

MINUTES OF THE
LEGISLATIVE, JUDICIAL AND ADMINISTRATIVE SUBCOMMITTEE

February 6, 1979
8:00 a.m.
Room 132
State Capitol Building
Tape Date: 5:2-2:0-end
Subject: Janitorial Contract
Supreme Court

The meeting was called to order at 8:00 a.m. All members were present. Fiscal Analyst JanDee May was also present.

The meeting began at 8:00 a.m. with discussion of the Janitorial Contract. The hearings for the day were Supreme Court: Court Administrator, Boards and Commissions, District Court, and Law Library.

DEPARTMENT OF ADMINISTRATION
Janitorial Contract

The committee on Wednesday evening, January 31, heard from John Larson, contractor for the janitorial service. Mr. Larson felt that they had been doing a good job on 5-day a week service and when they were required to go to 2-day a week service, complaints started coming in. The committee did not know about the 2-day a week service and asked some people from General Services to come in again before the committee along with Mr. Larson.

Dean Blanton, Administrator, stated that the original contract was for 8 months at \$359,000. The General Services were directed to go to 2 days in order to save in this area. Mr. Larson bid for the 2 day service at \$259,000 which represented a savings of \$100,000 a year. In summary, Mr. Blanton stated that the complaints coming in were made aware to Mr. Larson. The General Services felt the terms of the contract were not being complied with and the job was not being done satisfactorily.

It was decided to put the janitorial service on 6 days a week during the Legislature.

On the 30th of January, the contract was cancelled on a 60-day notice. Mr. Larson responded to the report of Mr. Blanton and comments of Mr. Lewis. Mr. Hazen, window washer for the janitorial service, also commented that the windows had not yet been contracted and the \$102,000 would be decreased by that amount.

SUPREME COURT

Justice John Sheehy addressed two issues connected with the budget.

The first issue was the necessity for a staff attorney. Justice Sheehy stated that there was so much paper work building up in the court. The staff attorney would handle the paper work which includes motions for dismissal, writs of habeus corpus, etc. This would speed up the internal operations of the court.

The second item Justice Sheehy addressed was the recommendation of the FA to go to softbond covers for the Montana Reports. Justice Sheehy stated that the softbond covers would not serve for the 50-60 years that the hardbond covers have. Justice Sheehy also commented on the law library and stated that it is necessary that the library moved with the times to be efficient and adequate to provide the looking up of the law.

John Harrison stated his special job, besides his court duties, was to oversee the law library and report to the Chief Justice. Justice Harrison commented on the law librarian, Claire Engle, and felt it was a great accomplishment. He said in the two years Ms. Engle has been the law librarian she has done an exceptional job.

Justice Harrison stated to maintain the law library it costs approximately \$25-30 a book. They are requesting a position to help complete the catalogue which is 75% done.

Senator Lockrem asked if someone within the Supreme Court could handle the work without hiring a staff attorney. Justice Sheehy responded that it could jeopardize the quality of work that would come from the Supreme Court if they did not have the staff attorney.

Court Administrator

The Supreme Court operations budget includes the salaries of the justices and staff and some projects being worked on.

Mike Abley, Administrator, stated that their request is \$820,000. The Budget Office has recommended \$747,000 and the LFA recommendation is \$573,000. Mr. Abley stated that for the next fiscal year there is a slight increase due to cost of living.

One of the projects in this program is the Montana Reports.

Mr. Abley stated that there could be a savings by going to the state for printing, but not by going to softbond. Mr. Abley said they have requested information on the computerizing of the reports.

Another area is the microfilming project which the Legislature approved funding for 2 years ago. The project was originally intended to film the records the program has stored in the Historical Society.

Mr. Abley stated they still use the records and have requests averaging once a week from various people. Mr. Abley stated if they could microfilm all the records and get caught up they could reduce their operations and still microfilm the records. It will cost approximately

\$50,000 a year for the next 2 years to microfilm the records they now have stored.

The request for the staff attorney was recommended by the Budget Office. The FA did not recommend the attorney.

The Judicial Information System project involves collecting detail data pertaining to all district court cases in the state.

The Budget Office recommended the continuation of the project with a reduction of 2 staff. The FA recommended the continuation of the project but to contract the project.

Mr. Abley stated they have tried to contract, but have ran into problems. He said they need money and staff to contract. They would have to do the initial processing which would entail 29,000 cases or 58,000 documents. He said it could be possible the committee would decide that it is not necessary to collect all this data.

The project was set up as a result of an interim study for redistricting. Mr. Abley said they found through their research that the study did not deal with some of the problems it was intended to deal with such as determining the case loads and work loads of the judges in the districts.

