

MINUTES OF THE MEETING OF
HOUSE APPROPRIATIONS SUBCOMMITTEE ON ELECTED OFFICIALS
MONTANA HOUSE OF REPRESENTATIVES

January 19, 1977
8:10 a.m.
Room 428A
State Capitol Building

The meeting was called to order by Chairman Lynch with all members being present. The subject of the hearings scheduled today: an emergency supplemental budget request for the Judiciary; Department of Highways - overview and general operations.

Mr. Ray Stewart, the Court Administrator, presented the Judiciary's supplemental request for \$106,500 for the biennium ending June 30, 1977. He explained that they have encountered unforeseen problems with the budget because of a tremendous increase in case load, which he attributed to questions being raised by the new constitution, reorganization within government, and changes in the court.

Law Librarian Claire Engel described the state law library and other law libraries throughout the state as being in a "dreadful" situation because of lack of funds and organization. The budget in the past has allowed for no new books; this request would enable them to obtain 50-80 new volumes. The library does not have a usable card catalog or organization to the books, there are no records and therefore they do not even know what the library actually owns. It is staffed presently with one (1) FTE (Ms Engel) and one (1) part time employee plus they have two work/study employees who work three hours a day (the state is responsible for 20% of their salary). This number of staff is not adequate to handle the load and meet the needs of the people using the library. Some explanatory information was distributed.

Fiscal Analyst Gosnell pointed out that other departments of the government are requesting legal materials for their own staff attorneys. The need for more materials is there and will have to be met either by furnishing individual departments with the material or putting it in the library for everybody's use.

It was explained by Ms. Engel and Mr. Stewart that the library has received \$12,500 in a grant from LEAA, part of which they must match. There is another \$2,500 available which they may be granted. The grant will be used to acquire some equipment and allos for another 150 linear feet of shelving for the library. Because there is such a shortage of space and a hope for relocation in the future, they are buying only equipment that can be moved.

Mr. Stewart explained that when the budget was submitted last July, two members of the current staff were not employed. Ms. Engel was

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not hired until August and then did not have the time to make a thorough evaluation of the needs of the library for quite a while. Also the new court has been seated and have requested additional services.

There was a discussion of the future needs and goals for the library. Right now the request is to move toward a staff of three (3) FTEs. While it can't really be predicted what they will need in the future, by comparing the libraries of other states with Montana they could foresee a staff of possibly two (2) professionals and three or four (3 or 4) non-professionals and have a very fine library at the state law library and at the University that could be used as reference for the entire state.

Under the Legal and Support Services the request is for funds to add a legal secretary and receptionist/typist and furnish equipment and furniture for those positions. There was a discussion over the salary of law clerks, and lawyers in general.

It was felt by Senator Regan that the needs of the law library were so great and so urgently needed that that budget request was within reason but asked for an idea of priorities for the other two areas. Without being disloyal to his current employers, Mr. Stewart attempted to give some areas that could be deferred: clerical assistance for the law clerks, stagger the hiring of a legal secretary and receptionist as there would be a space problem if they were both hired at the same time; adjust the funds required for equipment in the next biennium request. Cuts could be made in other areas but it would mean cutting back on the work being accomplished currently and slowing down the progress.

The grant ran out earlier than expected for the court administrator and they need funds to keep the administrator, research assistant, and training coordinator. There was a brief discussion of the method and funding of the ongoing training for justices of the peace and city judges. Only about 6 of these 226 positions are filled by lawyers.

The bill for the emergency supplemental budget for the Judiciary will have executive action taken later this week.

Mr. Gosnell reported that the 13 million dollar difference between the LFA and Executive budgets is not as critical as it looks on paper because the monies are actually not available. The beginning balance of 21 million dollars is not 10.9 million dollars and may be down to 1/2 million dollars by the end of fiscal year 1979.

Director of Highways H.J. Anderson recommends the Governor's budget with two exceptions: regarding Maintenance they recommend \$21,750,000 in FY 78 and \$22,974,000 in FY 79, which is \$3,600,000 less for FY 78 and \$3,700,000 less for FY 79 than the Governor's budget. Because of the importance of tourism to Montana, the Department of Highways recommends that they should return to the pre-1975 budget of \$750,000 for each year.

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Chairman Lynch asked if they felt they would have an adequate budget following the Executive budget and simply reducing it by \$7,300 for the maintenance and increasing it for the travel promotion. Mr. Anderson indicated they would, but mentioned that wage increases are not included in the budget.

The question of raising gasoline taxes 1 1/2 cents per gallon was brought up by Senator Regan. Taxes would not be raised unless the Department ran out of money. They have requested an extension of the bill for this provision which expires on June 30, 1977.

The claim of the Zook brothers was briefly discussed with Mr. Anderson asserting they expect they might go into court of claims or a federal claims court on the matter.

Senator Nelson asked if an increase in gas taxes would bring money in for the cities and towns, and is it supposed to take care of the frontage roads? It was interpreted that the Department of Highways would take over the primary, secondary roads and extensions but frontage roads and corridors would not be a state responsibility; the counties would have to pick up about \$5,000 in this area.

A discussion on the travel promotion request was held briefly and will be continued at the Friday, January 21, hearing. Mrs. Josephine Brooker, manager of the Travel Promotion Unit, reported that tourism is the third largest industry in Montana (this fact was disputed by members of the committee) and that they have proven that 40% of all those who respond to their advertising actually come to Montana. She indicated that an increase in funds are required to do a survey that would give information along the same lines as the rest of the economy. Chairman Lynch felt that the interstate travel industry would be benefiting from this type of survey and should, therefore, have to carry some of the burden for funding it.

The requests for funding for sick and annual leave and overtime pay were briefly discussed and explained by John Prebil, Administrator, Centralized Services Division. He will have a resume of their requests for the committee members tomorrow. Chairman Lynch asked that the committee consider these two items especially. Overtime was paid retroactively, after a federal government audit indicated that the Department was not paying enough overtime that had been worked. They paid \$42,000 last year and will be paying higher amounts in the future due to federal regulations. Overtime in the GVV section, it is felt, will generate more income for the Department.

William Blake, Executive Assistant, explained the needed repair and maintenance fund increases and will present the information in the form of a resume for the committee. Mr. Copley also supported the need for upgrading scale operations.

The meeting adjourned at 10:00.


J.D. Lynch, Chairman