

MINUTES OF THE  
LEGISLATIVE, JUDICIAL AND ADMINISTRATIVE SUBCOMMITTEE

February 8, 1979  
8:00 a.m.  
Room 132  
State Capitol Building  
Tape Data: 6:2-4:937-end  
6:1-3:0-519  
Subject: Governor's Office  
Dept. of Justice

The meeting was called to order by Chairman Menahan at 8:00 a.m. All members were present. Fiscal Analyst JanDee May was in attendance. Mike Koehnke and Mary Jo Murray from the Governor's Office were also present.

The first part of the meeting was a work session for making a decision on the Office of Budget and Program Planning. The hearings for the day were Department of Justice: Data Processing, Motor Vehicle Administrator, Patrol Operations, Field Services, Driver Licensing and Defense of the Coal Tax.

GOVERNOR'S OFFICE  
Office of Budget and Program Planning

Mike Koehnke of the Budget Office stated that the difference between the FA and the Budget Office was one FTE. He requested this position for an attorney.

Mr. Koehnke commented on the reasons for an attorney. They are presently sharing an attorney between the Governor's Office and the Budget Office with the attorney being paid half out of each budget. Mr. Koehnke felt the workload was too heavy for one attorney.

The FA stated the position was vacant last year and the Budget Office stated they would not fill the position. The FA deleted this position.

Representative Wood made the motion to approve the agency request for the attorney. Senator Thiessen seconded the motion.

Those in favor were Representative Wood, Senator Thiessen and Chairman Menahan. Representative Hand and Senator Lockrem were opposed. The motion passed.

The Budget Office requests \$8,500 for contracted services in the first year and \$8,500 plus \$5,000 for printing of the budget book in the second year.

Representative Hand moved to approve the FA recommendation, adding the lawyer and the printing costs for the budget book.

Those in favor were Representative Hand, Representative Wood, Senator Thiessen and Chairman Menahan. Senator Lockrem was opposed. The motion passed.

DEPARTMENT OF JUSTICE  
Defense of the Coal Tax

Attorney General, Mike Greely, stated the state is involved in coal tax severance litigation where 15 plaintiffs are suing the State of Montana suggesting that the Coal Severance Tax is unconstitutional. The defendants of the State of Montana have filed a motion to dismiss which has been postponed until March 8. Attorney General Greely stated they do not anticipate a decision by the district court prior to termination of the legislative session.

The request is for \$500,000 for spending authority over the biennium. They cannot estimate how much they will need and which way the decision of the court will go.

Attorney General Greely stated they have appointed a liaison committee consisting of three Senators and a Representative from which they report progress of the case and ask advice from. They also request that the Legislature appoint a committee to review the process of the case throughout the next biennium.

To date \$15,000 has been spent in efforts to prosecute the suit. There are possibilities that the case could be appealed as high as the U.S. Supreme Court. If they do have to go to trial it will necessitate exceptional expenditures. Attorney Greely stated at some point in time they will need a full-time attorney on the case.

Mike McGrath stated that they have based their cost estimate on assumption. If they lose they would very likely go to trial which could last 4-5 months. Mr. McGrath commented a large portion of the money would be spent for economical research.

He explained to the committee their intention for strategy and tactics if they do need to go to trial. Mr. McGrath stated the expense is based on the type of trial necessary.

Attorney Greely stated the Governor and the Attorney General have agreed to handle the case jointly.

The committee briefly discussed the Indian Jurisdiction case.

Data Processing

Bonnie Cochrell, Administrator, stated within the Department of Justice there are 8 large, complex systems with which there is direct contact with the public. Currently, \$1.28 million are being expended annually on the data processing systems.

Mrs. Cochrell said it was imperative the staff be supported for the handling and control of the systems.

Mrs. Cochrell gave a brief overview of the responsibilities of the staff. She said the committee also needs to consider the procedural evaluation of the system so the system is equipped to meet the needs on a day to day basis and to support the operational personnel who do the jobs.

Mrs. Cochrell stated they are responsible to assist agencies' management in their planning program development, equipment acquisitions and to advise the Attorney General on what the needs and priorities are. Another responsibility is to correspond activities with the state centralized computer facilities to assure the best cost dollar benefit for the state and the general public.

The FA recommends that the Department of Justice contract with Information Systems Division for services. Mrs. Cochrell responded that the systems are large and complex and from experience stated it would take at least 4 fulltime contracted people. She commented that the current rate of \$35 an hour would give the minimum of maintenance coverage and management control would be lost. The cost to contract with Information Systems Division would be in excess of \$291,000 a year.

The FA stated that the 44th Legislative Session appropriated to the Department of Justice funds to automate the Motor Vehicle Registration with the assumption that they would contract with Department of Highways for data processing services. The project was originally set up for Motor Vehicle Registration and funds have been spent in other areas. The FA questions if these are correct expenditures and also questions the filtering of money and FTE within the Department of Justice. The program was to sunset and be rejustified before the subcommittee and the Legislature.

The FA commented that adequate funds have been put in for continuing data processing costs and various other support for the systems within the Motor Vehicle Registration.