There was discussion of problems with the District Judges.

The FA commented on the problem of who should be printing the Montana Reports, the Supreme Court or the Secretary of the State. By statute the Secretary of the State should be printing them, however, it has been done by the Supreme Court.

The FA stated that the Montana reports are received 2 years after the fact. She said Pacific Reporter, which is current, is published in another state. It has Montana decisions included and suggested these reports as an alternative. Mr. Abley stated that it is quite current but extremely expensive and bulky.

The FA stated the present cost for the Montana reports is approximately \$8,700 per printing. Being done with in-house printing and softbond covers it would cost approximately \$2,700. The FA commented that the state printing service could possibly cover with hardbond and there would still be a savings. She commented on the fact of selling them if they were printed in-house, and making a profit rather than the private publisher.

Mr. Abley stated that to this point there is not even a valid contract on the Montana Reports.

Last year \$50,000 was appropriated to the program for microfilming territorial records. The FA stated of that amount only \$20,000 was expended for microfilming and the remainder was dispersed between personal services and other areas. The FA stated the problem was the money was appropriated for microfilming and should have been spent for that. She said this was done under the previous administration.

Other areas lined itemed by the Legislature last year were a sound system for \$5,000 for one of the chambers which was not put in.

For the Montana Reports, \$30,000 was appropriated and they cost \$19,000. The FA stated of the \$96,000 appropriated for various items only \$43,000 was spent for the items and the rest was spent in other areas. Some personnel were hired which were specifically denied by the last Legislature.

The FA stated that \$112,000 was requested for microfilming the archives. The FA did not recommend this funding because last year the appropriation was for filming the territorial records which should be completed this biennium and because of misspending of the money.

The staff attorney as had been discussed in the hearing is already on board through federal funding. For the coming biennium, the program is requesting general fund money for the position. The FA questioned hiring a highly paid attorney to handle routine duties for the court.

In fiscal 1978, federal funds were received which initiated the recording system for the District Court and for the Clerk of the Court. The FA supports the systems, but questions the committing of general fund in the future for federal funded projects.

The FA felt if there is a need for these systems they should contract with ISD, which is set up to serve state agencies. Another point the FA brought out was the budget amendment for hiring of a system analyst at \$18,500 without benefits. The FA stated this again was committing general fund.

Mike Meldahl, Data Processing Coordinator, stated that he does support the need for automation within the Supreme Court. Mr. Meldahl said before making a commitment of general funds they would like to see a final evaluation from the federal grants the program is receiving for the system. They also recommend that the systems in the Supreme Court be done in cooperation with existing systems throughout state agencies so not to have an independent system in the Supreme Court.

Mike Abley commented that the Department of Justice has indicated they would like them to tie in with their system. Mr. Abley stated if they contracted with ISD it would be doubly expensive and twice as long. The FA remarked that contracting with ISD would assure continued maintenance with the system. There was discussion at this point.

The FA pointed out that the Supreme Court budget increased 24.4% over the previous biennium. This biennium compared to what the Supreme Court is requesting constitutes a 17% increase; with the modified 41% increase over the last biennium. The Supreme Court operations alone, which includes all federal money spent in 1978, would be a 31% increase; with additional modifications of a 65% increase.

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Mike Abley commented that with the increase their request is less than 2% of the total state budget. He said they are expanding and until 3 years ago they did not have an administration or were not involved in anything but hearing cases. Mr. Abley stated that the work load of the justices has more than doubled.

Gary Goff, Manager of the Judicial Information System, gave a presentation to inform the committee on what they have done with the system. The Judicial Information System is an indepth study to find out about the working judge. Mr. Goff stated that without data provided the system cannot be accountable for what is going on with the Judges. Mr. Goff discussed how much they could do with the funding they have.

ISD was not contracted with because they could not start on the project immediately and the cost was 3 times higher. Mr. Goff stated the contractor they contracted with started immediately and will have the project done by March.

Boards and Commissions

The budget basically covers funding for 11 commissions and boards the Supreme Court has in operations. The budget includes costs for their meetings, investigators, and staff assistants for these people. It also utilizes money for training for the lower courts. Mr. Abley stated that most of the funds used up to this point for training have been federal funds. The FA reductions would eliminate training because Mr. Abley said they could not do away with funding for either the travel or the investigators.

Jim Jenson from the Montana Magistrate Association gave a presentation on the training. Mr. Jenson stated that in order to have a strong and effective administration of justice for the maximum number of people we need to have well trained judges. Mr. Jenson stated that a bill before the Legislature is making it mandatory that 10 calendar days of training per year per Justice of the Peace or city Judge be provided. Approximately 90% of the Justice's of the Peace or City Judges attend at least one training session per year. The cost of one Judge going for out-of-state training would cost approximately \$600 a trip. For instate the cost for a 5-day training session would amount to approximately \$50.

