

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Senator Dick Pinsoneault, Chairman, on January 9, 1991, at 11:30 a.m.

ROLL CALL

Members Present:

Dick Pinsoneault, Chairman (D)
Bill Yellowtail, Vice Chairman (D)
Robert Brown (R)
Bruce Crippen (R)
Steve Doherty (D)
Lorents Grosfield (R)
Mike Halligan (D)
John Harp (R)
David Rye (R)
Paul Svrcek (D)
Thomas Towe (D)

Members Excused: Joseph Mazurek (D)

Staff Present: Valencia Lane (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: Chairman Pinsoneault advised those present that a joint meeting with House Judiciary Committee would not take place this date. He introduced Marc Racicot, Attorney General, Department of Justice (DOJ).

Mr. Racicot told the Committee his department has an ambitious legislative agenda. As part of his overview of DOJ, he explained that DOJ has 602 employees statewide, of which 25 are attorneys in the Legal Services Division.

Mr. Racicot introduced Deputy Director Mike Lavin, Deputy Attorney Judy Browning, Legal Coordinator Peter Funk, County Prosecutor Services Bureau Chief John Connor, and Executive Assistant Beth Baker. He explained that Ms. Baker is currently investigating Montana's second congressional representative seat. He also introduced Central Services Administrator Mick Robinson.

Mr. Racicot provided members of the Committee with an organizational chart of DOJ (Exhibit #1). He advised that Crime Investigation units were operating out of Helena, Billings,

Missoula, and Great Falls. He said the Law Enforcement Academy (LEA) in Bozeman employs 10 persons who provide training for 3,000-plus law enforcement officers annually.

Mr. Racicot made reference to the Criminal Justice Information Network (CJIN), as well as the Forensic Science Lab in Missoula, and Motor Vehicle Division in Deer Lodge. He said the Montana Highway Patrol Division (150 employees) comprises the largest portion of the DOJ budget.

The Attorney General advised the Committee the DOJ has an independent relationship with the Gambling Advisory Council.

Addressing vehicle identification numbers (VIN), Mr. Racicot said he would like to create a VIN program in Montana, because the state has become a dumping ground for stolen vehicles. He explained that he views this as a multi-million dollar problem for Montana. Mr. Racicot stated that a VIN task force looked at addressing the problem during the past interim.

EXECUTIVE DISCUSSION

Senator Svrcek asked why Peace Officers were not under LEA. Mr. Racicot replied that Peace Officers were not beholden to DOJ and needed detached, neutral placement. Senator Svrcek also asked about a legal challenge to the loss of Montana's second House seat in Washington, D.C. Mr. Racicot replied that up to 25 years ago, this was a consistent problem. He explained that DOJ would be looking at whether or not Congress has proceeded within the spirit and letter of Article 1 of the U.S. Constitution. Mr. Racicot stated that nowhere is a cap of 435 mention, especially by simple tabulation of the Census Bureau. He added that DOJ would also be looking at whether or not deleting House seats in this manner is a constitutionally delegated authority.

Senator Halligan asked about the enforcement and investigation of gambling, and then more specifically what problems would accompany legalization of "blackjack" or "21". Mr. Racicot replied that this is a difficult issue to deal with, resulting in a lot of confrontation. He said DOJ is largely unable to keep up with its investigative responsibilities in the area of legalized gambling in the state.

Mr. Racicot explained that along with the 1,800 gambling licenses issued, 5,000 associated people need to be investigated. He said there are 11,300 machines licensed in the state and that this number is presently increasing at a rate of 200 per month (all of which must be investigated for licensure). Mr. Racicot said there are also 700 card dealers in the state.

Mr. Racicot went on to say that first quarter earnings from gambling were \$3.3 million, while those for the second quarter increased to \$4.9 million. He said the estimated \$130 million in annual profit and \$20 million in taxes all require auditing and

investigation. Mr. Racicot again reaffirmed that DOJ will not be able to conduct proactive investigations as desired, because of the current rate of growth in the gambling industry.

