

MINUTES OF THE
LEGISLATIVE, JUDICIAL AND ADMINISTRATIVE SUBCOMMITTEE

February 12, 1979
8:30 a.m.
Room 132
State Capitol Building
Tape Data: 7:1-1:0-791
Subject: Dept. of Justice

The meeting was called to order at 8:35 a.m. by Chairman Menahan. All members were present except Senator Lockrem who was excused. Others present were Bob Kuchenbrod, Bonnie M. Cochrell, John Matthews, Lonn Hoklin, Don Crabbe, Mike Lavin, Fritz Behr and Arnold Melnikoff of the Department of Justice and Attorney General Mike Greely.

Mr. Greely stated that this is the last of the presentations for the Department of Justice. The only areas left to be covered are the Central Services Division and the Board of Crime Control which is actually attached to the Department of Justice for administrative purposes only.

Mr. Greely went on to state that the Department of Justice has no objection to the bill that has been introduced that would transfer the function of paying for the extradition of prisoners from the Department of Administration to the Department of Justice. He feels that this department perhaps works more closely with police departments and sheriff's offices than the Department of Administration does. They will also assume the appropriation if the bill does pass.

He then introduced Bob Kuchenbrod, Administrator of the Central Services Division of the Department. Mr. Kuchenbrod stated that the Central Services Division is responsible for the budgetary accounting and fiscal support for the Department of Justice. They serve 500 people on the payroll and have approximately 18 or 19 different programs. The total department will run, in dollars, around \$12,000,000 per fiscal year.

Mr. Kuchenbrod also stated that the Central Services Division deals with other factions of state government such as the Department of Administration, the Purchasing and Personnel Division and they deal directly with the vendors of the state to make sure the expenditures of the Department are correct as authorized by the Legislature.

Their staff consists of 9 FTE. Mr. Kuchenbrod said they would recommend that the committee support the budget submitted by the OBPP with one exception, the 4% vacancy savings which amounts to about \$9,400. That is about the equivalent to the annual salary of one accounting technician. He suggested that the committee take another look at the budget, especially the 4% vacancy savings and perhaps put some of that back into the budget.

He explained that the Transportation of Prisoners and the County Attorneys' payrolls are new functions of the Central Services Division. In explanation of the County Attorneys' payrolls, Mr. Kuchenbrod stated that the Department pays for 1/2 of the salaries of the county attorneys. In this area, the FA has suggested a budget of \$420,000 whereas, the Department has requested \$450,000. The difference is that the FA has taken out the step increases.

The main thing they are interested in is having the money available that is necessary to pay half of the county attorneys' salaries. Chairman Menahan asked if they pick up the tab for all class counties. Mr. Kuchenbrod replied that they did. He also stated that they just pick up the tab for the county attorneys and this policy was adopted in Fiscal Year 1978 and 1979. Before that, this was the obligation of the State Auditor.

Chairman Menahan noted that they are asking for 14 FTE and the FA has recommended giving them 9 1/2. Mr. Kuchenbrod concurred on this and went on to explain the 14 FTE which they are requesting.

At this point, the FA stated that they had recommended 2 FTE be transferred to the Legal Services Division. She stated that last year, over \$5,000 was charged out to other programs within the Department of Justice for consulting services rendered specifically by Mr. Hoklin. In addition, \$1,700 was collected from the county prosecutors and the Law Enforcement Academy each and almost \$900 was collected from the LETS Bureau and the I.D. Bureau. The FA commented that upon collection of these funds, there were abatements when in fact they increased Central Services' spending authority. Also, the money received from the secretarial position was abated. This gave them an increased spending authority.

The two data processing people were not recommended by the FA. She stated she felt that they should have not been put into the current level and should have been requested as a modified for new services.

One difference in the operating expenses is the insurance for the cars which are being maintained at the 1978 level. This will be paid by reserve fund or the money will be appropriated.

There is a 25% increase in communications. In equipment, there was no recommendation. Money was appropriated in 1978 for two typewriters but the purchase was never made for this equipment.

Mr. Kuchenbrod responded concerning the abatements. He stated that abatements were made and that charges were sent out to several programs for certain functions within the Legal Services.

He also stated that the Fire Marshall's office has a termination which took over \$5,000 out of their budget. He said that \$5,000 was transferred from Central Services to the Fire Marshall's office to support that termination cost. Mr. Kuchenbrod then spoke on behalf of the data processing positions and responded

to the FA's recommendation on the insurance.

The FA explained that the Data Processing Program is going to be a sunset program. She said that her office feels that the Department should have come in and requested all data processing people as a modified request.

The FA questioned their method of dispersing the funds and filtering the FTE into other programs and counting them as current level.