The FA pointed out last year Boards & Commissions received over \$91,000 from federal funds. She said this is another situation where general funds will be picking up costs from previously federal funded projects. The FA recommendation eliminated a lot of federal expenditures to try to bring it back to general fund current level. The FA stated for investigators the program requested \$14 and \$15,000 but had only spent \$3,900 last year. The FA recommended \$7,200 for each year. For training the FA recommended \$5,000 of general fund expenditures by 37% over 1978. Mr. Abley stated they had reduced their request from the estimated \$199,000 for 1980 to \$127,000. Their was discussion of the investigators.

District Court

The budget for the District Court covers the salaries and travel for the District Court judges and a small amount is built in for training. The FA reduced the budget and again Mr. Abley stated they could only reduce the training. Mr. Abley said that Interim Studies have recommended that training be provided. For travel, Mr. Abley stated that the judges receive 17¢ a mile for the first 1,000 miles and 14¢ after. The other expenses are what is necessary for the trip. The training for the District Judges has been out-of-state. The FA stated that what is obtained throughout the biennium should come in as a modified request and not as part of the current level.

Law Library

Claire Engel, the Law Librarian, invited the committee members to take a tour of the Law Library. The program had submitted an original budget and a revised budget. Ms. Engel stated that both the Budget Office and the FA have agreed with the agency request for maintenance costs of the books in the revised budget. The disagreement was in the new book budget which requested \$54,000 the first year and \$53,000 the second year. The Budget Office approved the book budget. Ms. Engel stated it was current level budgeting with a 10% inflationary rate applied. Ms. Engel commented that they have gone heavily into microfiche to create space.

The program is requesting fund for 375 new titles for the Law Library which Ms. Engel remarked was not a large request. Ms. Engel stated the most controversial item was the request for staffing which was not requested in the original budget. One reason was they did not have space for additional staff and now do since 2 back offices have been cleared out.

The library is requesting a staff of 5 1/2 FTE. The additional 2 1/2 FTE includes another librarian cataloger.

Ms. Engel stated roughly 75% of the cataloging is complete. The catalogue also provides for an inventory and is being done on microfiche. Ms. Engel requested a part-time person to provide clerical help for the cataloger and also a library clerk who would do clerical and secretarial work. Ms. Engel stated with the additional staff, it would provide her and her assistant to do more actual library work.

They have included in their request equipment for the additional FTE. The request for supplies and materials is \$930. SBAS reports indicate that they have spent \$425 to the present for this year.

For Fiscal Year 1978, approximately \$1,800 was spent for communications. Ms. Engel stated she has applied a 3% inflation rate to expenditures from last year but SBAS reports have indicated that the cost will be approximately \$3,000 for telephone and postage.

Ms. Engel stated that \$451 was spent from general funds for travel with an additional \$762 spent of federal funds. The travel is basically for out-of-state training. Ms. Engel commented there is no instate training.

For equipment, the original budget requested rental for a typewriter and the library is now requesting to buy a typewriter instead.

Repair and maintenance costs is primarily the increase of 12% in binding costs (\$6.30 per volume).

Ms. Engel stated the library has not had an equipment budget in the past. The equipment has all been purchased with federal funds. The equipment request is for a typewriter, typewriter table, microfiche cabinets and a calculator. They are also requesting a microfiche reader for the catalogue which is microfilmed.

Senator Chet Blaylock, Senator Jean Turnage, Senator Brown and Representative Daniel Kemmis gave testimonies in support of the Law Library being a workable and efficient library and in support of the budget submitted by Claire Engel.

The FA commented that a substantial amount was appropriated to the library to upgrade the library with books it was lacking. She stated the FA did recommend maintenance costs for the books of \$55,000 the first year and \$66,000 the second year for the biennium. The FA also recommended \$45,000 for new acquisitions at the librarian's discretion.

The FA felt it important for the committee to realize that new acquisitions will have to be maintained in the future and in fact it is committing funds in the future. Last year, \$39,000 was spent for maintaining the books. This amount has increased from \$39,000 to \$55,000 in 1980 and \$66,000 in 1981 to maintain the books already purchased. The costs will continue to increase to maintain the collection.

The committee and the Supreme Court discussed the new administration in relation to the past administration and the problems which evolved from the previous administration.

The meeting was adjourned at 11:25 a.m.

Respectfully submitted.

William Menahan
William Menahan, Chairman