

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

JOINT SUBCOMMITTEE ON INSTITUTIONS & CULTURAL EDUCATION

Call to Order: By CHAIRMAN MARJORIE FISHER, on January 16, 1995,
at 8:05 a.m.

ROLL CALL

Members Present:

Rep. Marjorie I. Fisher, Chairman (R)
Sen. Larry J. Tveit, Vice Chairman (R)
Sen. Gary C. Aklestad (R)
Rep. Steve Vick (R)
Sen. Mignon Waterman (D)

Members Excused: Rep. Red Menahan

Members Absent: None

Staff Present: Lorene Thorson, Legislative Fiscal Analyst
Shirley Benson, Office of Budget & Program
Planning
John Patrick, Office of Budget & Program Planning
Brandee Decrevel, Committee Secretary

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

Committee Business Summary:

Hearing: Department of Justice
Executive Action: Department of Justice

{Tape: 1; Side: A}

EXECUTIVE ACTION ON THE DEPARTMENT OF JUSTICE GAMBLING CONTROL DIVISION

Motion/Vote: SEN. MIGNON WATERMAN MOVED TO ACCEPT THE 1994 BASE
BUDGET. The motion carried unanimously.

Motion/Vote: SEN. WATERMAN MOVED TO ACCEPT THE PRESENT LAW
ADJUSTMENTS 1 - 3. The motion carried unanimously.

Motion: SEN. WATERMAN MOVED TO ACCEPT THE OTHER EXECUTIVE PRESENT
LAW ADJUSTMENTS 4 - 8.

Questions, Answers and Discussion

Lorene Thorson, Legislative Fiscal Analyst (LFA), explained the other executive present law adjustments.

SEN. LARRY TVEIT asked why there was an increase in rent.

Janet Jessup, Administrator, Gambling Control Division, Department of Justice, said the Helena office is being moved to a larger space but the cost per square foot is not substantially higher. This move has been planned for about two years.

Ms. Thorson said the new rental space is under the new proposals, not in the present law adjustments.

CHAIRMAN MARGE FISHER asked if some out-of-state travel could be saved by having the other state do some of the licensing exploration. Ms. Jessup answered that since each state has very different statutes and requirements for licensing there is not much interchange of information currently being done. There is a bill in this session to allow for mutual agreements with other states to share information.

SEN. GARY AKLESTAD asked why information can't be obtained when the contractors come to Montana rather than sending investigators out of the state and out of the country. Ms. Jessup answered that on-site investigations are very important not only to see how the contractor runs its operations but also to bring out questions that may not have been considered just through reading the contractor's paperwork, particularly when it is a contractor that has not been in Montana before. The applicant pays all of the cost for the licensing process.

REP. STEVE VICK asked why the gambling control division doesn't use the state motor pool. Ms. Jessup answered that because of the amount of travel time it is less expensive for the division to have its own vehicles.

Vote: The motion carried.

Questions, Answers and Discussion

CHAIRMAN FISHER asked why the general fund supports part of the new proposal for new equipment/vehicles and the state special fund supports part. Ms. Thorson answered that with the change in funding for the liquor division investigations, those funds are now transferred to the general fund and used for their portion of the investigation process.

Motion/Vote: SEN. WATERMAN MOVED TO ACCEPT THE EXECUTIVE BUDGET NEW PROPOSAL ITEM #1, NEW EQUIPMENT/VEHICLE. The motion failed 4-1 with SEN. WATERMAN voting yes.

Motion/Vote: SEN. WATERMAN MOVED TO ACCEPT THE EXECUTIVE BUDGET NEW PROPOSAL ITEM #2, MIGRATION TO STATE COMPUTER SYSTEM. The motion failed 3-2 with CHAIRMAN FISHER and SEN. WATERMAN voting yes.

Discussion

CHAIRMAN FISHER said action will be deferred on the new proposal for the automated video gambling system until the bill affecting this has gone through the legislature.

