above). If the Committee wished to continue to provide ongoing court security, including positions with law enforcement powers (without creating a new law enforcement agency), it could provide a permanent PR expenditure authority increase and 4.0 PR positions in 2026-27 to replace the 4.0 ARPA-funded positions after they expire, with the intention that Capitol Police continue to use them for court system protection (and, if helpful for organizational purposes, potentially create a Court Protection Bureau or Unit within Capitol Police). The Capitol Police facility operations and maintenance; police and protection functions PR appropriation (s. 20.505(5)(ka)) currently has sufficient revenue to support the 4.0 law enforcement positions on an ongoing basis. This provision would require \$580,400 PR in 2026-27 for 10 months of funding (given that the ARPA positions do not expire until August 31, 2026).
- 15. Combined with the civilian positions, two alternative options would include: (a) \$283,900 GPR in 2025-26 and \$314,500 GPR and \$580,400 PR in 2026-27 for 4.4 GPR Supreme Court civilian positions annually and 4.0 PR Capitol Police positions in 2026-27 for court system security and protection. This alternative would result in 10.0 staff dedicated to court protection, including 6.0 civilian staff under the Supreme Court (4.4 new and 1.6 existing), and 4.0 law enforcement staff under DOA. [Alternative 2a]
 - 16. Alternatively, the Committee could provide: (b) \$9,100 GPR in 2025-26 and \$12,100

GPR and \$580,400 PR in 2026-27 for 0.4 GPR Supreme Court civilian position annually to make the current deputy marshal position full-time, and 4.0 PR Capitol Police positions in 2026-27 for court system security and protection. This alternative would result in 6.0 staff dedicated to court protection, including 2.0 civilian staff under the Supreme Court (0.4 new and 1.6 existing), and 4.0 law enforcement staff under DOA. [Alternative 2b]

- 17. Alternatively, rather than creating positions in DOA, after the expiration of the ARPA positions, the Committee could instead provide funding and 4.0 GPR state trooper positions to the Department of Transportation, which, under current statute, may assign traffic officers to safeguard state officers and which currently operates a dignitary protection unit. The intention would be to utilize the additional positions for Wisconsin court system protection. This alternative would require \$442,500 GPR in 2026-27 to the state traffic patrol equipment, general fund appropriation (s. 20.395(5)(da)) for 10 months of funding (given that the ARPA positions do not expire until August 31, 2026). In addition, the appropriation is intended for state traffic patrol equipment, and statutory language would need to be amended to include "and for court protection." Note that funding is based on 2025 state patrol pay rates, effective through the end of 2024-25. It is unknown what changes may be made in a future collective bargaining agreement, but costs may increase.
- 18. Similar to Alternatives 2a and 2b, GPR funding and state troopers could be provided along with either: (a) 4.4 civilian staff under the Supreme Court (in total, \$283,900 GPR and 4.4 GPR positions in 2025-26, and \$757,000 GPR and 8.4 GPR positions in 2026-27) bringing the total staff intended for court system security to 10.0 positions (including 1.6 existing) [Alternative 3a]; or (b) 0.4 civilian staff under the Supreme Court (in total, \$9,100 GPR and 0.4 GPR position in 2025-26, and \$454,600 GPR and 4.4 GPR positions in 2026-27) bringing the total staff intended for court system security to 6.0 positions [Alternative 3b].
- 19. If the Committee takes no action, the Supreme Court would continue to have 1.6 budgeted marshal/deputy marshal civilian positions, and would continue to have the 4.0 Capitol Police ARPA-funded positions until August 31, 2026. Only the latter have law enforcement powers. [Alternative 4]

ALTERNATIVES

1. Provide \$1,184,300 GPR in 2025-26, \$1,092,600 GPR in 2026-27, and 8.4 GPR positions annually for the creation of an Office of the Marshals of the Supreme Court to serve as a law enforcement agency. Transfer 1.6 existing GPR positions currently authorized under the Supreme Court to the Office of the Marshal and create an annual GPR appropriation under a newly-created program 4 under the Supreme Court for this purpose.

ALT 1	Change to Base	
	Funding	Positions
GPR	\$2,276,900	8.40

2. Provide \$580,400 PR and 4.0 PR positions in 2026-27 to the Department of

Administration's facility operations and maintenance; police and protection functions appropriation (s. 20.505(5)(ka)) to provide ongoing funding for court system law enforcement protection beginning September 1, 2026.

a. In addition, provide \$283,900 GPR in 2025-26, \$314,500 GPR in 2026-27, and 4.4 GPR civilian security staff annually under the Supreme Court for court protection.

ALT 2a	Change to Base				
	Funding	Positions			
Administra	ition				
PR	\$580,400	4.00			
Supreme Court					
GPR	598,400	4.40			
Total	\$1,178,800	8.40			

b. In addition, provide \$9,100 GPR in 2025-26, \$12,100 GPR in 2026-27, and 0.4 GPR civilian security staff annually under the Supreme Court for court protection.

