

MINUTES OF THE
LEGISLATIVE, JUDICIAL AND ADMINISTRATIVE SUBCOMMITTEE

March 6, 1979

7:00 p.m.

Room 132

State Capitol Building

Tape Data: 8:2-2:1885-end

Subject: Work Session

The meeting was called to order by Chairman Menahan at 7:00 p.m. Senator Thiessen and Representative Wood were present. Representative Hand and Senator Lockrem were excused. Fiscal Analyst JanDee May and Les Simkins from the Budget Office were also present. Gene Huntington from the Budget Office attended the latter part of the meeting.

The meeting was a work session for making decisions on the Department of Justice program budgets. Programs discussed were Motor Vehicle Administration, Forensic Science Lab, County Attorney Payroll, Legal Assistance Pool and Crime Control Board.

DEPARTMENT OF JUSTICE

Motor Vehicle Administration

Les Simkins requested the committee to reconsider the position abolished in this program and enumerated the following reasons: (1) There are statutory requirements concerning the position and (2) This is an on-going function and there is a need to have the position filled.

Chairman Menahan read the minutes concerning the committee's decision which contained the information that the committee had eliminated the position and that Chairman Menahan and Representative Wood voted to keep the position. The remainder of the committee voted to eliminate it.

The job is accountable to the Attorney General, does supervision in Deer Lodge and with the Hiway Patrol.

Senator Thiessen requested the committee to wait on any reconsideration until the full committee is present and suggested they continue with the program tomorrow. The other members concurred.

Forensic Science Lab

There is no recommendation on this program from the FA. The FA suggested the committee scrutinize the program closely as the money requested is only for start up costs and she anticipates major increases in both personnel and operating expenses if it is approved, with eventual costs undetermined.

It was stated that a bill on this program has been introduced which calls for funding with the motor vehicle registration fees.

Senator Thiessen read a description of the program which includes operating a laboratory to analyze specimens for law enforcement officers, provide scientific reports including testimony, conduct investigations, analysis, etc., as in the public interest.

This request is for \$219,000 for 1980 and \$251,000 for 1981. The program is not operating at this point. All funds are to come from earmarked revenue funds for fees and fines.

After some discussion of the bill, Senator Thiessen moved that the committee keep the program at a zero position all the way across, ie., that it not be funded. Upon a roll call vote on the motion, Representative Wood voted aye, Chairman Menahan voted against.

County Attorney Payroll

Upon discussion, it was determined that this is an automatic increase. The program funds 1/2 of county attorney salaries by the state according to statute. There is no difference between the FA and the Executive.

Senator Thiessen moved that the program be accepted as recommended. The motion carried.

Legal Assistance Pool

This program has been discussed previously with action deferred. The FA advised the committee to act pro or con and adjust their decision later when it is determined if the bill has passed or failed. The program concept is for a pool of legal counsel to be available to those agencies without counsel at a reduced cost. Any agency requesting a lawyer would have to get prior approval by the board that it cannot get along without a private attorney rather than using a legal assistant.

Differences in personal services is \$8,000 in 1980 and \$16,000 in 1981, bringing salaries down to the 1979 level as salaries listed included pay raises. There is a \$13,000 difference in operating expenses due to the FA not recommending money for summer interns. It is her premise that the program should first be established rather than taking on summer help and deferring the interns until a later biennium. Travel was also reduced.

The FA recommends the program if it is run properly and if the board is responsible in making agencies use the pool rather than outside legal counsel. The Executive did not recommend at all; there would be a fiscal note attached to it and a bill is in the Senate on the same type of program.

Senator Thiessen moved that the committee table the program and await action on the bill. The motion carried.

Gene Huntington of the Office of Budget and Program Planning joined the meeting.

Crime Control Board

The Board of Crime Control is requesting 31 FTE. The funding differences are that the FA dropped 9.8 FTE, \$168,000 and \$500,000 on the totals in an attempt to align this program with that of other states. Gene Huntington contended that the Executive applied many of the same standards in terms of the carrying 1979 personal services forward and basically increasing the operating expenses. He maintained that the two big differences have to do with assumptions of the functions Montana carries out in relationship to other states in the areas of administrative costs, operating the administration and planning for grant money as Montana has taken on many programs delegated in other states to other programs.