Questions, Answers and Discussion

SEN. TVEIT asked if the Gambling Control Division has already moved into the new space and why the new space was needed. Ms. Jessup said the lease has been signed, but the move has not yet been made. The entire Helena operation is being moved into this space. This new space will also provide room for people who spend most of their time traveling when they come into Helena as well as space for any additional compliance staff.

Motion/Vote: SEN. WATERMAN MOVED TO ACCEPT THE EXECUTIVE BUDGET NEW PROPOSAL ITEM #4, NEW RENTAL SPACE. The motion failed 4-1 with SEN. WATERMAN voting yes.

Questions, Answers and Discussion

REP. STEVE VICK asked for explanation of the request for additional compliance staff issue. Lorene Thorson, LFA, said this proposal adds six FTE - three field auditors, one new machine inspector and one additional compliance specialist and one clerical person under quarterly reports. There is the issue that there is a backlog in field audits but maybe one of the additional FTE could be put on as a temporary position to deal with the immediate backlog. These FTE aren't related to the dial-up system.

Ms. Jessup responded that the gambling control division is using current FTE to deal with the backlog which is incurring a substantial amount of compensatory time with both auditors and compliance specialists. These staff members have been forced to use the compensatory time which increases the backlog. The gambling control division hasn't been able to keep up with the licensing activities or get rid of the backlog. The additional clerical support in the tax and audit section is because an extra hand is needed. An additional machine inspector is requested because currently one staff person is expected to do all inspections throughout the state. This position was vacant for four months because of the difficulty in recruiting someone willing to spend this excessive amount of time on the road.

SEN. TVEIT asked if the six compliance FTE were in addition to the request for 23 employees in place of an automated dial-up system. Ms. Jessup explained that the six compliance positions

are what is needed to handle the backlog. The 23 additional FTE would bring the division to the higher standards of auditing that would be brought with automation.

Motion/Vote: SEN. TVEIT MOVED TO ACCEPT THE EXECUTIVE BUDGET NEW PROPOSAL ITEM #5, ADDITIONAL COMPLIANCE STAFF. Motion carried unanimously.

Motion/Vote: REP. STEVE VICK MOVED TO ACCEPT THE EXECUTIVE BUDGET NEW PROPOSAL ITEM #6, PERSONAL SERVICES REDUCTION. The motion carried 4-1 with SEN. WATERMAN voting no.

EXECUTIVE ACTION ON THE DEPARTMENT OF JUSTICE
CENTRAL SERVICES DIVISION

{Tape: 1; Side: A; Approx. Counter: 810}

Motion/Vote: SEN. TVEIT MOVED TO ACCEPT THE 1994 BASE BUDGET. The motion carried unanimously.

Motion: REP. VICK MOVED TO ACCEPT THE PRESENT LAW ADJUSTMENTS 1 THROUGH 5.

Questions, Answers and Discussion

CHAIRMAN FISHER asked why the Board of Crime Control D.A.R.E. money doesn't pay for the D.A.R.E. coordinator position. **Jim Oppedahl, Department of Justice**, answered that the Board of Crime Control paid for this position for three years through a one-time only grant which ran out in 1993. The D.A.R.E. coordinator coordinates in-state training for local sheriff & police officers to be trained as D.A.R.E. officers. Previously D.A.R.E. training took place in Salt Lake City or Los Angeles. This in-state coordinator significantly decreases training costs.

Vote: Motion carried unanimously.

Discussion

The subcommittee will hold off on action on the Executive Budget New Proposal #1, Inter. Cost Allocation Fund Switch, until all gas tax proposals can be considered together.

Motion/Vote: SEN. TVEIT MOVED TO ACCEPT THE EXECUTIVE BUDGET NEW PROPOSAL ITEM #2, PERSONAL SERVICES REDUCTIONS. The motion carried 4-1 with SEN. WATERMAN voting no.