At this point, Mr. Hoklin presented the budget recommendations for the Forensic Science Division. He stated that the FA had been unable to provide them with a recommendation because the Forensic Science Division had not finished their deliberations in time.

Mr. Hoklin explained that scientific investigation is a two-part proposition. (1) Forensic pathology basically includes autopsies and other types of examinations included in suspicious deaths. (2) The second part is the term "criminalistics" which includes various scientific investigations such as thefts, drug abuse crimes, etc. He stated that a crime lab cannot be combined with other types of labs and that there is a criminal investigation laboratory in Missoula. He explained the type of analysis they make.

It is felt that there is a need for a comprehensive forensics system in Montana and they should have a medical examiner. He went on to explain the budget proposals for this division.

They are requesting FTE to support the medical examiner, an assistant, a lab director, another FTE in the lab and a secretary. He stated that this is a bare bones approach to this question and stated the duties of a medical examiner would also include developing a training program throughout the state. There would be a substantial amount of travel involved. The medical examiner would have to travel to perform the autopsies.

Under rent, they recommended building a permanent building in Bozeman which would require a state bond authorized by the Legislature. He explained the \$50,000 debt service annually in connection with a bond of a half million dollars for a permanent building in Bozeman.

He stated that the following items would be "new budget": \$369,000 for the first fiscal year and \$401,000 for the second fiscal year.

Chairman Menahan inquired how they arrived at the site for the new lab. Mr. Kuchenbrod explained the procedure, stating that several communities came forward with proposals. They had an architectural expert come in to analyze each site. The Board chose the cheapest proposal. Gallatin County had offered some free land adjacent to the Law Enforcement Academy for a 50-99

year lease. That donation of land made that site especially attractive.

Representative Bardanouye came in at this point. A lengthy discussion followed regarding the possibility of a state police system.

Chairman Menahan asked about equipment for a new lab. Mr. Hoklin stated they have all the equipment they will need with the exception of clerical items. This concluded the Forensics Science presentation.

Mike Lavin, Administrator of the Board of Crime Control, presented their budget requests. He explained the grant making process stating that they receive an annual allocation from the Department of Justice. He then presented Bill Wolfe who showed that the crime rate has decreased significantly in Montana in the last two years. They feel they need legislative support to continue their efforts to keep this going in the right direction.

He went on to explain the Uniform Crime Report stating that previously, only major jurisdictions had reported information to the F.B.I. Under the new system, all jurisdictions make reports to the Uniform Crime Report and the Uniform Crime Report makes a report to the F.B.I. They feel this is a very worthwhile program.

The FA presented her recommendations regarding the FTE for the Board of Crime Control. She stated that part of the 32 FTE are for special projects. Mr. Lavin responded explaining the difference on the FTE.

Senator Thiessen left the meeting at this point.

The FA stated that she has received numerous budget amendments for the Board of Crime Control. They feel that the reason for this is the Regional Council meets so frequently. She stated that the per diem needs to be paid for the individuals to attend these meetings. Mr. Lavin stated that they have tried to reduce these meetings to 8 a year and hopefully that will take care of the budget amendments. Further discussion was held on the funding of the program. Mr. Lavin went on to say that the FA has stated that they can effectively continue the Grant Administration Program with a smaller staff. He does not agree. He also stated that there are no in-kind contributions.

Gene Huntington, of the OBPP, spoke on behalf of the Department's request. On the rent program, he stated that the Board is planning to move into the old Highway Building. They had overdeleted part of the rent and they took out office equipment. The new rent figures now show that they will need an additional \$13,703 in 1980 and \$14,340 for 1981.

Representative Hand inquired about the budget amendments that had been mentioned. Mr. Huntington responded that they have developed

some changes in the accounting system that should alleviate the budget amendments.

Mr. Kuchenbrod addressed the problem on the data processing people. He stated that when they reorganized the Data Processing Bureau, they took certain FTE and moved them to individual programs throughout the project. There were five analysts that were moved to other programs. They would like to maintain those positions in those programs. These positions are two in the Registrar's Office, two in Central Services and one moved from the Registrar's Office to the Highway Patrol.

Mr. Kuchenbrod stated that the Data Processing Program would be handled by Bonnie Cochrell. She in turn would be responsible to the Attorney General so that he would have firsthand knowledge of what the Data Processing Program is doing within the Department of Justice. They are asking that these FTE be retained as suggested by the OBPP.

General discussion followed regarding increased gas tax legislation.

Mr. Greely stated if the committee had any questions that he would have Mr. Kuchenbrod available at all executive sessions.

There being no further business, the meeting was adjourned at 10:55 a.m.

Respectfully submitted.


William Menahan
William Menahan, Chairman

VE by
rs