The other assumption concerns federal funding and the future of LEAA funding since their legislation expires in the coming year.

There was discussion of the Kennedy bill which would eliminate the state match for grants given to the cities and towns.

The Executive has assumed basically the same funding formula as they have in the past. The largest part of the Executive request is money passed through to the local governments. They need \$36,000 for 1980 and \$38,000 for 1981 of state money to match grant money. The FA and the Executive are in agreement on the 18% general fund match which is \$36,500 to match the grants and \$149,000 to match the administrative funds.

The FA maintains that Montana has taken on other programs and duties using either current federal funds or writing another grant and obligating a general fund match. This has had the effect of taking the decision making power away from the Legislature which has had little, if any, input on its growth. The FA is also concerned that if the Kennedy bill passes it will greatly increase the match money from the state as it calls for the first \$200,000 match free but after that the next \$100,000 must be matched 1/1. Then the formula grant money can be used in a certain percentage with a \$1/1 match. If this bill passes, the funding to this state on the Executive recommendation of \$186,000 in general fund would increase to \$311,000 in general fund.

The FA recommends \$103,000 and this would increase to \$186,000 which would have a definite impact on this state.

Mr. Huntington disagreed with this estimate and maintained that since there are limitations on much of the money, they

would maximize their match of \$167,000, ie., anything over \$167,000 would be pure general fund and this cannot increase the matching requirements.

The FA suggested that the committee look at the programs in terms of continuation, length of program years, program purposes, program growth and increases in matching funds. Some of the programs as they grow, take away funds from the localities and adding a new program will have the same effect of taking the county and the city's available funds which is the number one complaint about the Board of Crime Control.

Mr. Huntington stated that the allocation of grants is made by the Board which is composed of local people who often believe that the best vehicle with which to apply statewide standards is the state agency.

The FA noted a major increase in data processing from \$22,000 in 1978 to a request for \$52,000 in 1981 for data processing.

Mr. Huntington stated this was in response to some new programs planned in that area to answer some of the federal priorities. He further stated they had reduced the FTE over the last year by eliminating some of the vacant positions. The agency has agreed to eliminate some of the present positions through some of the staffing grants.

For travel, \$76,000 was spent in 1978 with a request of \$188,000 and \$135,000 on this budget, \$10,000 of which is for out-of-state travel. Mr. Huntington explained this is due to having a large board and many committees which is basic to their operation.

The FA recommends \$61,000 per year; the Executive recommends \$66,000. In contracted services, there is \$10,000 for a management training program which requires a 50/50 match. The FA recommended to the agency to bring it in from the outside with a federal grant and give it to the law enforcement academy where the training will be done. Since this can be done, the FA has recommended that contracted services be cut by \$10,000.

Mr. Huntington stated that if the Kennedy bill does pass, the agency would have to reevaluate as they do not believe they can match or fund the programs with general fund either. They would have to maximize their match which is about halfway between the FA and the Executive recommendations.

Senator Thiessen requested more information about the programs and stated he would like to look at one of their plans. Mr. Huntington was requested to come back in the morning, bringing one of the agency people along to explain the plans. It was decided that he would do so at 9:30 a.m.

Chairman Menahan stated that personal services are \$600,000

with 18% of that being general fund. This amounts to \$186,000 for 1980 and \$187,000 for 1981.

In further discussion concerning the FTE cuts, the FA said she compared Montana's FTE with other states and Montana is out of line in view of the amount of grants awarded. The agency's position is that they are doing much more work with their functions appearing to be the same according to the agency's survey.


Mr. Huntington stated that their total grants are for \$2.9 million in 1980 and \$3.1 million in 1981. Although they do not know what they may get in terms of discretionary money, they are requesting to spend at \$3.2 million. The Executive is recommending the authority to spend at \$2.9 million in 1980.

Summarizing, Mr. Huntington stated that there are two programs: the administration and planning and the other functions shown in the handout to support administration and planning which the Board does as they are the only agency able to do so on a statewide basis; the program which is basically money which passes through with no FTE. The second program is the one Mr. Huntington believes is needed to continue the match which is 5% general fund, 5% local funds for a total of \$2.9 million for 1980 and \$3.1 in 1981.

The committee decided they would discuss this program further tomorrow.

The meeting was adjourned.

Respectfully submitted.


William Menahan, Chairman

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