EXECUTIVE ACTION ON THE DEPARTMENT OF JUSTICE
EXTRADITION AND TRANSPORTATION OF PRISONERS

{Tape: 1; Side A; Approx. Counter: 1150}

Motion/Vote: SEN. TVEIT MOVED TO ACCEPT THE 1994 BASE BUDGET.
The motion carried unanimously.

Motion/Vote: SEN. WATERMAN MOVED TO ACCEPT THE PRESENT LAW
ADJUSTMENT FOR ITEM #1, EMPLOYEE BENEFITS AND TRAVEL. The motion
carried unanimously.

EXECUTIVE ACTION ON DEPARTMENT OF JUSTICE
COUNTY ATTORNEY PAYROLL

{Tape: 1; Side: A; Approx. Counter: 1250}

Motion/Vote: SEN. TVEIT MOVED TO ACCEPT THE 1994 BASE BUDGET.
The motion carried unanimously.

Motion: SEN. WATERMAN MOVED TO ACCEPT THE PRESENT LAW ADJUSTMENTS
1 - 3. The motion carried unanimously.

Questions, Answers and Discussion

REP. VICK asked if the counties paid the cost-of-living increases
for the county attorneys. Jan Dee May, Department of Justice,
explained that the state set the base salary for the county
attorney, but the counties could choose to provide cost-of-living
increases.

CHAIRMAN FISHER asked why there were no vacancy savings for the
county attorney offices. Jan Dee May, Department of Justice
answered because there were never vacancies in this department.
Vacant positions are filled very quickly.

VOTE: Motion carried unanimously.

HEARING ON THE DEPARTMENT OF JUSTICE
COMPUTER SERVICES AND PLANNING DIVISION

{Tape: 1; Side: A; Approx. Counter: 1409}

Jim Oppedahl, Department of Justice, said the computer services
and planning proposals, particularly the Criminal Justice
Information Network (CJIN) enhancement proposals are the highest
priority of the Department of Justice this session. They are the
ones that most directly affect the Department's abilities to
support local law enforcement agencies.

{Tape: 1; Side: B}

Jim Oppedahl, Administrator, Computer Services and Planning Division, Department of Justice, gave an overview of the computer services & planning division. **EXHIBIT 1** It is important that the state computer system, particularly CJIN, be modernized to take advantage of the full capabilities of computers in law enforcement. The \$133,000 for CJIN upgrades begins in the last six months of the biennium (in FY97).

SEN. TVEIT asked if \$133,000 per year for the 1998/99 biennium would also be needed for CJIN. **Mr. Oppedahl** answered the proposal for 1997 is the additional funding needed to be able to fund these improvements with no carryover funding needs for the 1998/99 biennium.

{Tape: 2; Side: A}

Mr. Oppedahl continued the overview of the computer services and planning division. In the past two years there's been a 55% turnover in positions in the division. Reasons include early retirement incentives which not only took staff from the Division but also caused some staff to take vacant positions in other state agencies. It is also difficult to find computer programmers who know the business and languages of the criminal justice system. The division had two grade 15 positions open for about six months because there were no qualified applicants in Montana and the out-of-state candidates who were qualified wouldn't accept the positions at the pay rate offered.

Questions, Answers and Discussion

REP. VICK asked if the CJIN system would be used in the suggested proposals to mark drivers licenses or other ID's for felons and to provide instantaneous background checks for gun purchasers.

Mr. Oppedahl answered that the marking of drivers licenses is currently possible but very time consuming. The system isn't set up for instantaneous background checks. Background information has to be analyzed by a person and has been designed to respond to an officer on the job.

REP. VICK asked if the proposal approved by the subcommittee for computers in sheriff and highway patrol cars are dependent on the enhancement of the CJIN and other systems. **Mr. Oppedahl** answered that the patrol car computers are not dependent on the enhanced computers but would be a better system if they are connected with the CJIN system.

{Tape: 2; Side: A; Approx. Counter: 848}

HEARING ON THE DEPARTMENT OF JUSTICE MOTOR VEHICLE DIVISION

Dean Roberts, Administrator, Motor Vehicle Division, Department of Justice, gave an overview of the Department of Justice Motor Vehicle Division. **EXHIBIT 2**

{Tape: 2; Side: B}

Mr. Roberts continued the overview of the Motor Vehicle Division.