Mike Meldahl, Data Processing Coordinator, stated he had drafted the original legislation for the Motor Vehicle Bureau. The intent was to automate the Motor Vehicle with the Department of Highways for contracted computer time so the Department of Justice would not have to buy its own computer center. Mr. Meldahl stated this was done. He also stated they are requesting 6 FTE to maintain the systems and felt they were doing an excellent job with minimum of staff.

#### Highway Patrol Bureau

Colonel Joe Sol, Chief, presented to the committee statistics showing an increasing workload creating a need for additional patrolmen.

Colonel Sol presented a chart of the funding for the three programs within the operations of the Bureau. They are Patrol Operations, Field Services and Driver's Licensing.

Within the Operations, the present FTE is 32.88, 6 of which are uniformed officers. The Budget Office has recommended the current level. The FA has recommended 29 FTE.

They are requesting 5 additional FTE in the Driver's Licensing Program. In Field Services they are requesting 22 additional patrolmen.

The FA recommendation reduced the FTE by 2 in the Driver's Licensing Program and replaced 21 uniformed examiners with 21 civilian examiners. She also reduced the level of funding for the program. The FA recommended the current level of FTE in the Field Services Program.

Under the modification request for the Hiway Patrol, they requested that the uniform officers from the Driver's Licensing Bureau be transferred into Field Services and this would provide for a civilian driver's licensing program which was recommended by the FA and has been the desire of the Legislature. The modified request reduces their original budget request and maintains the current level of uniform officers.

Colonel Sol commented on the vacancy savings factor applied by the FA. He stated that when termination benefits are paid to an individual, a position is sometimes left open for 2-3 months to pay the benefits.

There was discussion on paying benefits.

Colonel Sol also commented on the FA recommendation for the use of the patrol vehicles now used to be discontinued. Colonel Sol stated because of the need for them to be traveling and to have radio equipment in the cars, the cars are very necessary. The hiway patrol has a role in the state emergency and disaster plan and in order to be prepared at all times they need the cars.

The FA responded to the presentation by pointing out that although the hiway patrol had a low vacancy savings last year, they transferred \$7,800 out of their personal services account to other programs.

In the Driver's Licensing Program at the end of the year, they had a small vacancy savings but transferred \$12,000 from personal services to operating expenses. The FA stated if this was taken into consideration they would have had a vacancy greater than was applied to the Division.

The FA questions why the administrators should be provided with cars. Colonel Sol stated that he does in fact spend quite a bit of time on the road and the cars used by the administrators are used as a pool for keeping the field cars maintained and repaired.

Colonel Sol stated the fleet is operating at 9 1/2 ¢ per mile.

A reduction of 2.88 FTE, positions that were not filled, are used for providing funding to pay for the patrol recruits while they are attending school. The FA recommended the funding be expended from the proper expenditure category and the FTE be reduced by 2.88.

One other FTE not recommended in Patrol Operations was a position transferred to a field traffic position because of the need of the position. They request to retain the position as a system's analyst in headquarters.

Mr. Keith Anderson, President of the Montana Taxpayers Association, Mr. Larry Tobiason, Montana Automobile Association, Mr. Harold Paulsen, Representative of Hiway Users and Carol Kirkland, Montana Petroleum Association each gave testimony in support of the Hiway Patrol Operation being funded through general fund and not from hiway earmarked funds. It was felt the hiway funds should be used for construction of hiways.

Tom Snider, Director of the Montana Public Employees Association, testified that due to increases in accidents, vehicles, and drivers within the state, it is necessary to increase the hiway patrolmen. He also supports the phasing out of uniform licensing examiners and the transition to civilian examiners.

Mr. Snider stated the hiway patrolmen have worked overtime without compensation when funds have ran out. He stated they have tentatively agreed to a contract covering the patrolmen for overtime with the provision that if the funds, \$100,000 for the biennium, do run out the officers will continue to work without compensation for overtime.

The Attorney General stated they had no recommendation as to where the funding for the program came from although, it was a concern. He said the number one priority for the Department is the additional patrolmen.

#### Motor Vehicle Division

Larry Majerus, Administrator for the Motor Vehicle Division, in his presentation stated his duties and the responsibilities of the Division.

Mr. Majerus works with other states and the Federal government on laws and regulations which effects the day to day operations with the Motor Vehicle Program. Mr. Majerus also acts as the EEO officer and the Civil Disaster and Emergency Coordinator for the Department of Justice.

The program request is less than authorized in 1979. They have eliminated the need for one FTE.

Mr. Majerus stated they come in contact with 90% of the adult

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population in the State of Montana within their program.

Under the Motor Vehicle Division, they have the Hiway Patrol Bureau and the Registrar's Bureau.

The FA commented that her recommendation questioned the need for an administrator over the two bureaus when each bureau has adequate and excellent administration.

Mr. Majerus stated that the Division acts as a vehicle for the bureaus. The duties would have to be delegated elsewhere.

Attorney General Greely stated he could relate with the Motor Vehicle Division on a daily basis, where he could not with the bureaus. Bonnie Cochrell and Colonel Sol supported the need for the Administration within the Division.

The meeting was adjourned at 10:45 a.m.

Respectfully submitted.

William Menahan  
William Menahan, Chairman

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