Senator Crippen asked about legislation which would transfer licensing of motor vehicles from the counties to DOJ, adding that this appears to be a very controversial subject. Mr. Racicot replied that the current motor vehicle licensing laws were enacted in the thirties and don't work efficiently for the state's one million motor vehicle transactions annually. Mr. Racicot said that there are currently 58 management systems in place (56 counties, DMV in Deer Lodge, and GVW). He said there is no way to unify them except through DOJ, adding that he realized the County Treasurers feel invaded.

Mr. Racicot explained that 30 Driver Services Examiners currently assist 56 counties. He said he sees a need to cross-train personnel, and to provide one stop for all driver-related services. Mr. Racicot told the Committee he believed DOJ could provide all these services at a higher level, for a slight increase in vehicle licensing fees.

Senator Crippen asked if centralizing motor vehicle licensing would not make the procedure more inconvenient for the people of Montana. Mr. Racicot replied that established delivery systems are necessary for unified infrastructures, and that he believed it could be a model of effective production without a substantial increase in revenue.

Chairman Pinsoneault stated that the County Treasurers are concerned about getting money back to their counties. Mr. Racicot replied that it would be no problem and could be accomplished very quickly with electronic transfers.

Senator Harp asked if the County Treasurers Association would be offering legislation to improve the delivery system, and if a compromise could be made between the Association and DOJ. Mr. Racicot replied that there are all kinds of ways to compromise, but such action would leave serious management problems. He added that, "DOJ needs absolute accountability from top to bottom."

Senator Harp commented that the true picture had not evolved from DOJ's survey of county treasurers, since personnel in small counties perform many different functions. Mr. Racicot replied that DOJ began to see a real need to look at the situation "globally", after the survey began. He stated that the survey became an evolutionary process, and that he believes DOJ is now prepared to present agreeable data in order that the Legislature might make the necessary value judgments.

Senator Towe asked if there were many lawsuits impacting the lives of Montanans. Mr. Racicot replied that there were several such cases right now, adding that DOJ responded to requests for assistance on natural resources and tribal issues. He said some of

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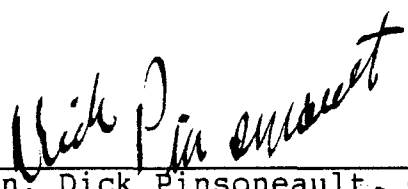
this litigation is very serious, and that "Montana is woefully unprepared to undertake the problems on the horizon." Mr. Racicot stated that DOJ does not have the personnel to address clean water, superfund, and other issues.

Senator Towe asked if a report on these issues were available. Mr. Racicot replied that he had a docket. Senator Towe asked for a list of the 10-15 most important cases. Mr. Racicot replied that he would provide this information.

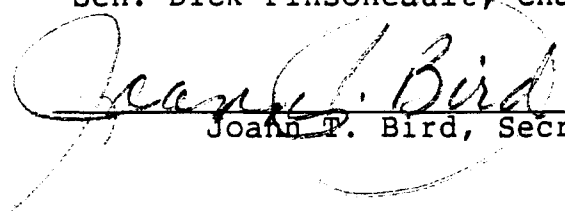
Chairman Pinsoneault thanked the Attorney General and his staff for their informational presentation.

ADJOURNMENT

Adjournment At: 12:10 p.m.



Sen. Dick Pinsoneault, Chairman



Joan T. Bird, Secretary

DP/jtb

ROLL CALL

SENATE JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 1-9-91

NAME	PRESENT	ABSENT	EXCUSED
Sen. Pinsoneault	✓		
Sen. Yellowtail	✓		
Sen. Brown	✓		
Sen. Crippen	✓		
Sen. Doherty	✓		
Sen. Grosfield	✓		
Sen. Halligan	✓		
Sen. Harp	✓		
Sen. Mazurek	✓		
Sen. Rye	✓		
Sen. Svrcek	✓		
Sen. Towe	✓		

Each day attach to minutes.