Questions, Answers and Discussion

SEN. WATERMAN asked if counties can choose to not use mail renewals for driver's license and registration. **Mr. Roberts** answered that counties do not have to use mail systems and approximately 20 of the smallest counties don't use the mail. It is much less expensive to use mail registration, about 75 cents per transaction versus about \$3.75 per transaction for in-person renewals and registrations.

CHAIRMAN FISHER asked how long the digitized driver's licenses have been done and how long will it take to have all drivers with these new licenses. **Mr. Roberts** said it began state-wide in April 1994 and the turnover will be completed within three years.

SEN. TVEIT asked for more information about the eight-year driver's license. **Mr. Roberts** said the proposal will phase in the eight-year driver's license over a four-year period in which half the population will get a four-year license and half will get the eight-year license. All statistics show that drivers between the ages of 21 and 75 generally have very little deterioration in their driving abilities. As it is most people who come in for licensing and show eye sight deterioration have already been to an eye specialist. Most accidents occur with drivers under the age of 21 and over the age of 75. Drivers over the age of 75 have the highest per mile accident rate of any group. Drivers over 75 will be issued four-year licenses and those under 21 will be required to renew their license in person when they turn 21 at which time their license will be switched to an "adult" license. 25% of the division's work is in driver's license renewals, the eight-year license will cut this workload in half.

SEN. TVEIT asked if there still isn't some danger in the eight-year license, particularly in people getting close to the age of 75. **Mr. Roberts** answered that according to statistics, dramatic deterioration does not begin until about the age 75. There are safeguards for the eight-year license, including physician reporting of patients who may not be able to drive; law enforcement officers requirement for license renewal for drivers involved in accidents; written requests by family members for retesting of drivers. There will still be the 30-point violators and suspension of licenses.

SEN. TVEIT asked what an eight-year license is going to cost. **Mr. Roberts** answered that currently drivers license costs \$4 per year. With an eight-year license that cost may be reduced, since the actual cost of issuing licenses will be reduced with the lower workload. If the price is not reduced, there would be an immediate windfall to the general fund in the first four years

when half the population is getting a four-year license and half is getting an eight-year license.

Joe Mazurek, Attorney General, said the issue of the eight-year driver's license cost is still being considered. In this biennium \$27 million has been raised with only \$13 million spent in costs. Citizens are still paying for services that have been reduced, such as the cut-back on the number of licensing sites.

SEN. TVEIT asked why there is work being done on the Title and Registration Bureau building when the building should be condemned. **Mr. Roberts** agreed that it should be condemned.

CHAIRMAN FISHER asked how many square feet are in the Title and Registration Bureau building and is the building going to be left vacant. **Mr. Roberts** said the building is about 17,000 square feet including the basement which is used to store old records. The division is working with the city of Deer Lodge through its museum and tourism boards to do some sort of trade of the building. The building is listed on the historic registry and will not be allowed to fall down.

SEN. TVEIT asked why the building was originally located in Deer Lodge. **Mr. Roberts** explained that originally, back around 1913, license plates were produced by the prisoners in Deer Lodge which is why the building was located there. Although the work was taken out of the prison in the 1970s, there was no compelling reason to move the Title and Registration Bureau. The work force is very skilled and there is a certain family tradition of having mothers and daughters working in the bureau. All the staff and the bureau chief are in Deer Lodge.

REP. VICK asked if the 10,000 square feet needed for a new facility is available in Deer Lodge. **Mr. Roberts** said there are some possibilities, such as a former car dealership.

HEARING ON THE DEPARTMENT OF JUSTICE
LAW ENFORCEMENT SERVICES DIVISION

{Tape: 2; Side: B; Approx. Counter: 1040}

Mike Batista, Administrator, Law Enforcement Services Division, Department of Justice, provided an overview of the Law Enforcement Division. The Law Enforcement Services Division's number one priority is to support local law enforcement. This is done through four bureaus (described below): criminal investigation bureau; the narcotics investigation bureau; the fire prevention bureau, and the state identification bureau.