ALT 2b	Change to Base				
	Funding Positions				
Administrat PR	ion \$580,400	4.00			
Supreme Court					
GPR	21,200	0.40			
Total	\$601,600	4.40			

- 3. Provide \$442,500 GPR and 4.0 GPR state trooper positions in 2026-27 to the Department of Transportation's state traffic patrol equipment, general fund appropriation (s. 20.395(5)(da)) for court system law enforcement protection, beginning September 1, 2026. In addition, amend statutory language to rename the appropriation to "State traffic patrol equipment and court protection, general fund," and specify the purposes of the appropriation include court protection.
- a. In addition, provide \$283,900 GPR in 2025-26, \$314,500 GPR in 2026-27, and 4.4 GPR civilian security staff annually under the Supreme Court for court protection.

ALT 3a.	Change to Base				
	Funding Positions				
Transporta GPR	\$442,500	4.00			
Supreme Court					
GPR	<u>598,400</u>	4.40			
Total	\$1,040,900	8.40			

b. In addition, provide \$9,100 GPR in 2025-26, \$12,100 GPR in 2026-27, and 0.4 GPR civilian security staff annually under the Supreme Court for court protection.

ALT 3b.	Change to Base Funding Positions		
Transportat GPR	\$442,500	4.00	
Supreme Co GPR	ourt21,200	0.40	
Total	\$463,700	4.40	

4. Take no action.

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Joint Committee on Finance

Paper #731

Circuit Court Payment Support and Court Interpreter Program Support Positions (Supreme Court)

[LFB 2025-27 Budget Summary: Page 649, #4]

CURRENT LAW

Under 2015 Act 55, the GPR appropriations for circuit court support payments, guardian ad litem costs, and court interpreter payments were consolidated into one, biennial appropriation, titled the circuit court costs appropriation. Under the program, the Director of State Courts Office (DSCO) makes payments to counties to offset circuit court costs. Currently, the only state position utilized to support the program beyond the administrative aspects of allocating circuit court costs funding is 1.0 GPR court interpreter program manager funded under the Supreme Court.

DISCUSSION POINTS

- 1. Senate Bill 45/Assembly Bill 50 would provide \$103,600 PR in 2025-26, \$135,600 PR in 2026-27, and 1.75 PR positions annually to support the circuit court costs program. Specifically, funding and position authority would include: (a) a 0.75 program associate position (\$35,000 PR in 2025-26 and \$45,300 PR in 2026-27) to support the court interpreter program; and (b) 1.0 financial auditor position (\$68,600 PR in 2025-26 and \$90,300 in 2026-27).
- 2. The program associate position would be responsible for data entry and review, maintaining program databases, proctoring the oral and written exam for interpreter certification, and preparing training materials. According to DSCO, the additional 0.75 position would allow the court interpreter program manager to focus more attention on program-related questions, challenges, outreach, recruitment, skills-based training for interpreter candidates, and additional needs to assist with the interpreter shortage and language access challenges across the state.
 - 3. Under s. 885.38 of the statutes, circuit and appellate courts are required to appoint and

pay for interpreters for non-English speakers. According to the Wisconsin Counties, December, 2024, magazine publication (Volume 88, Number 22), there is a court interpreter shortage (in Wisconsin and nationwide), which often results in clerks paying more for independent contractors or private agencies to locate and hire court interpreters. In 2023, over 26,000 hours of language interpretation took place in Wisconsin circuit courts, including 20,800 hours for Spanish (at the time of publication, there were 24 certified Spanish interpreters available in Wisconsin on a regular, full-time basis).

- 4. The financial auditor position would audit the annual cost reports (including interpreter costs) that counties are required to submit to DSCO for the circuit court support payment program. In addition, the financial auditor would create a best practices guide for clerks to utilize to control circuit court costs and/or maximize revenues, prepare financial reports, and develop accounting guidelines to assist clerks of circuit court and county finance officers, while continuing to meet statutory timelines for payments to counties. The position would further provide assistance to counties through phone calls, e-mails, and site visits to ensure counties are properly completing reporting requirement forms and to obtain feedback from clerks of circuit courts and registers in probate on how to improve the audit process and annual reporting process. These duties align with s. 758.19(5)(am), which permits DSCO to audit all information submitted by counties related to the costs incurred for operation of circuit courts.
- 5. Under the bill, funding would be budgeted to the annual central services appropriation [s. 20.680(2)(kc)], which has a base budget of \$279,800 PR, and is intended for administrative and support services for programs administered by DSCO. The PR is provided from interagency charges to certain other court appropriations. While DSCO would have discretion over which appropriations to charge, the Office indicates it would likely charge the cost of these positions to: (a) the GPR circuit courts sum sufficient appropriation for salaries and expenses of circuit court judges, court reporters, and assistant court reporters (under the Circuit Courts); or (b) the PR court interpreter training and certification appropriation (under the Supreme Court, intended for court interpreter training and certification appropriation had a closing balance of approximately \$32,000 PR.
- 6. The Committee could provide \$103,600 PR in 2025-26, \$135,600 PR in 2026-27, and 1.75 PR positions annually to the central services appropriation, as recommended under the bill, to support the circuit court costs program. As noted, funding and position authority would include: (a) a 0.75 program associate position (\$35,000 in 2025-26 and \$45,300 in 2026-27) to support the court interpreter program and (b) 1.0 financial auditor position (\$68,600 in 2025-26 and \$90,300 in 2026-27). [Alternative 1]
- 7. Alternatively, the Committee could provide the same amount of funding and positions, but as GPR to the Supreme Court's Director of State Courts and law library general program operations biennial appropriation. The appropriation is intended to carry into effect the functions of the Director of State Courts and for general program operations of the state law library. The proposed positions would fit under the first permissible use identified in the appropriation ("to carry into effect the function of the Director of State Courts") and this appropriation currently funds the court interpreter program manager position. While the Committee would provide GPR under this alternative, it would confine costs to a specific, sum certain appropriation that includes such functions among the purposes for which the appropriation is established. [Alternative 2]