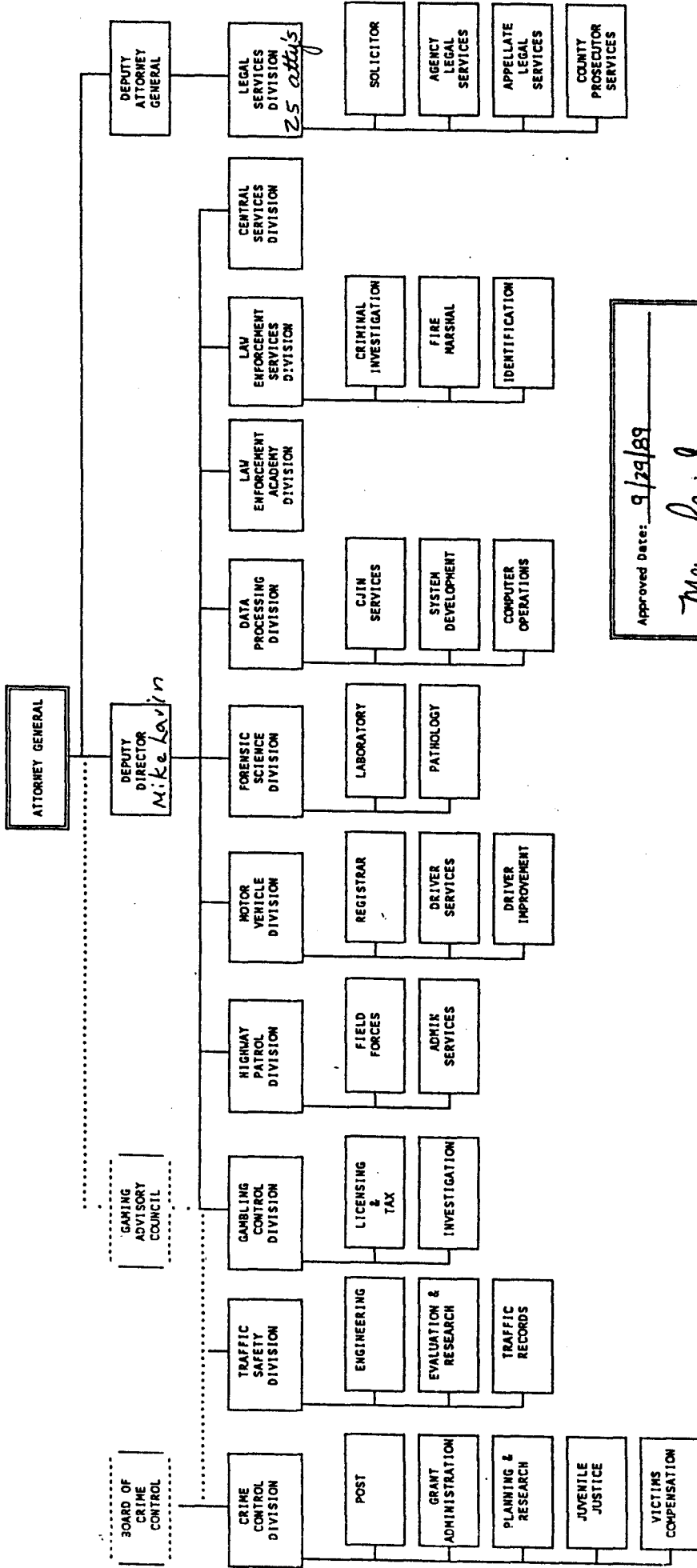
SENATE JUDICIARY

EXHIBIT NO. EX 1

DATE Jan 9, 1991

BILL NO. _____

DEPARTMENT OF JUSTICE
ORGANIZATIONAL CHART
SEPTEMBER, 1989



Approved Date: 9/29/89
Marc Racicot
 By: Marc Racicot, Attorney General