Criminal Investigation Bureau

The criminal investigation bureau has faced several challenges from the 1993 legislative session. Through SB 164 and HB 609 the

criminal investigation bureau received additional responsibilities in the area of worker's compensation fraud and welfare fraud investigations. This has caused a significant increase in the work load of the criminal investigation bureau. There has been about a 700% increase in the number of felony criminal investigations conducted since 1993. In worker's compensation fraud, during the course of the last fiscal year, there were more than 280 investigations realizing a savings of more than \$2 million in state funds over the life of the claims. There have been 228 criminal investigations in welfare fraud which is significant because in 1992 and 1993 the Department of Revenue, with more staff focused on investigating welfare fraud, conducted 133 investigations. The dollar savings realized in welfare fraud investigations have exceeded \$1 million. Both of these fraud programs have also proven to have deterrent effects on those who may have in previous years considered fraud.

{Tape: 3; Side: A;}

Narcotics Investigation Bureau

This bureau has seen an interesting turn in the narcotics situation in Montana. Urban drug traffickers are moving to rural locations at an alarming rate because they have the mindset that these small law enforcement agencies aren't going to have the expertise to do conspiracy investigations. The narcotics investigation bureau has two offices, one in Billings and one in Missoula. This last year they've worked in all 56 counties providing assistance in undercover operations, conspiracy investigations and training of narcotics task forces. During 1993-94 there were 411 felony investigations, with 122 of those people charged with either state or federal drug trafficking offenses and in excess of \$1.8 million in drugs were recovered. In southwest Montana a partnership has been formed with six counties to work in a cooperative effort to look at the drug problems in that area. Montana needs to have strong drug enforcement and be aware of the illegal drug situation in the state. One of the budget requests is a continuation of a budget amendment approved in 1994 for one additional narcotics investigator for the Missoula Drug Team which provides assistance in 26 counties, which increases the staffing from five to six investigators. The budget amendment request is for \$39,000 of which \$10,000 will be state money.

Fire Prevention Investigation Bureau

The fire prevention investigation bureau is charged with providing fire life safety functions to the residents of the state of Montana through inspections, code interpretation and arson investigation. The fire prevention investigation bureau is taxed with providing inspections to all public buildings which include day cares, university buildings, public assembly buildings, group homes, above-ground storage tanks and hotels and motels. This is not a function of local fire departments because

there is approximately 20 fire departments with paid staff - the remaining 400 fire departments are volunteer. Another responsibility is to provide fire investigations - 80 were conducted last year. Last year an arson dog was acquired, able to sniff out accelerant. There have been 13 fires responded to with the dog, ten of which have proven to be arson. Training for the dog is provided by the insurance industry. As a result of HB 252 in the 1993 legislature, the fire prevention investigation bureau licenses all businesses that sell, service or install fire equipment. During the course of this program two longtime businesses that are engaged in re-servicing fire equipment have been discovered to be defrauding customers by not refilling fire extinguishers. The bureau is currently considering revoking these companies' licenses and/or refer them for criminal investigation.

SEN. WATERMAN asked if the 20 professional fire departments conduct their own inspections and if this duplicates the fire prevention investigation bureau. **Mr. Batista** answered that for the most part the fire prevention investigations are done by the division. All investigations conducted locally or through the state are shared so there is no duplication.

State Identification Bureau

The state identification bureau is a central depository for all criminal history records in the state of Montana. This bureau has seen the greatest increase in its workload in recent years. All fingerprint cards are sent to this bureau for processing and the bureau also conducts all criminal background checks for law enforcement and the public. It is in public checks, such as for school teachers and day care workers, that has seen the largest growth in workloads. The bureau also works on missing persons cases. In 1991 the legislature approved funding for the Automated Finger Print Identification System (AFIS). AFIS provides the ability to solve a crime with one fingerprint and can scan fingerprint records in eight surrounding states. In 1994 there were 2,210 hits on out-of-state records from 14,000 searches. Of 17 latent prints entered in AFIS all 17 were hits. A critical budget item is the funding of AFIS. In the first quarter of 1997, federal fund monies will run out and the division is requesting general fund money to continue to operate AFIS in the amount of \$270,000 for the remaining three quarters of FY97.