- 8. If the Committee wished to provide only one of the identified positions, it could provide \$35,000 GPR in 2025-26, \$45,300 GPR in 2026-27, and 0.75 GPR program associate position annually [Alternative 3a] or \$68,600 GPR in 2025-26, \$90,300 GPR in 2026-27, and 1.0 GPR financial auditor position annually [Alternative 3b]. Note that these alternatives would mirror the structure of Alternative 2 to provide funding from the GPR Director of State Courts and law library general program operations appropriation.
- 9. It is often easier to fill a full-time position than it is to fill a 0.75 position. The Director of State Courts Office notes that it has sufficient federal STOP grant funding from the U.S. Department of Justice in its PR gifts and grants appropriation to support a 0.25 PR position. The STOP grant funding is currently utilized to provide training opportunities and technical assistance for judicial officers and staff. According to DSCO, over the past few years, the amount of the award has increased, which would allow the Courts to fund an additional 0.25 position to cover the work resulting from the additional trainings that the grant is able to fund. The grant has been stable for a number of years (with slight increases over time) and DSCO does not expect the grant to expire or diminish at this time, although federal grant funding is not guaranteed. The most recent STOP grant award was in 2024 in the amount of \$111,300, and the Supreme Court's gifts and grants appropriation has a sufficient PR balance to absorb the costs, if additional PR expenditure authority is provided.
- 10. DSCO indicates that one full-time individual could be hired to perform the interpreter-related duties discussed earlier in this paper (approximately 75% of his or her workload) and to assist the STOP grant manager with increased administrative responsibilities related to handling STOP grant funding, supporting training, and preparing reports (approximately 25% of his or her workload). Responsibilities in both subject matter areas would involve coordinating training and educational opportunities, and performing administrative tasks. An additional 0.25 PR position annually would require increased expenditure authority of \$14,300 PR in 2025-26 and \$17,800 PR in 2026-27. [Alternative 4]
- 11. If the Committee takes no action, the Director of State Courts would continue to operate the circuit courts costs program as it currently does, with 1.0 interpreter program manager, and no auditor position specifically dedicated to the circuit court costs program. In addition, no additional support would be provided for the STOP grant program. [Alternative 5]

ALTERNATIVES

1. Provide \$103,600 PR in 2025-26, \$135,600 PR in 2026-27, and 1.75 PR positions annually to support the circuit court costs program. Funding would be budgeted to the PR central services appropriation, which is able to charge other court appropriations (including a sum sufficient GPR appropriation).

ALT 1	Change to Base		
	Funding	Positions	
PR	\$239,200	1.75	

2. Provide \$103,600 GPR in 2025-26, \$135,600 GPR in 2026-27, and 1.75 GPR positions annually to support the circuit court costs program. Funding would be budgeted to the GPR Director of State Courts and law library general program operations biennial appropriation [s. 20.680(2)(a)].

ALT 2	Change to Base		
	Funding Position		
GPR	\$239,200	1.75	

- 3. Provide funding and position authority for one of the two recommended positions. Funding would be budgeted to the GPR Director of State Courts and law library general program operations biennial appropriation.
- a. Provide \$35,000 GPR in 2025-26, \$45,300 GPR in 2026-27, and 0.75 GPR program associate position annually.

ALT 3a	Change to Base		
	Funding	Position	
GPR	\$80,300	0.75	

b. Provide \$68,600 GPR in 2025-26, \$90,300 GPR in 2026-27, and 1.0 GPR financial auditor position annually.

ALT 3b	Change to Base		
	Funding	Position	
GPR	\$158,900	1.00	

4. In addition to Alternatives 1, 2, or 3a, provide \$14,300 PR in 2025-26, \$17,800 PR in 2026-27, and 0.25 PR position annually to the Supreme Court's gifts and grants appropriation to allow the Director of State Courts to create a full-time position, in combination with the 0.75 position under Alternatives 1, 2, or 3a, for interpreter support and to provide support for the STOP grant program.

ALT 4	Change to Base	
	Funding	Position
PR	\$32,100	0.25

5. Take no action.

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SUPREME COURT

LFB Summary Items for Which No Issue Papers Have Been Prepared

Item #	<u>Title</u>
3	Program Revenue and Federal Reestimates
6	Support for New Circuit Court Branches