



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #620

Consolidate State Law Library with Director of State Courts (Supreme Court)

[LFB 2015-17 Budget Summary: Page 426, #4]

CURRENT LAW

Under current law, the Supreme Court operates four general programs: (a) Supreme Court proceedings; (b) Director of State Courts; (c) Bar Examiners and Responsibility; and (d) Law Library.

GOVERNOR

Consolidate the Director of State Courts and the state Law Library's general program operations appropriations and convert the appropriation from an annual to a biennial appropriation. The provision would also transfer the Law Library's library collections and services program revenue appropriation to the Director of State Courts. Delete the Director of State Courts' judicial planning and research appropriation.

DISCUSSION POINTS

1. The Supreme Court currently administers various GPR, PR, FED, and SEG appropriations under four general programs: (a) Supreme Court proceedings; (b) Director of State Courts; (c) Bar Examiners and Responsibility; and (d) Law Library.

2. Under the bill, the Law Library program and appropriations would be consolidated under the Director of State Courts Office program. The table below compares the current law appropriations affected by the provision with the Governor's recommendation. Funding adjustments include transferred amounts under the consolidation as well as standard budget adjustments.

Current Law

| | <u>Base Funding</u> | <u>Positions</u> | <u>Fund Source</u> |
|----------------------------------|---------------------|------------------|--------------------|
| Director of State Courts | | | |
| General Program Operations | \$7,660,200 | 66.00 | GPR |
| Judicial Planning and Research | 0 | 0.00 | GPR |
| Gift and Grants | 0 | 0.00 | PR |
| Law Library | | | |
| General Program Operations | \$2,212,100 | 10.00 | GPR |
| Library Collections and Services | 136,000 | 1.00 | PR |
| Gifts and Grants | 599,700 | 5.50 | PR |

Governor's Recommendation

| | <u>2015-16</u> | | <u>2016-17</u> | | <u>Fund Source</u> |
|---|----------------|------------------|----------------|------------------|--------------------|
| | <u>Funding</u> | <u>Positions</u> | <u>Funding</u> | <u>Positions</u> | |
| Director of State Courts and Law Library | | | | | |
| General Program Operations | \$10,305,100 | 76.00 | \$10,334,900 | 76.00 | GPR |
| Judicial Planning and Research | deleted | deleted | | | |
| Library Collections and Services | 118,800 | 1.00 | 118,800 | 1.00 | PR |
| Gift and Grants | 606,500 | 5.50 | 606,500 | 5.50 | PR |

3. In addition to consolidating the Law Library appropriations under the Director of State Courts Office, the bill would modify the Director of State Court's general program operations appropriation from an annual to biennial appropriation. As a result, the Courts would have authority to spend the amounts appropriated throughout the biennium, rather than unencumbered balances in the first year reverting to the general fund. Generally, biennial appropriations provide agencies more flexibility to determine how to expend funding over the biennium, rather than for each year.

4. The Department of Administration indicates that the consolidation is intended to provide the Supreme Court with additional flexibility in determining which programs receive funding and positions, and the biennial appropriation will place the court "on par with the Legislature, whose service agencies have biennial appropriations." The Courts have not taken a formal position regarding the consolidation, and the Chief Justice of the Supreme Court did not address the consolidation in her remarks to the Joint Committee on Finance. Further, the Courts did not request the consolidation in their budget request.

5. Since there are no associated cost savings in the bill and the Courts did not request the consolidation, the Committee may wish to delete the provision to maintain current law. [Alternative 3] Alternatively, the Committee may wish to approve the consolidation of the appropriations, but maintain the general program operations appropriation as an annual, rather than biennial, appropriation. As such, the Legislature would retain current legislative oversight of appropriation expenditures on an annual basis. [Alternative 2]

ALTERNATIVES

1. Approve the Governor's recommendation to consolidate the Director of State Courts and the state Law Library's general program operations appropriations and convert the appropriation from an annual to a biennial appropriation. The provision would also transfer the Law Library's library collections and services program revenue appropriation to the Director of State Courts and delete the Director of State Courts' judicial planning and research appropriation.

2. Approve the Governor's recommendation to consolidate and transfer the Law Library's appropriations under the Director of State Courts, but maintain current law that the general program operations appropriation be an annual appropriation.

3. Delete provision.

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