SEN. TVEIT asked if the federal crime bill could provide funding for AFIS. **Mr. Batista** answered that nothing in the crime bill applies to AFIS.

Chuck O'Reilly, Sheriff, Lewis & Clark County, and representative of Montana Sheriffs and Peace Officers Association, testified that AFIS has made a dramatic difference for local law enforcement agencies. In the past a single fingerprint could only identify a suspect if the suspect's fingerprints were on

file in the state of Montana. Now that fingerprint can identify suspects who may be on file in other states, at an almost instant response rate through the AFIS system. While it sounds like an expensive program, AFIS saves money through insurance premiums and saving on investigative time. It also saves in the long run by being able to catch a criminal in a shorter period of time, thus allowing that criminal less opportunity to commit other crimes.

The Montana Sheriff and Peace Officers Association also support CJIN. For patrolmen alone at night it is important to be able to run an instantaneous license plate check before approaching a car that may hold dangerous criminals.

HOUSE INSTITUTIONS & CULTURAL EDUCATION SUBCOMMITTEE

January 16, 1995

Page 12 of 12

ADJOURNMENT

Adjournment: 11:45 am

Marjorie I. Fisher

MARJORIE I. FISHER, Chairman

P. Borneman

for BRANDEE J. DECREVEL, Secretary

MIF/bjd

INSTITUTIONS

Joint Appropriations Subcommittee

ROLL CALL

DATE January 16, 95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Marj Fisher, Chairman	X		
Rep. Red Menahan			X
Rep. Steve Vick	X		
Sen. Larry Tveit, Vice Chairman	X		
Sen. Gary Aklestad	X		
Sen. Mignon Waterman	X		

Written Testimony
1-10-95

Jim EXHIBIT One
DATE 1-10-95
SB None

Introduction

Computer Services and Planning Division is responsible for three statewide automated systems that serve all Montanan's and for computer support services for 11 Department of Justice Divisions.

My presentation is a very brief overview of the Division's services, what we have accomplished in the past two years and what we need to do in the coming bienniums.

Please ask questions -- there are no dumb question -- and if there are -- I've probably asked them all myself in the past two years!

I am going to go through this material very quickly -- but I will leave you with a copy of both the slides and the presentation so that you can review it later if you like.

The original of this document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

written testimony
1-16-95

DEPARTMENT OF JUSTICE
MOTOR VEHICLE DIVISION

EXHIBIT Two
DATE 1-16-95
SB None

Thank you for giving me the opportunity to visit with you today about the Motor Vehicle Division.

The Division is required under provision of Title 61. Montana Codes Annotated, to provide the following services and products:

- EXAMINATION AND LICENSURE OF ALL DRIVERS
- CREATION AND MAINTENANCE OF PERMANENT DRIVER'S RECORDS
- TITLE AND REGISTER ALL VEHICLES INCLUDING BOATS, SNOWMOBILES AND ATV'S
- INSPECTION AND VERIFICATION OF VEHICLE

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Institutions of Cultural Education SUB-COMMITTEE

DATE January 16, 95

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Dennis M. Taylor	Justice		
Rick Ask	Justice		
Dean Roberts	Justice		
Samuel W. ...	Justice		
Joe MAZURK	Justice		
Ken ...	Justice		
Willard W. Rehwald	Justice		
Paul ...	Justice		
Phyllis Holm	Justice		
Connie Oppenahl	Justice		
Mike ...	Justice		
Chuck O. Bully, Sheriff	Mont. Sheriff's Assoc. Alvin ...		

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

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